

AN ORDINANCE BY PRINCETON CONCERNING ANIMAL CONTROL AND AMENDING THE "CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974" AND THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968".

WHEREAS, the Borough of Princeton and Township of Princeton pursuant to the provisions of the New Jersey Municipal Consolidation Act, N.J.S.A. 40:43-66.35 consolidated as Princeton on January 1, 2013; and

WHEREAS, pursuant to N.J.S.A. 40:43-66.64, the Princeton Council on January 1, 2013 adopted a Resolution continuing in effect Ordinances of the former Borough of Princeton and the former Township of Princeton as a new Code for Princeton is prepared; and

WHEREAS, the Princeton Council's Code Subcommittee, in consultation with the Princeton Health Officer and Animal Control Officer, has reviewed and consolidated the following Ordinances of the former Borough of Princeton and Township of Princeton which pertain to animal control, dogs and wildlife:

- Chapter 6 of the "Code of the Borough of Princeton, New Jersey, 1974";
- Chapter 6 of the "Code of the Township of Princeton, New Jersey, 1968";
- Sections 13-2, 13-3 and 13-4 of Chapter 13 of the "Code of the Township of Princeton, New Jersey, 1968";
- Section 2-93 of the "Code of the Borough of Princeton, New Jersey, 1974"; and
- Section 2-120 of the "Code of the Township of Princeton, New Jersey, 1968; and

WHEREAS, the Princeton Council wishes to adopt said Code revisions which will become a part of the new Princeton Code at a future date.

NOW, THEREFORE, BE IT ORDAINED by the Princeton Council as follows:

Section 1. Chapter 6 of the "Code of the Borough of Princeton, New Jersey, 1974", entitled "Animals and Fowl," Chapter 6 of the "Code of the Township of Princeton, New Jersey, 1968," entitled

“Dogs”, and Sections 13-2, 13-3 and 13-4 of Chapter 13 of the “Code of the Township of Princeton, New Jersey, 1968,” prohibiting the feeding of deer, are hereby repealed.

Section 2. A new Chapter 6 of the "Code of the Borough of Princeton, New Jersey, 1974," as set forth on Exhibit A attached hereto and made a part hereof, is hereby adopted to regulate animal control, dogs and wildlife, and to replace the aforementioned Chapter 6 of the "Code of the Borough of Princeton, New Jersey, 1974," Chapter 6 of the "Code of the Township of Princeton, New Jersey, 1968" and Sections 13-2, 13-3 and 13-4 of Chapter 13 of the “Code of the Township of Princeton, New Jersey, 1968.”

Section 3. Section 2-120 of the “Code of the Township of Princeton, New Jersey, 1968,” which sets forth the fees for dog and animal licensing, shall be amended as follows:

Sec. 2-120. Animal/Dog License Fees (Per Year)

Dog license	
neutered	\$20.00
unneutered	\$23.00
late fee	\$1.00 per month
Potentially dangerous dog license	\$700.00
Impoundment/redemption (dog and cat)	Up to \$24.00 per day plus cost (if any) of emergency veterinary care or of any additional care requested by the owner
Kennel license	
10 dogs or less	\$10.00
11+ dogs	\$25.00

Section 4. Section 2-93 of the “Code of the Borough of Princeton, New Jersey, 1974,” regarding fees for dog and animal licenses, is hereby repealed.

Section 5. All ordinances and resolutions or parts thereof inconsistent with this Ordinance are repealed.

Section 6. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

Section 7. The provisions of this Ordinance and the attached Chapter 6 shall be applicable within Princeton upon final adoption and shall become a part of the new Princeton Code once completed and adopted.

This ordinance is part of the ongoing process of merging and harmonizing the code provisions of former Princeton Borough and former Princeton Township into a new code for the consolidated municipality of Princeton. It sets forth requirements in connection with dog and cat licensing and the control of domestic animals and wildlife in the municipality.

I, Kathleen K. Brzezynski, Deputy Clerk of Princeton, County of Mercer, State of New Jersey, do hereby certify that the foregoing is a true copy of an ordinance adopted by the Mayor and Council of Princeton at its meeting held December 21, 2015.



Kathleen K. Brzezynski
Deputy Clerk

EXHIBIT A

CHAPTER 6. ANIMAL CONTROL

ARTICLE 1. DOG LICENSING.

Sec. 6-1. License for individual dogs; requirements; fees.

(a) (1) Any person who owns, keeps or harbors a dog within Princeton, that has attained the age of seven months or that possesses a set of permanent teeth shall annually in the month of February apply for and procure from the municipal clerk a license and official metal registration tag for each such dog and shall place upon such dog a collar or harness with the registration tag securely fastened thereto; provided, that in the event such a dog shall be newly-acquired, or in the event that after acquisition a dog shall attain the age of seven months or develop a set of permanent teeth, the initial application for license and registration tag shall be made within ten days after such acquisition, age attainment or development of teeth, as the case may be.

(2) The fee for a license for each dog shall be twenty dollars (i.e. the municipal license fee plus a state surcharge of twenty cents, and one dollar for each one-year registration tag). For each annual renewal, the fees for the license and registration tag shall be the same as for the original license and tag. The licenses, registration tags and renewals thereof all shall expire and become invalid at midnight on the last day of February of the succeeding year. If an initial or renewal application is not made in accordance with the time limits set forth in this subsection, in section 6-1(a)(1) above, or in sections 6-1(f) and (g) below, or within thirty-one days thereafter, there shall also be an administrative fee of one dollar for each month or fraction of a month that has elapsed between the expiration of the applicable time limit and the making of the application.

(3) No license required for the owning and keeping of dogs, by virtue of any law of the state or any provision of this Code or other Princeton ordinance, shall be issued to any person unless a certificate issued by a duly licensed veterinarian is presented to the clerk, showing that such dog has been inoculated with a rabies vaccine as required by N.J.S.A. 4:19-15.2a.

(b) In addition to the license fee referred to in subsection (a)(2) an additional fee of three dollars shall be paid by a person applying for the license with respect to any dog of reproductive age that has not had its reproductive capacity permanently altered through sterilization. Any person claiming to be exempt from such fee shall provide a copy of a veterinarian's certification of neutering.

(c) The additional fee collected pursuant to section 6-1(b) and the state surcharge collected pursuant to subsection (a)(2) will be forwarded by the clerk's office to the state treasurer in accordance with New Jersey law.

(d) Only one license and registration tag per dog shall be required in any licensing year for any dog owner.

(e) Princeton shall charge the sum of one dollar for a duplicate license with registration tag.

(f) Any person who shall bring or cause to be brought into Princeton any dog licensed for the current year in another jurisdiction, other than another municipality of New Jersey, and bearing a valid registration tag, and shall keep such dog or permit such dog to be kept within Princeton for a period of more than ninety days shall, immediately apply for a license and registration tag for each such dog, unless such dog is validly licensed under a kennel, pet shop, shelter or pound license issued according to law.

(g) Any person who shall bring or cause to be brought into Princeton from another jurisdiction, including another municipality of New Jersey, any unlicensed dog and shall keep such dog or permit such dog to be kept within Princeton for a period of more than ten days shall immediately apply for a license and registration tag for each such dog unless such dog is validly licensed under a kennel, pet shop, shelter or pound license issued according to law.

(h) Only one license and registration tag shall be required in any licensing year for any dog owned in New Jersey, and such license and tag issued by another New Jersey municipality shall be accepted by Princeton, in accordance with applicable law.

(i) Any person holding a license under N.J.S.A. 4:19-15.8 to operate a kennel, pet shop, shelter or pound shall not be required to secure individual licenses for dogs that are both owned by said licensee and kept at the establishments.

(j) No person, except a municipal officer in the performance of the officer's duties shall remove a registration tag from the collar of any dog without the consent of the owner, nor shall any person attach a registration tag to a dog for which it was not issued.

Sec. 6-2. Violations; penalties.

Any person who violates or who fails or refuses to comply with the specific requirements set forth in section 6-1 shall be subject to the following penalties:

(a) For the first offense: fifty dollars; and

(b) For second and subsequent offenses: not less than fifty dollars, nor more than two hundred fifty dollars.

ARTICLE 2. DOGS AND CATS; RABIES CONTROL.

Sec. 6-3. Canine rabies vaccinations required.

(a) No person shall own, possess, harbor or have in custody in the municipality any dog that has attained the age of seven months, unless such dog has been inoculated with a rabies vaccine by a duly licensed veterinarian in a manner consistent with the method specified in N.J.S.A. 4:19-15.2a.

(b) Proof of vaccination shall be produced by any person owning, keeping, or maintaining or harboring a dog, upon request of the animal control officer or other person authorized by Princeton.

Sec. 6-4. Free vaccination of dogs may be provided by health officer; adoption of rules and regulations by health officer.

The health officer is hereby authorized and empowered to provide free vaccination of dogs at a suitable clinic and place designated by the health officer to be conducted by a New Jersey licensed veterinarian. The health officer is hereby further authorized and empowered to make and adopt such rules and regulations, not inconsistent or in conflict with the terms and provisions of this chapter, as the health officer may deem proper and necessary for the enforcement of this chapter.

Sec. 6-5. Feline rabies vaccinations required.

(a) Definitions. For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them by this subsection (a).

Cat. Any member of the domestic feline species, male, female or altered, including feral cats that are part of an approved Trap-Neuter-Release Program.

Cat of vaccination age. Any cat that has attained the age of four months, or weighs three pounds or more.

Owner. When applied to the proprietorship of a cat, shall include every person having a right of property or custody of such a cat and every person who has such cat in his/her keeping or who harbors or maintains a cat or knowingly permits a cat to remain on or about any premises occupied by, owned by, maintained by or under the control of that person, or any person providing the cat with food for a period exceeding ten days.

(b) Rabies vaccination requirements for cats.

(1) Vaccination requirement. No person shall own, keep, harbor or maintain any cat of vaccination age within Princeton unless such cat is vaccinated as required herein. The provisions of this section do not apply to cats held in a cattery, or those held by state or federally licensed research facility or a veterinary establishment where cats are received or kept for diagnostic, medical, surgical or other treatments, or licensed animal shelters, pounds, kennels or pet shops.

(2) Vaccination. All cats shall be vaccinated against rabies by a licensed veterinarian in accordance with the standards for same adopted by the State of New Jersey.

(3) Vaccination certificate. A certificate of vaccination shall be issued by the licensed veterinarian to the owner of each cat vaccinated, on a form recommended by the State of New Jersey. A copy of the certificate shall be provided to the animal control officer within thirty days after its issuance. An official vaccination tag is recommended to be issued by the veterinarian and should bear the year of issuance.

(4) Newly acquired cats. The owner of any newly acquired cat of vaccination age, or of any which attains vaccination age, shall have such cat vaccinated within ten days after such acquisition or age attainment in the absence of proof of prior inoculation.

(c) Proof of vaccination of cats. Proof of vaccination shall be produced by any person owning, keeping, or maintaining or harboring a cat, upon request of the animal control officer or other person authorized by Princeton.

Sec. 6-6. Violations; penalties.

Any person who violates or fails or refuses to comply with this article shall be subject to the following penalties:

(a) For the first offense: fifty dollars; and

(b) For second and subsequent offenses: not less than fifty dollars, nor more than two hundred fifty dollars.

ARTICLE 3. AUTHORITY OVER DOGS AND OTHER ANIMALS.

Sec. 6-7. Certified animal control officer.

(a) The position of certified animal control officer (also referred to in this chapter as “animal control officer”) heretofore created is continued as defined in N.J.S.A. 4:19-15.16a et seq., and the provisions of this chapter. The certified animal control officer shall be appointed by the council in consultation with the health officer and chief of police. Any vacancy in the position shall be filled by the council in consultation with the health officer and chief of police. The certified animal control officer shall receive such compensation as shall be determined by the council in the annual salary ordinance.

(b) The certified animal control officer shall have the power and authority within Princeton to:

(1) Enforce all laws or ordinances enacted for the protection of animals, including, but not limited to, animal control, animal welfare and animal cruelty laws of the state and ordinances of Princeton;

(2) Investigate and sign complaints concerning any violation of an animal control, animal welfare or animal cruelty law of the state or ordinances of Princeton;

(3) Act as an officer for the detection, apprehension and arrest of offenders against the animal control, animal welfare and animal cruelty laws of the state and of the ordinances of Princeton, in cooperation with the Princeton police department or other duly authorized individual or agency; and

(4) Perform such duties relating to the position of certified animal control officer as may be from time to time prescribed by ordinance, by law or by direction of the council or its designee.

Sec. 6-8. Taking into custody and impounding dogs or other animals; grounds; notice of seizure; time to hold prior to adoption, destruction, relocation or sterilization; boarding costs; transfer of ownership; experimentation prohibited; penalty; reporting of rabid animals.

(a) The animal control officer shall take into custody and impound any animal, to thereafter be offered for adoption or euthanized as provided in this section:

(1) Any dog off the premises of the owner or of the person charged with the care of the dog, which is reasonably believed to be a stray dog;

(2) Any dog off the premises of the owner or the person charged with the care of the dog without a current registration tag on its collar or elsewhere;

(3) Any female dog in season off the premises of the owner or the person charged with the care of the dog;

(4) Any dog or other animal which is suspected to be rabid; or

(5) Any dog or other animal off the premises of the owner or the person charged with its care that is reported to, or observed by, the animal control officer to be ill, injured, or creating a threat

to public health, safety, or welfare, or otherwise interfering with the enjoyment of property.

(b) If an animal taken into custody and impounded pursuant to subsection (a) of this section has a collar or harness with identification of the name and address of any person, or has a registration tag, or has a microchip with an identification number that can be traced to the owner or person charged with the care of the animal, or the owner or the person charged with the care of the animal is otherwise known, the animal control officer shall attempt to ascertain the name and address of the owner or the person charged with the care of the animal, and attempt to contact the person by phone, or in person at the last known place of residence. If no contact is made within 24 hours the animal control officer shall as soon thereafter as practicable serve to the identified person a notice in writing that the animal has been seized and will be liable to be offered for adoption or euthanized if not claimed within seven days after the service of the notice.

(c) A notice required pursuant to this section may be served as follows:

(1) By delivering it to the person on whom it is to be served, or by leaving it at the person's usual or last known place of residence or the address given on the collar, harness, or microchip identification; or

(2) By mailing the notice to that person at the person's usual or last known place of residence, or to the address given on the collar, harness or microchip identification.

(d) A shelter, pound, or kennel operating as a shelter or pound receiving an animal from the animal control officer pursuant to subsection a. of this section or from any other individual, group, or organization, shall hold the animal for at least seven days before offering it for adoption, or euthanizing, relocating, or sterilizing the animal, except if:

(1) The animal is surrendered voluntarily by its owner to the shelter, pound, or kennel operating as a shelter or pound, the animal shall be offered for adoption for at least seven days before euthanizing it; or may be transferred to an animal rescue organization facility or a foster home prior to offering it for adoption if such a transfer is determined to be in the best interest of the animal by the shelter, pound, or kennel operating as a shelter or pound; or

(2) The animal is suspected of being rabid then it shall be immediately reported to the executive officer of the board of health, to the health officer and to the New Jersey State Department of Health, and shall be quarantined, observed, and otherwise handled and dealt with as appropriate for an animal suspected of being rabid or as required by the State Department of Health for such animals.

(e) No shelter, pound, or kennel operating as a shelter or pound receiving an animal impounded or seized by the certified animal control officer may transfer the animal to an animal rescue organization facility or a foster home until the shelter, pound, or kennel operating as a shelter or pound has held the animal for at least seven days.

(f) If the owner or the person charged with the care of the animal seeks to claim it within seven days, or after the seven days have elapsed but before the animal has been adopted or euthanized, the shelter, pound, or kennel operating as a shelter or pound:

(1) Shall, in the case of a cat or dog, release it to the owner or person charged with its care, provided the owner or person charged with the care of the animal provides proof of ownership, which may include a valid cat or dog license, registration, rabies inoculation certificate, or documentation from the owner's veterinarian that the cat or dog has received regular care from that

veterinarian;

(2) May, in the case of a cat or dog, charge the cost of sterilizing the cat or dog, only if the owner requests such sterilizing when claiming it; and

(3) May require the owner or person charged with the care of the animal to pay all the animal's expenses while in the care of the shelter, pound, or kennel operating as a shelter or pound, not to exceed twenty-four dollars per day for food and shelter, plus the cost of emergency veterinary care or of any additional care requested by the owner.

(g) If the animal remains unclaimed, is not claimed due to the failure of the owner or other person to comply with the requirements of this section, or is not adopted after seven days after the date on which notice is served in accordance with subsections (b) and (c) of this section or, if no notice can be served, not less than seven days after the date on which the animal was impounded, the impounded animal may be placed in a foster home, transferred to another shelter, pound, kennel operating as a shelter or pound, or animal rescue organization facility, or euthanized in a manner causing as little pain as possible and consistent with the provisions of N.J.S.A. 4:22-19.

(h) At the time of adoption, the right of ownership in the animal shall transfer to the new owner. No dog or other animal taken into custody, impounded, sent or otherwise brought to a shelter, pound, or kennel operating as a shelter or pound shall be sold or otherwise be made available for the purpose of experimentation.

(i) When the animal control officer takes into custody and impounds, or causes to be taken into custody and impounded, an animal, the animal control officer may place the animal in the custody of, or cause the animal to be placed in the custody of, only a licensed shelter, pound, or kennel operating as a shelter or pound. The animal control officer may not place the animal in the custody of, or cause the animal to be placed in the custody of, any animal rescue organization facility, foster home, or other unlicensed facility. However, the licensed shelter, pound, or kennel operating as a shelter or pound may place the animal in an animal rescue organization facility, foster home, or other unlicensed facility if necessary pursuant to subsection d. or g. of this section.

(j) Notwithstanding the provisions of N.J.S.A. 4:19-15.30 and 4:19-15.31 to the contrary, no cat or dog being transferred between shelters, pounds or kennels operating as shelters or pounds, or being transferred to an animal rescue organization facility or placed in a foster home, shall be required to be sterilized prior to that transfer.

ARTICLE 4. CONDUCT OF DOGS AND OTHER ANIMALS; DUTIES OF OWNER OR CUSTODIAN.

Sec. 6-9. Dogs and other animals; noise.

No person who owns, keeps or harbors any animal, including but not limited to dogs and birds, shall allow such animal to cause frequent or long continued noise so as to disturb the comfort or repose of any persons in the vicinity, in violation of the provisions of section 21-2(e) of chapter 21 of this Code, entitled "Loud, Continuous or Excessive Noise," and shall be subject to the penalties set forth in that chapter. The animal control officer, in addition to the other personnel authorized in section 21-6 of chapter 21, is entitled to enforce and bring complaints for violation of section 21-2(e).

Sec. 6-10. Restraint of dogs and other domestic animals; public property, parks and plazas; private property and public school property; damage to property; injury to persons.

(a) The following provisions shall apply with reference to the restraint of dogs and other animals, except to the extent otherwise provided by law:

(1) No person who owns, keeps or harbors any dog or other domestic animal shall suffer or permit such animal to be out-of-doors, including in municipal parks, recreation and reservation areas, or on any public property unless accompanied by and under the control of its owner or other responsible person and on a leash of not more than eight feet. No person who owns, keeps or harbors any dog or other domestic animal shall suffer or permit such animal to be in or upon any private property without the consent of the owner of such property; or on any public school property without the permission of the authority having jurisdiction over such property.

(2) Dogs, cats and other domestic animals shall not be permitted in John Street Public Park, Mary Moss Playground, Potts Park, Barbara Boggs Sigmund Playground, Maggie's Playground, the Pine Street Park Playground; or in any public plaza as defined in section 16-15 of this Code, entitled "Public Plazas."

(b) No person who owns, keeps or harbors any animal, including but not limited to dogs, shall allow it to chase any motorized or non-motorized vehicle including but not limited to bicycles, skateboards, or scooters, upon any public street or to damage any lawn or shrubbery or flowers or grounds of any person or to cause any damage to the property of any person or to cause injury to any person other than the person who owns, keeps or harbors the animal.

Sec. 6-11. Removal of dog waste and other animal and fowl waste required.

No person owning, harboring, keeping or in charge of any dog or other animal or fowl shall allow such dog, animal or fowl to soil, defile, defecate on any common thoroughfare, sidewalk, passageway, bypath, play area, park, including a dog park or municipal park, recreation or reservation area, or any place where people congregate or walk, or upon any public property whatsoever, or upon any private property without the prior permission of the owner of said property, except if the person who owns, harbors, keeps or is in charge of such dog or other animal or fowl shall immediately remove all feces deposited by such dog or other animal or fowl and dispose of it by placing it in a bag to be sealed or by an equally sanitary method and removing it from the property. This section 6-11 supplements subsection 16-6(c)2 of this Code, within section 16-6 entitled "Prohibited uses of the Princeton parks and recreation areas; general regulations and restrictions."

Sec. 6-12. Violations; penalties.

(a) Any person who shall violate any of the provisions of sections 6-10(a) or 6-11 shall be subject to the following penalties:

(1) For a first offense: fifty dollars; and

(2) For second and subsequent offenses: not less than one hundred dollars nor more than one thousand dollars.

(b) Any person who shall violate section 6-10(b) shall be subject to the following penalties:

(1) For the first offense not less than one hundred dollars; and

(2) For the second and subsequent offenses not less than two hundred fifty dollars nor more than one thousand five hundred dollars.

Sec. 6-13. Cats running at large.

The animal control officer or designee is authorized and empowered to take into custody and impound or cause to be taken into custody and impound any cat observed that is in or upon any vacant, abandoned, or uninhabited premises. Every cat so taken into custody shall be forthwith delivered to a shelter, pound or licensed veterinarian having facilities for its detention. Thereafter, notice with respect to such cat shall be given in the manner provided under sections 6-8(b), (c) and (d) for dogs taken into custody.

Sec. 6-14. Going onto premises to seize dogs or cats.

Any officer or agent authorized or empowered to perform any duty under this chapter is hereby authorized to go upon any premises to take into custody for impounding any dog or cat or any other domestic animal or any wild animal believed to be a risk to public health or safety that said officer or agent may lawfully take into custody and impound when in immediate pursuit of such animal, except upon the premises of the owner of the animal if such owner is present and forbids the same.

ARTICLE 5. MENACING DOGS.

Sec. 6-15. Menacing dogs.

The keeping, control and disposition of a menacing dog within the limits of Princeton shall be in accordance with the provisions of this article.

Sec. 6-16. Findings to declare dog menacing.

Notwithstanding the provisions of N.J.S.A. 4:19-17 et seq., the animal control officer on behalf of Princeton is authorized to declare a dog menacing whenever the animal control officer has reasonable cause to believe that the dog possesses one or more of the traits set forth in subsections (a) through (g) below. In making the determination that a dog is or is not menacing, the following evidence shall be considered:

(a) Whether the dog approached any person in a dangerous or terrorizing manner, or in an apparent attitude of attack, without provocation.

(b) Whether the dog has a known propensity, tendency, or disposition to attack when unprovoked, to cause injury or to otherwise endanger the safety of human beings, dogs or other animals.

(c) Whether the dog exhibits any characteristics of aggressive or unpredictable temperamental behavior in the presence of human beings, dogs or other animals.

(d) The manner in which the dog had been maintained by its owner or custodian.

(e) Whether the dog snaps, or manifests a disposition to snap or bite.

(f) The size of the dog and the nature and extent of possible injuries the dog could inflict.

- (g) The presence or absence of any provocation.

Sec. 6-17. Violations; penalties.

Any person owning, harboring or in custody of a dog that is declared by the animal control officer to be a menacing dog is in violation of this article of this chapter and shall be subject to the following:

(a) For the first offense: a penalty of one hundred dollars; and/or such remedial action as may be recommended by the animal control officer and authorized by the court, including but not limited to a hold harmless provision and the purchase of liability insurance as described in section 6-18 below.

(b) For second and subsequent offenses: a penalty of not less than one hundred dollars nor more than one thousand dollars, or as otherwise ordered by the court.

Sec. 6-18. Requirement for liability insurance; hold harmless.

In accordance with section 6-17(a) above any person owning, harboring or in custody of a dog that is declared by the animal control officer to be a menacing dog may be required to hold Princeton harmless from any legal expenses or fees the municipality may incur in defending against any claim brought against Princeton for any injuries or damages caused thereafter by the dog, and to provide proof to the animal control officer that said person has purchased liability insurance as follows:

Liability insurance in a minimum amount of \$100,000 to cover any damage or injury caused by the dog to any person or property. It may be separate from any other homeowner policy and shall name the municipality of Princeton as an additional insured party for the purpose of notification by the insurance company of any cancellation, termination or expiration of the policy, and to cover potential claims against Princeton for damage that may be caused by the dog to any person or property.

ARTICLE 6. VICIOUS AND POTENTIALLY DANGEROUS DOGS.

Sec. 6-19. Controlling Law.

The keeping, control and disposition of vicious and potentially dangerous dogs within the limits of Princeton shall be in accordance with the provisions the “Vicious and Potentially Dangerous Dog Act,” N.J.S.A. 4:19-17 through 4:19-37, as may from time to time be amended (“Act”). The terms “vicious dog” and “potentially dangerous dog” shall mean any dog or dog hybrid declared vicious or potentially dangerous in accordance with the provisions of the Act cited above in this section.

The requirements and information provided in sections 6-19 through 6-26 of this article reflect certain specific and pertinent provisions of the Act. The full text of the Act, N.J.S.A. 4:19-17 through 4:19-37, is available online at www.princetonnj.gov/health. Additionally, printed copies are available at the Princeton Department of Health.

Sec. 6-20. Seizure and impoundment of dog by animal control officer; grounds.

(a) In addition to the authority of the animal control officer to impound a dog pursuant to section 6-8 of this chapter, the animal control officer shall seize and impound a dog when the officer has reasonable cause to believe that the dog:

(1) Attacked a person and caused death or serious bodily injury as defined in N.J.S.A. 2C:11-1(b) to that person;

(2) Caused bodily injury as defined in N.J.S.A. 2C:11-1(a) to a person during an unprovoked attack and poses a serious threat of harm to persons or domestic animals;

(3) Engaged in dog fighting activities as described in N.J.S.A. 4:22-24 and N.J.S.A. 4:22-26; or

(4) Has been trained, tormented, badgered, baited or encouraged to engage in unprovoked attacks upon persons or domestic animals.

(b) The dog shall be impounded until the final disposition as to whether the dog is vicious or potentially dangerous. Subject to the approval of the municipal health officer, the dog may be impounded in a facility or other structure, agreeable to the owner.

Sec. 6-21. Notice of seizure and impoundment; determination of identity of owner(s); notice of hearing; return of statement by owner; destruction of dog.

(a) The animal control officer shall notify the municipal court and the health officer immediately that the animal control officer has seized and impounded a dog pursuant to section 6-20 of this article, or that the officer has reasonable cause to believe that a dog has killed another domestic animal and that a hearing is required. The animal control officer shall through a reasonable effort attempt to determine the identity of the owner of any dog seized and impounded pursuant to section 6-20 of this article. If its owner cannot be identified within seven days, that dog may be euthanized.

(b) The animal control officer shall, within three working days of the determination of the identity of the owner of a dog seized and impounded pursuant to section 6-20, notify by certified mail, return receipt requested, or in person at the last known place of residence the owner concerning the seizure and impoundment, and that, if the owner wishes, a hearing will be held to determine whether the impounded dog is vicious or potentially dangerous. This notice shall also require that the owner return within seven days, by certified mail or hand delivery, a signed statement indicating whether he or she wishes the hearing to be conducted or, if not, to relinquish ownership of the dog, in which case the dog may be humanely euthanized. If the owner cannot be notified by certified mail, return receipt requested, or refuses to sign for the certified letter, or does not reply to the certified letter with a signed statement within seven days of receipt, the dog may be humanely euthanized.

Sec. 6-22. Settlement agreements.

Notwithstanding any provision in N.J.S.A. 4:19-17 et seq., Princeton and the owner of the dog may settle and dispose of the matter at any time in such manner and according to such terms and conditions of an agreement, subject to review and approval by the municipal attorney, as may be mutually agreed upon including, but not limited to the following requirements:

(a) Liability insurance in a minimum amount of \$100,000 to cover any damage or injury to any person caused by the dog. The liability insurance may be separate from any other homeowner policy and shall name the municipality of Princeton as an additional insured party for the purpose of notification by the insurance company of any cancellation, termination or expiration of the policy, and to cover any damage that may be caused by the dog to any person or property, and to provide proof to the animal control officer that said person has purchased liability insurance.

(b) That the owner of the dog shall hold Princeton harmless from any legal expenses or fees the municipality may incur in defending against any claim brought against Princeton for any action or inaction related to the entry into such agreement, or for any injuries or damages caused thereafter by the dog.

(c) Specification of the safety procedures to be used for handling and restraining the dog and for registering, licensing and notifications.

(d) That the animal control officer or health officer may cancel the agreement if it is reasonably determined by either that it is in the interest of public health, safety and welfare to do so, and to take other measures to protect the public health, safety and welfare, consistent with this chapter and with N.J.S.A. 4:19-17 through 4:19-3.

Sec. 6-23. Finding to declare dog vicious; grounds.

(a) The municipal court shall declare the dog vicious if it finds by clear and convincing evidence that the dog:

(1) Killed a person or caused serious bodily injury as defined in N.J.S.A. 2C:11-1(b) to a person; or

(2) Has engaged in dog fighting activities as described in N.J.S.A. 4:22-24 and N.J.S.A. 4: 22-26.

(b) A dog shall not be declared vicious for inflicting death or serious bodily injury as defined in N.J.S.A. 2C:11-1(b) upon a person if the dog was provoked. Princeton shall bear the burden of proof to demonstrate that the dog was not provoked.

(c) If the municipal court declares a dog to be vicious, and no appeal is made of this ruling, the dog shall be euthanized in a humane and expeditious manner, except that no dog may be euthanized during the pendency of an appeal.

(d) The owner of a dog that has been determined by the court to be a vicious dog shall be subject to all applicable requirements of N.J.S.A. 4:19-17 through 4:19-37.

Sec. 6-24. Finding to declare dog potentially dangerous.

(a) The municipal court shall declare a dog to be potentially dangerous if it finds by clear and convincing evidence that the dog:

(1) Caused bodily injury as defined in N.J.S.A. 2C:11-1(a) to a person during an unprovoked attack, and poses a serious threat of bodily injury or death to a person;

(2) Severely injured or killed another domestic animal and either a. poses a threat of serious bodily injury or death to a person or poses a threat of death to another domestic animal; or

(3) Has been trained, tormented, badgered, baited or encouraged to engage in unprovoked attacks upon persons or domestic animals.

(b) A dog shall not be declared potentially dangerous for:

(1) Causing bodily injury as defined in N.J.S.A. 2C:11-1(a) to a person if the dog was provoked; or

(2) Severely injuring or killing a domestic animal if the domestic animal was the aggressor. For the purposes of subsection (b)(1) of this section, Princeton shall bear the burden of proof to demonstrate that the dog was not provoked.

(b) The owner of a dog that has been determined by the court to be a potentially dangerous dog shall be subject to all applicable requirements of N.J.S.A. 4:19-17 through 4:19-37.

Sec. 6-25. Liability of owner regardless of viciousness of dog.

The owner of any dog that bites a person while such person is on or in a public place, or lawfully on or in a private place, including the property of the owner of the dog, shall be liable for such damages as may be suffered by the person bitten, regardless of the former viciousness of such dog or the owner's knowledge of such viciousness.

For the purpose of this section, a person is lawfully upon the private property of such owner when that person is on the property in the performance of any duty imposed upon that person by the laws of this state or the laws or postal regulations of the United States, or when on such property upon the invitation, express or implied, of the owner thereof.

Sec. 6-26. Inapplicability to dogs used for law enforcement activities.

The provisions of this article shall not apply to dogs used for law enforcement activities.

ARTICLE 7. WILDLIFE.

Sec. 6-27. Feeding of deer and other wildlife prohibited; exception.

(a) Deer.

(1) Feeding of deer prohibited. No person shall purposely or knowingly, as said terms are defined in Title 2C of the New Jersey Revised Statutes, feed wild white-tailed deer (*Odocoileus virginianus*) in said municipality, on lands either publicly or privately owned. It shall be presumed that the person is purposely or knowingly feeding deer unless the feed is placed on a platform that is raised at least four feet off the ground and has a lip around the edge of the platform, is placed on a platform that is raised at least five feet off the ground, or is placed in a feeder whose opening is sufficiently restricted so as to prevent deer from accessing the feed. Nothing in this section shall apply to (a) any agent of the municipality authorized to implement an alternative control method set forth in any approved community based deer management plan and possessing a special deer management permit issued by the New Jersey Division of Fish and Wildlife in accordance with the provisions of P.L. 2000, c.46, or (b) any hunter engaging in baiting for the purpose of hunting pursuant to a valid hunting license issued in accordance with the provisions of Title 23 of the New Jersey Revised Statutes.

(2) Contaminating, destroying, or interfering with authorized bait stations prohibited. No person shall purposely or knowingly contaminate, destroy, or interfere with, or purposely or knowingly cause to be contaminated or destroyed, any ground-feeding station, salt lick or other established mechanism to bait wild white-tail deer in said municipality, provided such bait station is created or used solely by (a) an agent of the municipality authorized to implement an alternative control

method set forth in any approved community based deer management plan and possessing a special deer management permit issued by the New Jersey Division of Fish and Wildlife in accordance with the provisions of P.L. 2000, c.46, or (b) any hunter engaging in baiting for the purpose of hunting pursuant to a valid hunting license issued in accordance with the provisions of Title 23 of the New Jersey Revised Statutes. The provisions of this section shall apply on all lands located in Princeton either publicly or privately owned.

(3) Penalties. Any person violating the provisions of this subsection 6-27(a)(1) or (2) shall be subject to the general penalties provision of section 1-6 of this Code.

(b) Other wildlife.

(1) In addition to the prohibition against feeding deer set forth in subsection (a) above, no person shall purposely or knowingly feed, cause to be fed, provide food or give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing any other wildlife on privately owned land in Princeton.

(2) This subsection (b) does not prohibit the feeding of birds on privately owned land.

Sec. 6-28. Abuse of birds prohibited.

It shall be unlawful for any person to shoot with gun or pistol, or entrap by snares or any device whatsoever, or kill in any way for any purpose, any bird of any kind within the limits of Princeton.

Sec. 6-29. Enforcement.

This article may be enforced by the health officer, police department and animal control officer. Additionally, all animal control and wildlife provisions included in chapter 16 of this Code, entitled "Recreation and Parks and Similar Public Places," may be enforced by the health officer and animal control officer as well as by the police department.

Sec. 6-30. Violations; penalties.

Any person who shall violate any section of this article, except section 6-27(a), shall be subject to the following penalties:

(a) For a first offense: fifty dollars; and

(b) For second and subsequent offenses: not less than one hundred dollars nor more than one thousand dollars.

ARTICLE 8. GENERAL.

Sec. 6-31. Interfering with person performing duties under this Chapter 6.

Any person who shall hinder, molest or interfere with the performance by any person of any duty that person is authorized or empowered to perform under this chapter shall be subject to the following penalty:

(a) For the first offense: fifty dollars; and

(b) For the second and subsequent offenses, one thousand dollars, and/or up to ninety days of community service and/or ninety days of imprisonment, as may be ordered by the court.

Sec. 6-32. Certain penalties under this Chapter 6.

Any person who shall violate any section of this Chapter 6 or who shall fail to comply with any lawful order of the animal control officer or health officer issued under this Chapter for which no specific penalty is provided, shall be subject to the following penalties:

(a) For a first offense: fifty dollars; and

(b) For second and subsequent offenses: not less than one hundred dollars nor more than one thousand dollars.

Sec. 6-33. Severability of provisions of this Chapter 6.

The provisions of this chapter 6 are severable. If any such provision is held by a court of competent jurisdiction to be in violation of federal or state constitutional or statutory law, said provision is hereby repealed and the decision of the court shall not affect or impair any of the remaining provisions contained herein.