

ORDINANCE 1233-2015

AN ORDINANCE ADOPTING AND AMENDING ORDINANCE # 91-001 OF THE BOROUGH OF MOUNTAINSIDE BOARD OF HEALTH ENTITLED "CAT LICENSING"

WHEREAS, the Mayor and Council of the Borough of Mountainside, County of Union, and State of New Jersey have determined that there is a need to protect the health, safety, and welfare of the residents of the Borough; and

WHEREAS, by way of Ordinance 91-001, the Borough Board of Health adopted the policy and procedures for the licensing of cats in the Borough; and

WHEREAS, the Mayor and Council have determined it is in the interest of the public to codify the Board of Health ordinance in order to have all ordinances applicable to privately owned animals consolidated in one location; and

WHEREAS, the Mayor and Council have determined to add additional terms and prohibitions to Ordinance 91-001; and

NOW THEREFORE BE IT ORDAINED by the Mayor and Council as follows: Board of Health Ordinance 91-001 "Cat Licensing," is hereby adopted and amended as follows:

Section 1. DEFINITIONS

- a) CAT - Any member of the domestic feline species; male, female or neutered.
- b) CAT OF LICENSING AGE – Any cat which has attained the age of six months.
- c) ANIMAL CONTROL AUTHORITY – Any person or agency designated or certified by the State of New Jersey to enforce the provisions of this ordinance.
- d) OWNER - When applied to the proprietorship of a cat, shall include every person having a right or property (or custody) in such cat and every person who has such cat in his or her keeping, or who harbors or maintains a cat or knowingly premises occupied by that person.
- e) CATTERY – Shall mean any room or group of rooms, cage or exhibition pen, not part of a kennel, wherein cat for sale are kept or displayed.
- f) PERSON – Any individual, corporation, partnership, organization, or institution commonly recognized by law as a unit.
- g) LICENSING AUTHORITY – The licensing authority is hereby designated as the office of the Borough Clerk.
- h) NEUTERED – Rendered permanently incapable of reproduction as certified by a licensed veterinarian.

Section 2. PROVISIONS RELATING TO RABIES VACCINATION OF CATS

- a) VACCINATION AND LICENSE REQUIREMENTS- No person shall own, keep, harbor or maintain any cat over six months of age within the Borough of Mountainside, unless such cat is vaccinated and licensed. The provisions of this section do not apply to cats held in a cattery, or those held by a State or Federal Research Facility, or a veterinary establishment where cats are received or kept for diagnostic, medical, surgical or other treatments, or licensed animal shelter, pounds, kennels or pet shops.

b) VACCINATION – All cats shall be vaccinated against rabies by licensed veterinarian in accordance with latest “Compendium of Animal Rabies Vaccines and Recommendations for Immunization” published by the National Association of State Public Health Veterinarians, except as provided for in Section (d).

c) VACCINATION CERTIFICATE – A certificate of vaccination shall be issued to the owner of each animal vaccinated on a form recommended by the State.

d) EXEMPTIONS – Any cat may be exempted from the requirements of such vaccination for a specified period of time by the Board of Health, upon presentation of a veterinarian’s certificate stating that because of any infirmity or other physical shall be deemed inadvisable.

Section 3. LICENSING REQUIREMENTS

a) CATS MUST HAVE LICENSE NUMBER DISPLAYED - Any person who shall own, keep or harbor a cat of licensing age shall annually apply for and procure from the licensing authority a license and official registration tag with the license number, or a registration sleeve for each cat so owned, kept or harbored, and shall place upon such cat a collar, or other device with a license number securely fastened or displayed thereto. Acceptable methods of displaying license number shall include, but are not limited to, break-away or electric collars. License tags or sleeves are not transferable. As an alternative to displaying the license number by collar or similar device, an Owner may utilize microchip technology as a form of identification of the animal. If microchip technology is employed then the owner shall provide this information to the Borough Clerk when the license for the cat is renewed each year.

b) TIME FOR APPLYING FOR LICENSE – The owner of any newly acquired cat of licensing age, or of any cat which attains licensing age, shall make application of license tag or sleeve for such cat within ten (10) days after such acquisition or age attainment. This requirement will not apply to a non-resident keeping a cat within the Borough of Mountainside for no longer than (90) days.

c) CATS BROUGHT INTO JURISDICTION – any person who shall bring, or cause to be brought into the Borough of Mountainside any cat licensed in another State for the current year, and bearing registration tag or sleeve and shall keep the same or permit the same to be kept within the Borough of Mountainside for a period of more than (90) days, shall immediately apply for a license and registration tag or sleeve for each such cat.

d) APPLICATION, CONTENTS, PRESERVATION OF INFORMATION - The application shall state the breed, sex, age, color and markings of the cat for which license and registration are sought, and whether it is of long- or short-haired variety, and shall include a color photograph of the cat, to be provided in hard copy or electronically as such technology shall become available. The application shall also state whether the cat has a microchip or similar identification technology, and also the name, street and post office address of the owner, and the person who shall keep or harbor such cat.

e) LICENSE FORMS AND TAGS – License forms and official tags or sleeves shall be furnished by the licensing authority and shall be numbered serially, and shall bear the year of issuance and name of the Municipality.

f) EVIDENCE OF INNOCULATION WITH RABIES VACCINE OF CERTIFICATION OF EXEMPTION; REQUIREMENT FOR LICENSE - No licensing authority shall grant such license and official registration tag or sleeve for any cat, unless the owner thereof provides evidence that the cat to be licensed and registered has been inoculated with a rabies vaccine of a type approved by and administered in accordance with the recommendations of the United States Dept., of Agriculture and the United States Dept. of Human Services, or has been certified exempt as provided by this ordinance. The rabies inoculation shall be administered by a duly licensed veterinarian permitted by law to do same.

g) LICENSE FEE SCHEDULE – A license shall be issued after payment of a fee of \$13.00 for each unneutered cat, and \$10.00 for each neutered cat. Persons who fail to obtain a license as required within 30 days of the annual renewal date (January 31st, annually) shall be subject to a delinquent fee of \$10.00 for each license purchased.

h) FEES, RENEWALS, EXPIRATION DATE OF LICENSE – Licenses from another Municipality shall be accepted. The person applying for the license and registration tag or sleeve shall be the same as for the original. All licenses should expire as of December 31st annually.

Only one license and registration tag or sleeve shall be required in the licensing year for any cat in the Borough of Mountainside. Any valid New Jersey license tag or sleeve issued by a New Jersey Municipality shall be accepted by this Municipality as evidence of compliance.

i) LOSS OF LICENSE – If a license tag or sleeve has been misplaced or lost, the licensing authority may issue a duplicate license and/or registration tag or sleeve for that particular cat at a fee of \$1.00.

j) PROOF OF LICENSE – Proof of licensing shall be produced by any person owning, keeping, maintaining, or harboring a cat, upon the request of any health official, police officer, animal control officer or other authorized person.

k) INTERFERING WITH PERSONS PERFORMING DUTIES UNDER THIS ORDINANCE– No person shall hinder, molest or interfere with anyone authorized or empowered to perform any duty under this ordinance.

l) DISPOSITION OF FEES COLLECTED – License fees and other monies collected or received under the provisions of this ordinance, shall be forwarded to the Treasurer of the Borough of Mountainside, and shall be placed in a special account separate from any of the other accounts of the Borough of Mountainside, and shall be used for the following purposes only: collecting, keeping and disposing of cats liable to seizure, for local prevention and control of rabies, providing anti-rabies treatment under the direction of the Board of Health for any person, own, or suspected to have been exposed to rabies, and for administering any provision of this ordinance. Any unexpected balance remaining in such special account shall be retained until the end of the third fiscal year following, and may be used for any of the purposes set forth in this section. At the end of the said third fiscal year thereafter, there shall be transferred from such special account to the general funds of the Municipality any amount then in such account which is in excess of the total amount paid into the special account during the last two fiscal years next preceding.

Section 4. PENALTY - ANY PERSON WHO VIOLATES, OR WHO FAILS, OR REFUSES TO COMPLY WITH THIS ORDINANCE, SHALL BE LIABLE TO A PENALTY OF \$100.00 to \$500.00.

AND BE IT FURTHER ORDAINED THAT all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

This ordinance shall take effect immediately upon final adoption and publication and in the manner provided by law.