

Chapter 62: ANIMALS

ARTICLE I Dogs

§ 62-10. Regulation of dogs.

The following regulations are hereby adopted in connection with the owning, keeping or harboring of dogs in order to protect the public health, safety and welfare.

A. Vicious dogs; howling and barking. No person shall keep or harbor any vicious dog or any dog which shall disturb the neighborhood by excessive barking, whining or howling.

B. Running at large prohibited. No person owning, keeping or harboring any dog shall permit his/her dog to run at large but shall keep such dog confined to the premises designated in the license application or, when not confined there, shall be kept in strict control on a leash in the hands of a responsible person.

C. Restraint of dog on private property. No person being the owner or in charge or control of any dog shall allow or permit it to defecate upon or to otherwise soil, defile or commit any nuisance upon any private property other than the property of the person unless with the consent of the owner of private property, in which instance a complaint is only fileable by the owner of the property.

D. Feces; removal required. No person being the owner or in charge or control of any dog shall allow or permit it to defecate upon or otherwise soil, defile or commit any nuisance upon any public property. When the dog shall have defecated in the portion of a public street between the curb lines, it shall not be considered a violation of this chapter if, and only if, the person owning or in charge or control shall immediately remove and dispose of all feces thus deposited in a sanitary manner.

E. Number of dogs limited. No more than three dogs of licensing age shall be kept, maintained or harbored at one time in any residential housing unit or on its grounds or in any business establishment or on its grounds. This restriction shall not apply to properly licensed pet shops, kennels, shelters and pounds.

Chapter 150: NOISE

§ 150-9 Restricted Uses and Activities:

G. It shall be unlawful for any property owner or tenant to allow any domesticated or caged animal to create a sound across a real property line that unreasonably disturbs or interferes with the peace, comfort, and repose of any resident, or to refuse or intentionally fail to cease the unreasonable noise when ordered to do so by a Noise Control Officer or Noise Control Investigator. Prima facie evidence of a violation of this section shall include but not limited to:

- 1) Vocalizing (howling, yelping, barking, squawking, etc) for five (5) minutes without interruption, defined as an average of four or more vocalizations per minutes in that period; or,
- 2) Vocalizing for twenty (20) minutes intermittently, defined as an average of two vocalizations or more per minute in that period.

It is an affirmative defense under this subsection that the dog or other animal was intentionally provoked to bark or make any other noise.

Chapter 160: Parks and Recreation Areas

§ 160-16 Dogs in parks.

[Added 9-20-2016 by Ord. No. 2404-2016⁽¹¹⁾]

A. Dogs shall be permitted in any Borough park, as long as such dog is accompanied by a person over the age of 12 years, is securely controlled by an adequate leash that is of sufficient strength to hold the dog not to exceed six feet in length and remains on the leash at all times.

B. No person owning, keeping or harboring any dog shall be permitted to be upon or in any Borough sports fields, playground areas, beaches, including the grass area within the perimeter fence that surrounds Memorial Pool, the arboretum or park buildings.

[Amended 12-13-2016 by Ord. No. 2415-2016]

C. It shall be unlawful for any person owning or having charge, care, or custody of any dog in a Borough park not to immediately pick up and properly dispose of the feces of such dog. Dog waste shall be immediately removed by placing said matter in a closed or sealed container and thereafter disposing of it in a trash receptacle, sanitary disposal unit or other closed or sealed refuse container.

Each municipality in the State of New Jersey is required by law to provide information on animal cruelty laws to each dog owner when the dog's license is obtained.

The law NJSA:22-17 states that it is unlawful to:

Inflict unnecessary cruelty upon a living animal or creature by direct or indirect means, including but not limited to, through the use of another living animal or leave the living animal unattended in a vehicle under inhumane conditions adverse to health and welfare of the living animal.

Other various acts constituting cruelty pursuant to NJSA 4:22-26, include but not limited to:

Abandonment of a domestic animal,

Surgically debarking or silencing a dog,

Cruelly restraining a dog,

Shooting birds for target practice,

Amusement or gambling on animal fighting,

Offering for sale or give away baby chicks, ducklings, rabbits, turtles, chameleons less than 2 months of age or that have been dyed or colored.

Unlawful Treatment of Animals: It is unlawful to expose a dog, pet, or service animal to harsh weather conditions, such as freezing temperatures (32 degrees Fahrenheit or below), excessive heat (90 degrees Fahrenheit or above), rain or snow, for more than thirty minutes when the owner or caretaker of the animal is not with the animal and exposed to same conditions

Full text of the above Animal Cruelty laws can be found on the Borough website at www.fairlawn.org/health or in the links below:

https://www.state.nj.us/health/vph/documents/4_22-17%20Text%202018.pdf

https://www.state.nj.us/health/vph/documents/4_22%2026.pdf

<https://www.state.nj.us/health/vph/documents/Guide%20to%20Prevention%20of%20Animal%20Cruelty%20Laws%202018.pdf>