

Chapter 5

ANIMAL CONTROL

§ 5-1. DEFINITIONS. [Ord. #487; 1976 Code § 96-1; Ord. #1511, § 1]

As used in this Chapter:

AT LARGE — Shall mean off the property of the owner and not on a leash.

DOG — Shall mean any dog, bitch or spayed bitch.

DOG OF LICENSING AGE — Shall mean any dog which has attained the age of seven months or which possesses a set of permanent teeth.

FEED — Shall mean to give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.

IMMEDIATE — Shall mean that the pet solid waste is removed at once, without delay.

KENNEL — Shall mean any establishment wherein or whereon the business of boarding or selling dogs or breeding dogs for sale is carried on, except a pet shop.

OWNER/KEEPER — Shall mean when applied to the proprietorship of a dog or any other pet, includes every person having a right of property in such dog or other pet and every person who has such dog or other pet in his keeping or under his control. A person shall be deemed to have a dog or other pet in his keeping or under his control whenever the ownership or custody of such dog or other pet is in an unemancipated infant or other member of his household.

PERSON — Shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

PET — Shall mean a domesticated animal (other than a disability assistance animal) kept for amusement, companionship or protection including but not limited to dogs and cats.

PET SHOP — Shall mean any room or group of rooms, cage or exhibition pen, not part of a kennel, wherein dogs for sale are kept or displayed.

POUND — Shall mean an establishment for the confinement of dogs seized under the provisions of either this Chapter, state statutes or otherwise.

SHELTER — Shall mean any establishment where dogs are received, housed and distributed without charge.

TOWNSHIP — Shall mean the Township of Mahwah in the County of Bergen and State of New Jersey.

VICIOUS DOG — Shall mean any dog, as defined in this subsection, which attacks and bites or attempts to attack and bite persons or dogs or other

animals without being incited to do so, or which has shown such savagery, fierceness or ferocity as to indicate that it is a threat to the safety of persons.

WILDLIFE — Shall mean all animals that are neither human nor domesticated.

§ 5-2. LICENSING OF DOGS.

§ 5-2.1. License Required; Attachment of Tag, Times for Obtaining License. [Ord. #487; 1976 Code § 96-1]

- a. Any person who shall own, keep or harbor a dog of licensing age shall, within 10 days after the acquisition thereof and annually thereafter in the month of January, apply for and procure from the Township Clerk a license and official metal registration tag for each such dog so owned, kept or harbored and shall place upon each such dog a collar or harness with the registration tag securely fastened thereto.
- b. Licenses and registration tags may be obtained during the month of January only on such Saturdays and weekday evenings as shall be designated by the Township Clerk. In months other than January, license and registration tags may be obtained from the Township Clerk during regular business hours.

§ 5-2.2. License Fees; Exceptions. [Ord. #487; Ord. #755; Ord. #841; 1976 Code § 96-3; Ord. #976, § 1; New; Ord. #1158, § I]

- a. The person applying for the license and registration tag shall pay a fee of \$5.80 for each such license and an additional sum of \$1 for the registration tag of each dog and \$0.20 for the "Pilot Clinic Fund". For each annual renewal, the fee for the license and registration tag shall be the same as for the original license and tag. The licenses and registration tags, and renewals thereof, shall expire on December 31 of the year of issuance. From February 15 until December 31 of each year, there shall be an additional late registration fee in the amount of \$10. An applicant voluntarily paying a late charge prior to issuance of a summons shall not be subject to a summons and fine. After February 15 all persons in violation of subsection 5-2.1, et seq. for failure to obtain a license and registration tag shall be subject to payment of the license fee, registration fee and a summons and fine.
- b. The person applying for the license and registration tag shall pay an additional fee of \$3 for any dog of reproductive age which has not had its reproductive capacity permanently altered through sterilization prior to the making of such application. This fee shall be payable upon each application for renewal of the license and registration tag, until such time as the dog shall have been sterilized or is no longer of reproductive age.

- c. Only one license and registration tag shall be required in any licensing year for any dog owner and licensed in New Jersey, and such license and tag shall be accepted by the Township as evidence of compliance with this subsection.
- d. In the event that a procured license or registration tag are lost, a fee of \$2 shall be charged for the replacement thereof.
- e. Dogs used as guides for blind persons and commonly known as "Seeing Eye" dogs shall be licensed and registered as other dogs hereinabove provided for, except that the owner or keeper of such dog shall not be required to pay any fee therefor.
- f. License forms and uniform metal registration tags designed by the State Department of Health shall be furnished by the Township and shall be numbered serially and shall bear the year of issuance and the name of the Township.

§ 5-2.3. Time for Applying for License. [Ord. #487; 1976 Code § 96-4]

The owner of any newly acquired dog of licensing age or of any dog which attains licensing age shall make application for license and registration tag for such dog within 10 days after such acquisition or age attainment.

§ 5-2.4. Application Contents; Registration Information Filed. [Ord. #487; 1976 Code § 96-5]

- a. The application shall state the breed, sex, age, color and marking of the dog for which license and registration are sought, and whether it is of a long- or short-haired variety; also the name, street and post office address of the owner and the person who shall keep or harbor such dog.
- b. The information on the application and the registration number issued for the dog shall be preserved for a period of three years by the Township Clerk or other local official designated to license dogs in the Township.
- c. In addition, he shall forward to the State Department of Health each month, on forms furnished by the Department, an accurate account of registration numbers issued or otherwise disposed of. Registration numbers shall be issued in the order of the application.

§ 5-2.5. Dogs Brought into Township. [Ord. #487; 1976 Code § 96-6]

- a. Any person who shall bring or cause to be brought into the Township any dog licensed in another state for the current year and bearing a registration tag, and shall keep the same or permit the same to be kept within the Township for a period of more than 90 days, shall immediately apply for a license and registration tag for each such dog unless such dog shall be licensed under subsection 5-2.7 of this Chapter.

- b. Any person who shall bring or cause to be brought into this Township any unlicensed dog and shall keep the same or permit the same to be kept within the Township for a period of more than 10 days shall immediately apply for a license and registration tag for each such dog unless such dog shall be licensed under subsection 5-2.7 of this Chapter.

§ 5-2.6. Registration Tag Restrictions. [Ord. #487; 1976 Code § 96-7]

No person, except an officer in the performance of his 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.

§ 5-2.7. License for Kennel, Pet Shop, Shelter or Pound; Application; Issuance. [Ord. #487; 1976 Code § 96-8]

- a. Any person who keeps or operates or proposes to establish a kennel, a pet shop, a shelter or a pound shall apply to the Township Clerk or other official designated by the Township Council to license dogs in the Township for a license entitling him to keep or operate such establishment.
- b. The application shall describe the premises where the establishment is located or is proposed to be located and the purpose or purposes for which it is to be maintained, and shall be accompanied by the written approval of the State and Township health authorities showing compliance with the Township and State rules and regulations governing location of and sanitation at such establishments.
- c. All licenses issued for such kennel, pet shop, shelter or pound shall state the purpose for which the establishment is maintained, and all such licenses shall expire on the last day of January of each year and be subject to revocation by the Township Council on recommendation of the State Department of Health or the Township Board of Health for failure to comply with the rules and regulations of the State Department of Health or the Township Board of Health, after the owner has been afforded a hearing by either the State Department of Health or the Township Board of Health.
- d. Any person holding such license shall not be required to secure individual licenses for dogs owned by such licensee and kept at such establishments; such licenses shall not be transferable to another owner or different premises.

§ 5-2.8. Fees for Kennels and Pet Shops. [Ord. #487; 1976 Code § 96-9]

The annual license fee for a kennel providing accommodations for 10 or less dogs shall be \$10, and for more than 10 dogs, \$25. The annual license fee for a pet shop shall be \$10. No fee shall be charged for a shelter or pound.

§ 5-2.9. Dogs Off Premises of Kennels, Etc. [Ord. #487; 1976 Code § 96-10]

No dog kept in a kennel, pet shop, shelter or pound shall be permitted off such premises except on a leash or in a crate or other safe control.

§ 5-2.10. Compliance with Zoning Regulations. [Ord. #487; 1976 Code § 96-11]

No provision of this Chapter relating to the licensing or regulation of kennels, pet shops, shelters or pounds shall be taken, specifically or by implication, to authorize, sanction, require, direct or permit the establishment, continuation or maintenance of any kennel, pet shop, shelter or pound anywhere within the Township of Mahwah where the same is not otherwise permitted by law to be established, continued or maintained under all applicable zoning regulations or laws now or hereafter in effect.

§ 5-2.11. Disposition of Fees. [Ord. #487; 1976 Code § 96-12]

The disposition of all fees collected hereunder shall be in accordance with N.J.S.A. 4:19-15.11.

§ 5-2.12. List of Licensed Establishments Forwarded to State Department of Health. [Ord. #487; 1976 Code § 96-13]

The Clerk or other official designated to license dogs in the Township shall forward to the State Department of Health a list of all licensed kennels, pet shops, shelters and pounds within 30 days after the licenses thereof are issued, which list shall include the name and address of the licensee and the kind of license issued.

§ 5-2.13. Enforcement of Sanitary Regulations by Board of Health. [Ord. #487; 1976 Code § 96-14]

Such rules and regulations as now or hereafter prepared and promulgated by the State Department of Health, governing the sanitary conduct and operation of kennels, pet shops, shelters and pounds, to preserve sanitation therein and prevent the spread of rabies and other diseases of dogs within and from such establishments, shall be enforced by the Township Board of Health.

§ 5-3. ANNUAL DOG CANVASS. [Ord. #487; 1976 Code § 96-15; New]

The Dog Warden or any person other than the Chief of Police, appointed by the Township Council in accord with the provisions of N.J.R.S. 4:19-15.15, shall annually cause a canvass to be made of all dogs owned, kept or harbored within the Township and shall report, on or before August 1 of each year, to the Township Clerk, local Board of Health and to the State Department of Health the result thereof setting forth in separate columns the names and addresses of persons owning, keeping or harboring unlicensed dogs, the number of unlicensed dogs owned, kept or harbored by each of the persons, together with a complete description of each of the unlicensed dogs.

§ 5-4. CONTROL OF DOGS.**§ 5-4.1. Dogs at Large. [Ord. #487; 1976 Code § 96-16]**

It shall be unlawful for any person owning, keeping, harboring or having the custody and possession of any dog, whether registered or not, to permit such dog to be at large within the Township unless securely confined in a vehicle and under the direct and immediate close supervision of a person capable of controlling such dog.

§ 5-4.2. Curbing of Dogs. [Ord. #487; 1976 Code § 96-17]

It shall be unlawful for any person owning, keeping, harboring or having the custody and possession of any dog, whether registered or not, to cause, suffer or allow such dog to soil, defile, defecate on or commit any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area, park or any place where people congregate or walk, or upon any public property whatsoever or upon any private property without the permission of the owner of the property. The restriction in this subsection shall not apply to that portion of the street lying between curblines, which shall be used to curb such dog under the following conditions:

- a. The person who so curbs such dog shall immediately remove feces deposited by such dog by any sanitary method approved by the Township Board of Health.
- b. The feces removed from the aforementioned designated area shall be disposed of by the person owning, harboring, keeping or having the custody and possession of any dog curbed in accordance with the provisions of this Chapter, in a sanitary manner approved by the Township Board of Health.

§ 5-4.3. Impounding Dogs at Large, Notice; Disposition. [Ord. #487; 1976 Code § 96-18]

- a. Any dog found at large within the Township shall be taken into custody and impounded by the Dog Warden or Police Department or any person authorized by the Township Council and acting on its behalf.
- b. If any dog so seized wears a collar or harness having inscribed thereon or attached thereto the name and address of any person or a registration tag of the owner, or the person keeping or harboring the dog is known, the Dog Warden or Police Department or any person authorized by the Township Council and acting on its behalf shall forthwith serve on the person whose address is given on the collar, or on the owner or person keeping or harboring the dog, if known, a notice in writing stating that the dog has been seized and that it will be liable to be disposed of or destroyed if not claimed within seven days after the service of the notice.
- c. The notice under this subsection may be served either 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 abode or at the address given on the collar, or by forwarding it by post in a prepaid letter addressed to that person at his usual or last known place of abode or at the address given on the collar.
- d. When any dog so seized has been detained for seven days after notice, where notice can be given as set forth above, or has been detained for seven days after seizure, where no notice has been given as set forth above, and the owner or person keeping or harboring the dog has not claimed the dog and paid all expenses incurred by reason of its detention, including maintenance not to exceed \$1 per day, or where the dog is unlicensed at the time of the seizure and the owner or person keeping or harboring the dog has not produced a license and registration tag for the dog, the Dog Warden or any person authorized by the Township and acting in its behalf may cause the dog to be destroyed in a manner causing as little pain as possible.

§ 5-4.4. Vicious or Infected Dogs. [Ord. #487; 1976 Code § 96-19]

Any vicious dog found at large or any dog which shows definite signs of having been infected with rabies may be destroyed immediately by any Police Officer, Health Officer or other person authorized by and acting on behalf of the Township Council.

§ 5-4.5. Administration and Enforcement. [Ord. #487; 1976 Code § 96-20]

- a. The Dog Warden of the Township shall be responsible for all dogs impounded or taken into custody under the provisions of this Chapter or State statutes and shall designate the place where such dogs are to be impounded or held in custody when so authorized by the Township Council.

- b. Except for the issuance of dog licenses, which shall be done by the Township Clerk, this Chapter shall be enforced by the Dog Warden, Board of Health and Police Department of the Township. However, nothing herein shall be deemed to prohibit any Police Officer of the Township from enforcing any provisions hereof.

§ 5-4.6. Right of Entry. [Ord. #487; 1976 Code § 96-21]

Any officer or agent authorized or empowered to perform any duty under this Chapter is hereby authorized to go upon any premises to seize for impounding any dog or dogs which he may lawfully seize and impound when such officer is in immediate pursuit of such dog or dogs, except upon the premises of the owner of the dog if such owner is present and forbids the same.

§ 5-4.7. Interference with Officers. [Ord. #487; 1976 Code § 96-22]

No person shall hinder, molest or interfere with anyone authorized or empowered to perform any duty under this Chapter

§ 5-4.8. Violations and Penalties. [Ord. #487; 1976 Code § 96-23]

Any person who violates or who fails or refuses to comply with subsections 5-2.1, 5-2.3, 5-2.5, 5-2.6, 5-2.7, 5-2.9, 5-4.1, 5-4.2, and 5-4.7 of this Chapter or the rules and regulations promulgated by the State Department of Health and referred to in subsection 5-2.13 of this Chapter shall be liable to a fine of not less than \$5 nor more than \$50 or to imprisonment in the County jail for a term not to exceed 10 days, or both.

§ 5-4.9. Nonapplicability. [Ord. #487; 1976 Code 96-24; Ord. #989, § I]

No provision of this Chapter shall be construed to apply to any establishment wherein or whereon dogs are received or kept for diagnostic, medical, surgical or other treatments, owned by and operated under the immediate supervision of a graduate veterinarian licensed in the State. Additionally, no provision of this Chapter shall apply to any dog owned or under the control of the Township or any of its departments.

§ 5-4.10. Other Pets. [Ord. #1511, § 2]

The following sections shall apply to all pets not previously covered:

- a. Curbing of Pets. No person owning, keeping or harboring any pet shall suffer or permit it to soil, defile, defecate or commit any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area, park, or any place where people congregate or walk, or upon any lawns, shrubbery or trees on any public property, or upon a lawn, shrubbery or trees on any private property not belonging to the owner or custodian of such pet. For the purpose of this subsection, the above mentioned restrictions shall not apply to that portion of the street lying between

the curblines which shall be used to curb such pet as hereinafter provided.

- b. Defecation upon Private Property. No person being the owner or in charge or control of any pet shall allow or permit it to defecate upon or otherwise soil, defile or commit any nuisance upon any private property other than the property of such person, unless the owner consents thereto.
- c. Removal of Feces. No person being the owner or in charge or control of any pet shall allow it to defecate upon or otherwise soil, defile or commit any nuisance upon any public property. When the pet shall have defecated in the portion of a public street between the curblines, it shall not be considered a violation of this subsection if, and only if, the person owning or in charge or control of said pet shall immediately remove or dispose of in a sanitary manner the feces thus deposited.
- d. Responsibility for Acts. Any pet found in any place specified in paragraphs a, b or c Shall be deemed to be in such place by permission or order of the owner, harborer or keeper of such pet, and any pet committing any of the acts specified therein shall be deemed to have committed such act by permission or order of the owner, harborer or keeper of such pet, and such owner, harborer and keeper shall be guilty of a violation of this subsection.
- e. Exemptions. Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this subsection while such animal is being used for that purpose.

§ 5-4.11. Violations and Penalties. [Ord. #1511, § 2]

Any person found to be in violation of this section shall be subject to a fine of not less than \$5 nor more than \$50 or to imprisonment in the County jail for a term not to exceed 10 days, or both.

§ 5-4.12. Severability. [Ord. #1511, § 2]

Each subsection, sentence, clause and phrase of this section is declared to be an independent subsection, sentence, clause and phrase and the finding or holding of any such portion of this section to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this section.

§ 5-5. GUARD DOGS. [Ord. #487; Ord. #789; 1976 Code § 96-25]

- a. No person owning, keeping or harboring any dog shall permit or suffer it to do any injury to any person, animal or damage to any property.
- b. Any person permitting any dog, whether or not professionally trained as a guard dog, to remain alone on any nonresidential premises at any time to be used for security or guard purposes shall first make application for a permit with the Township Clerk. The Township Clerk

shall forward a copy of the application to the office of the Chief of Police. The Township Clerk shall issue a permit to the applicant if the application satisfies the requirements of Chapter 5 of the Code. A copy of the issued permit shall be filed by the Clerk with the Township Police Department.

1. No dog shall be permitted to remain on any nonresidential premises unless it is confined to a specific area or restricted by a leash. The specific confinement area, whether inside or outside the premises shall be set forth in the application filed with the Clerk and in the permit issued by the Clerk.
 2. No establishment utilizing guard dogs is permitted to do so without posting warning signs in conspicuous places on the premises. The permit issued under this section shall also be posted in a conspicuous place on the premises.
 3. In the event any guard dog is found in a location other than the location stated in the application then the owner and/or the person in custody of the dog shall be subject to the penalties prescribed in subsection 5-4.8.
- c. The Chief of Police through the Police Department of the Township shall enforce the provisions of this section. Any dog, professionally trained or not, found alone on a nonresidential premises in the Township, shall be immediately seized and impounded by the Police Department, if not properly registered under this section.
- d. All applications filed with the Clerk under paragraph b Shall be accompanied by a filing fee of \$25. This fee is in addition to any other license required by Chapter 5 of the Code.
- e. The permit issued under this section shall be valid for a period of three years from the date of issue. Any change in the conditions set forth in the application shall be reported to the Clerk in writing within 30 days.
- f. Any person violating the provisions of this section shall be subject to the penalties set forth in this section of the Code of the Township.

§ 5-6. LICENSING OF CATS.

§ 5-6.1. Definitions. [Ord. #1428]

As used in this section the following definitions shall apply.

ANIMAL CONTROL AUTHORITY — Shall mean any person or agency designated or certified by the State of New Jersey to enforce the provisions of this section.

CAT — Shall mean any member of the domestic feline species; male, female or altered.

CAT OF LICENSING AGE — Shall mean any cat which has attained the age of seven months, or which possesses a set of permanent teeth.

CATTERY — Shall mean any room or group of rooms, cage, or exhibition pen, not part of a kennel, wherein cats for sale are kept or displayed.

LICENSING AUTHORITY — Shall mean the agency or department of the Township of Mahwah or any designated representative thereof charged with administering the issuance and/or revocation of permits and licenses under the provisions of this section.

NEUTERED — Shall mean rendered permanently incapable of reproduction as certified by a licensed veterinarian.

OWNER — When applied to the proprietorship of a cat, shall mean and include every person having a right or property (or custody) in such 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 that person.

PERSON — Shall mean any individual, corporation, partnership, organization, or institution, commonly recognized by law as a unit.

§ 5-6.2. Provisions. [Ord. #1428]

- a. Vaccination and License Requirements. No person shall own, keep, harbor, or maintain any cat over seven months of age within the Township of Mahwah unless such cat is vaccinated and licensed. The provisions of this subsection do not apply to cats held in a cattery, or those held by a State or Federal 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.
- b. Vaccination. All cats shall be vaccinated against rabies by a licensed veterinarian in accordance with the 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 paragraph 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 local Board of Health, upon presentation of a veterinarian's certificate stating that because of an infirmity or other physical condition, or regimen of therapy, the inoculation of such cat shall be deemed inadvisable.

§ 5-6.3. Licensing Requirements. [Ord. #1428]

- a. Cats Must Have License Number Displayed. Any person who shall own, keep, or harbor a cat of licensing age shall annually, in the month of January, apply for and procure from the Township Clerk, a license and official registration tag with 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 the license number securely fastened or displayed thereto. Acceptable methods of displaying license number shall include, but are not limited to, breakaway or elastic collars. License tags or sleeves are not transferable.
- b. Licensing of Newly Acquired Cats or of Cat Attaining Licensing Age. The owner of any newly acquired cat of licensing age, or of any cat which attains licensing age, shall make application for license tag or sleeve for such cat within 10 days after such acquisition or age attainment. This requirement will not apply to a nonresident keeping a cat within the Township of Mahwah for no longer than 90 days.
- c. Licensed Cats Brought into Township of Mahwah. Any person who shall bring, or cause to be brought into the Township of Mahwah 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 Township of Mahwah for a period of more than 90 days, shall immediately apply for a license and registration tag or sleeve for each such cat. Only one license and registration tag or sleeve shall be required in the licensing year for any cat in the Township of Mahwah. Any valid New Jersey license tag or sleeve issued by a New Jersey municipality shall be accepted by this municipality as evidence of compliance, for the licensing year.
- d. Unlicensed Cats Brought into Township of Mahwah. Any person who shall bring or cause to be brought into the Township of Mahwah any unlicensed cat, and shall keep same or permit same to be kept within the Township of Mahwah for a period of more than 10 days, shall immediately apply for a license and registration tag or sleeve for each such cat.
- e. 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 a long or shorthaired variety; also the name, street and post office address of the owner, and the person who shall keep or harbor such cat. The information on said application and the registration number issued for the cat shall be preserved for a period of three years by the Clerk or other local official designated to license cats in the municipality.
- f. License Forms and Tags. License forms and official tags or sleeves shall be furnished by the Township of Mahwah and shall be numbered serially, and shall bear the year of issuance and the name of the municipality.

- g. Evidence of Inoculation with Rabies Vaccine or Certification of Exemption Requirement for License. The Township Clerk shall not grant any 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 Department of Agriculture and the United States Department of Human Services, or has been certified exempt as provided by subsection 5-6.2d of this section. The rabies inoculation shall be administered by a duly licensed veterinarian, or by such other veterinarian permitted by law to do the same.
- h. License Fees; Disposition of Funds. A license shall be issued after payment of a fee of \$7 for each neutered cat and \$10 for each unneutered cat. From February 15 until December 31 there shall be an additional late registration fee in the amount of \$10.
- i. Expiration Date of License. The license shall expire on December 31 of the year of issuance.
- j. Loss of License. If a license tag or sleeve has been misplaced or lost, the Township Clerk may issue a duplicate license and/or registration sleeve for a fee of \$2.
- k. Proof of Licensing. 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.
- l. Interfering with Persons Performing Duties Under This Section. No person shall hinder, molest, or interfere with anyone authorized or empowered to perform any duty under this section.
- m. Disposition of Fees Collected. The moneys collected or received under the provisions of this Section 5-6 shall be forwarded to the Chief Financial Officer of the municipality and shall be placed in a special account separate from any of the other accounts of the municipality 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 antirabies treatment under the direction of the local Board of Health for any person known or suspected to have been exposed to rabies and for administering the provisions of this Section 5-6. Any unexpected balance remaining in such special account shall be retained until the end of the third fiscal year following enactment of this section. At the end of said third fiscal year following enactment of this section, and at the end of each 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.

§ 5-6.4. Penalty. [Ord. #1428]

- a. Violations and Penalties. Any person who violates or who fails or refuses to comply with this Section 5-6 shall be liable to a penalty of not less than \$5 nor more than \$50 for each offense, to be recovered by and in the name of the local Board of Health or by and in the name of the municipality.

§ 5-7. WILDLIFE FEEDING. [Ord. #1511, § 3]

- a. Purpose. The purpose of this section is to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Township of Mahwah, so as to protect public health, safety and welfare, and to prescribe penalties for such failure to comply.
- b. Prohibited Conduct. No person shall feed, in any public park or on any other property owned or operated by the Township of Mahwah, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers).
- c. Enforcement. This section shall be enforced by the Township of Mahwah Police Department.

§ 5-7.1. Violations and Penalties. [Ord. #1511, § 3]

Any person found to be in violation of this section shall be ordered to cease the feeding immediately and shall be subject to a fine of not less than \$5 nor more than \$100 or to imprisonment in the County jail for a term not to exceed 10 days, or both.

§ 5-7.2. Severability. [Ord. #1511, § 3]

Each subsection, sentence, clause and phrase of this section is declared to be an independent subsection, sentence, clause and phrase, and the finding or holding of any such portion of this section to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this section.