

BOROUGH OF CRESSKILL

ORDINANCE NO. 22-15-1597

AN ORDINANCE AMENDING CHAPTER 80 ANIMALS, SPECIFICALLY ADDING
ARTICLE II, CH. 80-33 OTHER ANIMALS

ADD: Article II Other Animals

Chapter 80-33 Purpose.

The Mayor and Council find it to be in the best interests of the Borough of Cresskill to regulate and control the keeping of animals within the Borough and further find as follows:

A. The keeping of animals may attract and foster the breeding of insects and rodents and the germination of bacteria and other infectious microbes, all of which may cause diseases in humans and animals.

B. The keeping of animals may create foul and noxious odors, as well as disturbing noises detrimental to the public health, safety and welfare.

C. The keeping of animals may result in the running at large of animals in the community.

D. The keeping of animals may otherwise detrimentally affect the public health, welfare and safety.

§ 80-34 Definitions.

The following definitions shall apply:

CLASS I

Includes a lion, tiger, bear or any other animal of a large size belonging to the biological order Carnivora, or any other undomesticated mammal or reptile of large size, except as provided in the definitions of "Class II," "Class III" and "Class IV."

CLASS II

Includes a horse, pony or any other species of animal belonging to the biological order Perissodactyla, or a cow or any other species of animal belonging to the biological order Artiodactyla, provided that "Class II" shall include only animals of which the average weight for an adult of the species, other than ponies, is greater than 600 pounds.

CLASS III

Includes a sheep, goat or other species of animal belonging to the biological order Artiodactyla or any specie of animal belonging to the biological order Perissodactyla, provided that "Class III" shall include animals, other than ponies and Class IV animals, of which the average weight for an adult of the species is less than 600 pounds.

CLASS IV

Includes a pigeon (family Columbidae), chicken (Gallus domesticus), duck (family Anatidae), goose (family Anserinae), rabbit (Oryctolagus cuniculus) or hare (order Lagomorpha).

DOMESTIC CAT

A member of the Felidae family long kept by man as a pet, but not including members of the Felidae family that usually live in a wild state.

DOMESTIC DOG

A member of the Canidae family long kept by man as a pet, but not including members of the Canidae family usually living in a wild state.

§ 80-35 Exceptions.

Domestic cats and domestic dogs are specifically excluded from the provisions of this article.

§ 80-36 Prohibitions.

The following shall apply:

- A. No animal of Class I shall be kept or maintained in the Borough.

- B. No animal of Class II, Class III and Class IV shall be kept or maintained in the Borough unless the animal has a building for its shelter and a fully enclosed corral or coop for its containment.

- C. No building, stable, outhouse, coop or accessory building used for housing an animal of Class II, Class III or Class IV shall be located within 50 feet of the property line of an adjoining property owner.

- D. No animal of Class II, Class III or Class IV shall be kept, harbored, grazed or otherwise maintained within 30 feet of the property line of an adjoining property owner.

- E. The keeping or maintaining of an animal of Class II shall be prohibited unless the animal is kept on a parcel of land having a minimum square footage of 40,000 square feet, excluding area devoted to residential structures. An additional 40,000 square feet or land shall be required for each additional Class II animal so kept or maintained.

- F. The keeping or maintaining of an animal of Class III shall be forbidden unless the animal is kept on a plot of land of sufficient areas so that there shall be 40,000 square feet, excluding area devoted to residential structures, for the first four animals and an additional 40,000 square feet for each additional two animals.

- G. No animal of Class IV shall consist of a quantity of more than 6 at any given time.

- G. The running at large of any animal is specifically prohibited.

§ 80-37 Cleanliness and sanitation.

The following rules and regulations shall apply to the keeping or maintaining of animals of Class II, Class III and Class IV:

- A. All stables, buildings, coops or accessory buildings shall be cleaned regularly of all manure, feculent matter and waste.

- B. All manure, feculent matter and waste shall be removed from the premises or spread and treated with such chemicals and other materials as shall be necessary to prevent odor and the attraction of insects and rodents.

C. All stables, buildings, coops or accessory buildings shall be fogged or sprayed regularly with an insecticide designed to kill flies and insects.

D. All premises on which animals are kept shall be maintained in a sanitary condition.

§ 80-38 Nuisances.

A public nuisance shall be deemed to exist in the following circumstances:

A. The keeping of animals in a manner that may foster the attraction and/or breeding of insects and rodents and the germination of bacteria and other infectious microbes.

B. The keeping of animals in a manner so as to create or allow foul and noxious odors and/or disturbing noises.

C. Noncompliance with §§ 80-36 and 80-37 shall be evidentiary that a nuisance exists. A nuisance hereunder shall be subject to abatement at the expense of the owner.

§ 80-39 Administration and examinations.

A. The Board of Health is hereby charged with the responsibility for administration of this section.

B. Each animal subject to this article shall be free from sickness and disease. Should the Board of Health have reasonable cause to question the health of any animal, it shall have the authority to require, after notice to the owner, an examination by a doctor of veterinary medicine; which examination shall be at the expense of the owner.

C. Horses and ponies shall have the Coggins test administered annually at the expense of the owner, and proof thereof shall be required for permit renewal.

§ 80-40 Permit required; applications; fee; expiration date; revocation.

A permit shall be required by any person desiring to keep or maintain one or more animals of Class II or Class III in the Borough. The following shall apply:

A. Application for a permit shall be made to the Health Officer of the Borough.

B. The application form shall be provided by the Board of Health and shall set forth:

- (1) The name and address of the applicant.
- (2) A description of the premises by lot and block number.
- (3) The number and type of animals to be kept, owned or harbored at the premises.
- (4) A diagram depicting and including the lands and buildings, the bulk area of said lands, the boundary lines of the applicant's property and the position and distance of all other buildings on lands immediately adjacent on all sides of the land of the applicant.

C. A license fee of \$100 shall be required for each permit issued. All permits shall expire on December 31 of each year, unless sooner revoked by the Board of Health.

D. Any permit granted hereunder may be revoked by the Board of Health for any violation of the provisions hereof and for good cause shown after five days' notice in writing to the person to whom the permit was granted, or the successor in interest thereof, upon hearing of the charges

presented, and no permit so revoked shall be reissued except for good and sufficient reason shown.

E. Any person who owns or keeps animals of Class II or Class III as herein defined shall make application to the Board of Health for a permit pursuant to and in accordance with the terms and provisions of this section on or before January 1, 1985; otherwise, any such person shall be deemed to be in violation hereof.

F. No permit shall be issued unless the applicant is in compliance with the provisions of this article.

§ 80-41 Interference with authorized persons prohibited.

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

§ 580-42 Violations and penalties.

Any person or persons violating any provision of this article shall be subject, upon conviction, to a fine of not more than \$500 or imprisonment for a term of not more than 90 days, or both, at the discretion of the Judge imposing the same.

SEVERABILITY. If the provisions of any article, section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid in whole or in part or as applied to any particular circumstance or individual by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision, or clause of this ordinance.

REPEALER. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies only.

EFFECTIVE DATE. This ordinance shall take effect immediately upon final passage and publication as required by law.