

*Town of Dover, NJ
Tuesday, January 12, 2021*

Chapter 395. Animals

Article I. Animal Waste

[Adopted 7-21-1980 by Ord. No. 1-1980]

§ 395-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ANIMALS

Includes all domestic animals, i.e., those animals which are tame by nature or from time immemorial have been accustomed to the association of man.

§ 395-2. Defecation on property of others or on public property; disposal of feces.

- A. No person shall permit an animal owned by him or under his control or supervision to defecate upon property not belonging to such person, unless he shall have the permission of the property owner.
- B. No person shall permit an animal owned by him or under his control or supervision to defecate upon any public property.
- C. All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person.
[Amended 7-20-2005]
- D. Disposition in a sanitary manner shall include taking the feces home for disposition or wrapping the feces and placing it in a trash can. It shall not include burial, dispersal (unless such burial or dispersal is upon the property of the person doing the burial or dispersal), placement in a storm sewer or placing unwrapped feces in a trash can.

§ 395-3. Accumulation of animal feces on own property.

No person shall permit the accumulation of animal feces upon his own property or property occupied by him to the extent that the odor may be noticeable to any adjoining property owner.

§ 395-4. Violations and penalties.

[Amended 10-21-1996]

Any person violating the provisions of this article, upon conviction thereof, shall be fined not less than \$5 nor more than \$500, for each offense, at the discretion of the Judge of the Municipal Court.

Article II. Pigeons

[Adopted 7-21-1980 by Ord. No. 2-1980]

§ 395-5. Harboring of pigeons regulated.

[Amended 10-21-1996]

No person shall keep, maintain or harbor any pigeons within the town except upon conditions set forth in this article, which conditions are in addition to any restrictions which may be contained in Chapter 236, Land Use and Development, and Chapter 150, Construction Codes, Uniform.

§ 395-6. Housing and maintenance specifications; flying restrictions; noise.

- A. Suitable housing; number limited. Pigeons shall be kept in a suitable house or coop not more than 800 cubic feet in size. Pigeon houses or coops may have an attached enclosed runway, but such structures shall be constructed so as to keep pigeons properly confined and prevent their flying about as provided in Subsection C. Not more than 100 pigeons shall be kept at any one time.
- B. Location of housing. No pigeon house, coop or runway shall be constructed except within the rear yard of a premises and shall be at least 75 feet from any dwelling or building inhabited by human beings, provided that it need not be more than 30 feet from the dwelling or building inhabited by the owner or keeper of such pigeons.
- C. Flying restrictions. Pigeons shall not be permitted to fly about and shall be kept within the house, coop or runway at all times, except that carrier or homing pigeons, when a proper permit has been obtained from the Board of Health, may be permitted to be exercised and flown outside of the enclosure before 10:00 a.m. and after 5:00 p.m. Homing or carrier pigeons under six months of age may be permitted to be outside their enclosures during their training period. Pigeons returning from training flights may do so at any time, provided that they immediately enter their lot. The flying of carrier or homing pigeons may be prohibited in any specific case where it is satisfactorily established they they soil clothes or other property not belonging to their keeper. Such proof shall be established in an action in the Municipal Court on complaint of a person affected by the violation of this provision.
- D. Sanitary conditions; noise. Pigeon houses, coops or runways shall be maintained in a proper sanitary condition so as to avoid offensive odors, and no pigeons shall be kept which create loud and excessive noises and sounds. Odors emitting from pigeon houses, coops or runways which are perceptible from at least 75 feet and any noises emitting from pigeons which are audible from at least 150 feet shall be prima facie evidence of a violation of this section.

§ 395-7. Attracting pigeons with food.

No person shall attempt to attract pigeons by throwing or scattering food for pigeons on public or private property.

§ 395-8. Violations and penalties.

[Amended 10-21-1996]

Any person found to be in violation of the provisions of this article shall be subject to a fine of not less than \$5 nor more than \$500 for each offense, at the discretion of the Judge of the Municipal Court.

Article III. Animals and Poultry

[Adopted 12-19-1927 as Art. 6 of the 1927 Sanitary Code; amended in its entirety 10-21-1996]

§ 395-9. Prohibited animals and poultry.

[Amended 11-26-1997]

- A. No swine, sheep, goats, horses, mules, donkeys, cattle, rabbits, ducks, geese and other "barnyard" fowl, that includes but is not limited to chickens, turkeys and pheasants and other animals which by their nature are wild and untamed, shall be kept or maintained within the Town of Dover.

[Amended 5-23-2001]

- B. It shall be unlawful for any person to keep, maintain or have in possession or control in the Town of Dover any poisonous reptile or any other dangerous animal or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities.
- C. This section shall not be construed to prohibit New Jersey State licensed pet shops from the controlled possession, sale and exhibition of nongame and exotic wildlife regulated by the New Jersey Department of Environmental Protection.
- D. The Board of Health, the Police Department, the Code Enforcement Officer and the Animal Control Officer are hereby authorized and directed to enforce the provisions of this article.
- E. No person shall raise, or keep for the purpose of slaughtering or killing, any swine, sheep, goats, cattle or any fowl within the Town of Dover.
[Added 5-23-2001]
- F. Whenever a nuisance as declared by this chapter is found on any private plot of land or premises, notice, in writing, shall be given to the owner thereof to remove or abate the same within such time as shall be specified therein, but not less than five days from the date of service thereof. This five-day minimum is waived in the case of an imminent public health hazard as determined by the Board of Health, its agents or employees. A duplicate of the notice shall be left with one or more of the tenants or occupants of the premises. If the owner resides out of state or cannot be notified speedily, such notice shall be left at the place or premises with the tenant or occupant thereof or posted on the premises, and such action shall be considered proper notification to the owner, tenant or occupant thereof.
[Added 5-23-2001]
- G. The provisions of this chapter shall not apply to property owned and maintained by the Town of Dover.
[Added 5-23-2001]

§ 395-10. Violations and penalties.

[Amended 5-23-2001]

Any person violating the provisions of this article, upon conviction thereof, shall be fined not less than \$5 nor more than \$500 for each offense. A separate offense shall be deemed committed on each day during which a violation occurs or continues.

Article IV. Migratory Waterfowl

[Adopted 12-10-1997]

§ 395-11. Findings; purpose.

It has been determined that the presence of large numbers of migratory waterfowl on and around bodies of water and properties in the Town of Dover creates a public health nuisance due to the accumulation of droppings in and around said bodies of water and properties, which is inimical to the health and general welfare of the public. The purpose of these provisions is to prevent such conduct that may attract such waterfowl to properties in the Town of Dover.

§ 395-12. Definitions.

As used in this article, the following terms shall have the meanings indicated:

MIGRATORY WATERFOWL

Includes those nondomesticated species of birds commonly known as "swans," "geese," "brant," "river and sea ducks" and any other waterfowl that generally follow a seasonal migration pattern.

§ 395-13. Feeding prohibited.

No person or persons shall feed, cause to be fed or provide food for migratory waterfowl in the Town of Dover on lands either publicly or privately owned.

§ 395-14. Exceptions.

This article shall not be construed to prohibit humane acts toward migratory waterfowl in individual cases, such as the temporary nurturing of a wounded bird on one's own premises.

§ 395-15. Prohibited conditions.

No person or persons shall create or foster any condition or allow any condition to exist or continue which results in a congregation or congestion of migratory waterfowl or in an accumulation of waterfowl feces or droppings or in damage to flora, fauna or private or public property or in a public health nuisance or in a threat to the health, safety and welfare of the public or the waterfowl.

§ 395-16. Enforcement.

The Board of Health, the Police Department, the Code Enforcement Officer and the Animal Control Officer are hereby authorized and directed to enforce the provisions of this article.

§ 395-17. Violations and penalties.

Any person or persons found to be in violation of the provisions of this article shall be subject to a fine of not less than \$20 nor more than \$500 for each offense, at the discretion of the Judge of the Municipal Court.

Article V. Wildlife Feeding

[Adopted 7-20-2005]

§ 395-18. Definitions and word usage.

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this article clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

FEED

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.

PERSON

Any individual, corporation, company, partnership, firm, association or political subdivision of this state subject to municipal jurisdiction.

WILDLIFE

All animals that are neither human nor domesticated.

§ 395-19. Prohibited conduct.

No person shall feed, in any public park or on any other property owned or operated by the Town of Dover, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers or unconfined wildlife at environmental education centers).

§ 395-20. Enforcement.

This article shall be enforced by the Town of Dover Police Department.

§ 395-21. Violations and penalties.

Any person who violates this article shall, upon conviction, forfeit and pay a fine of \$50 for the first offense, \$100 for the second offense and, for any subsequent offense, shall be subject to one or more of the following: a fine not exceeding \$1,250, a term of imprisonment not exceeding 90 days or a period of community service not exceeding 90 days.