

# SENATE, No. 801

## STATE OF NEW JERSEY 212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

**Sponsored by:**

**Senator SHARPE JAMES**

**District 29 (Essex and Union)**

**SYNOPSIS**

The "Responsible Pit Bull Ownership Licensing Act"; authorizes municipalities to require a license for a person to own, keep or harbor a pit bull.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



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2

1 AN ACT concerning persons who own, keep, or harbor certain kinds  
2 of dogs and supplementing Title 4 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. This act shall be known, and may be cited, as the  
8 "Responsible Pit Bull Ownership Licensing Act."

9

10 2. As used in this act:

11 "Animal control officer" means a certified municipal animal  
12 control officer or, in the absence of such an officer, the chief law  
13 enforcement officer of the municipality or that officer's designee;  
14 and

15 "Pit bull" means any dog of the breed American Pit Bull Terrier,  
16 American Staffordshire Terrier, Staffordshire Bull Terrier, or  
17 Staffordshire Terrier, or any dog determined to be a pit bull type  
18 dog pursuant to subsection c. of section 3 of this act.

19

20 3. a. A municipality may, by ordinance, require any person  
21 residing within the municipality who owns, keeps or harbors a pit  
22 bull in the municipality to obtain an annual license to own, keep or  
23 harbor such a dog. No such license shall be issued to any person  
24 under the age of 18 years. This license, and any requirements or  
25 conditions attached thereto, shall be in addition to any license or  
26 other authorization required pursuant to P.L.1941, c.151 (C.4:19-  
27 15.1 et seq.), P.L.1989, c.307 (C.4:19-17 et seq.) or any other law.

28 b. A municipality adopting an ordinance pursuant to subsection  
29 a. of this section may require the license applicant to provide:

30 (1) information about the breed, sex, age, color and markings of  
31 the dog and whether it is of a long- or short-haired variety;

32 (2) information about any licenses issued for the dog pursuant to  
33 P.L.1941, c.151 (C.4:19-15.1 et seq.), P.L.1989, c.307 (C.4:19-17 et  
34 seq.) or any other law;

35 (3) the name, street and post-office addresses, and telephone  
36 number of the license applicant;

37 (4) the license applicant's record, if any, of criminal convictions  
38 or of convictions or other adjudications for animal cruelty; and

39 (5) any other information the municipality deems appropriate to  
40 protect the public health, safety, and welfare.

41 c. (1) A municipality adopting an ordinance pursuant to  
42 subsection a. of this section may require any person residing within  
43 the municipality who owns, keeps or harbors any kind of dog to  
44 provide proof that the dog is not a pit bull. If breed records are not  
45 available or the dog is a mongrel, hybrid, or mixed breed, the  
46 municipality may by visual inspection and use of detailed  
47 professional standards and illustrations decide if the dog is a pit bull  
48 type dog. In lieu of visual inspection, the municipality may require

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1 submission of a photo or photos of the dog for the purposes of this  
2 paragraph.

3 (2) Any person who owns, keeps or harbors a dog determined by  
4 a municipality pursuant to this subsection to be a pit bull may  
5 appeal that decision to the municipal court, which shall conduct a  
6 hearing de novo on the matter. Appeal from the decision of the  
7 municipal court may be made by the person who owns, keeps or  
8 harbors the dog or by the municipality by filing with the Superior  
9 Court, Law Division, in accordance with the Rules Governing the  
10 Courts of the State of New Jersey pertaining to appeals from courts  
11 of limited jurisdiction. The Superior Court shall hear the appeal by  
12 conducting a hearing de novo in the manner established by those  
13 rules for appeals from courts of limited jurisdiction.

14 d. A municipality may attach such conditions to the issuance,  
15 renewal, or retention of a license pursuant to this act as the  
16 municipality deems appropriate to protect the public health, safety,  
17 and welfare, including but not limited to requiring the license  
18 applicant or licensee to comply with the following conditions:

19 (1) to not have been convicted of any criminal offense set forth  
20 in chapters 11 (Criminal Homicide), 12 (Assault; Reckless  
21 Endangering; Threats), 13 (Kidnapping and Related Offenses:  
22 Coercion), 14 (Sexual Offenses), 15 (Robbery), 17 (Arson, Criminal  
23 Mischief, and Other Property Destruction), 18 (Burglary and Other  
24 Criminal Intrusion), 20 (Theft and Related Offenses), 24 (Offenses  
25 Against the Family, Children and Incompetents), 25 (Domestic  
26 Violence), 35 (Controlled Dangerous Substances), 36 (Drug  
27 Paraphernalia), 37 (Gambling Offenses), 39 (Firearms, Other  
28 Dangerous Weapons and Instruments of Crime), or 41  
29 (Racketeering) of Title 2C of the New Jersey Statutes, or of an  
30 attempt or conspiracy to commit any such criminal offense listed in  
31 this paragraph;

32 (2) to not have been convicted of, or otherwise adjudicated of  
33 violating, any animal cruelty offense set forth in chapter 22 of Title  
34 4 of the Revised Statutes;

35 (3) to not be a member of a household that includes a person  
36 who has been convicted of any criminal offense, or who has been  
37 convicted of or otherwise adjudicated of violating any animal  
38 cruelty offense, listed in paragraphs (1) or (2) of this subsection;

39 (4) to display, in a conspicuous manner, a sign on the premises  
40 where the dog is kept and maintained warning that a pit bull is on  
41 the premises, which sign shall be visible and legible from 50 feet of  
42 the enclosure required pursuant to paragraph (5) of this subsection;

43 (5) if the dog is to be kept outside for any period of time, to  
44 immediately erect and maintain an enclosure for the dog on the  
45 property where it will be kept and maintained, which has sound  
46 sides, top and bottom to prevent the dog from escaping by climbing,  
47 jumping or digging and within a fence of at least six feet in height  
48 separated by at least three feet from the confined area. The licensee

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1 shall securely lock the enclosure to prevent the entry of the general  
2 public and to preclude any release or escape of the dog by an  
3 unknowing child or other person. The dog shall be confined in the  
4 enclosure when on the property where it will be kept and  
5 maintained or, if taken out of the enclosure, securely muzzled and  
6 restrained with a tether approved by the animal control officer, or  
7 other official designated by the municipality, and having a  
8 minimum tensile strength sufficiently in excess of that required to  
9 restrict the dog's movements to a radius of no more than three feet  
10 from the licensee and under the direct supervision of the licensee;

11 (6) to obtain and maintain liability insurance, or a bond if  
12 insurance is not available, in an amount determined by the  
13 municipality to cover any damage or injury caused by the dog. The  
14 liability insurance, which may be separate from any other  
15 homeowner policy, shall contain a provision requiring the  
16 municipality in which the licensee resides to be named as an  
17 additional insured for the sole purpose of being notified by the  
18 insurance company of any cancellation, termination or expiration of  
19 the liability insurance policy;

20 (7) to not walk the dog further than the distance from the  
21 licensee's residence as may be established by the municipality; and

22 (8) to allow the animal control officer, code enforcement  
23 official, or other official designated by the municipality to inspect  
24 the enclosure and the licensee's property at least monthly to  
25 determine compliance with this section.

26 e. A municipality adopting an ordinance pursuant to this section  
27 may provide that it apply only to dogs born after such date as the  
28 municipality may establish in the ordinance and to dogs born before  
29 that date if they have not been properly licensed pursuant to  
30 P.L.1941, c.151 (C.4:19-15.1 et seq.).

31

32 4. a. A municipality may, by ordinance, fix the sum to be paid  
33 annually for a license issued pursuant to subsection a. of section 3  
34 of this act and for each renewal thereof, which sum shall be not less  
35 than \$150 nor more than \$700. In the absence of any local  
36 ordinance, the fee for the license shall be \$150.

37 b. The municipality may provide for a reduction in the annual  
38 fee or attach fewer conditions to the issuance of a license under this  
39 act, or both, if the applicant provides proof to the satisfaction of the  
40 municipality that the person has completed an approved behavior  
41 training class for the dog.

42

43 5. A licensee under this act shall:

44 a. notify the licensing authority, local police department or  
45 force, and the animal control officer if the dog is at large, or has  
46 attacked a human being or severely injured or killed a cat, dog, or  
47 livestock other than poultry;

48 b. notify the licensing authority, local police department or

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- 1 force, and the animal control officer within 24 hours of the death,  
2 sale or donation of the dog;
- 3 c. prior to selling or donating the dog, inform the prospective  
4 owner that the dog is a pit bull subject to this act;
- 5 d. upon the sale or donation of the dog to a person residing in a  
6 different municipality, notify the department and the licensing  
7 authority, police department or force, and animal control officer of  
8 that municipality of the transfer of ownership and the name, address  
9 and telephone number of the new owner; and
- 10 e. in addition to any license fee required pursuant to P.L.1941,  
11 c.151 (C.4:19-15.1 et seq.), section 1 of P.L.1983, c.172 (C.4:19-  
12 15.3b), section 1 of P.L.1983, c.181 (C.4:19-15.3c), and P.L.1989,  
13 c.307 (C.4:19-17 et seq.), pay the license fee required by section 4  
14 of this act.
- 15
- 16 6. a. Any person who violates this act or any ordinance adopted  
17 pursuant thereto shall be subject to a fine of up to \$1,000 per day of  
18 the violation and license suspension or revocation. Each day's  
19 continuance of the violation shall constitute a separate and distinct  
20 violation.
- 21 b. A municipality may seize and impound any pit bull if the  
22 person owning, keeping or harboring the dog violates any provision  
23 of this act or any ordinance adopted pursuant thereto. Any dog so  
24 seized and impounded shall be placed in a no-kill shelter until either  
25 the animal is properly adopted or dies of natural causes. The  
26 violator shall be liable to the municipality in which the dog is  
27 impounded for the costs and expenses of seizing and impounding  
28 the dog. The municipality may establish by ordinance a schedule of  
29 these costs and expenses.
- 30 c. The municipal court shall have jurisdiction to enforce this  
31 section.
- 32
- 33 7. All fines and fees collected or received by the municipality  
34 pursuant to this act shall be deposited in a special account and used  
35 by the municipality to administer and enforce the provisions of this  
36 act and P.L.1989, c.307 (C.4:19-17 et seq.).
- 37
- 38 8. Any action undertaken pursuant to the provisions of this act  
39 shall be deemed to be an exercise of a government function and  
40 shall be subject to the provisions of the "New Jersey Tort Claims  
41 Act," N.J.S.59:1-1 et seq.
- 42
- 43 9. The provisions of this act shall not apply to any governmental  
44 entity, or any person authorized by a governmental entity, that  
45 owns, keeps or harbors a pit bull used for law enforcement  
46 activities.
- 47
- 48 10. The provisions and requirements of this act shall be in

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1 addition to those of P.L.1941, c.151 (C.4:19-15.1 et seq.), section 1  
2 of P.L.1983, c.172 (C.4:19-15.3b), section 1 of P.L.1983, c.181  
3 (C.4:19-15.3c), P.L.1989, c.307 (C.4:19-17 et seq.), or any other  
4 law.

5

6 11. This act shall take effect on the 90th day after enactment.

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8

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STATEMENT

10

11 This bill provides the authority for a municipality to regulate the  
12 ownership of pit bulls and pit bull type dogs.

13 Specifically, the bill provides that a municipality may, by  
14 ordinance, require any person residing within the municipality who  
15 owns, keeps or harbors a pit bull (or pit bull type) dog in the  
16 municipality to obtain an annual license to own, keep or harbor  
17 such a dog. No such license would be issued to any person under  
18 the age of 18 years. This licensing of the dog owner would be in  
19 addition to any licensing of the dog itself already required under  
20 existing law.

21 Under the bill, a municipality may require a license applicant to  
22 provide:

23 (1) information about the breed, sex, age, color and markings of  
24 the dog and whether it is of a long- or short-haired variety;

25 (2) information about any licenses issued for the dog;

26 (3) the name, street and post-office addresses, and telephone  
27 number of the license applicant;

28 (4) the license applicant's record, if any, of criminal convictions  
29 or of convictions or other adjudications for animal cruelty; and

30 (5) any other information the municipality deems appropriate to  
31 protect the public health, safety, and welfare.

32 The bill also authorizes a municipality to require any person  
33 residing within the municipality who owns, keeps or harbors any  
34 kind of dog to provide proof that the dog is not a pit bull. If breed  
35 records are not available or the dog is a mongrel, hybrid, or mixed  
36 breed, the municipality may by visual inspection and use of detailed  
37 professional standards and illustrations decide if the dog is a pit bull  
38 type dog. In lieu of visual inspection, the municipality may require  
39 submission of a photo or photos of the dog for that purpose. The  
40 bill establishes an appeal procedure in the event a dog owner  
41 disputes the municipality's determination as to whether a dog is a  
42 pit bull type dog.

43 In addition, the bill authorizes a municipality to attach such  
44 conditions to the issuance, renewal, or retention of a pit bull owner's  
45 license as the municipality deems appropriate to protect the public  
46 health, safety, and welfare, including but not limited to requiring  
47 the license applicant or licensee to comply with the following  
48 conditions:

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1 (1) to not have been convicted of any of various criminal  
2 offenses listed in the bill;

3 (2) to not have been convicted of, or otherwise adjudicated of  
4 violating, any animal cruelty offense;

5 (3) to not be a member of a household that includes a person  
6 who has been convicted of any criminal offense, or who has been  
7 convicted of or otherwise adjudicated of violating any animal  
8 cruelty offense, listed in the bill;

9 (4) to display, in a conspicuous manner, a warning sign on the  
10 premises where the dog is kept;

11 (5) if the dog is to be kept outside for any period of time, to  
12 immediately erect, maintain, and use an enclosure for the dog  
13 according to certain specifications set forth in the bill; and, if the  
14 dog is to be taken out of the enclosure, to securely muzzle and  
15 restrain the animal according to certain specifications set forth in  
16 the bill;

17 (6) to obtain and maintain liability insurance as specified in the  
18 bill;

19 (7) to not walk the dog further than the distance from the  
20 licensee's residence as may be established by the municipality; and

21 (8) to allow the animal control officer, code enforcement  
22 official, or other official designated by the municipality to inspect  
23 the enclosure and the licensee's property at least monthly to  
24 determine compliance with these requirements.

25 The fee for a pit bull owner's license, as established by the  
26 municipality, would be between \$150 and \$700 annually. Under  
27 the bill, a municipality could provide for a fee reduction or attach  
28 fewer conditions to the issuance of a license, or both, if the  
29 applicant provides proof to the satisfaction of the municipality that  
30 the person has completed an approved behavior training class for  
31 the dog.

32 A licensed pit bull owner would also be required under the bill  
33 to:

34 (1) notify certain authorities if the dog is at large, or has  
35 attacked a human being or severely injured or killed a cat, dog, or  
36 livestock other than poultry;

37 (2) notify certain authorities within 24 hours of the death, sale or  
38 donation of the dog;

39 (3) prior to selling or donating the dog, inform the prospective  
40 owner that the dog is a pit bull subject to this bill; and

41 (4) upon the sale or donation of the dog to a person residing in a  
42 different municipality, notify certain authorities in that municipality  
43 of the transfer of ownership and the name, address and telephone  
44 number of the new owner.

45 The bill provides that any person violating the bill or any  
46 ordinance adopted pursuant thereto would be subject to a fine of up  
47 to \$1,000 per day of the violation as well as license suspension or  
48 revocation.

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1       The bill also provides that a municipality may seize and impound  
2 any pit bull if the person owning, keeping or harboring the dog  
3 violates any provision of this bill or any ordinance adopted pursuant  
4 thereto. Any dog so seized and impounded must be placed in a no-  
5 kill shelter until either the animal is properly adopted or dies of  
6 natural causes. The violator would be liable to the municipality in  
7 which the dog is impounded for the costs and expenses of seizing  
8 and impounding the dog.

9       All fines and fees collected or received by a municipality  
10 pursuant to this bill would be required to be deposited in a special  
11 account to be used by the municipality to administer and enforce the  
12 provisions of this bill and P.L.1989, c.307 (C.4:19-17 et seq.) (the  
13 vicious and potentially dangerous dog law).