

# **BOROUGH OF FRANKLIN**

## **ORDINANCE No. 12-2019**

### **AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING CHAPTER 86, ANIMALS**

BE IT ORDAINED by the Mayor and Council of the Borough of Franklin, County of Sussex, and State of New Jersey that the Franklin Borough Code is amended as follows:

#### **SECTION I**

Chapter 86 of the Code is hereby replaced as follows:

#### Chapter 86. Animals

##### Article I. Dogs and Cats

§ 86-1. Dog and cat license required. No person shall own, keep, feed or harbor any dog or cat of licensing age, within the Borough, without obtaining a license therefore, to be issued by the Borough Clerk upon application by the owner and payment of the prescribed fee. Licenses shall be issued in the month of January of each year. Each license shall include an official metal registration tag for each such dog or cat so owned, which shall be placed upon each dog or cat's collar.

§ 86-2. Newly acquired dog or cat attaining licensing age. The owner of any newly acquired dog or cat of licensing age or of any dog or cat which attains licensing age shall make application for license and registration tag within 10 days. Licensing Age shall mean any dog or cat which his attained the age of seven months or which possesses a set of permanent teeth, whichever is earlier.

§ 86-3. Requirements of application. The application shall state the breed, sex, age, color and markings of the dog or cat for which license and registration are sought; whether it is of a long-haired or short-haired variety; and the name, street and post office address of the owner and the person who shall own, keep, feed or harbor such dog or cat. There shall be provided with the application evidence that the dog to be licensed and registered has been inoculated with a rabies vaccine of a type approved by the State Department of Health.

§ 86-4. Dog census. The Borough shall periodically cause a canvas to be made of all dogs owned, kept or harbored within the limits of the Borough and shall report on or before September 1 of each year, to the local Board of Health and to the State Department of Health, the result thereof.

§ 86-5. Vicious or potentially dangerous dog. The provisions, practices and procedures for addressing vicious or potentially dangerous dogs shall be as provided for by New Jersey State statute, including but not limited to N.J.S.A. 4:19-17 et seq.

§ 86-6. Dog to be accompanied by a person; leash. No person owning, keeping or harboring any dog shall suffer or permit it to be upon the public or private streets or in any public place of the Borough unless such dog is accompanied by a person and is securely confined and controlled by an adequate leash.

##### Article II. Kennels, pet shops, shelters or pounds

##### § 86-7. Definitions

KENNEL - Any establishment wherein or whereon the business of boarding or selling dogs or breeding dogs for sale is carried on, except a pet shop, and shall include any establishment wherein there is carried on the business or practice of boarding, grooming, selling or breeding dogs or where dogs are kept or maintained for any commercial purpose whatever, except pet shops as herein mentioned, or where four or more dogs of licensing age are kept or maintained for any reason in any one place or establishment.

PET SHOP - Any room or group of rooms, cage or exhibition pen, not part of a kennel, wherein domestic animals for sale are kept on display.

POUND - Any establishment for the confinement of domestic animals seized under the provisions of this article or otherwise.

SHELTER - Any establishment where domestic animals are received, housed and distributed with or without charge.

#### § 86-8. Approvals Required

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 Borough Clerk for a license entitling him to keep or operate such establishment.

B. The application shall describe where the establishment is located or is proposed to be located, the purpose or purposes for which it is to be maintained and shall be accompanied by the written approval of the local Board of Health and the Land Use Board, showing compliance with the local and state rules and regulations governing location of and sanitation.

C. All licenses for a kennel, pet shop, shelter or pound shall state the purpose for which the establishment is maintained. Such license shall expire on the last day of June of each year and shall be subject to revocation by the Borough on recommendation of the State Department of Health or the local Board of Health for failure to comply with the rules and regulations of the State Department of Health or the local Board of Health governing the same, after the owner has been afforded a hearing by either the State Department of Health or the local Board of Health in accordance with the statutes providing for such hearings.

D. Any such person holding such license shall not be required to secure individual licenses for dogs owned by him and kept at such establishments. Licenses referenced in this Article shall not be transferable to another owner or different premises.

E. One female dog for breeding purposes may be kept by not more than one person for each family household without obtaining a kennel license for not more than one litter per year, and further provided that the pups from such breeding shall be sold or disposed of after seven months of age, unless kept as licensed dogs, and that the female dog kept for breeding purposes must be registered as a breed bitch each year when the license for the dog is obtained.

F. The fees for kennels and pet shops shall be paid at the time of the application. The fee for said license(s) shall be charged in accordance with the fee schedule established in Chapter 119, Fees.

G. No domestic animal kept in a kennel, pet shop, shelter or pound shall be permitted off such premises except on leash or in a crate or other safe and humane control device.

H. List of licensed kennels, pet shops, shelters and pounds. The Borough Clerk shall forward to the State Department of Health a list of all kennels, pet shops, shelters and pounds licensed within 30 days after the licenses therefor are issued, which list shall include the name and address of the licensee and the kind of license issued.

#### Article III. Other Domestic Animals

§ 86-9. Definition. Domestic Animals shall mean animals kept as pets inside or in the backyard of a residential structure and shall include goats, horses, sheep, swine, cattle, other domesticated hooved animals, chickens, roosters, ducks, other domesticated poultry and fowl and outdoor maintained rabbits. This Section does not apply to commercial farms, which require Land Use Board approval.

#### § 86-10. Specific Prohibitions.

A. No person or other entity shall possess, keep or maintain any domestic animal in the Borough except under the provisions of this Chapter.

B. Horses. A minimum of two (2) acre(s) of land is required for each horse to be harbored. The location and size of any accessory structure to be used for the harboring of horses shall comply with the applicable provisions of the land use code relating to accessory structures. Not less than 32 square feet of roof area is required for each horse to be harbored. Harboring shall be fenced or penned. All places where horses are kept shall be maintained in a clean and sanitary condition.

C. Other domesticated Hooved Animals. A minimum of two (2) acre(s) is required to harbor other hooved domesticated farm animals. No more than one such animal shall be harbored per acre. Harboring shall be fenced or penned. All places where other domesticated hooved animals are kept shall be maintained in a clean and sanitary condition.

D. Chickens, Ducks, Other Domesticated Poultry and Fowl

No more than 12 such poultry and fowl shall be permitted to be harbored in the backyard of any residence at any time. The location and size of any accessory structure to be used for the harboring of domesticated poultry or fowl shall comply with the Code relating to accessory structures. Harboring shall be fenced or penned. All places where chickens, ducks, and other domesticated poultry and fowl are kept shall be maintained in a clean and sanitary condition.

E. Rabbits. No more than 5 rabbits shall be harbored on any lot. The location and size of any accessory structure to be used for the harboring of rabbits shall comply with the applicable provisions of the Code relating to accessory structures. Harboring shall be fenced or penned. All places where rabbits are kept shall be maintained in a clean and sanitary condition.

§ 86-11. Existing Animals. Any person who owned and maintained backyard pets in numbers that would be prohibited by this ordinance as of June 1, 2019 may keep those specific animals for their remainder of their natural lives. The owner shall comply with all other provisions and regulations. This provision shall only apply to specific animals kept as of June 1, 2019 and shall not allow replacement of animals in numbers greater than permitted by this Ordinance.

Article IV. Animal Control Officer.

§ 86-12. Certified Animal Control Officer.

The Mayor and Council shall appoint a Certified Animal Control Officer or contract for such services with another municipality, as required, whose duties shall be those provided for by state statute and this chapter. The Certified Animal Control Officer shall have all powers provided for by law, including but not limited to powers to investigate and sign complaints, arrest violators or otherwise act as an officer for detection, apprehension and arrest of offenders against the animal control, animal welfare or any animal cruelty laws of the state and ordinances in the Borough, provided that the Officer has completed the training required by law.

§ 86-13. Impoundment.

A. Impounding of domestic animals.

(1) The Animal Control Officer or other persons designated by the Mayor and Council shall take into custody and impound or cause to be taken into custody and impounded and thereafter destroyed or offered for adoption as hereinafter provided in this section:

(a) Any dog which the official has reason to believe is a stray animal.

(b) Any dog or cat off the premises of the owner or of the person keeping or harboring said dog or cat without a current registration tag on his collar.

(c) Any domestic animal upon the public streets or in any public place not in compliance with this Ordinance.

(d) Any domestic animal or other animal that is suspected to be rabid.

(e) Any dog declared vicious.

(f) Any dog or other animal off the premises of the owner reported to, or observed by, a certified Animal Control Officer to be ill, injured or creating a threat to public health, safety or welfare, or otherwise interfering with the enjoyment of property.

(2) If any domestic animal so seized wears a collar or harness having inscribed thereon or attached thereto the name and address of any person or a registration tag, or the owner or the person keeping or harboring the domestic animal is known, the Animal Control Officer shall forthwith serve on the person, a notice in writing stating that the domestic animal has been seized and will be liable to be offered for adoption or destroyed if not claimed within seven days after the service of the notice.

(3) A notice under this Section of this section 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 mail in a prepaid letter addressed to that person at his usual or last known place of abode or to the address given on the collar.

(4) A domestic animal which shall bite any person and/or be suspected to be rabid shall be examined by a veterinarian within 24 hours after impoundment for the purpose of determining if such domestic animal is affected by any disease and shall thereafter be quarantined for such a period of time that the veterinarian shall determine as appropriate under the circumstances. The owner shall be required to pay for all testing and quarantine expenses.

B. Seizure of domestic animals; entry upon premises. Any officer or agent authorized to perform any duty under this article is hereby authorized to go upon any premises to seize for impounding any domestic animal(s) which he may lawfully seize and impound when such officer is in immediate pursuit of such animal(s), except upon the premises of the owner of the animal(s) if the said owner is present and forbids the same.

#### Article V. Nuisance.

##### § 86-14. Disturbing the peace prohibited.

No person shall allow any domestic animal in his keeping, custody, control or ownership to bark, howl or cry continuously for any period longer than 1/2 hour between the hours of 10:00 p.m. and 7:00 a.m. or otherwise repeatedly at intervals of more than 1/2 hour at any time of the day or night, in such volume or manner as to disturb the comfort, peace and repose of persons in the vicinity.

##### § 86-15. Running at large.

A. No person owning, keeping or harboring any domestic animal shall suffer or permit such animal to run at large in, upon, or through any public, quasi-public or private street, public park or recreation area, public building or any other public place or place to which the public is invited, and no person owning, keeping or harboring any domestic animal shall suffer or permit such animal to run at large in, upon or through any private property without the authority of the owners of said private property.

B. When a domestic animal has been impounded for running at large, the Animal Control Officer may file a complaint of this violation in the Municipal Court.

##### § 86-16. Public nuisances.

A. A domestic animal shall be considered a public nuisance and shall be subject to impound pursuant to § 86-13 for the following reasons:

(1) The animal damages property, or deposits fecal matter on the property of the public or others that the owner fails to remove promptly.

(2) The animal, without provocation, chases, molests or approaches pedestrians or bicyclists in a threatening manner upon the streets, sidewalks, right-of-way, or any public property, or habitually chases automobiles on the public streets or highways.

(3) The animal is kept under unsanitary and/or inhumane conditions such that the maintenance or keeping of any animal creates odors to the annoyance of the public in the vicinity.

(4) The animal kills or attacks another domestic animal without provocation while off the owner's property.

(5) The owning, keeping or harboring of any animal which shall, by any noise, unreasonably and/or excessively disturb the peace and quiet of any person in the vicinity. The phrase "unreasonably and/or excessively disturb the peace and quiet" shall include, but is not limited to, the creation of any noise which can be heard by any person, including an Animal Control Officer or law enforcement officer, from

a location off the animal owner's property where the animal is being kept, and which noise occurs repeatedly over at least a thirty-minute period of time with one minute or less lapse of time between each animal noise during the thirty-minute period. This provision shall not apply to animals that are responding to trespassers or to animals that are teased or similarly provoked to bark.

§ 86-17. Defecation.

A. Defecation on private property. No person owning or in charge of any domestic animal shall cause or allow such animal to soil, defile, defecate upon or commit any nuisance upon any private property, without the permission of the owner of the property. Any person owning or in charge of a domestic animal which soils, defiles, defecates or commits any such nuisance shall immediately remove all feces deposited by such animal in a sanitary manner.

B. Defecation on public property. No person owning or in charge of any domestic animal shall allow such animal to soil, defile, defecate upon or commit any nuisance on any place where people congregate or walk, or upon any public property. Any person owning or in charge of a domestic animal which soils, defiles, defecates or commits any such nuisance shall immediately remove all feces deposited by such animal in a sanitary manner.

C. Defecation on owner's property. No person shall permit the accumulation of domestic animal feces or urine upon his/her own property, or property occupied by him/her, to the extent that the odor may be noticeable to any adjoining property owners.

D. Disposal of defecation. The feces removed from the aforementioned designated areas shall be disposed of by the person owning or in charge of any such domestic animal in a sealed, nonabsorbent, leakproof container.

E. Exceptions to violation. The provisions of this section shall not apply to dogs used as guides for persons who are blind, commonly known as "Seeing Eye dogs," dogs used to assist persons with a handicap, commonly known as "service dogs," or dogs used to assist persons who are deaf, commonly known as "hearing ear dogs."

Article VI. Violations and Penalties.

§ 86-18. Violations and penalties. Any person found guilty of violating any provision of this article shall, upon conviction thereof, be subject to one or more of the following:

A. Imprisonment in the county jail or in any place provided by the municipality for the detention of prisoners, for any term not exceeding 90 days;

B. By a fine not exceeding \$1,000; and

C. By a period of community service not exceeding 90 days.

§ 86-19. Enforcement.

It shall be the duty of the Animal Control Officer or his duly authorized representative to enforce the provisions of this article.

**SECTION III**

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

**SECTION IV**

If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

**SECTION V**

This Ordinance shall take effect immediately upon final publication as provided by law.

ATTEST:

**BOROUGH OF FRANKLIN**


  
Darlene J. Tremont, CLERK

  
BY: Nicholas Giordano, MAYOR

DATED:


**NOTICE**


**NOTICE** is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Borough of Franklin held on June 11, 2019, at 7:00 p.m. and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Borough Council to be held on June 25, 2019, at 7:00 p.m., or as soon thereafter as the Borough Council may hear this Ordinance at the Municipal Building, 46 Main Street, Franklin, New Jersey 07416, at which time all persons interested may appear for or against the passage of said Ordinance.

  
Darlene J. Tremont  
Municipal Clerk

**CERTIFICATION**

I, Darlene J. Tremont, Clerk of the Borough of Franklin, do hereby certify that the Borough of Franklin Council duly adopted the foregoing Ordinance on the 25<sup>th</sup> day of June, 2019.

  
Darlene J. Tremont, Clerk  
Borough of Franklin

  
Nicholas Giordano, Mayor

Introduced: June 11, 2019

Adopted: June 25, 2019

**ORDINANCE No. 12-2019**

**AN ORDINANCE OF THE BOROUGH OF FRANKLIN,  
COUNTY OF SUSSEX, AND STATE OF NEW JERSEY  
AMENDING CHAPTER 86, ANIMALS**

<b>RECORD OF COUNCIL VOTES-FIRST READING</b>					<b>Move</b>	<b>2nd</b>
<b>COUNCIL MEMBER</b>	<b>AYES</b>	<b>NAYES</b>	<b>ABSTAIN</b>	<b>ABSENT</b>		
JOSEPH LIMON	X					
JOHN POSTAS	X					X
STEPHEN SKELLENGER COUNCIL PRESIDENT	X					
GILBERT SNYDER	X				X	
GLENN SOULES	X					
STEPHAN ZYDON, JR.	X					
MAYOR GIORDANO (Tie Only)						

<b>RECORD OF COUNCIL VOTES-SECOND READING</b>					<b>Move</b>	<b>2nd</b>
<b>COUNCIL MEMBER</b>	<b>AYES</b>	<b>NAYES</b>	<b>ABSTAIN</b>	<b>ABSENT</b>		
JOSEPH LIMON	X					
JOHN POSTAS	X					X
STEPHEN SKELLENGER COUNCIL PRESIDENT				X		
GILBERT SNYDER	X					
GLENN SOULES	X				X	
STEPHAN ZYDON, JR.	X					
MAYOR GIORDANO (Tie Only)						

**BOROUGH OF FRANKLIN  
LEGAL NOTICE**

**ORDINANCE #12-2019  
AN ORDINANCE OF THE BOROUGH OF FRANKLIN,  
COUNTY OF SUSSEX, AND STATE OF NEW JERSEY  
AMENDING CHAPTER 86, ANIMALS**

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Franklin, in the County of Sussex, State of New Jersey, held in the Borough Municipal Building, 46 Main Street, Franklin, NJ, on the 11<sup>th</sup> day of June, 2019, and the same came up for final passage at a meeting of the said Borough Council on the 25<sup>th</sup> day of June, 2019, at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the Borough according to law by order of the Borough Council of the Borough of Franklin, County of Sussex and State of New Jersey.



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Darlene J. Tremont, Municipal Clerk