

ORDINANCE

**AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN
COUNTY OF GLOUCESTER AND STATE OF NEW JERSEY
REGULATING NON-RESIDENT DOG OWNERS**

O-9-08

The words hereinafter defined shall have the meanings herein indicated for the purposes of this article as follows:

DOG—Any dog, both male and female, or dog hybrid.

HARBOR—When applied to harboring a dog, to provide a home or habitat for.

NON-RESIDENT OWNER—When applied to proprietorship of a dog, a person having a right of property in such dog who himself does not reside on the same lot or within 500 feet of the property tax block and lot where such dog is harbored.

OWNER—When applied to the proprietorship of a dog, every person having a right of property in such dog and every person who has such a dog in his keeping.

ANIMAL WARDEN—Any person/firm designated by the Township to implement the enforcement of this Ordinance.

WHEREAS, the Franklin Township Committee, has responded to citizen complaints regarding dogs being harbored at several properties in Franklin Township, while the owners of such dogs reside outside the Township; and

WHEREAS, members of the Franklin Township Committee, the Franklin Township Police Department, Zoning Officer, Solicitor and other Township officials have investigated these properties and have found that these dogs often pose a nuisance to the residents of surrounding properties as they are often left unattended for large periods of time with no one to prevent their uncontrolled barking; and

WHEREAS, in addition to disrupting neighboring residents from the quiet enjoyment of their own property, these dogs themselves are often left without adequate food, water and shelter for extended periods of time with no one to tend to them, leaving them at risk for injury, sickness, and other harm; and

WHEREAS, it is in the best interest of the residents of the Township of Franklin and in the best interest of the health, safety and humane treatment of dogs that certain regulations be adopted regarding unattended dogs in Franklin Township;

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Township of Franklin, County of Gloucester and State of New Jersey, that no person shall keep a dog or dogs in the Township of Franklin who does not himself reside within the same tax block and lot or within 500 feet of such dog or dogs on a neighboring tax block and lot; and

BE IT FURTHER ORDAINED, that Franklin Township recognizes the need of small businesses to use dogs to protect their business and therefore business owners shall be allowed to apply for a permit to keep dogs on business property, despite the fact that they do not reside where the dog is harbored and may be granted such permit from the Chief of Police of the Township of Franklin upon good cause being shown, such as that dog(s) is the principal agent of protection and prevention against burglary, trespass or other felony; and

BE IT FURTHER ORDAINED, that any dog(s) found to be harbored upon a property where no owner resides or where no owner resides within 500 feet thereof, and where no permit has been granted for the keeping of dogs upon such property without an owner, said dog(s) shall be deemed to be in violation of this ordinance and may be reported to the Franklin Township Police Department, and/or the Animal Warden for further investigation and possible removal by the Animal Warden upon proper application and hearing by the Municipal Court Judge for an order granting removal of the identified dogs from the premises of an owner found to be in violation of this ordinance; and

BE IT FURTHER ORDAINED, that before removal, the owner of any dog in violation of this section shall be served a municipal complaint advising that the dog shall not be kept unattended at the place where the dog is currently residing and that the dog will be seized and will be liable to be offered for adoption or destroyed if action is not taken to remedy the situation within seven days after the service of the notice. Each notice shall contain the date and time that the owner is to appear before the Municipal Court Judge for a hearing where they will be given the opportunity to be heard regarding penalties and the disposition of the dog(s). Notice shall be served in the same manner as motor vehicle summons may be served, at the registered address of the dog if the dog is so registered, or if there is no registered address then notice shall be served upon the owner of the property upon which the dog is residing as the presumed owner of such dog(s); and

BE IT FURTHER ORDAINED, that every person on whom a notice is served shall respond to be heard by the Municipal Court Judge at a hearing to determine the proper disposition of the dog(s) in question and any appropriate fines and/or penalties to be assessed against its owner; and

BE IT FURTHER ORDAINED, that the Animal Warden is vested with the authority to remove any dog of a non-resident owner as such dog constitutes the property of a Franklin Township resident and that property may be taken in order to preserve the health and safety of both the dog and the

residents of the Township of Franklin should such remedy be determined by the Judge at a Municipal Court hearing to be appropriate; and

BE IT FURTHER ORDAINED, that any person found in violation of any provision of this Ordinance shall be subject to a fine of not less than \$100 but not more than \$1,000, or imprisonment not to exceed 90 days, or both. Such fine and imprisonment shall be at the discretion of the Municipal Court Judge of the Township of Franklin; and

BE IT FURTHER ORDAINED, that if dog(s) are removed, the costs of sheltering, caring for, treating, and if necessary, destroying a dog, including veterinary expenses therefore, until the dog is adjudged forfeited and sold, liberated, or disposed of, shall be borne by the owner of the dog. Should such costs be incurred, the Animal Warden shall certify such costs to the officer or officers whose duty it is to assess and levy the taxes of the Township of Franklin and those costs shall thereupon be charged against such lands and premises and become a first and paramount lien upon said lands and premises and shall be added to and become and form a part of the taxes assessed against said lands and premises and shall be collected with and in the same manner as the taxes next to be assessed and levied upon said lands and premises, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes.

BE IT FURTHER ORDAINED, all ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to such inconsistencies; and

BE IT FURTHER ORDAINED, all ordinances or parts of ordinances not inconsistent with this ordinance shall remain in full force and effect; and

BE IT FURTHER ORDAINED, that if any part of this Ordinance shall be deemed invalid, the remaining parts shall remain enforceable; and

This ordinance shall take effect thirty (30) days after final passage by Committee or twenty (20) days after approval by the Mayor, whichever comes first.

Introduced: February 26, 2008

	MATTEI	MERCKX	PETSCH	PFROMMER	SCAVELLI
YES					
NO					
ABSTAIN					
ABSENT					

Public Hearing Held:

Adopted:

	MATTEI	MERCKX	PETSCH	PFROMMER	SCAVELLI
YES					
NO					
NO					
ABSTAIN					

NOTICE

The above ordinance was introduced and passed on first reading at the meeting of the Township Committee of the Township of Franklin in the County of Gloucester held on the 26th day of February, 2008 and will be considered for final passage at a meeting to be held by the Township Committee at 8 p.m. on the _____ day of _____, 2008 at which time and place any person interested will be given an opportunity to be heard.

FRANK SCAVELLI, Mayor

ATTEST:

CAROLYN TOY, Clerk

CERTIFICATION

I, CAROLYN TOY, Clerk of the Township of Franklin, County of Gloucester, do hereby certify that the foregoing ordinance was introduced at a regular meeting of the Township of Franklin held on Tuesday, February 26, 2008, and thereafter duly advertised in the legal newspaper of the Township at least 10 days prior to it being considered for final passage and adoption at a subsequent meeting to be held on Tuesday, _____, 2008, at which time any person interested therein will be given an opportunity to be heard.

CAROLYN TOY, Clerk