

## ORDINANCE NO. 3803A

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 1, GENERAL PROVISIONS, ARTICLE II, GENERAL PENALTY, SUBSECTION 1-3, VIOLATIONS AND PENALTIES; CHAPTER 260, PARKS AND RECREATION, ARTICLE II, RULES AND REGULATIONS, SUBSECTION 260-6, PROHIBITED ACTIVITIES; ARTICLE VI, GRIGGSTOWN NATIVE GRASSLAND PRESERVE (PART OF TEN MILE RUN GREENWAY), SUBSECTION 260-32, VIOLATIONS AND PENALTIES; ARTICLE VII, NEGRI-NEPOTE NATIVE GRASSLAND PRESERVE (PART OF THE MIDDLEBUSH GREENWAY), SUBSECTION 260-40, VIOLATIONS AND PENALTIES.

### SUMMARY

An ordinance amending Chapter 1, General Provisions, Article II, General Penalty, Subsection 1-3, Violations and Penalties to include trail violations and penalties and amending Chapter 260, Parks and Recreation in connection with the Griggstown Native Grassland Preserve and the Negri-Nepote Grassland Preserve by increasing the fine for violating the motor vehicle operation from \$500 up to \$2000; clarify where dogs can and cannot be taken on open space and clarifies the definition of what constitutes prohibited vehicles.

**BE IT ORDAINED** by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey that the Code of the Township of Franklin be and it is hereby amended as follows:

### SECTION I

**Chapter 1, General Provisions, Article II, General Penalty, Subsection 1-3, Violations and Penalties**, is hereby amended as follows:

#### **§ 1-3. Violations and penalties.**

- A. Except as hereinafter provided, whenever in this Code or in any other ordinance of the Township or in any rule, regulation or order promulgated pursuant to such Code or other ordinance of the Township any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such Code or in such other Township ordinance, rule, regulation or order the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of this Code or of any other ordinance of the Township or of any rule, regulation or order promulgated pursuant to such Code or other Township ordinance shall be punished by one or more of the following: a minimum fine of \$100 with said fine not exceeding \$2,000; imprisonment for a period of not to exceed 90 days; a period of community service of not to exceed 90 days, *except that any violation of § 260-6 (L), Prohibited Activities and § 260-26, Trail Use Rules, that regulates vehicle operation, shall be punished by a minimum fine of \$500 with said fine not exceeding \$2,000.00. In addition, any person under the age of eighteen (18) years who violates these Sections shall be deemed to be a juvenile delinquent and shall be proceeded against as such.*
- B. Whenever any provision of the New Jersey Revised Statutes limits the authority of the Township to punish the violation of any particular provision of this Code or other Township ordinance or rule, regulation or order promulgated pursuant thereto to a fine of less amount than that provided in this section or imprisonment for a shorter term or for a shorter term of community service than that provided in this section, then the violation of such particular provision of this Code or other Township ordinance, rule, regulation or order shall be punished by the imposition of not more than the maximum fine or imprisonment or community service so authorized. [Amended 2-14-2006 by Ord. No. 3591]

- C. Each day any violation of this Code or any other Township ordinance or rule, regulation or order promulgated pursuant thereto shall continue shall constitute a separate offense, unless otherwise provided.
- D. Whenever any such fine is imposed upon any corporation, such fine and costs and charges incident thereto may be collected in an action of debt or in such other manner as may be provided by law.

## SECTION II

**Chapter 260, Parks and Recreation, Article II, Rules and Regulations, Subsection 260-6, Prohibited Activities,** is hereby amended as follows:

260-6. Prohibited activities. [Amended 11-13-1975 by Ord. No. 776; 8-22-1977 by Ord. No. 869]

- A. Advertising. No person shall post, paint, affix, distribute, hand out, deliver, place, cast or leave about any bill, billboard, placard, ticket, handbill, circular or advertisement or do any of the following without written permission of the Department:
  - (1) Display any flag, banner, transparency, target, sign, placard or any other matter for advertising purposes.
  - (2) Operate any musical instrument, soundtrack or drum for advertising purposes or for the purpose of attracting attention to any exhibition, show, performance or other display.
  - (3) Conduct public speeches or rallies.
- B. Soliciting. No person shall solicit for any purpose.
- C. Animals. No person shall cause or permit any animal owned by him, in his custody or under his control to go or be at large.
  - (1) Dogs **in parks and open space** shall be restrained by a leash not exceeding six feet in length, **except on the Griggstown Native Grassland Preserve and on the Negri-Nepote Grassland Preserve, where dogs are prohibited.**
  - (2) No person shall ride or drive a horse unless it is well broken and constantly held in such control that it may be easily or quickly turned and stopped.
  - (3) No horse shall be unbridled or left unattended in any unenclosed area without being securely fastened.
  - (4) No horse shall be driven or ridden in the parks **or open space**, except at such locations designated for this purpose by the Department.
  - (5) No person shall hunt, molest, kill, wound, trap, take, chase, shoot or throw missiles at, remove or have in his possession any animal, reptile or bird or knowingly buy, receive, have in his possession, sell or give away any such animal, reptile, bird or eggs so taken.
  - (6) No person shall fish in any of the rivers and canals bordering the parks unless he has a state license. No person shall kill, wound, discharge or throw missiles at any fish in such waters, or place therein any piscivorous fish, poison or any other substances injurious to fish.
  - (7) Dogs and horses are prohibited at all times at Bunker Hill Environmental Center. [Added 11-14-2000 by Ord. No. 3165]

- (8) No person shall cause or permit any animal owned by him, in his custody or under his control to go or be at large at other parks, parkways, preservation areas and reservations. [Added 11-14-2000 by Ord. No. 3165]
- (9) Griggstown Native Grassland Preserve and Negri-Nepote Native Grassland Preserve. Dogs and horses are prohibited at all times except that horses may be ridden on the Griggstown Preserve on specially designated trails only upon obtaining a Township-issued permit from the Parks and Recreation Department. [Added 12-14-2004 by Ord. No. 3512; amended 9-12-2006 by Ord. No. 3628]

D. Disorderly conduct.

- (1) No person shall throw stones or other missiles so as to annoy other persons.
- (2) No person shall climb or stand upon any wall, fence, shelter, seat, statue or other structure unless the structure is designated for that purpose.
- (3) No person shall enter or leave park facilities except at established entrances and exits.
- (4) No person shall litter in the park or deposit on the ice or in the ponds any matter that would tend to damage the ice for skating or pollute the ponds.
- (5) No person shall fail to obey or interfere with an officer in the proper performance of his duties.
- (6) No person shall remove or open permanent or temporary barriers, signs, directionals, gates or fences.
- (7) Collecting of natural materials from within the Bunker Hill Environmental Center and grounds, and any open space parcels, including preserves is prohibited except for educational use. [Amended 12-14-2004 by Ord. No. 3512]
- (8) Straying from trails within the Bunker Hill Environmental Center grounds, and any open space parcels, including preserves is prohibited except when otherwise permitted for educational purposes. [Amended 12-14-2004 by Ord. No. 3512]
- (9) Picnicking within the Bunker Hill Environmental Center grounds is prohibited except where permission has been specifically granted.
- (10) Picnicking within a preserve is prohibited except where specifically designated at picnic tables. [Added 12-14-2004 by Ord. No. 3512]
- (11) Hunting on all open space and preserves is prohibited, unless a Township hunting permit is issued by the Franklin Township Wildlife Control Committee. In no instance shall hunting be permitted at the Bunker Hill Environmental Education Center. [Added 12-14-2004 by Ord. No. 3512]

E. Explosives. No person shall bring into or have in possession at said parks any explosives, including any substance, compound, mixture or article having properties of such a character that, alone or in combination or conjunction with other substances or compounds, may decompose suddenly and generate sufficient heat, gas or pressure, or any or all of them, to produce rapid flaming or combustion or administer a destructive blow to surrounding objects.

F. Firearms, weapons and tools; concealed weapons. No person shall bring into or have in his possession:

- (1) Any pistol or revolver or objects upon which loaded or blank cartridges may be used.

- (2) Any tools, instruments, skeleton keys, picklocks, jimmies or other things known as "burglar tools," except when authorized by law.
  - (3) Any rifle, shotgun, air gun, spring gun, slingshot, bow or other instrument or weapon in which the propelling force is a spring or air, excepting the lawful uses of such weapons at places and times prescribed by special permission of the Department.
  - (4) Any hunting knife, switchblade or dirk of any kind.
- G. Fires. No person shall kindle, build, maintain or use a fire, except in places provided for such purposes or where a permit has been issued.
- (1) All fires shall be continuously under the care and direction of a competent person from the time the fire is kindled until it is extinguished.
  - (2) No fire shall be built within 10 feet of any tree or any building or beneath the branches of any tree or in any underbrush.
  - (3) No cigar, cigarette or lighted match shall be discarded carelessly or in a manner which may start a fire.
- H. Closing hours. All parks will close 30 minutes after sundown, except where and when specific closing hours are designated.
- I. Opening hours. All park areas will open at sunrise unless otherwise specified or designated by signs.
- J. Vending. No person shall sell or offer for sale any object or merchandise or any other thing within the parks, except by special permit of the Department.
- K. Minors. No parent, guardian or custodian of any minor shall permit or allow him or her to do any act prohibited by any law or any Township ordinance while in the presence of said parent, guardian or custodian.
- L. Vehicle operation. There shall be no operation except on roadways or as signs direct. Use of **motorized vehicles such as** off-road, all-terrain vehicles (**ATVs**), **cars, trucks, motorcycles, snowmobiles, minibikes, trail bikes, motor scooters, go-carts, motorized skateboards or dune buggies** is prohibited. [Amended 12-14-2004 by Ord. No. 3512]
- M. Vehicle parking. There shall be none except in designated areas.
- N. No consumption of illegal drugs and/or alcoholic beverages is allowed in any park.
- O. No person shall bring into or have in his possession within any park area any glass container for whatever purpose.

### **SECTION III**

**Chapter 260, Parks and Recreation, Article VI, Griggstown Native Grassland Preserve (Part of Ten Mile Run Greenway), Subsection 260-32, Violations and penalties,** is hereby amended as follows:

#### **§ 260-32. Violations and penalties.**

Violations of any part of the article may result in fines not exceeding \$~~250~~ **2,000** for each offense.

### **SECTION III**

**Chapter 260, Parks and Recreation, Article VII, Negri-Nepote Native Grassland Preserve (Part of the Middlebush Greenway), Subsection 260-40, Violations and penalties,** is hereby amended as follows:

#### **§ 260-40. Violations and penalties.**

Violations of any part of the article may result in fines not exceeding \$250 **2,000** for each offense.

### **SECTION IV**

Each clause, section or subsection of this ordinance shall be deemed a separate provision to the intent that if any such clause, section or subsection should be declared invalid, the remainder of the ordinance shall not be affected.

### **SECTION V**

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

### **SECTION VI**

This ordinance shall take effect immediately upon adoption and publication according to law.

#### **Ordinance No. 3803A**

This is a true and correct copy of an ordinance adopted by the Township Council, Township of Franklin, Somerset County, NJ.

Introduced: January 27, 2009  
Public Hearing: February 24, 2009  
Adoption: February 24, 2009  
Notice of Adoption: March 3, 2009  
Effective Date: March 16, 2009

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Ann Marie McCarthy, Township Clerk