

ORDINANCE NO. 3916-10

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 115, DOGS AND OTHER ANIMALS, ARTICLE II, DOGS AND CATS

SUMMARY

An ordinance amending the Code, Chapter 115, Dogs and Other Animals, Article II, Dogs and Cats.

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

SECTION I

Chapter 115, Dogs and Other Animals, Article II, Dogs and Cats, is amended as follows:

**ARTICLE II
Dogs and Cats**

§ 115-7. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

CAT - Any member of the domestic feline species; male, female, or altered.

CAT OF LICENSING AGE - Any cat which has attained the age of seven months or which possesses a set of permanent teeth.

CHIPPED - The placement of a microchip or passive or inert radio frequency identification device, internal or external to the animal, to enable identification of the animal.

DOG - Any dog, bitch or spayed bitch.

FARM - A farm as set forth in the Township's Right to Farm Ordinance at Chapter 112 Article XXI, as may be amended from time to time, or farmland qualified for assessment.

OWNER - When applied to the proprietorship of a dog or cat, includes every person having a right of property or custody in such dog or cat and every person who has such dog or cat in his keeping or who harbors or maintains a dog or cat or knowingly permits a dog or cat to remain on or about any premises occupied by that person.

POUND - An establishment for the confinement of dogs or cats seized either under the provisions of this article or otherwise.

~~CAT - Any member of the domestic feline species; male, female, or altered.~~

~~DOG - Any dog, bitch or spayed bitch.~~

~~OWNER - When applied to the proprietorship of a dog or cat, includes every person having a right of property in such dog or cat and every person who has such dog or cat in his keeping.~~

~~POUND - An establishment for the confinement of dogs or cats seized either under the provisions of this article or otherwise.~~

§ 115-8. Licensing required; fees; term; nontransferability.

A. Dogs

- A 1. Dogs ~~and cats~~ shall be duly licensed and shall bear evidence of such license at all times, in accordance with the laws of the State of New Jersey. Any person who shall own, keep or harbor a dog ~~or cat~~ of licensing age shall, in the month of January or as soon thereafter as such dog ~~or cat~~ becomes of licensing age, license said dog ~~or cat~~.

- B-2. The annual fee for such license shall be \$15 (effective January 1, 2011) for each altered (spayed/neutered) dog and each unaltered dog, and in addition thereto, the sum of \$1.20 for the registration tag of each altered dog and \$4.20 for each unaltered dog. ~~Effective January 1, 2011, the annual fee for such license shall be \$7.50 for each cat. Effective January 1, 2012, the annual fee for such license shall be \$15 for each cat.~~

- C-3. The owner or person keeping or harboring any dog ~~or cat~~ may, if the license tag is mislaid, stolen or lost, procure a duplicate tag upon the payment of an additional \$2.

- D-4. Licenses, registration tags and renewals thereof shall expire on the last day of January of each year.

- E-5. Dog ~~and cat~~ licenses are not transferable from one owner to another.

B. Cats

- 1. Cats shall be duly licensed and shall bear evidence of such license at all times, in accordance with the laws of the State of New Jersey. Any person who shall own, keep or harbor a cat of licensing age shall, before March 1 of each year or as soon thereafter as such cat becomes of licensing age, license said cat.

- 2. Effective March 1, 2011, the annual fee for such license shall be \$7.50 for each cat up to two cats, and \$2.00 for each additional cat, and in addition thereto, the sum of \$1.00 for the registration tag for each cat. However, if the cat is properly chipped the license tag requirement may be waived. All other cats shall be required to have a registration tag which shall be attached to a collar. Effective March 1, 2012, the annual fee for such license shall be \$15 for each cat up to two cats and \$2.00 for each additional cat. If the Owner meets the criteria set forth in §115-11, payment of such licensing and registration fees may be waived by the Township.

- 3. The owner or person keeping or harboring any cat may, if the license tag is mislaid, stolen or lost, procure a duplicate tag upon the payment of an additional \$2.

- 4. Licenses, registration tags and renewals thereof shall expire on the last day of February of each year.

- 5. Cat licenses are not transferable from one owner to another.

§ 115-9 Late licensing fee. [Amended 10-10-2000 by Ord. No. 3162]

A. Dogs

Fees for licenses issued after February 1 of each year shall include those license and

registration tag fees set forth in § 115-8A and, In addition thereto, the sum of \$10 per month penalty fee. **a late fee shall be imposed as follows:**

| MONTHS | LATE FEES |
|----------------------------|------------------|
| February - April | \$5 |
| May - July | \$10 |
| August - October | \$15 |
| November - December | \$20 |

The aforementioned late licensing fee shall not apply to dogs which have been acquired by the owner after February 1, provided that the license is acquired within 30 days of acquisition. The owner, however, shall present sufficient proof to establish the date upon which the dog was acquired.

B. Cats

Fees for licenses issued after March 31 of each year shall include those license and registration tag fees set forth in § 115-8B. In addition thereto, a late fee shall be imposed as follows:

| MONTHS | LATE FEES |
|---------------------------|------------------|
| April - June | \$5 |
| July - September | \$10 |
| October - December | \$15 |
| January - February | \$20 |

The aforementioned late licensing fee shall not apply to cats which have been acquired by the owner after April 1, provided that the license is acquired within 30 days of acquisition. The owner, however, shall present sufficient proof to establish the date upon which the cat was acquired.

§115-10 Licensing Exemptions.

Any dog or cat may be exempted from the licensing requirements set forth in §115-8B in the following cases:

- A. If the dog or cat is maintained entirely indoors during its life and when taken outdoors for transport, is contained in a cage or carrier. This exemption does not apply to an animal that is walked on a leash or allowed outside in a fenced in area or to any animal that has escaped.
- B. If the cat is maintained on a Farm.

§115-11 Waiver of Fees.

The Township may provide a waiver of the fees set forth in §115-8A & B to those Owners who meet the following criteria:

- A. Are totally disabled according to the provisions of the federal Social Security Act, 42 U.S.C. § 301 et seq. or disabled under any federal law administered by the United States Department of Veterans Affairs if the disability is rated as 60% or higher;
- B. The person is annually eligible to receive assistance under the “Pharmaceutical Assistance to the Aged and Disabled” (PAAD) program P.L. 1975, c. 194 (C. 30:4D-20 et seq.); or
- C. Has a total income not in excess of \$10,000 per year exclusive of benefits under any one of the following:
 - i. The federal Social Security Act, 42 U.S.C. §301 et seq. and all amendments and supplements thereto;

ii. Any other program of the federal government or pursuant to any other federal law which provides benefits in whole or in part in lieu of benefits referred to in, or for persons excluded from coverage under subsection a. of this section including, but not limited to, the federal "Railroad Retirement Act of 1974," 45 U.S.C. §231 et seq., and federal pension, disability and retirement programs; or

iii. Pension, disability or retirement programs of any state or its political subdivisions, or agencies thereof, for persons not covered under subsection A of this section except that, the total amount of benefits to be allowed exclusion by any owner under subsection B or C of this section shall not be in excess of the maximum amount of benefits payable to, and allowable for exclusion by, an Owner in similar circumstances under subsection A of this section.

§ 115-~~10~~ 12 Licenses not to be issued to minors.

No license to own, keep or harbor a dog or cat in the Township shall be issued to or in the name of a minor.

§ 115-~~11~~ 13 Rabies vaccination required; exemptions. [Amended 10-10-2000 by Ord. No. 3162]

- A. Any person who shall own, keep or harbor a dog or cat shall procure and possess a licensed veterinarian's certificate indicating that such dog or cat has been inoculated against rabies with a vaccine approved by the State Department of Health and setting forth the date of such inoculation and the duration of immunity. The certificate of inoculation shall be exhibited to the dog/cat licensing official of the municipality when application for a dog or cat license is made. No dog/cat licensing official shall grant a dog or cat license until said veterinarian's certificate is shown in evidence as proof of rabies inoculation. Said certification shall also be produced by any person owning, keeping or harboring a dog or cat upon the request of any dog/cat licensing enforcement official.
- B. The dog/cat licensing official may grant an exception to the requirement that a veterinarian's certificate be presented prior to issuance of a dog or cat license when the dog or cat is in the custody of the Township Animal Control Division for failure to have a valid dog or cat license. The owner shall be permitted to obtain from the dog/cat licensing official at the request of the Animal Control Officer a temporary dog or cat license which will allow release of the dog or cat from the Animal Control Division to permit the owner to obtain a veterinarian's certificate of rabies inoculation as specified in Subsection A above. The dog or cat owner shall have the dog or cat inoculated and present a veterinarian's certificate to the dog/cat licensing official within 10 days of issuance of the temporary license. The Department of Animal Control shall be responsible for insuring that the owner complies with this requirement.
- C. The dog/cat licensing official may grant exemption to the rabies inoculation requirement:
- (1) Upon presentation to the licensing enforcement official of a veterinarian's certificate stating that, because of an infirmity, other physical condition or regimen of therapy, the inoculation of such dog or cat shall be deemed inadvisable.
 - (2) Dogs or cats in veterinary hospitals, kennels, pet shops, pounds or shelters, dogs in transit or dogs or cats brought into the state temporarily for the sole purpose of showing in dog or cat shows or exhibitions.

§ 115-~~12~~ 14 Running at large prohibited. [Amended 11-12-1991 by Ord. No. 1677]

No dog or cat shall be permitted to run at large in this Township.

§ 115-~~13~~ 15 Leashing required; exceptions. [Amended 5-9-2000 by Ord. No. 3131]

Any dog off of the premises of the person owning, keeping or harboring it shall be accompanied by a person who is capable of controlling it and who has the dog securely confined and controlled by an adequate leash not more than six feet long except as permitted by Subsections A and B herein:

- A. Hunting dogs may be unleashed in permitted areas in the pursuit of legal game during such seasons as are established by the state, and the training or exercising of unleashed hunting dogs during other seasons shall be permitted, provided that the dog is accompanied by and under the control of an adult owner, custodian or trainer.
- B. Dogs may be unleashed in special areas provided for such purposes, commonly known as "dog parks," provided that the dog is accompanied by and under the control of an adult owner, custodian or trainer. A dog park is defined as a fenced/double-gated area set aside for the socializing and exercising of dogs.

§ 115-~~14~~ 16 Damage to person or property prohibited.

No person owning, keeping or harboring a dog or cat shall permit the same or suffer it to do any bodily injury to any person not on his property or to do any damage to any lawn, shrubbery, flowers, grounds or property of persons other than the owner or person having the care, custody or control of such dog or cat or to do damage to any animals owned by any other person other than the owner or person having the care, custody or control of such dog or cat.

SECTION II

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 III

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

SECTION IV

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

ORDINANCE NO. 3916-10

THIS IS A TRUE COPY OF AN ORDINANCE ADOPTED BY THE TOWNSHIP COUNCIL, TOWNSHIP OF FRANKLIN, SOMERSET, NJ

Introduced: November 23, 2010
Public Hearing: December 14, 2010
Adoption: December 14, 2010
Notice of Adoption: December 21, 2010
Effective Date: January 3, 2011

ANN MARIE McCARTHY, TOWNSHIP CLERK