

**#2019-03**

**ORDINANCE OF THE BOROUGH OF AUDUBON PARK, COUNTY OF CAMDEN AND STATE OF NEW JERSEY PROHIBITING THE RAISING AND/OR KEEPING OF CERTAIN LIVESTOCK AND FOWL WITHIN THE BOROUGH, TO BE ENTITLED “ANIMALS”**

**WHEREAS**, the Borough of Audubon Park (“Borough”) is a municipal entity organized and existing under the laws of the State of New Jersey and located in Camden County; and

**WHEREAS**, the Governing Body has deemed it necessary and in the best interest of the public health, safety and general welfare of the residents to update the rules and regulations pertaining to the raising and/or keeping of certain livestock and fowl within the Borough limits; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the Governing Body is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Borough by law.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Audubon Park, County of Camden, and State of New Jersey, as follows:

**SECTION 1:** Ordinance #2019-03, entitled “Animals” is hereby established to read as follows:

**ANIMALS**

**1.1 Definitions.**

As used in this Ordinance, the following terms shall have the meanings indicated:

FOWL – Any chicken, turkey, goose, emu, ostrich or any other fowl customarily found on a farm.

LIVESTOCK – Any bull, cow, calf, heifer, sheep, goat, horses, ponies, goats, swine or any other animal customarily found on a farm.

PERSON – Any individual, corporation, company, partnership, firm, association or political subdivision of this state subject to municipal jurisdiction.

**1.2 Keeping, stabling or breeding prohibited; exceptions.**

A. It shall be unlawful for any person, firm or corporation to keep, stable, breed or quarter any livestock or fowl, as defined in 1.1 of this Ordinance, within the corporate limits of the Borough of Audubon Park.

B. This prohibition shall not apply to any of the following:

(1) A domesticated animal which would include, but not necessarily be limited to, a domesticated dog of the canine family, but not those members of the canine family living in a wild state; a domesticated cat of the feline family, but not those members of the feline family usually living in a wild state; a bird which is housed within a living or dwelling unit such as a canary, parrot or other similar type bird considered to be domesticated for keeping as a pet; guinea pigs; and pet store fish not otherwise prohibited. This exception does not apply to a kennel.

### **1.3 Notice of abatement.**

Whenever a violation of this Ordinance is found on any land, lot, right-of-way or any other private premises or place, notice in writing shall be given to the owner thereof by the Borough to remove or abate and correct same within such time as shall be specified in such notice, but not less than five days from the date of service of the notice. A duplicate of the notice shall be left with one or more of the owners, tenants or occupants of the premises or place. If the owner resides out of the state or cannot be so notified in a prompt manner, such notice shall be left at that place or premises with the tenant or occupant thereof or posted on the premises at a conspicuous place.

### **1.4 Violations and penalties.**

Any person who violates any provision of this Ordinance shall, upon conviction in the Municipal Court or any such other court having jurisdiction, be sentenced to a fine not exceeding \$1,250, or imprisonment for a term not exceeding 90 days, or community service for a term not exceeding 90 days, or all of the above. Each day that a violation occurs shall be deemed a separate and distinct offense and subject to the penalty provisions of this Ordinance.

**SECTION 2:** Except as set forth in Section 1 above, the balance of the Borough's ordinances shall not be affected by this Ordinance.

**SECTION 3:** All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

**SECTION 4:** If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

**SECTION 5:** This Ordinance shall take effect upon passage and publication according to law.

Attest:

BOROUGH OF AUDUBON PARK

Introduced: February 4, 2019

Adopted: March 4, 2019

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LAWRENCE E. PENNOCK, MAYOR

Certified to be a true copy of an Ordinance adopted by the Mayor and Borough Council of the Borough of Audubon Park at a regular meeting held on March \_\_\_\_, 2019.

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DAWN M. PENNOCK, MUNICIPAL CLERK

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