

# ***Town of Franklin***

## ***Ordinance on the Regulation of Dogs and Other Animals***

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- I) **PURPOSE:** The purpose of this ordinance is to regulate the keeping of dogs and prohibit the roaming at large of dogs and other animals in the streets and public places of the Town of Franklin, and to prevent cruelty to dogs and other animals, pursuant to Connecticut General Statutes Section 7-148(c)(7)(D)(i) and (ii), and to prescribe penalties and enforcement procedures for violation of local and state regulations pertaining to dogs and other animals as set forth in CGS Chapter 435, as amended, CGS Section 7-152c and 7-148(c)(10) and this ordinance.
- II) **PROHIBITED ACTS:** It shall be a violation of this ordinance for any owner or keeper of a dog to:
  - A. allow such dog to roam at large upon the land of another and not under the control of the owner or keeper or the agent of the owner and keeper, or to allow such dog to roam at large on any portion of any public highway and not attended by and under control of the owner or keeper or the agent of the owner and keeper; the unauthorized presence of any dog on the land of any person other than the owner or keeper of such dog or on any portion of a public highway, when such dog is not attended by and under the control of such owner or keeper, shall be prima facie evidence of a violation of the provisions of this article;
  - B. obstruct or attempt to obstruct the animal control officer engaged in the discharge of such person's duties;
  - C. perpetrate any act of cruelty upon any dog or other animal;
  - D. neglect to have a tag or plate on a collar around the neck or on a harness on the body of such dog;
  - E. be in non-compliance with any order or regulation relating to rabies applicable to such dog;
  - F. abandon or neglect or cruelly treat any such dog;
  - G. own a dog that is not licensed in the Town Clerk's office as required by state law;
  - H. allow such dog to inflict damage or harm to human beings, domestic animals or property;
  - I. allow such dog to on a highway and growl, snap, bite or otherwise annoy any person or domestic animal lawfully using such highway or chase or interfere with any motor vehicle so using such highway;
  - J. permit such dog to come a nuisance by reason of vicious disposition or excessive barking or any other disturbance or by permitting such barking or

other disturbance when such is a source of annoyance to any sick person residing in the immediate vicinity;

- K. crop or cut off or cause to be cropped or cut off the whole or any part of the ear of a dog unless such person is a registered veterinarian surgeon;
- L. not clean up or dispose of any immediately any feces or other waste matter discharged by a dog on public property, including highways and sidewalks, or on any private property not owned or controlled by the owner or keeper of the dog or the agent of the owner or keeper;

III) VIOLATIONS AND PENALTIES: Any person violating any of the above provisions shall be fined not less than \$25 nor more than \$100. Under no circumstance may a fine imposed under this ordinance exceed the fine which might be imposed under state law for the same conduct. The animal control officer shall issue citations for violations of any provisions set forth above. All monies received shall be remitted to the Town of Franklin.

IV) HEARING PROCEDURE FOR CITATIONS:

- A) The Board of Selectmen shall appoint the Chair of the Board of Regional Animal Control District as the citation hearing officer to conduct the hearings authorized by this section. The Board of Selectmen shall appoint the Vice-Chair of the Board of Regional Animal Control as the alternate citation hearing officer in the event of the unavailability of the citation hearing officer to conduct the hearing.
- B) Within twelve months from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any citation issued under this ordinance, notices shall be sent to the owner or keeper of the dog. Such notice shall inform said owner or keeper of the following:
  - 1) the allegations against said owner or keeper and the amount of the fines, penalties, costs or fees due;
  - 2) that said owner or keeper may contest his liability before a citation hearing officer by delivering in person or by mail written notice within ten days of the date of the notice;
  - 3) that if the owner or keeper does not demand such a hearing, an assessment and judgment shall be entered against said person;
  - 4) that such judgment may be issued without further notice.
- C) If the owner or keeper who is sent notice pursuant to the Section B above wishes to admit liability for any alleged violation, said person may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees in person or by mail to a designated official. Any owner or keeper who does not deliver or mail written demand for a hearing within ten days of the date of the first notice shall be deemed to have admitted liability and the designated official shall certify such person's failure to respond to the citation hearing officer. The citation hearing officer shall thereupon enter and assess the fines, penalties, costs or fees provided for by law and shall follow the procedures set forth below.

- D) Any owner or keeper who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen days nor more than thirty days from the date of the mailing of the notice, provided that the citation hearing officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. An original or certified copy of the initial notice of violation issued by the official shall be filed. The presence of the issuing official shall be required at the hearing if such owner or keeper so requests. An owner or keeper wishing to contest his/her liability shall appear at the hearing and may present evidence on his/her behalf. A designated official, other than the citation hearing officer, may present evidence on behalf of the town. If such owner or keeper fails to appear, the citation hearing officer may enter an assessment by default against him/her upon a finding of proper notice and liability. The citation hearing officer may accept from such owner or keeper copies of police reports, investigatory and citation reports, and other official documents by mail, and may determine thereby that the appearance of such person is not necessary. The citation hearing officer shall conduct the hearing in the order and form and with such methods of proof as the citation hearing officer deems fair and appropriate. The rules regarding the admissibility of evidence shall be not be strictly applied, but all testimony shall be given under oath or affirmation. The citation hearing officer shall announce his decision at the end of the hearing. If the citation hearing officer determines that the owner or keeper is not liable, the citation hearing officer shall dismiss the matter and enter the determination in writing accordingly. If the hearing officer determines that the person is liable for the violation, the citation hearing officer shall forthwith enter and assess the fines, penalties, costs, or fees against such owner or keeper as provided by this ordinance and applicable laws.
- E) If any assessment entered by the citation hearing officer is not paid on the date of its entry, the hearing officer shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than thirty days nor more than twelve months after such mailing, a certified copy of the notice of assessment with the clerk of the Superior Court for the New London judicial district, together with an entry fee of eight dollars. The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve-month period, multiple assessments against the same person may be accrued and filed as one record of assessment. The clerk of the Superior Court shall enter judgment in the amount of such record of assessment and court costs of eight dollars against such person in favor of the town. The hearing officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment, and a levy of execution of such judgment may issue without further notice to such person.
- F) The owner or keeper against whom an assessment has been entered pursuant to this article is entitled to judicial review by way of appeal. An

appeal shall be instituted within thirty days of the mailing of notice of such assessment by filing a petition to reopen the assessment, together with an entry fee in an amount equal to the entry for a small claims case pursuant to CGS Section 52-259 in the Superior Court for the New London judicial district, which shall entitle said owner or keeper to a hearing in accordance with the rules of the judges of the Superior Court.

- V) VALIDITY: If any section, paragraph, subdivision, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this ordinance shall remain in full force and effect.

*This ordinance was enacted on July 5th, 2011 with an effective date of July 22nd, 2011.  
The Town of Franklin is an equal opportunity provider and employer.*