

ORDINANCE 2017-06

**AN ORDINANCE OF THE BOROUGH OF BAY HEAD,
COUNTY OF OCEAN, STATE OF NEW JERSEY
AMENDING AND SUPPLEMENTING THE
MUNICIPAL CODE OF THE BOROUGH OF BAY
HEAD, SO AS TO AMEND CHAPTER 69, ENTITLED
“ANIMALS.”**

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Bay Head, County of Ocean, and State of New Jersey, as follows:

SECTION 1. The Municipal Code of the Borough of Bay Head is hereby amended and supplemented so as to amend Chapter 69, entitled “Animals,” so as to add Article VII which shall be entitled “Pet Shops” and which shall read as follows:

§ 69-49 Definitions.

OFFER FOR SALE

To sell, offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog or cat.

PET SHOP.

Any room or group of rooms or cages or exhibition pen or other establishment which is not part of a kennel, wherein animals, including, but not limited to, dogs, cats, birds, fish, reptiles, rabbits, hamsters or gerbils, are kept, displayed or offered for sale.

§ 69-50 Pet Shops prohibited.

It shall be unlawful for any person, firm or corporation to operate a pet shop or otherwise offer for sale dogs or cats in the Borough of Bay Head.

§ 69-51 Exception

Nothing contained herein shall prohibit a shelter, pound or other establishment from keeping, displaying or selling any cat or dog which has been seized, rescued or donated.

§ 69-52 Violations and penalties

- A. Unless otherwise specified herein, for a violation of any provision of this article, the maximum penalty, upon conviction thereof, shall be a fine not exceeding \$1,000 or imprisonment for up to 90 days or a period of community service not exceeding 90 days, or any combination thereof. Except as otherwise provided, each and every day in which a violation of any provision of this article exists shall constitute a separate violation.
- B. All fines and penalties under this article may be paid directly to the Municipal Court Administrator, unless otherwise indicated by the officer issuing the summons.

SECTION 2. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 3. This ordinance shall take effect after second reading and publication as required by law.

ATTEST:

APPROVED:

Patricia M. Applegate, Municipal Clerk William W. Curtis, Mayor

Introduced on First Reading: May 1, 2017

Introduced on Second Reading: July 10, 2017

Denied on Second Reading: July 10, 2017

ATTEST:

APPROVED:

Patricia M. Applegate, Municipal Clerk William W. Curtis, Mayor