

ORDINANCE 2015-19

**AN ORDINANCE OF THE BOROUGH OF BAY HEAD,
COUNTY OF OCEAN, STATE OF NEW JERSEY
AMENDING SECTION 69-1 OF
THE MUNICIPAL CODE OF THE BOROUGH OF BAY
HEAD, ENTITLED CERTAIN ANIMALS PROHIBITED,
AND SECTION 69-2 OF THE MUNICIPAL CODE OF
THE BOROUGH OF BAY HEAD, ENTITLED
DEFINITIONS.**

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 so as to modify Chapter 69, entitled "Certain Animals Prohibited," which shall now read as follows:

§69-1 Certain Animals Prohibited

A pet is a domesticated animal (other than a disability assistance animal) that is kept for amusement or companionship. However, no person, possessor, or occupant of lands in the borough shall have, keep, raise, or maintain any animal that could be used for farm or agricultural purposes. Pets that serve as disability assistance animals must have proper documentation certifying to such status, and said documentation must be presented to the Zoning Officer.

§69-2 Definitions

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

"NUISANCE"

No person owning or having responsibility for the care, custody, or control of any common household pet shall permit such animal to become a nuisance by:

- (1) Depositing any feces or committing any nuisance upon any sidewalk, street, or thoroughfare or upon any public park, playground, or other public place.
- (2) Soiling or defiling or causing any injury or damage to any lawn, vegetable garden, shrubbery, trees, flowers, driveway, or ground on any private property of persons other than that of the owner or person responsible for the care, custody, or control of such pet.
- (3) Causing any injury to any person.
- (4) Crying, whining, howling, or otherwise disturbing the peace or quiet of the neighborhood or the sleep of any person for any unreasonable length of time.
- (5) Being or becoming a public nuisance or creating a condition hazardous to the safety, health, or wellbeing of any resident, business owner, or visitor.

No person shall keep, harbor, or maintain any common household pet,

which habitually disturbs the peace, comfort, or quiet of any neighbor. No person owning or having the responsibility for the care, custody, or control of any common household pet shall permit the accumulation of animal waste within or upon the premises where such animal or animals are kept, so as to allow the creation of any public health hazard or an odor of animal waste discernible beyond the property lines of the dwelling unit upon which the animal or animals are kept.

Each of the household animal behaviors described in this definition is hereby declared to be a nuisance.

§69-2 Definitions

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

“VICIOUS ANIMALS”

Any animal which has attacked or bitten any human being, or which habitually attacks other domestic animals, is hereby defined to be a vicious animal for the purpose of this section. It shall be the duty of any police officer of the Borough of Bay Head to receive and investigate complaints against animals, and when any animal complained against shall be deemed by such police officer of the Borough to be a vicious animal, as herein defined, said officer shall report the facts to the Judge of the Municipal Court, who shall thereupon cause the owner or person harboring such animal to be notified in writing of the complaint against such animal and to appear before said Judge at a stated time and place.

The Judge, at the time set for such hearing, shall inquire into the facts and give all interested persons an opportunity to be heard, under oath, and to be represented by counsel, and the Judge shall decide in accordance with the evidence before him. If the Judge shall decide that such animal complained of is a vicious animal, as defined by this section, notice of such decision shall be given to the owner or person harboring such animals. No animal which has been so determined to be a vicious animal shall be permitted to run at large or to be upon any street or public place in the Borough except while securely muzzled and under leash, and the owner or person harboring any such vicious animal who shall suffer or permit such animal to run at large or to be upon any street or public place in said Borough while not securely muzzled and under leash shall be guilty of a violation of this code provision.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this chapter 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 4. This ordinance shall take effect after the second reading and publication as required by law.

ATTEST:

APPROVED:

Patricia M. Applegate, Municipal Clerk

William W. Curtis, Mayor

Introduced on First Reading:

June 1, 2015

Introduced on Second Reading:

July 6, 2015

Approved on Second Reading:

July 6, 2015

ATTEST:

APPROVED:

Patricia M. Applegate, Municipal Clerk

William W. Curtis, Mayor