

ORDINANCE NO. 2011- 2

**AN ORDINANCE AMENDING AN ORDINANCE ENTITLED
"THE ORDINANCES OF THE BOARD OF HEALTH OF THE
BOROUGH OF UNION BEACH, 1993," CHAPTER BH:1 ANIMAL
CONTROL, TO ADD SECTION BH:1-2.7 UNCONFINED CATS AND
AMENDING SECTION BH:1-2.1.**

WHEREAS, the Board of Health of the Borough of Union Beach are authorized to regulate animal control throughout the Borough, and

WHEREAS, the Board of Health of the Borough of Union Beach has determined that specific rules are necessary to regulate unconfined or feral cats, and

WHEREAS. The Board of Health of the Borough of Union Beach has determined that limiting the total number of dogs within a household is necessary to preserve public health and safety.

NOW THEREFORE BE IT ORDAINED that Chapter BH:1 of the Ordinances of the Board of Health of the Borough of Union Beach be and is hereby amended to include the following:

BH:1-2.7 Unconfined Cats, definition: an unconfined cat shall be a cat which does not spend anytime within the home of an owner. Unconfined cat and feral cat shall be deemed to be the same. These animals live wild and may or may not be owned by any person.

BH:1-2.8 It shall be a violation to harbor, maintain or feed unconfined cats, except if expressly authorized by the Union Beach Board of Health as part of an organized program to *trap*, neuter and release (*TNR*) altered animals. Said program shall be approved before the commencement of such program. Each animal harbored, maintained or fed shall constitute a separate offense. *The Union Beach Board of Health also reserves the right to rescind such authorization.*

BH1:2.9 Penalty: Any person who violates any provision of section BH1:2.8 shall be liable on a first offense for not less that \$ 50.00 nor more than \$ 100.00, on a second offense not less than \$100.00 nor more than \$250.00, for a third or subsequent offense not less than \$ 250.00 nor more than \$ 500.00.

BE IT FURTHER ORDAINED that Section BH:1-2.1 is amended to add the following:

“ No owner is allowed to have any more than three dogs. No household shall have more than three dogs residing within *any* structure on a *subject property*.”

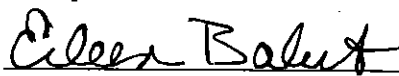
BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon its enactment.

INTRODUCED: August 15, 2011

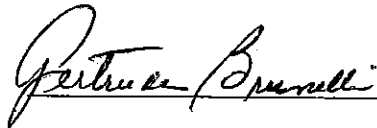
PASSED: SEPTEMBER 19, 2011

ADOPTED: SEPTEMBER 19, 2011

I hereby approve the adoption of this Ordinance this 19TH day of SEPTEMBER 2011.



Secretary Board of Health



Chairman Board of Health

BH:1-15 – Violations and Penalties

Except as provided in N.J.S.A. 4:19-15.19, any person who shall violate any provision of this article shall be subject to a fine of not less than \$25 or more than \$100 for the first offense, and not less than \$50 for the second offense and any offenses incurred thereafter.

ARTICLE 2 – CATS

BH:2-1 – Definition

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

BH:2-2 -Owner

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

BH:2-3 - Unconfined Cats – Definition

An unconfined cat shall be a cat which does not spend any time within the home of an Owner. Unconfined cat and feral cat shall be deemed to be the same.

BH:2-4 – Violation

It shall be a violation to harbor, maintain or feed unconfined cats, except if expressly authorized by the Union Beach Board of Health as part of an organized program to trap, neuter and release (TNR) altered animals. Said program shall be approved before the commencement of such program. Each animal harbored, maintained or fed shall constitute a separate offense. The Union Beach Board of Health also reserves the right to rescind such authorization.

BH:2-5 – Penalty

Any person who violates any provision of Section BH2:4 shall be liable on a first offense for not less than \$50.00 nor more than \$100.00, on a second offense not less than \$100.00 nor more than \$250.00, for a third or subsequent offense not less than \$250.00 nor more than \$500.00.

ARTICLE 3 – WILDLIFE FEEDING

BH:3-1 – DEFINITION

For the purpose of this section, the following words shall have the meanings stated herein:

- a. Wildlife shall mean any animal that is not human or domesticated;
- b. Feed shall mean to give, place, expose, deposit, distribute or scatter any edible material with the intention or reasonable likelihood of feeding, attracting or enticing wildlife, not