

Mr. Card offered the following ordinance pass final reading and moved on its adoption.

O-15-15
BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH
AN ORDINANCE SUPPLEMENTING CHAPTER 16 OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF HIGHLANDS WITH SECTION 16-5,
“PROHIBITED ANIMALS”

WHEREAS, the Borough of Highlands finds that it is necessary to supplement chapter 16 of the Revised General Ordinances of the Borough of Highlands (“Borough Code”) to include Section 16-5, “Prohibited Animals;” and

WHEREAS, such prohibitions previously existed in the Borough Code but were inadvertently removed during a prior recodification; and

WHEREAS, the Borough wishes to return such prohibitions to the Borough Code and to prohibit residents from possessing any goats, sheep, swine, horses, rabbits, chickens, pigeons or other fowl; and

WHEREAS, the Borough has determined that this amendment promotes the health, safety and welfare of its residents to prohibit possession of the above-referenced animals.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Highlands as follows:

SECTION ONE: Section 16-5, “Animals Prohibited,” shall be included in the Revised General Ordinance of the Borough of Highlands as follows:

16-5 PROHIBITED ANIMALS.

16-5.1 Prohibited Animals.

It shall be unlawful for any person to keep in his/her possession any goats, sheep, swine, horses, rabbits, chickens, pigeons or other fowl except as hereinafter provided.

16-5.2 Duties.

It shall be deemed that the Board of Health shall have the power and duty to regulate the control of pigeon fanciers in the Borough of Highlands. Pigeon fanciers shall be allowed when sanitary conditions, proper loft management and good loft construction prevail. The Executive Officer shall make an inspection every six months and a Health Permit shall be given.

16-5.3 Penalties.

- a. Any person found guilty of violating any of the foregoing provisions concerning possession of prohibited animals shall be subject to a fine not to exceed two hundred and fifty (\$250.00) dollars for an initial violation. For a second violation, the fine shall not exceed five hundred (\$500.00) dollars. For a third violation, the fine shall not exceed seven hundred and fifty (\$750.00) dollars. For a fourth violation, the fine shall not exceed one thousand (\$1000.00) dollars. For a fifth violation, the fine shall not exceed fifteen hundred (\$1500.00) dollars. For a sixth violation, the fine shall not exceed two thousand (\$2,000.00) dollars as well as for any violation thereafter. Additionally, when an offender is found to be a repetitious offender, the offender shall be subject to not more than 30 days imprisonment in the county jail for each subsequent offense. A repeat offender shall be defined as an individual who has violated the statute more than three times within a four-week period of time.
- b. Each day that this chapter is violated shall constitute a separate offense.

16-5.4 Severability.

If any provision of this ordinance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

SECTION TWO. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

SECTION THREE. Repealer. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION FOUR. Effective. This Ordinance shall take effect after final passage and publication as provided by law.

Seconded by Ms. Ryan and all were in favor on the following roll call vote:

ROLL CALL:

AYE: Mr. Card, Ms. Kane, Mr. Redmond, Ms. Ryan
NAY: None
ABSENT: Mayor Nolan
ABSTAIN: None

DATE: May 20, 2015

Carolyn Cummins, Borough Clerk

I hereby certify this to be a true copy of Ordinance O-15-15 adopted by the Governing Body of the Borough of Highlands on May 20, 2015.

Borough Clerk/Deputy Clerk

