

PREPARED BY:

KARL T. METH, ESQ.

JUL 19 2010



PLEASE RETURN TO:

LAW OFFICES OF ARNOLD J. CALABRESE
A Professional Corporation
25B Hanover Road, Suite 120
FLORHAM PARK, NEW JERSEY 07932

WHARFSIDE MANOR CONDOMINIUM ASSOCIATION, INC.
POLICY RESOLUTION NO.: -2010
RELATING TO ESTABLISHMENT OF ANIMAL CONTROL PROCEDURES

WHEREAS, this Resolution is made this 18th day of JANUARY, 2010, by "WHARFSIDE MANOR CONDOMINIUM ASSOCIATION, INC.," a New Jersey non-profit corporation, located in the Borough of Monmouth Beach, County of Monmouth, and State of New Jersey; and

WHEREAS, by Master Deed made on April 13, 1983 and recorded on April 18, 1983, in the Monmouth County Clerk's Office, in Deed Book 4401, at Page 437, et. seq. and Page 587, et. seq., as amended, Wharfside Manor I and II were established pursuant to N.J.S.A. 46:8b-1 et. seq; and

WHEREAS, the Master Deed vested authority to administer, supervise and manage the Condominium in WHARFSIDE MANOR CONDOMINIUM ASSOCIATION, INC. (hereinafter the "Association") in the Board of Trustees; and

WHEREAS, the Board of Trustees feels it in the best interest of the Association to add this Resolution as an Addendum to its Master Deed and By-Laws; and

WHEREAS, Section 46:8B-13d of the Condominium Act of New Jersey provides that the By-Laws of an Association may provide a method for the "enforcement of reasonable administrative rules and regulations relating to the operation, use, maintenance and enjoyment of the Units and of the common property including limited common elements"; and

WHEREAS, the Governing Documents empower the Board with all duties necessary for the proper conduct and administration of the affairs of the Association and the operation and maintenance of the Development and to do or cause to be done all such other lawful acts and things as are not by law, or by the Governing Documents directed or required to be done or exercised by members of the Association, or by others; and

WHEREAS, Section 14. Q of the By-Laws for the Association provides that the Board may, "make and enforce compliance with such reasonable rules and regulations relative to the operation, use and occupancy of the Units, common elements and Association facilities, and to amend the same from time to time, as when approved by appropriate resolutions, shall be binding on the owners and occupants of units, their successors initial and assigns."

11 CLAIRE FRENCH, CTY CLK
MONMOUTH COUNTY, NJ

INSTRUMENT NUMBER
2010066689

RECORDED ON

JUL 22, 2010

10:48:26 AM

BOOK: OR-8841

PAGE: 8320

Total Pages: 5

COUNTY RECORDING

FEES \$80.00

TOTAL PAID \$80.00

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WHEREAS, the Board of Trustees recognizes that the Association's Property has become negatively affected by feral cat populations and the feeding of those feral cats and other wild animals/birds on the Property; and

WHEREAS, the Board of Trustees desires to add a rule and regulation that governs the feeding of such non-domesticated animals and/or birds; and

WHEREAS, the Board also deems it desirable in the best interest of the Association to establish Rules and Regulations regarding the harboring of pets within the and insure the proper cleanup after pets to protect the common property from damage.

NOW, THEREFORE BE IT RESOLVED THAT the following rules and regulations pertaining to animal control be and the same are hereby adopted:

1. All dogs and cats must be licensed by the Borough of Monmouth Beach, Monmouth County, New Jersey.
2. All dogs and cats must be on a leash while on the Common Property, and accompanied by their owner or caretaker. The leash may not be longer than 8 feet in length.
3. No pet may be tied, leashed, staked, or otherwise affixed to the Common Property.
4. No resident shall keep, harbor or maintain a pet which habitually disturbs the quiet enjoyment of neighbors, or is an annoyance or nuisance to the Community.
5. Pet Owners shall be responsible for immediately cleaning up and proper disposal of their animal's waste regardless of location.
6. No pet shall become a hazard or threat to any Unit Owner, Tenant, the General Public or member of the Association staff.
7. Any complaints or problems related to pet noise will be addressed on an individual case basis. With regard to such incidents, owners are asked to first resolve problems on their own.
8. No unit owner, resident and/or guest may feed any wildlife, which shall include, but are not limited to, "feral" cats and/or uncaged (wild) birds while on Common Property. A "feral cat is defined as the following:
 - a. An unowned and untamed cat separated from domestication, or
 - b. A domesticated cat that has returned to the wild, or the offspring of such a cat.

9. The Association recognizes Section 5-13 of the Monmouth Beach Code, which is attached hereto as Schedule "A" for reference, as adopted. Definitions for this Paragraph shall be as follows:

"Feed" shall mean to give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife.

"Person" shall mean any individual, corporation, company, partnership, firm, and/or association.

"Wildlife" shall mean all animals that are neither human nor domesticated.

10. No bird feeders or bird baths shall be permitted anywhere on the General Common Elements.
11. Should a unit owner, resident and/or his tenant violate this Rule and Regulation, the Board or Covenant's Committee may notify the Borough of Monmouth Beach Health Department, and impose the following fines upon the Unit owner violating this rule and regulation, notwithstanding the Association's exercise of any other remedy it may have by law or under the Governing Documents:

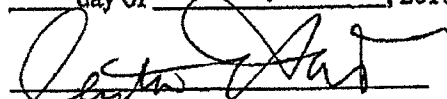
The Committee or the Board shall have the right to impose the following fines upon any resident, unit owner and/or guest who is found to have violated any provision of this Resolution:

- a. For the first violation, a minimum fine of \$25.00 up to a maximum fine of \$100.00;
 - b. For each subsequent violation of the same provision of this Resolution, a fine of between \$100.00 to \$200.00 will be imposed;
 - c. In any given instance, thereafter, the Board or Committee may impose a fine within the guidelines, in an amount it deems necessary to achieve compliance. In any event, cumulative fines for the same offense shall never exceed \$5,000.00.
12. For every thirty (30) day period that a fine remains unpaid, a \$15.00 late charge shall be imposed until all fines are paid in full.

13. Each occurrence of a violation of these Rules and Regulations shall constitute a separate offense.

CERTIFICATION

I hereby certify that the foregoing was duly adopted at a regular meeting of the Board of Trustees of **WHARFSIDE MANOR CONDOMINIUM ASSOCIATION, INC.**, held on the 18th day of January, 2010.

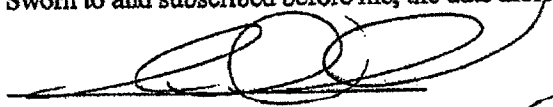

Christine Hart, Secretary
Trustee



Wayne J. Morrison, President

STATE OF NEW JERSEY)
COUNTY OF MONMOUTH) ss:

BE IT REMEMBERED, that on this 18th day of January, 2010, before me, the subscriber, a ~~Notary Public~~ Attorney at Law of the State of New Jersey, personally appeared Wayne J. Morrison, who being by me duly sworn on his/her oath, deposes and makes proof to my satisfaction, that he/she is the President of the Corporation named in the within instrument; that CHRISTINE HART is the Trustee of said Corporation; that the execution as well as the making of this Instrument; has been duly authorized by a proper resolution of the governing board of the said Corporation; and that said Instrument was signed and delivered by said Board Members as and for the voluntary act and deed of said Corporation, in the presence of deponent, who thereupon subscribed his/her name thereto as attesting witness.

Sworn to and subscribed before me, the date aforesaid.


An Attorney at Law ~~or Notary Public~~
of the State of New Jersey
W:\Resolutions\Wharfside\admsl control Res.spd


Attorney at Law
State of New Jersey

SCHEDULE "A"

5-13 WILDLIFE FEEDING.

5-13.1 Purpose.

This section is enacted to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Borough so as to protect public health, safety and welfare and to prescribe penalties for failure to comply. (Ord. No. O-15-06 § I)

5-13.2 Definitions.

As used in this section:

Feed shall mean to give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.

Person shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

Wildlife shall mean all animals that are neither human nor domesticated.
(Ord. No. O-15-06 § II)

5-13.3 Prohibited Conduct.

No person shall feed, in any public park or on any other property owned or operated by the Borough of Monmouth Beach, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers). (Ord. No. O-15-06 § III)