

ORDINANCE 1234-2015

AN ORDINANCE ADOPTING AND AMENDING ORDINANCE # BOH 2-2011 OF THE BOROUGH OF MOUNTAINSIDE BOARD OF HEALTH

WHEREAS, the Mayor and Council of the Borough of Mountainside, County of Union, and State of New Jersey have determined that there is a need to protect the health, safety, and welfare of the residents of the Borough; and

WHEREAS, by way of Ordinance #BOH 2-2011, the Borough Board of Health adopted an ordinance prohibiting the unsanitary feeding of pets and requiring the removal of cat feces; and

WHEREAS, the Mayor and Council have determined it is in the interest of the public to codify the Board of Health ordinance in order to have all ordinances applicable to privately owned animals consolidated in one location; and

WHEREAS, the Mayor and Council have determined to add additional terms and prohibitions to #BOH 2-2011; and

WHEREAS, the outdoor feeding of domesticated animals, including cats, within the Borough, attracts raccoons and other wild animals and encourages the establishment of feral and stray cats; and

WHEREAS, the Mayor and Council have determined to prohibit the outdoor feeding of domesticated animals along with additional identification requirements for domesticated animals.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council as follows: BOH #2-2011 is hereby adopted and amended as follows:

Section 1. Feeding Prohibited

The feeding of stray or feral cats is prohibited. The maintenance and/or feeding of privately owned cats in such a manner as to create unsanitary conditions, attract vermin, or be potentially detrimental to health or create a public health nuisance, including the feeding of cats outdoors, is hereby prohibited. All feeding of privately owned cats must occur indoors, and indoors is defined in this ordinance to mean all areas in a building enclosed by an exterior wall, excluding, however, attic and cellar areas, utility rooms, open porches, breezeways and garages.

Section 2. Animal Nuisances

- A. It shall be unlawful for any person to permit a cat within their ownership or control to excrete feces onto any private or public property, without immediately removing and, within a reasonable time, properly disposing of such feces.
- B. Section 2, paragraph A. of this Ordinance shall not apply where the owner or occupant of private property grants permission for a cat to excrete feces on that property, provided such feces does not accumulate to such a degree that it shall create an objectionable smell or other nuisance to the public or neighboring properties. This exception shall not exempt such owners or occupants from being subject to the public nuisance, property maintenance and public health regulations of the Borough.
- C. The sanitary manner for removal of feces shall be by the placement of the removed feces in a sealed plastic bag and then further placed in said owner's own garbage or waste removal container and shall not be by placement of the feces, whether in a sealed plastic bag or not, in any garbage or waste container owned or maintained by the Borough of

Mountainside or any garbage or waste container of any other person or entity, or storm sewer.

Section 3. Remedies

Should the circumstances described in Section 2(A) occur, where a resident who has not given permission for a cat to excrete feces on property controlled by the resident, and such feces are not removed within a reasonable time, the resident may contact the Borough Animal Control officials or such other persons as the Borough may designate, and request the trapping of the cat responsible at no cost to the complaining resident. When such a cat is trapped, Borough representatives or assigns will inspect the animal for license tags or scan for an identification microchip, as required by Ord. 91-001, and return the cat to its owner. If there is no evidence of license or microchip, the cat shall be turned over the animal shelter currently under contract with the Borough to accept stray animals.

Section 4. Violations and Penalties.

Any person violating any provision of this Ordinance shall be punished by a fine not to exceed \$200.

AND BE IT FURTHER ORDAINED THAT all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

This ordinance shall take effect immediately upon final adoption and publication and in the manner provided by law.