

## ORDINANCE 1235-2015

### AN ORDINANCE ADOPTING AND AMENDING ORDINANCE # BOH 1-2012 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 1-2012, the Borough Board of Health adopted an ordinance limiting the number of dogs and cats that would be permitted to live in residences in the Borough; 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

NOW THEREFORE BE IT ORDAINED by the Mayor and Council as follows: BOH #1-2012 is hereby adopted and amended as follows:

#### Section 1. Definitions - for the purposes of this Ordinance:

- A. Foster Placement - Is defined as a temporary placement of less than six (6) months that a domestic animal lives in a residence while the person who possesses such animal is attempting to find a permanent placement for the animal
- B. Residence, Multi-Unit - A dwelling which is occupied, as a rule, for permanent residence purposes and which is either sold, rented, leased, let or hired out, to be occupied as a residence or home with two or more separate independent units, each of which generally contains sanitary, sleeping, kitchen and dining facilities, fixed or portable.
- C. Residence, Single Unit - One or more rooms comprising living accommodations designed and used for occupancy with one (1) single housekeeping unit and typically containing sanitary, sleeping, kitchen and dining facilities, fixed or portable, for one such unit.

#### Section 2. Limit on Number of Dogs and/or Cats.

No more than six (6) dogs and/or cats are permitted to be harbored or kept in any single family residence. No more than three (3) dogs and/or cats are permitted to be harbored or kept in an individual unit of a multi-unit residence. This Section shall not apply to cats or dogs that are in foster placement.

#### Section 3. Grandfathering.

If as of the effective date of #BOH 1-2012 a resident had obtained licenses as required by Ordinance 91-001 for more than the number of animals permitted by #BOH 1-2012, such resident shall be allowed to renew such licenses, provided however, that as the licensed animals die or otherwise are removed from the residence the resident shall not be permitted to replace same and instead will be limited to the number of animals permitted in Section 2.

#### Section 4. Violations and Penalties.

Any person violating any provision of this article shall be punished by a fine not to exceed \$200. Each day the violation continues shall constitute a separate and distinct offense.

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.