ORDINANCE NO. 2-04

AN ORDINANCE OF THE BOARD OF HEALTH OF THE BOROUGH OF MORRIS PLAINS REQUIRING THE REMOVAL OF PET WASTE FROM PUBLIC OR PRIVATE PROPERTY IN THE BOROUGH OF MORRIS PLAINS TO BE KNOWN AS ARTICLE 12 "PET WASTE REMOVAL" IN APPENDIX A OF THE "REVISED ORDINANCES OF THE BOROUGH OF MORRIS PLAINS, NEW JERSEY, 1972."

WHEREAS, pursuant to the authority set forth in N.J.S.A. 26:3-31, the Board of Health of the Borough of Morris Plains (the "Board") is desirous of regulating the management of pet waste within the Borough of Morris Plains to promote the public health safety and welfare of the residents of the Borough.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Health of the Borough of Morris Plains, as follows:

Section 1:

That Appendix A of the Ordinances of the Borough of Morris Plains be amended and supplemented with the addition of a new Article 12, which shall read as follows:

ARTICLE 12. PET WASTE REMOVAL.

App. A. 12-1. Purpose.

The purpose of this Ordinance is to prevent the deterioration of water resources within the Borough of Morris Plains, County of Morris, and to prevent non-point source pollution of the water resources of the community. It is recognized that dogs, cats and other household animals may cause non-point source pollution if their waste is not properly managed. The public health and welfare can be negatively affected by pet owners who do not pick up after their pets.


It has been determined that one of the underlying causes for the degradation of water quality is the coliform bacteria, nitrogen, phosphorus and other contaminants generated by uncontrolled pet waste. Therefore, it is hereby determined that the proper management of pet waste shall be a matter which is regulated in order to protect the health and safety of the residents of the Borough.

a) Any person owning or in charge of any dog, cat or other animal, which soils, defiles, defecates on, or commits any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area, park, or any place where people congregate or walk, or upon any public property whatsoever, or upon any private property shall immediately remove all feces deposited by such dog, cat or other animal in a sanitary manner.

b) The feces removed from the aforementioned designated areas shall be disposed of by the person owning or in charge of any dog, cat or other animal, in a sealed, nonabsorbent, leakproof container. This material shall be disposed of in the trash in a manner which does not create a nuisance.

**App. A. 12-4. Enforcement and penalties.**

a) Any person who violates the provisions of this Ordinance shall be subject to a fine of not less than One Hundred Dollars ($100) nor more than Five Hundred Dollars ($500).

b) The provisions of this Ordinance shall be enforced by the Health Officer of the Borough, such other personnel of the Health Department as may be directed to enforce this section by the Health Officer, the Animal Control Officer of the Borough and the Police Officers of the Borough of Morris Plains.

**Section 2:**

Upon the introduction of this ordinance, three copies of this Ordinance have been placed on file in the office of the Secretary of this local Board of Health and in the Borough Clerk’s Office for use and examination by the public and said copies will remain on file in said offices until final action is taken on this ordinance.

**Section 3:**

All other provisions set forth in the ordinances of the Board of Health as set forth in Appendix A of the Revised Ordinances shall be unaffected and are hereby continued.

**Section 4:**

All Ordinances and parts of Ordinances of the Board of Health inconsistent herewith are hereby repealed to the extent of such inconsistency.
Section 5:

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid by a Court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance.

Section 6:

This Ordinance shall take effect immediately after final passage and publication in accordance with law.