

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY**

ORDINANCE #9-05

**AN ORDINANCE OF THE BOROUGH OF MENDHAM,
COUNTY OF MORRIS, AND STATE OF NEW JERSEY TO
AMEND CHAPTER 73, ANIMALS, OF THE CODE OF THE
BOROUGH OF MENDHAM**

BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Mendham, in the County of Morris, and State of New Jersey, as follows:

SECTION 1. The title of Chapter 73 is hereby amended to read "Dogs and other pets", and the definition of Article 1 is hereby amended to read "Licensing requirements for dogs and requirements for the proper disposal of dog and other pet feces/solid waste".

SECTION 2. Chapter 73, Animals, Article I, Dogs, Section 73-1, Definitions, of the Code of the Borough of Mendham, Morris County, New Jersey is hereby amended and supplemented by the addition of the following definition:

"PET. A domesticated animal (other than a disability assistance animal) kept for amusement or companionship."

SECTION 3. Chapter 73, Article I, Dogs, Section 73-12, Defecation, of the Code of the Borough of Mendham, Morris County, New Jersey is hereby amended to read as follows:

"Section 73-12. Removal of dog or pet feces/solid waste.

A. Purpose. The purpose of this section is to protect the health, safety and welfare of all those frequenting this municipality by establishing requirements for the proper disposal of dog or pet feces/solid waste and preventing the needless health hazards and nuisances caused by dog or pet feces/solid waste upon public and private property located within the Borough.

B. Nuisance prohibited; curbing of dogs or other pets; responsibility of owner.

(1) Any person owning or in charge of any dog or pet which soils, defiles, defecates on or commits any nuisance of any common thoroughfare, sidewalk, passageway, bypath, play area, park or any place where people congregate or walk, or upon any public property whatsoever, including the portion of the street lying between the curb lines and commonly used for curbing dogs or pets, or upon any private property without permission of the owner of said property, shall immediately remove all feces/solid waste deposited by any such dog or pet in a sanitary manner. Owners of private property shall likewise dispose of any dog or pet feces/solid waste removed from their own private property in a sanitary manner.

(2) The dog or other pet feces/solid waste removed from the aforementioned designated areas shall be disposed of by the person owning or in charge of the dog or pet by placement in a designated waste receptacle, or other sealed, nonabsorbent, leakproof container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or by disposal into a system designed to convey domestic sewage for proper treatment and disposal.

(3) The provisions of this article shall not apply to dog or pet owners and keepers who require the use of a disability assistance animal while such animal is being used for that purpose."

SECTION 4. All ordinances of the Borough of Mendham that are inconsistent with the provisions of this Ordinance 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 unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 6. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

Introduced: April 4, 2005

Adopted: May 2, 2005

ATTEST:

APPROVED:

Maureen Massey, RMC, CMC
Borough Clerk

Neil Henry, Council President

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY**

ORDINANCE #16-16

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY TO AMEND CHAPTER 73, "DOGS AND OTHER PETS," ARTICLE I, "LICENSING REQUIREMENTS FOR DOGS AND REQUIREMENTS FOR THE PROPER DISPOSAL OF DOG AND OTHER PET FECES/SOLID WASTE," SECTION 73-12, "REMOVAL OF DOG OR PET FECES/SOLID WASTE" OF THE CODE OF THE BOROUGH OF MENDHAM TO CLARIFY PROCEDURES REGARDING THE DISPOSAL OF DOG OR PET FECES/SOLID WASTE

WHEREAS, it was brought to the Borough's attention that some dog or pet owners have been disposing of their pet's feces/solid waste in privately-owned waste receptacles causing a nuisance for some Borough residents; and

WHEREAS, the Borough seeks to clarify the procedures for the disposal of dog or pet feces/solid waste.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Mendham as follows:

Section 1. Chapter 73, "Dogs and Other Pets," Article I, "Licensing Requirements for Dogs and Requirements for the Proper Disposal of Dog and Other Pet Feces/Solid Waste," Section 73-12, "Removal of Dog or Pet Feces/Solid Waste" of the Code of the Borough of Mendham shall be amended to read in its entirety as follows:

§ 73-12 Removal of dog or pet feces/solid waste.

A. Purpose. The purpose of this section is to protect the health, safety and welfare of all those frequenting this municipality by establishing requirements for the proper disposal of dog or pet feces/solid waste and preventing the needless health hazards and nuisances caused by dog or pet feces/solid waste upon public and private property located within the Borough.

B. Nuisance prohibited; curbing of dogs or other pets; responsibility of owner.

(1) Any person owning or in charge of any dog or pet 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, including the portion of the street lying between the curb lines and commonly used for curbing dogs or pets, or upon any private property without permission of the owner of said property, shall immediately remove all feces/solid waste deposited by any such dog or pet in a sanitary manner.

Owners of private property shall likewise dispose of any dog or pet feces/solid waste removed from their own private property in a sanitary manner.

(2) The dog or other pet feces/solid waste removed from the aforementioned designated areas shall be disposed of by the person owning or in charge of the dog or pet by placement in one of the following receptacles:

- (a) A designated public waste receptacle;
- (b) The dog or pet owner's, sealed, nonabsorbent, leakproof container which is regularly emptied by the municipality or some other refuse collector; or
- (c) A system designed to convey domestic sewage for proper treatment and disposal.

All dog or other pet feces/solid waste must be first placed into an individual bag which shall be tied before placement into the receptacle. Under no circumstances may dog or other pet feces/solid waste be deposited into a privately-owned waste receptacle other than a receptacle owned by the dog or pet owner.

(3) The provisions of this section shall not apply to dog or pet owners and keepers who require the use of a disability assistance animal while such animal is being used for that purpose.

Section 2. If any portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion, and such holding shall not affect the validity of the remaining portions hereof.

Section 3. This Ordinance may be renumbered for codification purposes.

Section 4. All Ordinances or parts of Ordinances, which are inconsistent with the provisions of this Ordinance, are hereby repealed as to the extent of such inconsistencies.

Section 5. This Ordinance shall take effect immediately upon final passage and publication in the manner according to law.

Introduced: November 21, 2016

Adopted: December 5, 2016

DATED: December 5, 2016

ATTEST:

Neil Henry, Mayor

Margot G. Kaye
Borough Clerk

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY**

ORDINANCE #34 - 05

**AN ORDINANCE OF THE BOROUGH OF MENDHAM,
COUNTY OF MORRIS, AND STATE OF NEW JERSEY
TO AMEND AND SUPPLEMENT CHAPTER 73,
ANIMALS AND CHAPTER 102, FEES, OF THE CODE
OF THE BOROUGH OF MENDHAM**

BE IT ORDAINED, by the Borough Council of the Borough of Mendham, in the County of Morris, and State of New Jersey as follows:

SECTION 1. Chapter 73, Animals, Article I, Dogs, Section 73-6, Fee for delinquent registration, of the Code of the Borough of Mendham, is hereby amended to read as follows:

"§73-6. Fee for delinquent registration.

Any dog owner or person harboring a dog found to have an unlicensed dog by the borough dog canvassers or any other municipal official after February 1 shall be required to pay an additional delinquent fee as set forth in Chapter 102, Fees, plus the required license fee as provided in Section 73-4, for his or her dog license, together with any other fines due to summons issued that may be imposed on him or her for failure to obtain a dog license before February 1. The aforementioned fee shall not apply to dogs which have been acquired by the owner after February 1, for which the license fee shall be the same as required by Section 73-4. The owner, however, must present sufficient proof to establish that the said dog was acquired after February 1."

SECTION 2. Chapter 73, Animals, Article III, Cats, Section 73-25, Fees, paragraph A, is hereby amended to read as follows:

"A. A license and registration tag or sleeve shall be issued after payment of a fee for each unneutered cat and for each neutered cat as set forth in Chapter 102, Fees. Any cat owner or person harboring a cat found to have an unlicensed cat by the borough cat canvassers or any other municipal official after February 1 shall be required to pay an additional delinquent fee as set forth in Chapter 102, Fees, plus the required license fee as provided in Chapter 102, for his or her cat license, together with any other fines due to summons issued that may be imposed on him or her for failure to obtain a cat license before February 1. The aforementioned fee shall not apply to cats which have been acquired by the owner after February 1, for which the license fee shall be the same as required in Chapter 102. The owner, however, must present

sufficient proof to establish that the said cat was acquired after February 1."

SECTION 3. Chapter 102, Fees, Section 102-1, Schedule of fees, of the Code of the Borough of Mendham, is hereby amended with respect to the fees for Chapter 73, Animals, in the following particulars only:

a. Article I, Dogs, §73-6, is hereby amended to read as follows:

"Chapter/Section	Service	Fee
§73-6	Delinquent registration (per dog)	\$10.00"

b. Article III, Cats, §73-25A, is hereby amended to read as follows:

"Chapter/Section	Service	Fee
§73-25A	License and registration tag or sleeve (per cat)	
	Unneutered	\$11.00
	Neutered	\$ 8.00
	Delinquent registration	\$10.00"

SECTION 4. All Ordinances of the Borough of Mendham, which are inconsistent with the provisions of this Ordinance, 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 unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 6. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

SECTION 7. This Ordinance may be renumbered for codification purposes.

Introduced: November 21, 2005

Adopted: December 19, 2005

ATTEST:

APPROVED:

Maureen Massey, RMC, CMC
Borough Clerk

Richard G. Kraft, Mayor