

NOTICE OF PENDING ORDINANCE
NOTICE IS HEREBY GIVEN

that at a virtual meeting of the Board of Health of the Borough of North Plainfield held on November 17, 2020 there was introduced and read for the first time, and passed on such first reading, an ordinance, a true copy whereof is printed below and that said Board did then and there fix the regular meeting of said Board of Health to be held on December 14, 2020 at 7:30 p.m. or as soon thereafter as the matter may be heard, and the Borough Council Chambers, 263 Somerset Street, North Plainfield, New Jersey as the place when and where said ordinance will be further considered for final passage, at which time and place, or at any time and place to which such meeting shall from time to time be adjourned, all persons interested will be given an opportunity to be heard concerning such ordinance.

The said ordinance as introduced and passed on first reading as aforesaid is in the following words and figures:

ORDINANCE NO. HO 20-02

**AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 26,
ARTICLE IV, SECTION 26-4 OF THE BOROUGH CODE, ENTITLED
“ANIMALS; KEEPING AND CARE OF; RABIES”**

WHEREAS, the Borough Board of Health finds it necessary and appropriate to amend, revise and supplement Chapter 26, Article IV, Section 26-4 of the Borough Code regarding the keeping of animals.

NOW, THEREFORE, BE IT ORDAINED by the Board of Health of the Borough of North Plainfield, County of Somerset, State of New Jersey that the Borough Code of the Borough of North Plainfield be amended, revised and supplemented as to Chapter 26, Article IV, Section 26-4, entitled “Animals; Keeping and Care of; Rabies” as follows:

§ 26-4.1 Large Animals; Permit; Duration; Fee; Horses.

No person shall keep swine, tigers, lions, chimps, gorillas, large monkeys, roosters, horses, cattle, sheep, goats or any other large or miniature non-domesticated and/or wild animals within the Borough.

~~b. All persons desiring to keep one or more horses, cattle, sheep, goats or other large animals within the Borough shall, before keeping the same, apply to the Board of Health, in writing, stating the type and number of animals to be kept and the size and location of facilities for housing and pasturing any such animals. The Board shall have authority to limit or prohibit animal population on any premises in keeping with environmental concerns and the health, safety and welfare of persons and property.~~

~~e. No person shall keep any such animals until such application is approved by the Board and a written permit is issued to the applicant by the Board of Health.~~

~~d. Permits, when issued, shall be for one calendar year (January 1 to December 31) or any portion thereof.~~

~~e. The annual fee for such permit shall be \$25 for each animal per calendar year.~~

~~f. All premises wherein animals are kept may be subject to inspection by the Sanitary Inspector.~~

~~g. Special Conditions for Keeping of Horses.~~

~~No permit shall be issued for the keeping of one or more horses, nor shall one or more horses be kept on any property in the Borough, unless the premises on which the horse or horses are kept comply with the following conditions:~~

~~1. No stable, building, storage space, lean to or other facility used for the housing of such horse or horses shall be closer than 50 feet to any dwelling house, including the dwelling house on the premises on which the horse is kept; and~~

~~2. No manure or urine shall be stored within 20 feet of the property line of the premises on which the horse or horses are stored nor within 50 feet of any building on property either adjoining or in the approximate vicinity of the property on which the horse or horses are housed.~~

§ 26-4.2 Rabbits and Fowl; Permit; Duration; Fee.

a. All persons desiring to keep more than ~~two~~ one (1) but less than four (4) rabbits or chickens ~~guinea pigs, hamsters, chinchillas or other domesticated animals or pigeons, ducks, geese, poultry or other fowl~~ shall provide a suitable cage, house or coop safe from predators and shall, before keeping the same, apply to the Board of Health (or designated officials), in writing, stating the type and number of animals to be kept and the size and location of facilities for housing and pasturing any such animals. The Board of Health or Borough Health Officer (or designated officials), shall have authority to limit or prohibit animal populations on any premises in keeping with environmental concerns and the health, safety and welfare of persons and property. The applicant shall provide the names, addresses and phone numbers of all surrounding neighbors where the animals are to be kept along with a written letter indicating their approval of same. The cage, house or coop must be a minimum of fifty (50) feet from any neighboring property line.

b. No person shall keep any of the foregoing unless and until the application is approved by the Board of Health and a written permit issued.

c. Permits, when issued, shall be for one (1) calendar year ~~(January 1 to December 31)~~ (April 1 to March 31 of the succeeding year of issuance) ~~or any portion thereof.~~

d. The annual fee for such permits shall be \$25 per animal per calendar year.

e. All premises wherein animals are kept shall be subject to inspection by the Sanitary Inspector or other Board of Health designated officials.

f. Dogs and cats are excluded from this subsection (see also Chapter 5 of the Borough Code, entitled Animal Control).

§ 26-4.3 Maintenance of Premises.

All persons keeping one or more animal, pigeon or fowl, and including dogs, cats and birds, shall keep the premises clean and free from the accumulation of solid or liquid excrement or other filth, free from any condition where noxious or offensive odors may be present, and free from any condition which may breed flies, insects, rodents or other vermin.

§ 26-4.4 Noise From Animals.

No person owning, occupying or having charge of any house, stable, coop or other building or premises shall keep or allow therein or thereon any animal, fowl or pigeon, including dogs, cats, and birds which shall, by noise or otherwise, disturb the quiet and repose of any person therein or in the vicinity thereof to such an extent as to affect the health and comfort of such person.

§ 26-4.5 Running at Large.

No person owning or keeping any animal or fowl shall permit it to run at large.

§ 26-4.6 Watering, Feeding and Housing.

All persons owning or keeping animals, fowl or pigeons shall maintain adequate facilities to provide sanitary water, proper feeding equipment and sanitary housing.

§ 26-4.7 Removal of Uneaten Food; Cleaning of Troughs.

All food not eaten at the end of each day shall be removed and feeding vessels and troughs shall be thoroughly cleaned.

§ 26-4.8 Removal of Animals Detrimental to Public Health.

No person shall continue to keep animals, fowl, or birds of any kind in any building or upon any premises in the Borough when the Board of Health or designated officials may deem such keeping of animals, fowl or birds to be detrimental to the public health, safety and welfare, or the environment. In cases where conditions warrant the issuance of an order to discontinue the keeping of animals, fowl or birds at particular premises or portion thereof, such order shall be issued in writing and posted upon the premises. The owner or person in charge of the animals, fowl or birds shall remove or cause the animals, fowl or birds, as the case may be, to be removed from such premises or portion thereof within such time as the Board of Health or designated officials may provide in the order. In cases where immediate removal is deemed essential to public welfare, safety and welfare, or to protect the environment, the Borough or designated officials or Animal Control Officer, as applicable ~~Borough Sanitary Inspector~~ may require immediate compliance without the issuance of any order.

§ 26-4.9 Noncompliance; Removal by Enforcing Official.

In any case of noncompliance with any order of the Board of Health or designated officials with respect to removal of animals, fowl or birds, the Borough ~~Sanitary Inspector~~ Animal Control Officer, if applicable or Borough Health Officer or designated officials is authorized to arrange for the removal, maintenance or destruction of the offending animals, fowl or birds in such manner as he deems appropriate and to issue such other violation notices or summonses as permitted by the Health Code or other applicable laws or rules or regulations.

§ 26-4.10 Disposal of Dead Animals.

The owner or person in charge of any animal, fowl or bird which may die shall forthwith cause the carcass to be disposed of within twenty-four (24) hours in a manner that is not detrimental to the public health, safety and welfare of the community or to the environment.

§ 26-4.11 Rabies; Biting; Confinement of Animals; Release from Isolation.

a. Procedure when person has been bitten by animal. Any person owning or being in charge of any animal which has bitten or attacked any person shall immediately and closely confine such animal so that it may not approach or be approached by any other animal or any unfamiliar person until it has been inspected by the Health Inspector or Borough Health Officer or any other officer of the Borough on behalf of the Board of Health; and as soon as it is reasonably possible, but no longer than twelve (12) hours after such bite or attack, the owner or person in charge of such animal shall report to the Board of Health or the Borough Health Officer, the principal facts of the incident, or, if no Board of Health official or the Borough Health Officer can be reached, the report shall be made to the Borough Police Department.

b. Examination and isolation of animal. Upon receipt of such notification, the Borough Health Officer shall order the examination of the animal by a licensed veterinarian. The Borough Health Officer shall also serve formal notice, as required under State law, that the animal must be confined for at least ten (10) calendar days after the date of the bite or attack, except that, if, upon evaluation, the Borough Health Officer believes that other immediate or special action is necessary, he is empowered to take such action and shall immediately advise the Board of such action. The veterinarian report must be sent to the Borough Health Officer within five (5) calendar days of a bite.

c. Release from isolation. At the end of the isolation period, if, in the opinion of the Borough Health Officer, the animal is found to be normally healthy, it may be released from isolation. No such animal shall be destroyed during the isolation period, except by permission of the Board of Health.

d. Procedure for animals bitten by rabid animals. Any person knowing or suspecting that any animal in his possession has been bitten or attacked by an animal known to have or suspected of having rabies shall immediately confine such animal and notify the Board of Health or, if no official can be reached, the Borough Police Department. Upon receipt of such notification, the Borough Health Officer shall direct what further steps shall be taken with respect to such animal.

e. Confinement and report of animals suspected of having rabies. It shall be the duty of every person who detects in any animal the symptoms of rabies to confine the animal and immediately notify the Board of Health of his suspicions and of the whereabouts of the confinement.

f. Report of dead animals suspected of being rabid. It shall be the duty of any person who suspects or has reason to suspect that a dead animal within his knowledge or possession has been rabid or has been bitten by an animal known to have been rabid to immediately report these suspicions to the Board of Health, who may take or direct such action as is reasonably necessary to protect the public health, safety and welfare, and the environment.

g. Report by person bitten or treating physician. Any person who has been bitten or attacked by any animal in the Borough and any physician or other such person who has been consulted by or has treated any person who has been bitten or attacked by any animal shall, within twelve (12) hours of becoming aware of such incident, report the circumstances to the Board of Health or the Borough Health Officer or the Borough Police Department.

NOW, THEREFORE, BE IT FURTHER ORDAINED that this Ordinance shall take effect, after final passage, twenty (20) days following action or inaction by the Mayor as provided by law or an override of a mayoral veto by the Board of Health, whichever is applicable and publication in accordance with law, unless a resolution is adopted, pursuant to N.J.S.A. 40:69A-181(b), declaring an emergency and providing that this Ordinance shall take effect at an earlier date.

Copies of the full Ordinance are on file with the Borough Clerk of the Borough of North Plainfield in the Municipal Building, 263 Somerset Street, North Plainfield, New Jersey. Copies may be obtained upon request and a copy is posted on the Bulletin Board in the Municipal Building reserved for such purpose.

Richard K. Phoenix, RMC
Borough Clerk