

# *TOWN OF MONTAGUE BOARD OF HEALTH*

1 Avenue A, village of Turners Falls, town of Montague, MA

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## **Pooper scooper/dog and cat fouling regulation**

A Board of Health Regulation pertaining to the collection and proper disposal of cat and dog waste in the town of Montague

**ADOPTED BY THE MONTAGUE BOARD OF HEALTH ON JULY 21, 2010**

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### **A. Authority**

This regulation shall be effective after August 10, 2010 and so remain in effect until modified or amended by the Montague Board of Health. This regulation is enacted under authority granted by but not limited to Massachusetts General Laws, Chapter 111, §31 and §127. Board of Health regulations are an exercise of the police power under which various levels of government hold responsibility for protection of public health, safety and welfare.

### **B. Purpose**

This regulation has been adopted by the Montague Board of Health for the purpose of creating and maintaining a healthy community.

### **C. Findings**

Exposure to animal feces is not healthy for humans or their pets. Animals that are infected with hookworms and other parasites may pass eggs in their feces. The eggs hatch into larvae and both eggs and larvae may be found in dirt where animals have defecated. Eggs or larvae can get into human bodies when one accidentally eats or has direct contact with contaminated dirt. For example this can happen if a person is walking barefoot or playing in an area where infected dogs or cats defecated.

- a. Dogs and cats can become infected with parasites when infected feces are not picked up and dogs and cats walk through the feces.
- b. Improperly disposed of feces wash into rivers and catch basins and pollute our waterways.

### **D. Requirements**

The town of Montague's pooper scooper/dog and cat fouling regulation requires anyone who owns, possesses, or controls a dog or cat within the town limits of Montague to remove and properly dispose of any feces left by said animal(s).

This regulation includes but is not limited to publicly owned land, including sidewalks, streets, parks and tree belts and private property in Montague excluding property owned by and under the exclusive control of the animal owner.

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- a. Occupants of rental property shall be responsible for collecting and properly disposing of dog and cat feces left inside or outside rental property for all animals under their control.
- b. Proper disposal of feces is required either in a toilet, in a trash container (after being secured in a plastic bag) or in an approved dog/cat composter provided that the unit poses no risk of groundwater contamination. Finished compost consisting of dog/cat feces should not be used to fertilize food crops but may be used to fertilize ornamental plants.
- c. Depositing feces in any drain, catch basin or waterway shall be punishable by fine of not less than \$100.00 for each and every offence.

#### **E. Enforcement**

This regulation may be enforced by Board of Health members and their agents, parks and recreation staff, the police department, animal inspectors and animal control officers.

#### **F. Penalties**

A person who violates this regulation shall be fined \$25.00 for the first violation, \$50.00 for the second violation, and \$100 for the third and each subsequent violations within a calendar year. Individuals who continually violate this regulation will be subject to a hearing before the Board of Health under MGL c. 111 § 122 and may receive a fine of up to \$1000.00.

#### **G. Severability**

If any part, paragraph, provision or section of this regulation is determined to be invalid, against public policy, or unconstitutional, said finding shall not affect the legality of any remaining part(s), paragraph(s), provisions(s) or section(s) of the regulation which shall continue to remain in full force and effect.

#### **H. Variance**

Seeing Eye and mobility service dog owners are exempt from this regulation.

**ADOPTED BY THE MONTAGUE BOARD OF HEALTH ON JULY 21, 2010**

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Michael Nelson, Chair

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Jay DiPucchio, Member

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Christopher Boutwell, Member

Public Hearing Notice was published in the Greenfield Recorder on July 8, 2010 and July 15, 2010.

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Pursuant to MGL c.111 § 31 a summary of these regulations was published in the Greenfield Recorder on August 10, 2010.

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