



# ORDINANCE 28-2005

## PET WASTE

### **SECTION I. Purpose:**

An ordinance to establish requirements for the proper disposal of pet solid waste in the Borough of Atlantic Highlands, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

### **SECTION II. Definitions:**

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future; words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. Immediate – shall mean that the pet solid waste is removed at once, without delay.
- b. Owner/Keeper – any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.
- c. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- d. Pet - a domesticated animal (other than a disability assistance animal) kept for amusement or companionship.
- e. Pet solid waste – waste matter expelled from the bowels of the pet; excrement
- f. Proper disposal – placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

### **SECTION III. Requirement for Disposal:**

All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person.

**SECTION IV. Exemptions:**

Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

**SECTION V. Enforcement:**

The Police Department and/or the Code Enforcement Officer of the Borough of Atlantic Highlands shall enforce the provisions of this Article.

**SECTION VI. Violations and Penalty:**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed three hundred [\$300.00] dollars.

**SECTION VII. Severability:**

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

**SECTION VIII. Effective date:**

This Ordinance shall be in full force and effect from and after its adoption and publication, as may be required by law.

Council member Ladiana introduced this Ordinance and, after First Reading, moved for approval. It was seconded by Council member Noonan and approved by the following vote.

AYES: Council members Archibald, Fligor, Ladiana, Noonan and Spatola

NAYS:

The Second Reading, Public Hearing and possible adoption is scheduled for November 30, 2005.

I, Dwayne M. Harris, Acting Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held November 09, 2005.

WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 10th day of November 2005.

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Dwayne M. Harris, RMC