

*BOROUGH OF ROOSEVELT
COUNTY OF MONMOUTH
STATE OF NEW JERSEY*

**ORDINANCE 19-05
INTRODUCTION DATE: 10-15-2019
ADOPTED DATE: 10-28-2019**

**AN ORDINANCE OF THE BOROUGH OF ROOSEVELT AUGMENTING
THE BOROUGH CODE TO INCLUDE NEW SECTION 5-13: "PET WASTE" TO
PROVIDE ENFORCEMENT MECHANISMS FOR THE PROPER DISPOSAL OF PET WASTE**

C/**Esakoff** offered the following Ordinance and moved its adoption, which was seconded by C/**Vroman**.

BE IT ORDAINED by the Governing Body of the Borough of Roosevelt, County of Monmouth, State of New Jersey, that the Borough's Revised General Ordinances are hereby amended to include new section 5-13: "Pet Waste" as follows:

CHAPTER 5 ANIMAL CONTROL

§ 5-13 PET WASTE.

This Section shall establish requirements for the proper disposal of pet solid waste in the Borough of Roosevelt to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 5-13.1 Definitions.

For the purpose of this section, the following terms, phrases, words and their derivations shall have the meanings stated herein:

- 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.

§ 5-13.2 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.

§ 5-13.3 Exemptions.

- A. 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.
- B. Any owner or keeper who demonstrates by clear and convincing evidence that a disability or other physical or mental limitation prevented his or her compliance with this section shall be exempt from the provisions of this section.

§ 5-13.4 Enforcement.

The provisions of this Article shall be enforced by the Code Enforcement Official of the Borough.

§ 5-13.5 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 \$50.00 for a first offense; \$100.00 for a second offense; \$250.00 for a third offense; and up to \$1,000.00 for a fourth or subsequent offense.

BE IT FURTHER ORDAINED that a copy of this Ordinance, upon introduction, shall be provided to all appropriate municipal agencies for their review and comment pursuant to applicable New Jersey Statutes.

BE IT FURTHER ORDAINED that any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Revised General Ordinances are ratified and remain in full force and effect.

BE IT FURTHER ORDAINED that, if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

BE IT FURTHER ORDAINED that this ordinance shall be in full force and take effect immediately upon final passage and publication.

ATTEST:

APPROVED

Kathleen Hart, Borough Clerk

Peggy Malkin, Mayor