

ORDINANCE NO. 09-2023

ORDINANCE OF THE BOROUGH OF BRANCHVILLE, COUNTY OF SUSSEX, STATE OF NEW JERSEY CREATING CHAPTER 30 ENTITLED "PET WASTE" AS REQUIRED BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the New Jersey Department of Environmental Protection is requiring all New Jersey municipalities to adopt certain ordinances in order to comply with the Tier A Stormwater Requirements; and

WHEREAS, certain model ordinances were provided to the Borough by the Department for introduction and subsequent adoption; and

WHEREAS, the Borough Council of the Borough of Branchville believes the adoption of these ordinances is in the best interest of the Borough and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Branchville, County of Sussex, State of New Jersey, that Chapter 30 entitled "Pet Waste" be created as follows:

SECTION I.

§ 30-1. Purpose.

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

§ 30-2. 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.

§ 30-3. 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.

§ 30-4. Exemptions.

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

§ 30-5. Enforcement.

The provisions of this Chapter shall be enforced by Sussex County Health Department.

§ 30-6. Violations and Penalties.

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 two thousand dollars (\$2,000.00).

SECTION II. Repealer.

Any article, section, paragraph, subsection, clause, or other provision of the Code of the Borough of Branchville inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION III. Severability.

The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged to be unconstitutional or invalid by a court of competent jurisdiction the remainder of this Ordinance shall remain in full force and effect.

SECTION IV. Effective Date.

This Ordinance shall take effect upon final passage and publication as provided by law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Borough of Branchville held on _____, 2023 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Borough Council to be held on _____, 2023 at 7:00 p.m. or as soon thereafter as the Borough Council may hear this Ordinance at the Municipal Building, 34 Wantage Avenue, Branchville, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Borough Clerk