

BOROUGH OF GARWOOD

ORDINANCE NO. 05-20

AN ORDINANCE TO AMEND CHAPTER 58 (ANIMALS) OF THE CODE OF THE BOROUGH OF GARWOOD TO ESTABLISH REQUIREMENTS FOR THE PROPER DISPOSAL OF PET SOLID WASTE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF GARWOOD that:

SECTION 1. Chapter 58 (Animals) of the Code of the Borough of Garwood is hereby amended by adding Article III (Pet waste) to read as follows:

**ARTICLE III
PET WASTE**

§58-25. Purpose.

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

§58-26. 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.

§58-27. 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.

§58-28. 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.

§58-29. Enforcement.

The provisions of this Article shall be enforced by the Police Department and the Local Board of Health of the Borough of Garwood.

§58-30. Penalties

Any person violating this chapter shall be subject to a fine of up to \$ 500.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. If any portion of this ordinance shall be determined to be invalid, such determination shall not affect the validity of the remaining portions of said ordinance.

SECTION 4. This ordinance shall take effect upon final passage and publication in accordance with law.

INTRODUCED: MAY 24, 2005

ADOPTED: June 14, 2005

APPROVED:

ATTEST:

DENNIS J. McCARTHY, Mayor

CHRISTINA M. ARIEMMA, Municipal Clerk

RECORDED VOTE
COUNCIL PRESIDENT TUCKER
COUNCILMAN DeFILIPPO
COUNCILMAN LOMBARDO
COUNCILMAN MITCHELL
COUNCILMAN SCHADEWALD
COUNCILWOMAN VILLAGGIO

INTRODUCTION
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ADOPTED
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ABSENT
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