

ORDINANCE NO. 22 OF 2005

**ORDINANCE OF THE BOROUGH OF TUCKERTON,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
ESTABLISHING CHAPTER 93 OF THE BOROUGH CODE OF
THE BOROUGH OF TUCKERTON ENTITLED "PET WASTE"**

BE IT ORDAINED by the Borough Council of the Borough of Tuckerton, County of Ocean, State of New Jersey, as follows:

SECTION 1. The Borough Code of the Borough of Tuckerton is hereby amended and supplemented so as to establish Chapter 93 entitled "Pet Waste" which shall read as follows:

Chapter 93

PET WASTE

§ 93-1. Purpose.

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

§ 93-2. Definitions.

For the purpose of this Chapter, 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 owners 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.

§ 93-3. 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.

§ 93-4. 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.

§ 93-5. Enforcement.

The provisions of this Article shall be enforced by the Police Department, Code Enforcement Officer and Health Department serving the Borough of Tuckerton.

§ 93-6. Violations and Penalty.

Any person violating or failing to comply with any of the provisions of this Chapter shall, upon conviction thereof, be punishable by a fine of not more than \$1,000.00 or by imprisonment for a term not to exceed 90 days, or by both such fine and imprisonment, in the discretion of the judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.


SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Borough Council on first reading at a meeting of the Borough Council of the Borough of Tuckerton held on the 7th day of Sept., 2005, and will be considered for second reading and final passage at a meeting of the Borough Council to be held on the 3rd day of October, 2005, at 7:00 p.m. at the Municipal Building located at 140 East Main Street, Tuckerton, New Jersey, at which time and place, any persons desiring to be heard upon the same will be given the opportunity to be so heard.


GRACE DiELMO, RMC/CMC
Borough Clerk, Borough of Tuckerton

PASSAGE ON FIRST READING:

MOVED BY: Foglia

SECOND BY: marshall

VOTE:

VENTRESCA yes BOWER yes FOGLIA yes

MARSHALL yes EVANS yes MC ANDREW yes

FINAL PASSAGE:

MOVED BY: Foglia

SECOND BY: Bower

VOTE:

VENTRESCA yes BOWER yes FOGLIA yes

MARSHALL yes EVANS yes MC ANDREW yes

APPROVED:

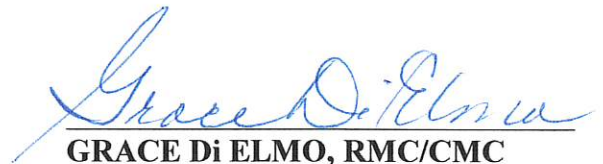


KEVIN S. QUINLAN, MAYOR

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COUNTY OF OCEAN, STATE OF NEW JERSEY,
ESTABLISHING CHAPTER 93 OF THE BOROUGH CODE OF
THE BOROUGH OF TUCKERTON ENTITLED "PET WASTE"**

The Borough of Tuckerton introduced the above ordinance at its 9/7, 2005 meeting. The Ordinance establishes Chapter 93 of the Borough Code of the Borough of Tuckerton entitled "Pet Waste" so as to regulate the disposal of pet waste. The Ordinance will be considered on second and final reading at the 10/3, 2005 meeting of the governing body. All meetings are held at the Municipal Building located at 140 E. Main Street, Tuckerton, New Jersey, commencing at 7:00 p.m. Copies of all Ordinances are available at no cost at the Municipal Clerk's Office located at 140 East Main Street, Tuckerton, New Jersey, Monday through Friday from 8:30 a.m. to 4:30 p.m.



GRACE Di ELMO, RMC/CMC
Municipal Clerk, Borough of Tuckerton

PUBLIC NOTICE

PLEASE TAKE NOTICE that Ordinance #22 of 2005, an ordinance entitled, "ORDINANCE OF THE BOROUGH OF TUCKERTON, COUNTY OF OCEAN, STATE OF NEW JERSEY, ESTABLISHING CHAPTER 93 OF THE BOROUGH CODE OF THE BOROUGH OF TUCKERTON ENTITLED "PET WASTE", was adopted by the Mayor and Borough Council at a meeting held on October 3, 2005.


A handwritten signature in blue ink, reading "Grace Di Elmo", is written over a horizontal line.

**GRACE DI ELMO, RMC/CMC
BOROUGH CLERK**