

05-09-611

AN ORDINANCE OF THE BOROUGH OF PINE BEACH,
COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING
AND SUPPLEMENTING CHAPTER 76 OF THE CODE OF THE
BOROUGH OF PINE BEACH ENTITLED DOGS AND OTHER ANIMALS

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

SECTION 1. That Chapter 76 of the Code of the Borough of Pine Beach entitled "Dogs and Other Animals," shall be amended and supplemented to read as follows:

Purpose. The purpose of this section is to establish requirements for the proper disposal of pet solid waste in the Borough of Pine Beach so as to protect the health, safety and welfare of all those residing within the Borough. It is further the purpose of this section to prescribe penalties for failure to comply.

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.

Immediate - shall mean that the pet solid waste is removed at once, without delay.

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.

Person - any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

Pet - a domesticated animal (other than a disability assistance animal) kept for amusement or companionship.

Pet solid waste - waste matter expelled from the bowels of the pet; excrement.

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 2. That Chapter 76 of the Code of the Borough of Pine Beach entitled "Dogs and Other Animals," § 76-14 "Soiling and Defilement by Dogs" shall be amended and supplemented to read as follows:

~~76-14 Soiling and Defilement by Dogs. No person owning, harboring, keeping, walking or in charge of any dog shall cause, suffer, permit or allow such dog to soil, defile, defecate on or commit any nuisance on any common thoroughfare, street, sidewalk, passageway, road, bypath, play area, park or any place where people congregate or walk, or upon any boardwalk, beaches or beachfront in the borough or upon any public property whatsoever or upon any private property without the permission of the owner of the private property. If any person shall permit a dog to soil, defile, defecate on or commit any nuisance on the areas mentioned, he or she shall immediately remove all feces and droppings deposited by the dog, which removal shall be in a sanitary manner by shovel, container, disposal bag etc, and the feces and droppings shall be removed by the person from the designated areas and disposed of by that person in a sanitary manner.~~

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.

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.

Enforcement. The provisions of this Article shall be enforced by the Animal Control Officer of the Borough of Pine Beach.

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 \$500 for each and every violation.

SECTION 3. 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 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

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SECTION 5. Pursuant to the provisions of N.J.S.A. 40:69A-181(b), this ordinance shall take effect twenty (20) days after its final passage by the Borough Council and approval by the Mayor where such approval is required by law.

This ordinance shall be in full force and effect from and after its adoption and any publication as required. ALL OF WHICH IS ADOPTED THIS 8TH DAY OF JUNE 2005, by the governing body of the Borough of Pine Beach.