

ORDINANCE #1752

An Ordinance to Amend the Revised General Ordinances of the Township of Bernards,
Chapter 5 “Animal Control” Section 8 “Regulations”
Subsection 9 “Removal of Dog Feces to Comply with the NJPDES Municipal
Stormwater Regulation Program

SECTION I. Purpose.

The purpose of this ordinance is to replace in entirety Section 5-8.9 of the Revised General Ordinances of the Township of Bernards to establish requirements in compliance with the NJPDES Municipal Stormwater Regulation Program, for the proper disposal of pet solid waste in the Township of Bernards, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 5-8.9. Removal of feces.

a. Definitions.

For the purpose of this subsection, 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 shall mean 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 shall mean any individual, corporation, company, partnership, firm, association or political subdivision of this state subject to municipal jurisdiction.

PET shall mean a domesticated animal (other than a disability assistance animal) kept for amusement or companionship.

PET SOLID WASTE shall mean waste matter expelled from the bowels of the pet; excrement.

PROPER DISPOSAL shall mean 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.

b. 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.

c. 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.
- d. Enforcement.
The provisions of this subsection shall be enforced by the Health Department of the Township of Bernards.
- e. Violations and Penalties.
Any person(s) who is found to be in violation of the provisions of this subsection shall be subject penalties set forth in Section 3-1 of the Revised General Ordinances of the Township of Bernards.

SECTION II. Severability:

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 III. Effective date:

This ordinance shall be in full force and effect from and after its adoption and publication as required by law.

Explanatory Statement:

This ordinance aligns with the goals of the 2003 Bernards Township Master Plan and the State of New Jersey Stormwater Management Regulations. Peter Messina took the model ordinances provided by the NJDEP and inserted the appropriate enforcement agency. While this ordinance may provoke discussion, we are not aware that we can change the substance of the ordinances. Bernards Township must implement this ordinance on or before 10/1/05.

Barbara J. Pence, Administrator

Publication by Summary Pursuant to N.J.S.A.40:49-2

This ordinance is consistent with the goals of the 2003 Bernards Township Master Plan and the State of New Jersey Stormwater Management Regulations. It expands upon the township's current requirements for dogs to all domestic animals.

**TOWNSHIP OF BERNARDS
PUBLIC NOTICE**

Ordinance #1752 having been introduced and passed on first reading by the Township Committee of the Township of Bernards in the County of Somerset on 8/10/04, and then ordered to be published according to law, will be further considered for final passage and adoption at a public hearing held at a meeting of said Township Committee at the Municipal Building, 1 Collyer Lane, Basking Ridge, NJ in said township on 9/28/04, at 7:30 P.M., when and where, or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance. A complete text of this ordinance is available in the Office of the Municipal Clerk, 1 Collyer Lane, Basking Ridge, NJ, from 8:30 A.M. to 4:30 P.M., Monday through Friday. Copies are also available via e-mail from dszabo@bernards.org.

By Order of the Township Committee
Denise Szabo, Municipal Clerk

Note: the 9/28/04 meeting and PH were adjourned to 9/30/04

TOWNSHIP OF BERNARDS
Public Notice

Notice is hereby given that Bernards Township Ordinance #1752, was introduced and passed on first reading at a meeting of the Township Committee, on 8/10/04, and was passed on final reading and adopted following a public hearing thereon at a regular meeting of the Governing Body of the Township of Bernards on 9/30/04.

Denise Szabo
Municipal Clerk