

BOROUGH OF NORTHVALE
County of Bergen
State of New Jersey

ORDINANCE #829-2006

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF NORTHVALE TO PROVIDE FOR THE REMOVAL OF PET WASTE

WHEREAS, there exists a need to amend the Code of the Borough of Northvale; and

WHEREAS, the New Jersey Pollutant Discharge Elimination System Tier A Municipal Stormwater Master Permit requires the Borough to adopt and enforce certain specific Ordinances to prohibit the improper disposal of waste;

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Northvale that Article IV Section 61 of the Code of the Borough of Northvale be amended as follows:

Section 1. Purpose.

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

Section 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.

Section 3. Requirement for Disposal.

- a. No person owning, harboring, keeping or in charge of any dog shall cause, suffer or allow such dog to soil, defile, defecate on or commit any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area, park or any place where people congregate or walk or upon any public property whatsoever or upon any private property without the permission of the owner of said property without immediately removing all feces deposited by such dog. This restriction also applies to that portion of the street lying between the curblines.
- b. 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.

Section 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.

Section 5. Enforcement.

The Police Department and Division of Building and the Code Enforcement Officer of Borough Northvale shall enforce the provisions of this Article.

Section 6. 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 \$1,000.

Section 7. 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 8. Effective date.

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

JOHN E. ROONEY, MAYOR

ATTEST:

Wanda A. Worner
Borough Clerk

Introduced: July 12, 2006

Passed: August 23, 2006