

ORDINANCE NO. 321
AN ORDINANCE TO ESTABLISH REQUIREMENTS FOR THE
PROPER DISPOSAL OF PET SOLID WASTE IN THE
VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH AND
PRESCRIBING PENALTIES FOR THE FAILURE TO COMPLY

BE IT ORDAINED BY THE BOARD OF TRUSTEES of the Village of Loch Arbour as follows:

SECTION I. Purpose:

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

SECTION II. 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 III. 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.

SECTION IV. 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 V. Enforcement:

This Ordinance shall be enforced by the Police Department pursuant to the current Interlocal Services Agreement or the Local Code and Zoning Official of the Village of Loch Arbour.

SECTION VI. PENALTIES:

For a violation of any provision of this Ordinance, the maximum penalty, upon conviction thereof, shall be a fine not exceeding One Thousand Two Hundred Fifty ((\$1,250.00) or imprisonment for up to ninety (90) days or a period of community service not exceeding ninety (90) days, or any combination thereof. Each and every day in which a violation of this Ordinance shall exist shall constitute a separate violation.

SECTION VI. SEVERABILITY:

- A. 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.
- B. All Ordinances or parts of Ordinances inconsistent herewith are repealed, but only to the extent of such inconsistency.

SECTION VII. Effective date:

This Ordinance shall be in full force and effect immediately upon its final passage and publication as required by law.

CERTIFICATION

I, LORRAINE CARAFA, CLERK OF THE VILLAGE OF LOCH ARBOUR, do hereby certify the above to be a true and exact copy of the Ordinance adopted by the Board of Trustees of the Village of Loch Arbour, Monmouth County after a public hearing thereon held the 1st day of March 2006.

LORRAINE CARAFA, R.M.C.
Village Clerk

Introduction: February 1, 2006
First publication: February 9, 2006
Public hearing: March 1, 2006
Adoption: March 1, 2006
Final publication: March 9, 2006

Attorney: Kenneth B. Fitzsimmons, Esq.