

ORDINANCE #2020-04

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF LOWER, ADDING CHAPTER 167;
PET WASTE

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the following chapter shall be added:

Chapter 167, PET WASTE

SECTION 1. Purpose: An ordinance to establish requirements for the proper disposal of pet solid waste in the Township of Lower, 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:

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 provisions of this Article shall be enforced by Animal Control, Code Enforcement, the Police Department and the Local Board of Health of the Township of Lower.

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 maximum penalty, upon conviction, of a fine not exceeding \$1,000 or imprisonment for a period not exceeding 90 days, or both.

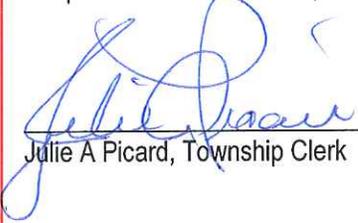
Section 7. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof;

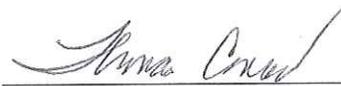
Section 8. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 9. This ordinance shall take effect immediately after final passage and publication in the manner provided by law.

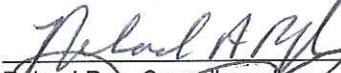
Introduced: February 12, 2020

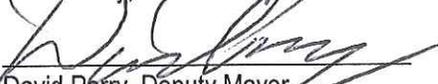
Adopted: March 16, 2020

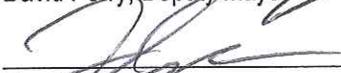

Julie A Picard, Township Clerk


Thomas Conrad, Councilmember


Kevin Coombs, Councilmember


Roland Roy, Councilmember


David Perry, Deputy Mayor


Frank Sippel, Mayor