

**AN ORDINANCE AMENDING CHAPTER 52 ENTITLED
"DOGS, CATS AND OTHER ANIMALS" OF THE CODE OF
THE BOROUGH OF WESTVILLE**

WHEREAS, the Mayor and Council, Borough of Westville, have determined that certain amendments and additions to Chapter 52 entitled "Dogs, Cats and Other Animals" are necessary; and

WHEREAS, in all other respects Chapter 52 entitled "Dogs, cats and Other Animals" shall remain in full force and effect;

BE IT ORDAINED, by the Borough Council of the Borough of Westville, in the County of Gloucester and State of New Jersey, as follows:

I. Sections 52-25 to 52-27 of Chapter 52 (Dogs, Cats and Other Animals, Article II- Curbing of Dogs) of the Code of the Borough of Westville shall be deleted in its entirety and renamed "Disposal of Pet Waste" and replaced with the following text:

A. **§ 52-25. Purpose.**

The Borough of Westville finds that the establishment of requirements for the proper disposal of pet solid waste is an important public concern to protect public health, safety and welfare of its residents.

B. **§ 52-26. Definitions.**

For the purposes 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 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 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 the 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.

C. **§ 52-27. Defecation on public or private property.**

No person owning or in discharge owing or in charge of a pet shall cause or allow such pet 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 private property without the permission of the owner of said property.

D. § 52-28. **Removal of pet solid waste.**

Any person owning or in charge of any pet which soils, defiles, defecates on or commits 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 shall immediately remove all pet solid waste deposited by any such pet by any sanitary method approved by the local health authority.

E. § 52-29. **Sanitary disposal of pet solid waste.**

Sanitary methods for removing all pet solid waste approved by the local health authority are mechanical devices such as pooch scoops, small shovels, etc. All pet solid waste removed by the person owning, harboring, keeping or in charge of any such pet shall be disposed of in a sealed, nonabsorbent, leakproof container.

F. § 52-30. **Exemptions.**

Any owner or keeper who requires the use of a disability assistance animal shall be exempt from any provisions of this section while such animal is being used for that purpose.

G. § 52-31. **Enforcement.**

The provisions of this ordinance shall be enforced by the Police Department, Code Enforcement Officer and/or the Local Board of Health of the Borough of Westville.

H. § 52-32. **Violations and penalties.**

Any person who violates the provisions of this ordinance or the rules and regulations of the State Department of Health shall be subject to a fine of not more than \$50 or a period of community service or imprisonment for a term not exceeding 10 days.

I. § 52-33. **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.

III. If any parts of this Ordinance are for any reason held to be invalid, such adjudication shall not affect the validity of the remaining portions of this Ordinance.

IV. All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency. All other parts of Chapter 52 not inconsistent herewith are ratified and confirmed.


V. This Ordinance shall become effective immediately upon its final passage and publication required by law.

INTRODUCED: April 13, 2005
ADOPTED: April 27, 2005

BOROUGH OF WESTVILLE

BY: _____
WILLIAM C. PACKER, III, Mayor

ATTEST:



RICHARD M. BURR, Clerk
(SEAL)