

Eng

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**TOWNSHIP OF BERKELY HEIGHTS
ORDINANCE NO. 13-05**

**“INTRODUCTION OF AN ORDINANCE TO AMEND TITLE 13 - PUBLIC SERVICES
TO ESTABLISH A NEW CHAPTER 13.17 ENTITLED “STORMWATER CONTROL”
SECTION 13.17.050 ESTABLISHING REQUIREMENTS FOR THE PROPER
DISPOSAL OF PET SOLID WASTE OF THE CODE OF THE TOWNSHIP OF
BERKELEY HEIGHTS”**

BE IT ORDAINED by the Township Committee of the Township of Berkeley Heights that Title 13 entitled “Public Services” is amended by adding a new chapter, Chapter 13.17, Section 13.17.050 to the Municipal Code of the Township of Berkeley Heights and is hereby amended as follows:

1. Title 13 is revised as follows:

13.17.050 CONTAIN PET WASTE

SECTION I. 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 2.

REQUIREMENTS 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 3.

EXEMPTIONS

Any owner or keepers 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 4.

ENFORCEMENT

The provisions of this Article shall be enforced by the Police Department and Local Board of Health of the Township of Berkeley Heights.

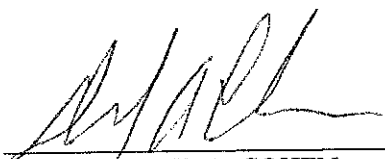
SECTION V.

VIOLATIONS AND PENALTIES

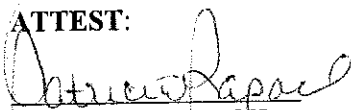
Any person(s) who is found to be in violation of the provisions of this Ordinance shall be subject to a fine not to exceed \$500.00.

- 2. All Ordinances of the Township of Berkeley Heights that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.
- 3. If any section, subsection, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not effect the remaining portion of this Ordinance.
- 4. This Ordinance shall take effect after final hearing and publication according to law.

INTRODUCED the 8th day of March, 2005.
ADOPTED the 22nd day of March, 2005



DAVID A. COHEN
Chairman (Mayor) Township Committee


ATTEST:


PATRICIA RAPACH
Township Clerk

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY**

NOTICE OF INTRODUCTION

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced on First Reading at a meeting of the Township Committee of the Township of Berkeley Heights, County of Union and State of New Jersey, on 3/8/05 and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on March 22, 2005, at 8:00 p.m. or as soon thereafter, as practical, same can be considered, at the Municipal Building, 29 Park Avenue, Berkeley Heights, NJ, at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same. During the week prior to and up to the time of Public Hearing, copies of said Ordinance will be available in the Municipal Clerk's office in said Municipal Building, to the members of the general public who shall request the same.



Patricia A. Rapach, RMC/CMC
Township Clerk

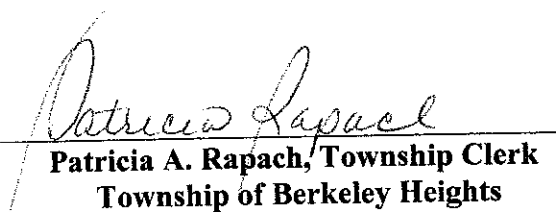
**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY**

NOTICE OF FINAL ADOPTION

**PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE
INTRODUCED ON MARCH 8, 2005:**

**“AN ORDINANCE TO AMEND TITLE 13 - PUBLIC SERVICES TO ESTABLISH A
NEW CHAPTER 13.17 ENTITLED “STORMWATER CONTROL” SECTION
13.17.050 ESTABLISHING REQUIREMENTS FOR THE PROPER DISPOSAL OF
PET SOLID WASTE OF THE CODE OF THE TOWNSHIP OF BERKELEY
HEIGHTS”** (Explanation: This Ordinance establishes requirements for the proper disposal of pet
solid waste)

I, Patricia A. Rapach, Township Clerk of the Township of Berkeley Heights, County of
Union, State of New Jersey, hereby certify that the above entitled Ordinance was adopted on
Final Passage by the Township Committee of the Township of Berkeley Heights at its
meeting held on March 22, 2005.



**Patricia A. Rapach, Township Clerk
Township of Berkeley Heights**