

**BOROUGH OF OLD TAPPAN
ORDINANCE # 1201-22**

**AN ORDINANCE TO AMEND CHAPTER 91 OF THE CODE OF THE BOROUGH OF
OLD TAPPAN TITLED “ANIMALS” BY DELETING AND REPLACING CHAPTER 1
THEREOF TITLED “PET WASTE”**

BE IT ORDAINED by the Mayor and Council of the Borough of Old Tappan, County of Bergen and State of New Jersey, as follows:

Section 1. Chapter 91 Article 1 of the Code of the Borough of Old Tappan is hereby deleted in its entirety and replaced by the following:

Article I. Pet Waste

§ 91-1. Purpose.

This article establishes requirements for the proper disposal of pet solid waste in the Borough, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 91-2. Definitions.

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this article 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.

IMMEDIATE - At once, without delay.

OWNER/KEEPER - Any person who shall possess, maintain, house, or harbor any pet or otherwise have custody of any pet, whether or not the permanent 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 proper waste receptacle, such as a plastic bag or other suitable container, and discarded in a refuse container which is regularly emptied by the refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

§ 91-3. Requirement for disposal.

All pet owners / 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.

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 immediately removing all feces deposited by such dog. This restriction also applied to that portion of the street lying between the curb lines.

§ 91-4. Exemptions.

Any owner/keeper who requires the use of a disability assistance animal due to a disability that prevents them from complying with the requirements of this ordinance shall be exempt from the provisions of this article while such animal is being used for that purpose.

§ 91-5. Enforcement.

The provisions of this article shall be enforced by the Police Department, Code Enforcer, and the Board of Health.

§ 91-6. Violations and penalties.

Any person(s) who is found to be in violation of the provisions of this article shall, upon conviction thereof, be punished for a first offense by a fine of not less than seventy-five (\$75.00) dollars and nor more than one hundred (\$100.00) dollars, as determined by the Municipal Court Judge. For a second or subsequent offense, a fine not less than one hundred (\$100.00) dollars nor more than five hundred (\$500.00) dollars shall be imposed. A separate offense shall be deemed committed on each day during, or on which, a violation occurs or continues.

Section 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 3. This ordinance shall take effect immediately after passage and publication as provided by law.

Section 4. All other parts of Chapter 91 of the Code of the Borough of Old Tappan not specifically amended herein shall remain in full force and effect.