

§ 78-9. Purpose.

The purpose of this article is to establish requirements for the proper disposal of pet solid waste in the Borough of Essex Fells, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 78-10. 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 — 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 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.

§ 78-11. Requirement for disposal; penalty. [Amended 4-15-2014 by Ord. No. 2014-949]

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. The penalty for a violation of this section shall be \$50.

§ 78-12. Exemptions.

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

§ 78-13. Enforcement.

The provisions of this article shall be enforced by the Police Department of Essex Fells.

§ 78-14. Violations and penalties.

Any person, firm or corporation who violates any of the provisions of this article shall, upon conviction, be punished as provided in Chapter 1, Article III, General Penalty, and each violation

of any of the provisions of this article and each day the same is violated shall be deemed and taken to be a separate and distinct offense.