

ORDINANCE NO. 27-2021

**BOROUGH OF ROSELAND
COUNTY OF ESSEX, STATE OF NEW JERSEY**

AN ORDINANCE TO AMEND CHAPTER BH 11 OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF ROSELAND
ENTITLED "ANIMALS" TO ESTABLISH REQUIREMENTS FOR THE
PROPER DISPOSAL OF PET SOLID WASTE SO AS TO PROTECT
PUBLIC HEALTH, SAFETY AND WELFARE, AND TO PRESCRIBE
PENALTIES FOR FAILURE TO COMPLY

WHEREAS, the Mayor and Council of the Borough of Roseland wish to amend Chapter BH 11 entitled "Animals", to establish requirements for the proper disposal of pet solid waste so as to protect the public health, safety and welfare, and to prescribe penalties for failure to comply;

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Roseland that Chapter BH 11 of the Revised General Ordinances of the Borough of Roseland entitled "Animals" shall be amended as follows:

SECTION I

That section BH 11-4 entitled "Curbing of Dogs" shall be amended to read as follows:

BH 11-4 PROPER DISPOSAL OF PET SOLID WASTE

BH 11-4.1 Definitions.

IMMEDIATE

shall mean that the pet solid waste is removed at once, without delay.

OWNER/KEEPER

shall mean 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.

PET

shall mean a domesticated animal (other than a disability assistance animal) kept for amusement or companionship.

PET SOLID WASTE

shall mean waste matter expelled from the bowels of the pet; excrement

PROPER DISPOSAL

shall mean 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.

BH 11-4.2 Creating Nuisance Prohibited.

No Person owning, harboring, keeping or in charge of any pet shall cause, suffer, or allow such animal to soil, defecate on or create 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 permission of the owner of said property.

BH 11-4.3 Proper Disposal of Pet Solid Waste.

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.

BH 11-4.4 Approved Sanitary Removal Methods.

The following materials may be used in the removal of feces:

- a. Sealed nonabsorbent leakproof container.
- b. Sealed plastic bag.
- c. A covered instrument which is nonabsorbent and leakproof.
- d. An instrument which has an open and close type cover, provided it is nonabsorbent and leakproof.
- e. Any material in sheet form that is flexible and can be made to seal, provided it is nonabsorbent and leakproof, such as aluminum foil, plastic wrap, etc.

BH 11-4.5 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.

BH 11-4.6 Enforcement.

The provisions of this Section shall be enforced by the Roseland Police Department and the Roseland Board of Health.

BH 11-4.7 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 of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense, to be recovered y and in the name of the Roseland Board

of Health or by and in the name of the Borough of Roseland.

SECTION II

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.

SECTION III

Effective date: This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

DATE OF INTRODUCTION: November 4, 2021

Motion to Introduce by: Councilwoman Fishman

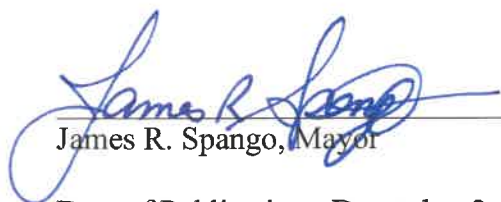
Motion Seconded by: Councilman Trillo

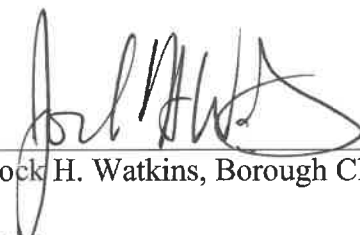
Introduction Approved: 5-0 Voice Vote (Tolli absent)

DATE OF ADOPTION: November 23, 2021

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	RECUSE	ABSENT
Council President Bardi			X				
Council President Fishman							X
Councilman Freda		X	X				
Councilwoman Perrotti			X				
Councilwoman Tolli			X				
Councilman Trillo	X		X				
Mayor Spango (In case of tie)							
VOTE:			5	0			

I hereby certify that the above Ordinance was duly adopted by the Mayor and Council of the Borough of Roseland at a meeting of Borough Council held on the 23rd day of November, 2021.


James R. Spango, Mayor


Jock H. Watkins, Borough Clerk

Date of Publication: December 2, 2021, The Progress

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