

ORDINANCE NO. 05-36

**AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 9-2,
CONTROL OF DOGS, CATS AND OTHER ANIMALS OF CHAPTER IX,
ANIMAL CONTROL, OF THE REVISED GENERAL ORDINANCES OF
THE TOWNSHIP OF ROCKAWAY, MORRIS COUNTY, NEW JERSEY
TO ADDRESS THE DISPOSAL OF PET WASTE**

WHEREAS, pursuant to *N.J.A.C. 7:8-4.1*, et seq., a municipality shall adopt a storm water management plan and storm water control ordinances consistent with the state regulations;
and

WHEREAS, the State regulations address several areas of concern, including the proper disposal of pet solid waste in the Township of Rockaway so as to protect public health, safety and welfare; and

WHEREAS, there currently exists an Ordinance provision to address the disposal of pet waste, the Council of the Township of Rockaway desires to adopt an ordinance to amend and supplement that provision to add language from the regulations for further clarification.

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Township of Rockaway, County of Morris, State of New Jersey, as follows:

SECTION ONE. Subsection 9-1.2, Definitions, Chapter 9, Animal Control, of the Revised General Ordinances of the Township of Rockaway shall be amended and supplemented to replace the existing definitions or add new definitions, that shall be inserted alphabetically and shall read as follows:

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

Owner/Keeper shall mean a person who shall possess, maintain, keep, house or harbor any pet, have a right of property in any animal, has an animal in his care or custody, or who knowingly permits an animal to remain on or about any premises occupied by him/her, whether or not the owner of such pet.

Person shall mean any individual, firm, corporation, partnership, association, trust, estate, political subdivision of this state subject to municipal jurisdiction, or other legal entity.

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 the 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 TWO. Subsection 9-2.7(b), Injuries to Lawns or Gardens of Chapter 9, Animal Control, of the Revised General Ordinances of the Township of Rockaway shall be amended and supplemented to read as follows:

- b. Removal of feces.** 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.

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

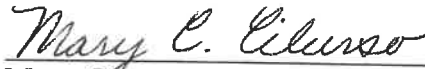
SECTION THREE. All Ordinances of the Township of Rockaway that are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

SECTION FOUR. If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION FIVE. This Ordinance shall take effect as provided by law.

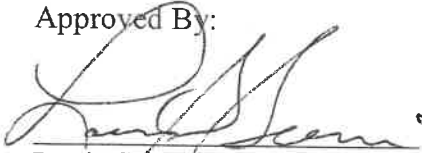
CERTIFICATION

I, Mary C. Cilurso, Township Clerk, Township of Rockaway County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title, and passed on first reading at a regular meeting of the Rockaway Township Council held on October 5, 2005 and adopted by the Governing Body at a regular meeting of the Township held on October 25, 2005.



Mary C. Cilurso, Township Clerk

Approved By:



Louis S. Sceusi
Mayor