

ORDINANCE O – 7 – 2023

**AN ORDINANCE OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF ELK,
COUNTY OF GLOUCESTER, STATE OF NEW JERSEY AMENDING CHAPTER 60 ENTITLED
“ANIMAL CONTROL” OF THE CODE OF THE TOWNSHIP OF ELK**

WHEREAS, the Mayor and Committee, Township of Elk, have determined that amendments to Chapter 60 entitled “Animal Control” are necessary; and

WHEREAS, in all other respects Chapter 60 entitled “Animal Control” shall remain in full force and effect.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Committee of the Township of Elk, in the County of Gloucester and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

Section 1.

Chapter 60 entitled “Animal Control” shall be amended to include a new Article IV entitled “Pet Waste Control” as follows:

Article IV. Pet Waste Control.

§ 60-28. Purpose.

An Article to establish requirements for the proper disposal of pet solid waste in the Township of Elk, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 60-29. 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 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.

§ 60-30. Requirement 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.

§ 60-31. 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.

§ 60-32. Enforcement.

This Article shall be enforced by the Elk Township Police Department, Elk Township Public Works Department and/or Elk Township Code Enforcement Official.

§ 60-33. Violations and penalties.

Any person who shall violate any of the terms or provisions of this Chapter or shall commit or do any act or thing prohibited by the terms of this article shall, upon conviction thereof, be subject to a fine not exceeding \$1,250, imprisonment for a term not exceeding 90 days or a period of community service not exceeding 90 days. Offenses on separate days shall be deemed to be separate offenses, so that a continued violation from day to day shall be construed to be a new violation for each day such violation occurs.

Section 2.

Severability.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 3.

Repealer.

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance be and the same are hereby repealed to the extent of such inconsistencies.

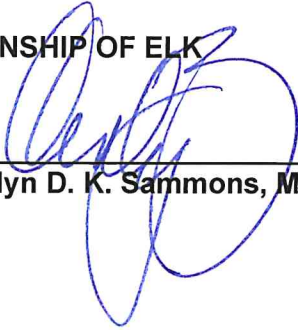
Section 4.

When effective.

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

| INTRODUCTION ROLL CALL VOTE | | | | | | |
|-----------------------------|--------|--------|-----|-----|---------|--------|
| COMMITTEE MEMBER | Motion | Second | AYE | NAY | ABSTAIN | ABSENT |
| Cowan | ✓ | | ✓ | | | |
| Lucas | | ✓ | ✓ | | | |
| Nicholson | | | ✓ | | | |
| Rambo | | | ✓ | | | |
| Sammons | | | ✓ | | | |

TOWNSHIP OF ELK



Carolyn D. K. Sammons, Mayor

ATTEST:



DEBORA R. PINE, Township Clerk

| FINAL ADOPTION ROLL CALL VOTE | | | | | | |
|-------------------------------|-----------------|--------|-----|-----|---------|--------|
| COMMITTEE MEMBER | Motion to Adopt | Second | AYE | NAY | ABSTAIN | ABSENT |
| Cowan | | | ✓ | | | |
| Lucas | | ✓ | ✓ | | | |
| Nicholson | ✓ | | ✓ | | | |
| Rambo | | | | | | ✓ |
| Sammons | | | ✓ | | | |

NOTICE

The Ordinance published herein was introduced and passed upon first reading at a meeting of the Mayor and Committee of the Township of Elk, in the County of Gloucester and State of New Jersey, held on February 2, 2023. It will be further considered for final passage, after public hearing hereon, at a meeting of said Mayor and Committee to be held in the Township Municipal Building on March 2, 2023, at 7:00 P.M. During the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office at the said Municipal Building, 680 Whig Lane, Monroeville, New Jersey, to the members of the general public who shall request the same.



DEBORA R. PINE, TOWNSHIP CLERK