

Ordinance Number 13-2023

An Ordinance to Amend the Lambertville City Code, 2014, Chapter 9, Animal Control, Section 3.3 Pet Waste, Owner Responsibilities for Removal; Penalties

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that Chapter 9, Section 3.3 is hereby repealed and replaced with the following:

9.3. Purpose:

An ordinance to establish requirements for the proper disposal of pet solid waste in **the City of Lambertville**, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

9.3-1. Definitions:

For the purpose of this ordinance, 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.

9.3-2. Pet Waste; Owner Responsibilities for Removal; Penalties.

- a. This subsection shall apply to the owner or other person having custody or control of any dog within the City.
- b. It is unlawful for the owner or custodian of any dog to permit, suffer or allow such dog to discharge its excreta upon any public or private property other than the property of the owner or custodian. Failure to remove and clean up such animal's excreta from public or private property as provided in paragraph d is also unlawful and shall constitute a separate and distinct violation.
- c. In addition to the property of the owner or custodian, it shall be permissible to permit,

suffer or allow a dog to discharge its excreta on public streets from curb to curb (not upon any sidewalk or walkway) or within the confines of public alleys provided that the owner or custodian removes and cleans up such animal's feces as provided in paragraph d.

- d. The owner or custodian of any dog shall immediately clean up and remove any dog excreta. Such excreta shall be disposed of in the sanitary sewer system or by placing same in a closed container and depositing such in a covered trash receptacle. No other form of disposal including depositing of excreta in storm sewers shall be permitted.
- e. Violations of this subsection shall, upon conviction, be punishable as follows:
 - 1. First Offense — a fine of not less than \$25 or more than \$100.
 - 2. Second Offense — a fine of not less than \$75 nor more than \$150.
 - 3. Third or Subsequent Offenses — a fine of not less than \$150 nor more than \$500. In addition, the sentencing judge may impose a term of imprisonment not to exceed 90 days.

§ 9-3.3. Owner of Dog Responsible for Conduct. [1990 Code § 9-2.2]

The conduct of a dog shall be attributed to the owner thereof and the owner shall be deemed to have permitted any dog who acts contrary to the requirement of this chapter to act so and such owner shall be guilty of the violation thereof.

9.3-4. 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.

9.3-5. Enforcement:

The provisions of this Article shall be enforced by the **Police Department of the City of Lambertville.**

9.3-6. Violations and Penalty:

Any person(s) who is found to be in violation of the provisions of this ordinance upon conviction, shall be liable to the penalty stated in Chapter 1 Section 1-5.

9.3-7. 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.

INTRODUCTION AND FIRST READING: April 20, 2023

PUBLIC HEARING AND SECOND READING: May 18, 2023