

CHAPTER VIII ANIMAL CONTROL

8-3 DEFECATION ON PUBLIC OR PRIVATE LANDS.

8-3.1 Purpose.

The purpose of this section is to establish requirements for the proper disposal of pet solid waste in Borough of Tinton Falls, so as to protect public health, safety and welfare of all those frequenting this municipality, by preventing the needless health hazards and nuisances caused by pet feces upon public and private property located within the Borough of Tinton Falls and to prescribe penalties for failure to comply. (Ord. #90-735, §1; Ord. #05-1174, §§1,5)

8-3.2 Defecation on Private Property.

No person owning or in charge of any pet shall cause or allow such pet to soil, defile, defecate upon, or commit any nuisance upon any private property, without the permission of the owner of said property. Any person owning a pet which soils, defiles, defecates or commits any such nuisance shall immediately remove all feces deposited by any such pet in a sanitary manner. (Ord. #90-735, §1; Ord. #05-1174, §5)

8-3.3 Defecation on Public Property.

No person owning or in charge of any pet shall cause or allow such pet to soil, defile, defecate upon, or commit any nuisance on any common thoroughfare, park, sidewalk, passageway, or any place where people congregate or walk, or upon any public property. Any person owning a pet which soils, defecates or commits any such nuisance shall immediately remove all feces deposited by any such pet in a sanitary manner. (Ord. #90-735, §1; Ord. #05-1174, §5)

8-3.4 Defecation on Own Property.

No person shall permit the accumulation of pet feces upon his own property or property occupied by him to the extent that the odor may be noticeable to any adjoining property owners. (Ord. #90-735, §1; Ord. #05-1174, §5)

8-3.5 Disposal of Defecation.

The feces removed from the aforementioned designated areas shall be disposed of by the person owning or in charge of any such pet in a sealed, nonabsorbent, leakproof container. Disposition in a sanitary manner shall include taking the feces home for deposit or wrapping the feces and placing in a trash can. It shall not include burial, or disposal by placement in a storm sewer, or placing unwrapped feces in a trash can. (Ord. #90-735, §1; Ord. #05-1174, §§3,5)

8-3.6 Defense of Violation.

It shall be a complete defense to violations of subsection 8-3.2, 8-3.3, and 8-3.4 of this section if a person shall have immediately removed such defecation and disposed of it in a sanitary manner. (Ord. #90-735, §1)

8-3.7 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. (Ord. #90-735, §1; Ord. #05-1174, §4)

8-3.8 Violations and Penalties.

Any person, firm or corporation who violates or neglects to comply with any provision of this section or any rule, regulation or directive promulgated pursuant thereto shall be liable, upon conviction, to the penalty stated in Chapter I, Section 1-5 et seq. (Ord. #90-735, §1; Ord. #05-1174, §6)

8-3.9 Enforcement.

In the event of a violation occurring on private property, a complaint can only be filed by the owner of said property. In the event of such a violation occurring on public property, thoroughfares, walkways, or parks, a complaint can only be filed by any witness of such act. (Ord. #90-735, §1)

8-3.10 Definitions.

For the purpose of this section, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this section 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 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.

Person shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

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.
(Ord. #05-1174, §2)