

**BOROUGH OF DEMAREST**

**COUNTY OF BERGEN**

**ORDINANCE 1146 -2024**

**ORDINANCE AMENDING AND MODIFYING ARTICLE XII SMALL ANIMALS §189-77 OF THE DEMAREST BOROUGH CODE**

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**Section 1. Purpose & Authority.** The purpose of this ordinance is to modify and amend [ ] pursuant to N.J.S.A. 40:48-1, and 40:49-2.

**Section 2. Amendments.** (amendments are highlighted, deletions strikethrough).

**§189-77 PET WASTE**

The following requirements shall apply for the proper disposal of pet solid waste in the Borough of Demarest to protect the environment, public health, safety and welfare.

A. 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 consistent 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.

“Owner/Keeper” means 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” means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

“Pet” means any domesticated animal kept for companionship.

“Pet solid waste” means feces from any domesticated animal.

“Proper disposal” means placement in a designated waste receptacle, or other suitable 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.

B. Regulated Activities: 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.

C. Exemptions: Any owner or keeper who requires the use of a disability assistance animal for disabilities such as vision or hearing loss, or other physical disabilities, shall be exempt from the provisions of this section while such animal is being used for that purpose. This exemption is not applicable to pets that are exclusively emotional support animals.

D. Enforcement: This ordinance shall be enforced by the Code Enforcement Officer.

E. 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 to exceed \$1,000.00.

**Section 3. Repealer.** All prior ordinances that are inconsistent with this ordinance are repealed. All ordinances are hereby amended to be consistent with this ordinance and all ordinances, including this one, shall be construed consistent with the express purpose of this ordinance.

**Section 4. Savings and Construction.** This ordinance shall be construed consistent with the purpose stated in Section 1 hereof. Any ambiguities in this ordinance shall be construed in accordance with the purpose of this ordinance. If any part of this ordinance is invalidated by a court of competent jurisdiction, the remainder of this ordinance shall be saved to the full extent possible. This ordinance repeals provisions of the Demarest Code only where stated herein; otherwise this ordinance is amendatory and supplementary to existing provision of the Demarest Code.

**Section 5. Codification.** This ordinance shall be codified as amendments to the chapters set forth herein.

**Section 6. Effective Date.** This ordinance shall take effect immediately upon approval and publication of notice of adoption as provided by law.

Attest:



Julie Falkenstern  
Acting Municipal Clerk

Approved:



Brian Bernstein  
Mayor

Introduced: **July 22, 2024**

2<sup>nd</sup> Reading: August 26, 2024

Adopted: August 26, 2024