

*Township of Berlin, NJ  
Wednesday, May 1, 2019*

## Chapter 87. Animals

### Article V. Dog and Cat Waste

[Adopted 11-9-1981 by Ord. No. 81:16; amended in its entirety 3-14-2005 by Ord. No. 2005-5 (Ch. 55, Art. III, of the 1976 Code)]

#### § 87-34. Definitions; word usage.

For purposes 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 article 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 directory.

##### **IMMEDIATE**

The pet solid waste is removed at once, without delay.

##### **OWNER/KEEPER**

Any person or persons who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet, or who shall own the property where the animal is being housed or harbored.

##### **PERSON**

Any individual, corporation, company, partnership, firm, association or political subdivision of this state subject to municipal jurisdiction.

##### **PET**

A domesticated animal (other than a disability assistance animal) kept for amusement or companionship.

##### **PET SOLID WASTE**

Waste matter expelled from the bowels of the pet; excrement.

##### **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. It shall not include burial, disbursal (unless such burial or disbursal is upon the property of the person

doing the burial or disbursal), placement in a storm drain or placing unwrapped feces in a trash can.

### § 87-35. Disposal required.

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. No person shall permit the accumulation of animal feces upon his property or property occupied by him to the extent that the odor may be noticeable to any adjoining property owner.

### § 87-36. Exemptions.

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

### § 87-37. Enforcement.

The Township Property Maintenance Officer shall serve as the local officer responsible for the enforcement of this article and shall call upon any and all other state, county, or local regulatory officials for assistance as needed for the enforcement of this article.

### § 87-38. Violations and penalties.

Any person found to be in violation of the provisions of this article shall be subject to a fine not to exceed \$25 for the first offense. For a second or subsequent offense, the fine shall not exceed \$100.