

ORDINANCE NO. 873

**AN ORDINANCE OF THE BOROUGH OF HOPEWELL,
COUNTY OF MERCER, NEW JERSEY, UPDATING
“DOG CURBING” PROVISIONS TO REQUIRE PROPER
DISPOSAL OF ALL PET WASTE AND AMENDING
CHAPTER VI OF “THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF HOPEWELL,
1975”**

WHEREAS, effective January 1, 2023, the New Jersey Department of Environmental Protection re-assigned the Borough of Hopewell from Stormwater Tier B to Tier A for purposes of the Borough’s municipal stormwater permit; and

WHEREAS, in order to help better manage stormwater discharges and resulting pollutant and nutrient impacts to waterways, Tier A municipalities are required to initiate a variety of municipal stormwater compliance activities before January 1, 2024, including but not limited to revising and adopting specific ordinances to help better manage stormwater discharges and resulting pollutant and nutrient impacts to waterways; and

WHEREAS, one of the required ordinances prohibits the improper disposal of pet waste on private and public property in the Borough; and

WHEREAS, at this time the Mayor and Council seek to amend Chapter VI of the “Revised General Ordinances of the Borough of Hopewell, 1975” (“Borough Code”), entitled “Animals,” to update the provisions on “curbing dogs” to expand the requirements and prohibitions to include all pet waste.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Hopewell, County of Mercer and State of New Jersey, as follows:

1. Amendments to Section 6-13, Regarding Curbing of Dogs, to Prohibit All Pet Waste. Chapter VI of the Borough Code (“Animals”), is amended as follows (additions are underlined; deletions are [bracketed]):

§6-13 [CURBING OF DOGS AND THE] REMOVAL AND DISPOSAL OF [DOG FECES]PET WASTE.

§6-13.1 Purpose.

The purpose of this section is to establish requirements for the proper disposal of pet solid waste upon private and public property in the borough, so as to protect the public health, safety and welfare, and to prescribe penalties for failure

to comply[of all those frequenting this borough by preventing the needless health hazards and nuisances caused by dog feces upon public and private property located within the borough].

§6-13.2 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 have the same meaning as “person” is defined in section 1-2 of this Code, and shall also include any 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.

§6-13.[2]3 Prohibitions; Requirements for Disposal.

- (a) No pet keeper or owner person, agency or institution owning, harboring, keeping or in charge of any dog shall cause, suffer or allow such pet[dog] to [soil, defile, defecate or] commit any nuisance upon any public or private property whatsoever, except with the express authority or permission of the owner of the property.

- (b) 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.

§6-13.[3]4. Exemptions.

Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the pet solid waste disposal provisions of subsection 6-13.3(b) above while such animal is being used for that purpose[Notwithstanding the provisions of subsection 6-13.2 above, it shall be permissible for the person in control of any dog or dogs to allow said dog to deposit feces between the right-of-way lines of any public street under and subject to the following conditions:

- a. The person in control of said dog or dogs shall have in his or her possession appropriate sanitary means by which he or she can collect and remove any feces deposited by said dog or dogs.
- b. The person in control of said dog or dogs shall immediately remove all feces deposited by said dog or dogs in a sanitary manner and shall dispose of all such feces in a sanitary manner and in a way so as not to interfere with the rights of others.
- c. The provisions of this subsection 6-13.3 shall not apply to a "seeing-eye" dog which is in the sole control of a blind person].

§6-13.[4]5. Enforcement; Complaints.

This section shall be enforced by the police department, board of health, health officer, administrator (or designee) and/or such other municipal officials or employees during the course of ordinary enforcement duties. In addition, [C]complaints against violators of this section may also be filed by any citizen[as well as by an officer of the police force or the animal control officer].

§6-13.[5]6. Violations, Penalties.

Any person in violation of this section shall be subject to a minimum fine of \$100.00 and maximum fines and penalties as set forth in section 3-11 et seq. of this Code. [Any person who shall violate any provision of this section shall be subject to a fine not exceeding \$100 for each offense.] For the purpose of this section each day that a particular violation occurs will be considered to be a separate offense.

2. **Repealer.** All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

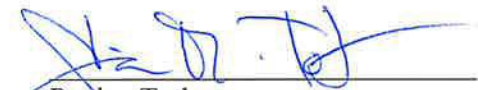
3. **Severability.** If any section, paragraph, subsection, clause or provision of this ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the


section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be valid and enforceable.

4. **Effective Date.** This ordinance shall take effect upon its adoption and publication as provided by law.

INTRODUCED: 10/5/2023
PASSED: 10/5/2023
PUBLISHED: 10/13/2023
ADOPTED: 11/2/2023
INTRODUCED BY: Mr. Morehouse

ATTEST:


Regina Toth
Municipal Clerk


C. Schuyler Morehouse
Council President

ROLL CALL VOTE				
COUNCIL MEMBER	YES	NO	ABSTAIN	ABSENT
KENNEDY	✓			
MACKIE	✓			
MCAULIFFE	✓			
MOREHOUSE	✓			
STUHLER	✓			
WEAVER	✓			