

Model Ordinance - Pet Waste

Ordinance # [] - Pet Waste

SECTION I. Purpose:

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

SECTION II. 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. [Disposal into a stormdrain or stormwater system is strictly prohibited. From Morris, NJ ordinance, full reference below]

SECTION III. Requirement for Disposal:

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.

SECTION IV. 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.

SECTION V. Enforcement:

The provisions of this Article shall be enforced by the **[Police Department and the Local Board of Health]** of **[insert name of municipality]**.

SECTION VI. Violations and Penalty:

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 **[insert amount]**.

SECTION VII. 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.

SECTION VIII. Effective date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

ALL OF WHICH IS ADOPTED this _____ day of _____, 200_, by the _____.

Model ordinance based on NJ Model Pet Waste Ordinance:

http://nj.gov/dep/stormwater/tier_A/pdf/pet%20waste%20ordinance.pdf accessed February 5, 2006

Annotations:

Operation and Maintenance Program for the Prevention and Reduction of Pollution in Storm Water Runoff From Municipal Operations within the city of {Municipality Name}, St. Louis County, Missouri, February 2005, Adopted {date} Appendix 2-F6: Model – Animal Waste Ordinance

6.06.030 Possession of Removal Equipment. It is unlawful for the owner or handler of any animal to fail to have in their possession the equipment necessary to remove their animals' fecal matter when accompanied by said animal on public property or public easement, or private property of another.

6.06.040 Set Aside Areas. The above prohibitions shall not extend to areas set aside and designated by the city as areas where animals can be off-lease for exercise or training.

Ordinance #1-05, Chapter 99A Pet Waste, Township of Morris NJ – <http://www.morristwp.com/ord-petwaste.asp> accessed January 31, 2007

Section III. Requirements for Disposal:

“...On any property owned or possessed by that person, all pet owners and keepers are required to properly dispose of their pet's solid waste at a frequency of at least weekly or more frequently if necessary to prevent a public health nuisance.”

Section VI. Violations and Penalty:

“...for each offense, together with the costs of prosecution. A separate offense shall be deemed committed on each day or part of each day during which a violation occurs or continues.”

North Kingstown code of ordinances, Chapter 3 ANIMALS, <http://www.municode.com/> accessed 1/21/07

Sec. 3-23. Removal of dog feces.

(a) *Required.* It shall be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by such person's dog on any sidewalk, street or other public area. It shall, further, be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by such person's dog on any private property neither owned nor occupied by the person.

(b) *Duty to possess means of removal.* No person who owns, possesses or controls a dog shall appear with such dog on any sidewalk, street, park or other public area without the means of removal of any feces left by such dog. Furthermore, no person who owns, possesses, or controls such dog shall appear on any private property neither owned nor occupied by such person without the means of removal of any feces left by the dog.

(c) *Method of removal and disposal.* For the purpose of this section, the means of removal shall be any tool, implement or other device carried for the purpose of picking up and containing such feces, unexposed to such person or the public. Disposal shall be accomplished by transporting the feces to a place suitable and regularly reserved for the disposal of human feces, to a place specifically reserved for the disposal of dog feces, or to a place so designated as appropriate by the department of public works.

(d) *Fines for violation.* Violation of this section shall be punishable by a fine not exceeding:

- (1) \$10.00 for the first offense;
- (2) \$25.00 for the second offense within a year of the first offense; and
- (3) \$50.00 for the third and any subsequent offenses within a year of the first offense.

Fines to be recovered by action of debt or by complaint or warrant, to use as the town council may prescribe.

(e) *Exemption.* This section shall not apply to a licensed dog accompanying any handicapped person who, because of such person's handicap, is physically unable to comply with the requirements of this section.

(Ord. No. 96-13, § 1, 7-8-1996; Ord. No. 03-06, § 3, 5-12-2003)

The Codified Ordinances of the City of Newport, Rhode Island, Chapter 6.08. ANIMAL CONTROL REGULATIONS, 6.08.050. Restraint of animals.

F. No person having control of an animal shall knowingly permit the same to defecate in or upon any sidewalk, public place, park or building, or in or upon any part of a building used by or open to the public, or upon the property of a person other than the owner of such animal. Any person having control of an animal which defecates in or upon any sidewalk, public place, park or building, or in or upon any part of a building used by or open to the public, or upon the property of a person other than the owner of such animal, shall forthwith remove the feces.

2. Any person who brings into an off-leash site shall:

- a. Carry materials and implements for removing and disposing of *dog* excreta and remove all excreta deposited by the *dog* in the off-leash site, in compliance with Section 6.08.050;