

# O r d i n a n c e

Ordinance No. 26                      OF THE                      Date...03,,23-05...  
CITY OF ATLANTIC CITY, N.J. Date to Mayor.04-07-05..

Approved as to Form and Legality on Basis of Facts Set Forth                      Factual contents certified to by

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City Solicitor Is/ Beverly Graham-Foy

Business Administrator Is/ Benjamin R. Fitzgerald

Prepared by the City Solicitor's Office

Council Member ROBINSON Presents the following Ordinance:

## AN ORDINANCE TO AMEND THE CITY CODE IN COMPLIANCE WITH THE TIER A STORMWATER MANAGEMENT PERMIT ISSUED TO THE CITY OF ATLANTIC CITY.

WHEREAS, as a result of the U. S. Environmental Protection Agency's Phase II rules published in December 1999, the New Jersey Department of Environmental Protection has developed the Municipal Stormwater Regulation Program; and

WHEREAS, due to the critical importance of substantially reducing stormwater/nonpoint pollution entering into the waters of the State, the Municipal Stormwater Regulation Program mandates certain statewide basic requirements and best management practices as components of the NJPDES Stormwater General Permits; and

WHEREAS, the Tier A Permit issued to the City of Atlantic City requires the municipality to develop, implement, and enforce a Stormwater Program including the adoption or amendment of Municipal Ordinances regulating Pet Waste, Litter Control, Improper Waste Disposal, Wildlife Feeding, Containerized Yard Waste, Yard Waste Collection, and Illicit Connections to the Storm Sewer System

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Atlantic City that:

SECTION 1: Pet Waste: An Ordinance to establish requirements for the proper disposal of pet solid waste in Atlantic City, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

Section 121-28 through 121-31 of the Municipal Code shall be replaced with the following:

### 121-28 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 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.

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- 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.

121-29 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.

121-30 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.

121-31 Enforcement:

The provisions of this Article shall be enforced by the Atlantic City Police Department and Department of Health.