

**BOROUGH OF OGDENSBURG  
COUNTY OF SUSSEX  
ORDINANCE 03-2023**

**AN ORDINANCE OF THE BOROUGH OF OGDENSBURG, COUNTY OF SUSSEX,  
AND STATE OF NEW JERSEY ADDING CHAPTER 18 TO THE BOROUGH CODE  
ENTITLED “MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4), TIER A  
COMMUNITY-WIDE ORDINANCES” INCLUDING NEW SECTION 18-1 ENTITLED  
“PET WASTE”**

**WHEREAS**, in July 2022, the New Jersey Department of Environmental Protection (“NJDEP”) reassigned all New Jersey municipalities designated as “Tier B” under the Municipal Separate Storm Sewer System Permit Program (MS4 Permit Program) to “Tier A” effectively invalidating the “Tier B” permit program; and

**WHEREAS**, as a result of Tier A reassignment, the Borough of Ogdensburg (“Borough”) is required to satisfy additional permit conditions set forth in the Tier A MS4 New Jersey Pollutant Discharge Elimination System (“NJPDES”) Master General Permit renewed January 1, 2023; and

**WHEREAS**, Tier A NJPDES permit conditions require, among other things, that the Borough adopt and enforce community-wide ordinances regarding (1) Pet Waste, (2) Wildlife Feeding, (3) Litter Control, (4) Improper Disposal of Waste, (5) Containerized Yard Waste/Yard Waste, (6) Private Storm Drain Inlet Retrofitting, (7) Privately-Owned Salt Storage, (8) Tree Removal/Replacement, (9) Illicit Connection, and (10) Privately-Owned Refuse Container/Dumpster (optional); and

**WHEREAS**, the Borough desires to adopt the aforesaid ordinances throughout the course of this calendar year for better legislative management and increased public participation, which ordinances shall appear in a new chapter of the Borough Code entitled “Municipal Separate Storm Sewer System (MS4), Tier A Community-Wide Ordinances.”

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Ogdensburg, County of Sussex, and State of New Jersey, that Chapter 18 entitled “Municipal Separate Storm Sewer System (MS4), Tier A Community-Wide Ordinances” be added to the Code of the Borough, together with Section 18-1 entitled “Pet Waste” as follows:

**SECTION 1.** There is hereby created in the Borough Code a new chapter entitled “Chapter 18 Municipal Separate Storm Sewer System (MS4), Tier A Community-Wide Ordinances.”

**SECTION 2.** Section 18-1 entitled “Pet Waste” is hereby added to Chapter 18 of the Borough Code as Follows:

**Chapter 18 Municipal Separate Storm Sewer System (MS4), Tier A Community-Wide Ordinances**

**§ 18-1 PET WASTE**

**§ 18-1.1 Purpose.**

The purpose of this Section is to establish requirements for the proper disposal of pet solid waste in the Borough of Ogdensburg to protect public health, safety, and welfare, and to prescribe penalties for failure to comply.

**§ 18-1.2 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 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 merely directory.

**IMMEDIATE**

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

**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.

**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.

**§ 18-1.3 Requirements 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.

**§ 18-1.4 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.

**§ 18-1.5 Enforcement.**

The provisions of this Section shall be enforced by the Police Department and the Local Board of Health of the Borough of Ogdensburg.

**§ 18-1.6 Violations and Penalties.**

Any person(s) who is found to be in violation of this Section shall be subject to a minimum fine of not less than \$50 nor maximum fine more than \$250 for each and every violation.


**SECTION 3.** All other provisions unaffected by this Ordinance shall remain in full force and effect.

**SECTION 4.** All Ordinances or parts of Ordinances inconsistent herewith are repealed.

**SECTION 5.** If any section, subsection, sentence, clause, phrase, or a portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 6.** This ordinance shall become effective after second reading and publication as required by law.

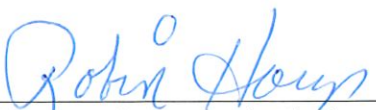
Attest:

  
\_\_\_\_\_  
Robin Hough, Borough Clerk

  
\_\_\_\_\_  
George P. Hutnick, Mayor

**NOTICE**

**TAKE NOTICE** that the above entitled ordinance was introduced at a regular meeting of the Borough Council of the Borough of Ogdensburg on April 24, 2023, and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Ogdensburg to be held on May 8, 2023 at 7:00PM in the Municipal Building, 14 Highland Ave., Ogdensburg, New Jersey, and shall take effect according to law.

  
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Robin Hough, Borough Clerk

Roll call vote for Introduction:

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
Councilman Alvarez	✓			
Councilman Ciasullo	✓			
Councilwoman Cowdrick	✓			
Councilman DeMeo	✓			
Councilman Poyer	✓			
Councilwoman Ruitenberg	✓			
Mayor Hutnick (Tie Only)				


Roll call vote for Adoption:

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
Councilman Alvarez				✓
Councilman Ciasullo	✓			
Councilwoman Cowdrick	✓			
Councilman DeMeo	✓			
Councilman Poyer	✓			
Councilwoman Ruitenberg	✓			
Mayor Hutnick (Tie Only)				

**BOROUGH OF OGDENSBURG  
LEGAL NOTICE  
ORDINANCE 03-2023**

**AN ORDINANCE OF THE BOROUGH OF OGDENSBURG, COUNTY OF SUSSEX,  
AND STATE OF NEW JERSEY ADDING CHAPTER 18 TO THE BOROUGH CODE  
ENTITLED “MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4), TIER A  
COMMUNITY – WIDE ORDINANCES” INCLUDING NEW SECTION 18-1 ENTITLED  
“PET WASTE”**

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Ogdensburg, in the County of Sussex, State of New Jersey, held in the Municipal Building on the 24<sup>th</sup> day of April, 2023, and the same came up for final passage at a meeting of the said Borough Council on the 8<sup>th</sup> day of May, 2023, at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the borough according to law by order to the Borough Council of the Borough of Ogdensburg, County of Sussex and State of New Jersey.

  
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Robin Hough, RMC/CMR