

ORDINANCE NO. 3532-20

AN ORDINANCE AMENDING CHAPTER 26 ENTITLED "DOGS, PETS, ANIMALS, AND KENNELS" SECTIONS 1, 6 AND 24 RESPECTIVELY ENTITLED "DEFINITIONS", "NUISANCES PROHIBITED; REMOVAL OF FECES; REQUIREMENTS FOR DISPOSAL" AND "SEVERABILITY" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RUTHERFORD, COUNTY OF BERGEN, AND STATE OF NEW JERSEY

BE IT ORDAINED by the Mayor and Council of the Borough of Rutherford, County of Bergen and State of New Jersey that Chapter 26, Sections 1, 6 and 24 respectively entitled "Definitions", "Nuisances Prohibited; Removal of Feces; Requirements for Disposal" and "Severability" of the Code of the Borough of Rutherford shall be amended and that those portions of the Ordinances set forth below are hereby amended as follows and that those portions of the Ordinances not set forth below shall remain unchanged:

§26-1 Definitions:

~~As used in this chapter, the following terms shall have the meanings indicated:~~ **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.**

§26-6 Nuisances prohibited; removal of feces; requirements for disposal.

~~D. Enforcement. This section shall be enforced by the Borough's Animal Control Officer, the Borough Health Department, the Police Department, or may be enforced by any private citizen by the filing of a complaint in the Rutherford Municipal Court.~~ **The provisions of this Article shall be enforced by the Police Department and the Health Department of Borough of Rutherford.**

E. 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.

§26-24 Severability.

~~The provisions of this chapter shall be severable, and if any of the provisions hereof shall be held to be unconstitutional, the decision of the court respecting such provision or provisions shall not affect the validity of any other provisions which can be given effect without such invalid provision or provisions.~~

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.

This ordinance shall take effect in accordance with applicable law.

ATTEST:

BOROUGH OF RUTHERFORD

Margaret M. Scanlon

Margaret M. Scanlon, Borough Clerk

Frank Nunziato

Frank Nunziato, Mayor

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Mayor and Council at a meeting held **August 18, 2020**.

Margaret M. Scanlon

Margaret M. Scanlon, Borough Clerk