

**Draft Resolution - Pet Waste at Highway Rest Areas**  
**Resolution # [ ] - Pet Waste at Highway Rest Areas**

*Notes:*

1. *If Capitol County were governed under the Optional County Charter Act, N.J.S.A. 40:41A-1 et seq., this “resolution” would instead be an “ordinance” (see N.J.S.A. 40:41A-27 and –101).*
2. *This draft resolution omits highway service areas because Capitol County does not operate or plan to operate any highway service areas.*
3. *In the Highway Permit, the pet waste requirement is limited to rest areas and service areas at certain highways and other thoroughfares. However, a county or other Highway Agency may choose to regulate pet waste disposal on any property owned or operated by the Highway Agency, including property located at county operated Public Complexes and other county operated facilities. Also, if Capitol County obtains both the Highway Permit and the Public Complex Permit, Capitol County could adopt a single Pet Waste resolution to meet requirements in both permits.*

**SECTION I. Purpose:**

A resolution to establish requirements for the proper disposal of pet solid waste deposited at highway rest areas operated by Capitol County, 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 resolution, 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. Highway rest area – any rest area, including any picnic area or scenic overlook, for a highway or other thoroughfare operated by Capitol County. For purposes of this resolution, a “highway or other thoroughfare” does not include:
  1. Any thoroughfare confined to the grounds of one or more buildings; or
  2. Any thoroughfare confined to a park or recreational area operated by Capitol County.
- b. Immediate – shall mean that the pet solid waste is removed at once, without delay.
- c. 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.

- d. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to County jurisdiction.
- e. Pet - a domesticated animal (other than a disability assistance animal) kept for amusement or companionship.
- f. Pet solid waste – waste matter expelled from the bowels of the pet; excrement.
- g. Proper disposal – placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the county or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

**SECTION III. Requirement for Disposal:**

All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited at highway rest areas operated by Capitol County.

**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 resolution shall be enforceable by any local or State police officer.

**SECTION VI. Violations and Penalty:**

Any person(s) convicted by a court of competent jurisdiction of violating this resolution shall be subject to a fine not to exceed **[insert amount]**.

**SECTION VII. Severability:**

Each section, subsection, sentence, clause and phrase of this resolution is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this resolution to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this resolution.

**SECTION VIII. Effective date:**

This resolution 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 Board of Chosen Freeholders of Capitol County.