

ORDINANCE NO. 1259

AN ORDINANCE OF THE BOROUGH OF SOMERSET  
REQUIRING REMOVAL AND DISPOSAL OF DOG FECES FROM CERTAIN AREAS  
WITHIN THE BOROUGH OF SOMERSET

***BE IT, AND THE SAME IS HEREBY ORDAINED AND ENACTED*** as follows:

**SECTION 1. Removal of Feces Required.** Any person owning or in charge of any dog which soils, defiles, defecates on or commits any nuisance on any common thoroughfare, sidewalk, passageway, pathway, play area, park or any place where people congregate or walk or upon any public property whatsoever, or upon any private property without the permission of the owner of said property, shall immediately removal and dispose of all feces deposited by any such dog by a method of disposal as set forth in Section 3.

**SECTION 2. Exceptions.** The provision of this Ordinance shall not apply to blind persons using dogs as guides.

**SECTION 3. Methods of Disposal.** For purposes of this Ordinance, sanitary methods of removing and disposing of feces shall be the immediate and proper use of mechanical devices such as pooch scoops, small shovels, etc., immediately followed by depositing of all such feces into a sealed, non-absorbent, leak-proof container, immediately followed by depositing of all such containers into repositories intended for disposal of residential or municipal waste.

**SECTION 4. Violations and Penalties.** Any person who violates or neglects to comply with any provision of this Ordinance shall, upon adjudication thereof, be liable for a penalty of not less than twenty-five (\$25.00) dollars, nor more than one hundred (\$100.00) dollars for each such violation, plus the costs of proceedings.

**SECTION 5. Enforcement by Police.** Proceedings against any person who violates or neglects to comply with any provision of this Ordinance may be instituted by

any officer of the Somerset Borough Police Department. Such enforcement proceedings, if instituted by a policeman, shall be initiated by the issuance of a non-traffic citation.

**SECTION 6. Private Actions by Citizens.** Any adult citizen of the Borough of Somerset who is an owner or tenant of real property upon which dog defecation has occurred, and for which the person owning or in charge of the defecating dog has not fully complied with the requirements of this Ordinance, may institute a private action under this Ordinance against the person who violated or neglected to comply with the provisions of this Ordinance. For purposes of this Section, the area of public sidewalk and the area of grass between the sidewalk and the curb line of the public street shall be deemed to be areas for which citizen-initiated action is proper under this Ordinance. Such action, if instituted by a citizen hereunder, shall be commenced by the filing of a civil Complaint with the District Justice. Throughout such citizen-initiated proceedings, at no time shall such citizen be, or be deemed to be an agent, officer or employee of the Borough of Somerset or the Somerset Borough Police Department. Upon adjudication by the District Justice that a violation of this Ordinance has occurred, such person so adjudicated shall be liable for a civil penalty of not less than twenty-five (\$25.00) dollars, nor more than one hundred (\$100.00) dollars for each such violation, plus the costs of proceedings. Upon collection of the civil penalty and the costs of proceedings from such adjudicated violator, the District Justice shall be authorized to repay to the citizen who initiated the action the amount such citizen advanced as filing and/or service fees, then to pay over to the Borough of Somerset the remaining amount so collected.

**SECTION 7. Use of Civil Penalties.** All civil penalties received by the Borough of Somerset by reason of proceedings initiated under the authority of this Ordinance may, but shall not be required to, be collected and paid to the Humane Society of Somerset County, or any other similar non-profit organization, in aid of such organization's animal shelter activities.

**SECTION 8. Repeal of Inconsistent Ordinances.** All existing ordinances or parts thereof which are inconsistent herewith are hereby repealed.

**SECTION 9. Effective Date.** This Ordinance shall take effect immediately.

**ENACTED AND ORDAINED** this 23rd day of October, 1995 by the  
Borough Council of the Borough of Somerset.

ATTEST:

BOROUGH OF SOMERSET

Machilda Brown  
Borough Secretary

By [Signature]  
President of Council

**APPROVED** this 23rd day of October, 1995.

William P. Kow  
Mayor

This is to certify that the above is a true and correct copy of an ordinance adopted the 23rd day of October 1995, advertised in the Somerset Daily American on October 13, 1995, and shown in Minute Book "DD" on page 233.

Machilda Brown  
Secretary