

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE #2020-11

Title: **AN ORDINANCE AMENDING CHAPTER 166, ARTICLE XII, WILDLIFE FEEDING, OF THE CODE OF THE TOWNSHIP OF LOWER, TO PROHIBIT THE FEEDING OF WILDLIFE ON PRIVATE PROPERTY WITHIN THE TOWNSHIP OF LOWER**

WHEREAS, pursuant to N.J.S.A. 40:48-2, a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, Chapter 166, Article XII, Wildlife Feeding, of the Code of the Township of Lower, currently regulates and prohibits the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Township of Lower, in an effort to protect public health, safety and welfare; and

WHEREAS, the Township of Lower recognizes that the feeding of unconfined wildlife is in many situations detrimental to the wildlife itself, and can create a nuisance for property owners and residents alike; negatively impacting the health, safety, and general welfare of the public; and

WHEREAS, the Township Council of the Township of Lower desires to amend Chapter 166, Article VII of the Township Code in order to prohibit the feeding of unconfined wildlife on private property in order to further protect the health, safety, and general welfare of the public.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey as follows:

Section 1. Chapter 166, Article VII, Wildlife Feeding, is hereby repealed and replaced with:

166-13 Purpose

The purpose of this article is to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by Township of Lower, and on all private property located within the Township of Lower, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

166-14 Definitions

For the purpose of this article, 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.

FEED

To give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

WILDLIFE

All animals that are neither human nor domesticated, including but not limited to coyotes, feral cats, deer, raccoons, opossums, skunks, and carnivorous scavenger birds such as turkey vultures and black buzzards.

166-15 Prohibited Conduct

No person shall feed, in any public park or on any other property owned or operated by the Township of Lower, or on any private property located within the Township of Lower, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers, or feral cats as part of an approved trap-neuter-release program).

Nothing contained herein shall prohibit persons from feeding birds, with the exception of carnivorous scavenger birds such as turkey vultures and black buzzards, on their private property using bird feeders filled with bird seed.

166-16 Enforcement

A. This article shall be enforced by the Lower Township Police Department and/or any other municipal officials authorized by law to enforce the Ordinances of the Township of Lower.

B. Any person found to be in violation of the provisions of this Article shall be ordered to immediately cease and desist the feeding of wildlife.

166-17 Violations and Penalties.

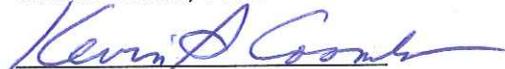
Any person(s) who is found to be in violation of the provisions of this article shall be subject to a maximum penalty, upon conviction, of a fine not exceeding \$1,000 or imprisonment for a period not exceeding 90 days, or both (N.J.S.A. 40:49 5).

Section 2. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

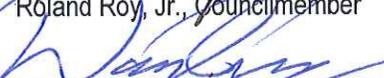
Section 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provision of this Ordinance are hereby declared to be severable.

Section 4. This Ordinance shall become effective 20 days after final passage and publication according to law.


Thomas Conrad, Councilmember

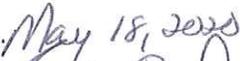

Kevin Coombs, Councilmember

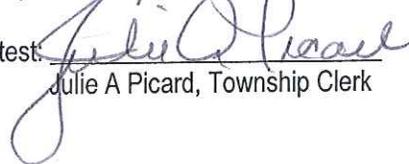

Roland Roy, Jr., Councilmember


David Perry, Deputy Mayor


Frank Sippel, Mayor

First Reading: April 20, 2020

Adopted:  May 18, 2020

Attest: 
Julie A Picard, Township Clerk