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10-23-06

C. DPW
Ord. Book
Ann. Code

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

ORDINANCE #2006-18

WILDLIFE FEEDING ORDINANCE FOR PUBLIC PARKS AND/OR PROPERTIES OWNED OR OPERATED BY THE TOWNSHIP

SECTION 1. Purpose:

An ordinance to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by Township of Lower, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

SECTION 2. Definitions:

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.

- a. 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.
- b. Person -- any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Wildlife -- all animals that are neither human nor domesticated.

SECTION 3. Prohibited Conduct:

No person shall feed, in any public park or on any other property owned or operated by 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).

SECTION 4. Enforcement:

- a. This ordinance shall be enforced by the Lower Township Police Department and/or other Municipal Officials] of the Township of Lower.
- b. Any person found to be in violation of this ordinance shall be ordered to cease the feeding immediately.

SECTION 5. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance 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 6. Severability:

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.

SECTION 7. Effective date:

This Ordinance shall become effective twenty (20) days after final passage and publication, according to law.

Michael Beck
Michael Beck, Councilmember

Wayne Mazurek
Wayne Mazurek, Councilmember

Arthur Stig Blomkvist
Arthur Stig Blomkvist, Councilmember

Robert Nolan
Robert Nolan, Councilmember

Walt Craig
Walt Craig, Mayor

Attest: Claudia R. Korman

Adopted: October 2, 2006