

ORDINANCE 1753

An Ordinance to Amend the Revised General Ordinances of the Township of Bernards, Chapter X "Municipal Parks, Playgrounds and Pools" by Adding a New Section 4 "Feeding Wildlife" to Comply with the NJPDES Municipal Stormwater Regulation Program

SECTION I. Purpose.

The purpose of this ordinance is to add a new Section 10-4 to Chapter 10 of the Revised General Ordinances of the Township of Bernards to prohibit the feeding of unconfined wildlife in compliance with the NJPDES Municipal Stormwater Regulation Program, in any public park or on any other property owned or operated by the Township of Bernards, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

SECTION 10-4 Feeding of Wildlife

§ 10-4.1. Definitions.

For the purpose of this section, 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.

FEED shall mean 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 shall mean any individual, corporation, company, partnership, firm, association or political subdivision of this State subject to municipal jurisdiction.

WILDLIFE shall mean all animals that are neither human nor domesticated.

§ 10-4.2. Prohibited Conduct.

No person shall, in any public park or on any other property owned or operated by the Township of Bernards, feed any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers).

§ 10-4.3. Enforcement.

- a. This section shall be enforced by the Police Department of the Township of Bernards.
- b. Any person found to be in violation of this section shall be ordered to cease the feeding immediately.

§ 10-4.4. Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this section shall be subject to penalties as set forth in Section 3-1 of the Revised General Ordinances of the Township of Bernards.

SECTION II. 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 II. Effective date:

This ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Explanatory Statement:

This ordinance aligns with the goals of the 2003 Bernards Township Master Plan and the State of New Jersey Stormwater Management Regulations. Peter Messina took the model ordinances provided by the NJDEP and inserted the appropriate enforcement agency. While this ordinance may provoke discussion, we are not aware that we can change the substance of the ordinances. Bernards Township must implement this ordinance on or before 10/1/05.

Barbara J. Pence, Administrator

Publication by Summary Pursuant to N.J.S.A.40:49-2

This ordinance is consistent with the goals of the 2003 Bernards Township Master Plan and State of New Jersey Stormwater Management Regulations. It prohibits the feeding of wildlife on township property including public parks and pool.

**TOWNSHIP OF BERNARDS
PUBLIC NOTICE**

Ordinance #1753 having been introduced and passed on first reading by the Township Committee of the Township of Bernards in the County of Somerset on 8/10/04, and then ordered to be published according to law, will be further considered for final passage and adoption at a public hearing held at a meeting of said Township Committee at the Municipal Building, 1 Collyer Lane, Basking Ridge, NJ in said township on 9/28/04, at 7:30 P.M., when and where, or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance. A complete text of this ordinance is available in the Office of the Municipal Clerk, 1 Collyer Lane, Basking Ridge, NJ, from 8:30 A.M. to 4:30 P.M., Monday through Friday. Copies are also available via e-mail from dszabo@bernards.org.

By Order of the Township Committee
Denise Szabo, Municipal Clerk

Note: the 9/28/04 meeting and PH were adjourned to 9/30/04

**TOWNSHIP OF BERNARDS
Public Notice**

Notice is hereby given that Bernards Township Ordinance #1753, was introduced and passed on first reading at a meeting of the Township Committee, on 8/10/04, and was passed on final reading and adopted following a public hearing thereon at a regular meeting of the Governing Body of the Township of Bernards on 9/30/04.

Denise Szabo
Municipal Clerk