

ORDINANCE NO. 08-2023

ORDINANCE OF THE BOROUGH OF BRANCHVILLE, COUNTY OF SUSSEX, STATE OF NEW JERSEY CREATING CHAPTER 31 ENTITLED "WILDLIFE FEEDING" AS REQUIRED BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the New Jersey Department of Environmental Protection is requiring all New Jersey municipalities to adopt certain ordinances in order to comply with the Tier A Stormwater Requirements; and

WHEREAS, certain model ordinances were provided to the Borough by the Department for introduction and subsequent adoption; and

WHEREAS, the Borough Council of the Borough of Branchville believes the adoption of these ordinances is in the best interest of the Borough and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Branchville, County of Sussex, State of New Jersey, that Chapter 31 entitled "Wildlife Feeding" be created as follows:

SECTION I.

§ 31-1. Purpose.

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

§ 31-2. 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.

§ 31-3. Prohibited Conduct.

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

§ 31-4. Enforcement.

- a. This Ordinance shall be enforced by the New Jersey State Police, the New Jersey Park Police, as well as the Branchville Borough Animal Control Officer.
- b. Any person found to be in violation of this Ordinance shall be ordered to cease the feeding immediately.

§ 31-5. Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this Ordinance shall be subject to a fine not to exceed two thousand dollars (\$2,000.00).

SECTION II. Repealer.

Any article, section, paragraph, subsection, clause, or other provision of the Code of the Borough of Branchville inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION III. Severability.

The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged to be unconstitutional or invalid by a court of competent jurisdiction the remainder of this Ordinance shall remain in full force and effect.

SECTION IV. Effective Date.

This Ordinance shall take effect upon final passage and publication as provided by law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Borough of Branchville held on _____, 2023 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Borough Council to be held on _____, 2023 at 7:00 p.m. or as soon thereafter as the Borough Council may hear this Ordinance at the Municipal Building, 34 Wantage Avenue, Branchville, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Borough Clerk