



ORDINANCE 24-2005

WILD LIFE FEEDING

SECTION I. Purpose:

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

SECTION II. 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 III. Prohibited Conduct:

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

SECTION IV. Enforcement:

- a. This ordinance shall be enforced by the Police Department and/or Code Enforcement Official of the Borough of Atlantic Highlands.
- b. Any person found to be in violation of this ordinance should be ordered to cease the feeding immediately.

SECTION V. 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 three hundred [\$300.00] dollars.

SECTION VI. 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 VII. Effective date:

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

Council member Ladiana introduced this Ordinance and, after First Reading, moved for approval. It was seconded by Council member Spatola and approved by the following vote.

AYES: Council members Archibald, Fligor, Ladiana, Noonan and Spatola

NAYS:

The Second Reading, Public Hearing and possible adoption is scheduled for November 30, 2005.

I, Dwayne M. Harris, Acting Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held November 09, 2005.

WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 10th day of November 2005.

Dwayne M. Harris, RMC