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Borough of Pompton Lakes, N.J.



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## ORDINANCE NO. 06-05

### AN ORDINANCE OF THE BOROUGH OF POMPTON LAKES AMENDING CHAPTER 92-42 OF THE BOROUGH CODE, ENTITLED "FEEDING WILD ANIMALS"

**WHEREAS**, the Mayor and Council of the Borough of Pompton Lakes desire to amend Ordinance 92-42, regarding the feeding of wild animals, in order to comply with recent legislation which formalizes the manner in which municipalities must deal with storm water issues.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey, that Chapter 92-42 of the Borough Code is amended as follows:

#### 92-42. Wildlife 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 Pompton Lakes, 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 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

- a. No person shall feed, in any public park or on any other property owned or operated by the Borough of Pompton Lakes, 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 Pompton Lakes Police Department.
- b. Any person found to be in violation of this ordinance shall 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 \$100.

##### SECTION VI.

If any Article of this Ordinance or its application to any person or circumstances shall be adjudged invalid, such determination shall not affect the remaining provisions of this Ordinance, and the

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application of such remaining provisions shall not be affected thereby and shall remain in full force and effect, and to this end, the provisions of this Ordinance are severable.

This Ordinance is not meant to repeal any provisions of the Revised code of the Borough of Pompton Lakes other than those designated herein, but to add to its requirements, and all Ordinances or parts thereof inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency only.

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

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