

ORDINANCE 974

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "REVISED GENERAL ORDINANCES OF THE BOROUGH OF DEAL, COUNTY OF MONMOUTH, STATE OF NEW JERSEY", GENERAL POLICE REGULATIONS

Section I. BE IT ORDAINED by the Board of Commissioners of the Borough of Deal in the County of Monmouth, State of New Jersey that Chapter 5, General Police Regulations, of the Revised General Ordinances of the Borough of Deal, County of Monmouth, State of New Jersey, is hereby amended as follows:

5-20 Wildlife Feeding

5-20.1 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 Deal, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

5-20.2 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.

5-20.3 Prohibited Conduct:

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

5-20.4 Enforcement:

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

5-20.5 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 as specified in Chapter V, Section 9 of this Code.

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 III. 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.

Introduction: May 9, 2006 By Commissioner Dayan
Seconded by Commissioner O'Donnell
Roll Call: Ayes 3; Franco, O'Donnell & Dayan

Adoption: May 23, 2006 Motion By Commissioner Dayan
Second Commissioner O'Donnell
Roll Call: Ayes 3; Franco, O'Donnell & Dayan