

ORDINANCE 2015-16

**AN ORDINANCE OF THE BOROUGH OF BAY HEAD,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AMENDING AND SUPPLEMENTING THE MUNICIPAL
CODE OF THE BOROUGH OF BAY HEAD, SO AS TO
AMEND CHAPTER 69-45, ENTITLED "DEFINITIONS
AND WORD USAGE" AND AMENDING AND
SUPPLEMENTING CHAPTER 69-46, ENTITLED
"ANIMALS; PROHIBITED CONDUCT," IN ORDER TO
PROHIBIT THE FEEDING OF WILDLIFE AND/OR
WILD ANIMALS.**

It has been well established that the feeding of wild animals and waterfowl is both detrimental to the animals and causes a public health nuisance and safety hazard that is detrimental to the health and general welfare of the public. Feeding wild animals and/or waterfowl upsets the ecosystem and can lead to property damage. As such, the Borough has determined that in order to protect the safety of its residents, a prohibition on feeding such animals must be instituted.

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Bay Head, County of Ocean, and State of New Jersey, as follows:

SECTION 1. The Municipal Code of the Borough of Bay Head is hereby amended and supplemented so as to amend § 69-45, entitled "Definitions and Word Usage," so as to read in its entirety as follows:

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this article 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

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

Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

WATERFOWL

Any bird that frequents the water, or lives about rivers, lakes, etc., or on or near the ocean; an aquatic fowl, including but not limited to ducks, geese, swans, heron, and egrets.

WILD ANIMAL AND/OR WILDLIFE

All animals that are neither human nor domesticated. Includes any animal which is not normally domesticated in this state, including but not limited to bears,

coyotes, deer, feral cats, foxes, rodents, groundhogs, opossums, raccoons, skunks, waterfowl, and the like.

SECTION 2. The Municipal Code of the Borough of Bay Head is hereby amended and supplemented so as to amend § 69-46, entitled “Animals; Prohibited Conduct,” so as to read in its entirety as follows:

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

A. The Feeding of Wild Animals and/or Wildlife is Prohibited.

1. No person shall purposely or knowingly, as said terms are defined in Title 2C of the New Jersey Revised Statutes, feed, bait, or in any manner provide access to food to any wild animal or waterfowl in the Borough on lands either publicly or privately owned.
2. No person shall purposely or knowingly leave or store any refuse, garbage, food product, pet food, forage product or supplement, salt, seed or birdseed, fruit, or grain in a manner that would constitute an attractant to any wild animal or waterfowl.
3. No person shall fail to take remedial action to avoid contact or conflict with wild animals, which may include the securing or removal of outdoor trash, cooking grills, pet food, bird feeders or any other similar food source or attractant after being advised by the Borough to undertake such remedial action. Further, after an initial contact or conflict with a wild animal, no person shall continue to provide, or otherwise fail to secure or remove, any likely food sources or attractants, including but not limited to, outdoor trash, grills, pet food, or bird feeders.

B. The Feeding Of Other Songbirds and Other Backyard Birds Is Permitted.

Feeding of other songbirds and other backyard birds shall be permitted outdoors at such times and in such numbers that:

- a. Such feeding does not create an unreasonable disturbance that affects the rights of surrounding property owners and renders other persons insecure in the use of their property;
- b. Does not create an accumulation of droppings on the property and surrounding properties;
- c. Does not become an attractant for rodents or other wild animals; and
- d. Bird feeders are placed at least five feet above the ground.

C. Enforcement.

Each property owner shall have the duty to remove any above-named materials or device placed on the owner's property in violation of this chapter. Failure to remove such materials or device or to make such modifications within 24 hours after notice from the Borough shall constitute a separate violation of this chapter.

Ocean County Health Department Personnel, the Zoning Officer, the Animal Control Officer, and all Police Officers of the Borough of Bay Head are hereby given full power and authority to enforce this chapter. No person shall hinder, molest, or interfere with anyone authorized or empowered to perform any duty under this chapter.

D. Penalties.

Any person violating any provision of this chapter shall be liable to a fine not less than \$50.00 or more than \$500.00 for each offense, together with the costs of prosecution. A separate offense shall be deemed committed on each day or part of each day during which a violation occurs or continues.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

ATTEST:

APPROVED:

Patricia M. Applegate, Municipal Clerk

William W. Curtis, Mayor

Introduced on First Reading: June 1, 2015
Introduced on Second Reading: July 6, 2015
Approved on Second Reading: July 6, 2015

ATTEST:

APPROVED:

Patricia M. Applegate, Municipal Clerk

William W. Curtis, Mayor