

05-10-612

AN ORDINANCE OF THE BOROUGH OF PINE BEACH,
COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING
AND SUPPLEMENTING CHAPTER 76 OF THE CODE OF THE
BOROUGH OF PINE BEACH ENTITLED DOGS AND OTHER ANIMALS

BE IT ORDAINED by the Borough Council of the Borough of Pine Beach, County of Ocean, State of New Jersey, as follows:

SECTION 1 That Chapter 76 of the Code of the Borough of Pine Beach entitled "Dogs and Other Animals," § Article IV "Feeding of Geese, Ducks and Other Waterfowl Prohibited," shall be deleted in its entirety and replaced as follows:

1. Purpose. The purpose of this section is to establish 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 Pine Beach, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

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.

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.

Wildlife - all animals that are neither human nor domesticated.

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

4. Posting of Notice. Notices prohibiting the feeding of wildlife shall be placed at all appropriate places.

5. Enforcement.

a. This ordinance shall be enforced by the Borough of Pine Beach Police Department.

b. Any person found to be in violation of this ordinance shall be ordered to cease the feeding immediately.

6. 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 \$500.00 for each and every violation. If the violation is of continuing nature each and every day during which it continues constitutes a separate and distinct offense.

SECTION 2. 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 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 4. Pursuant to the provisions of N.J.S.A. 40:69A-181(b), this ordinance shall take effect twenty (20) days after its final passage by the Borough Council and approval by the Mayor where such approval is required by law.

This ordinance shall be in full force and effect from and after its adoption and any publication as required. ALL OF WHICH IS ADOPTED THIS 8TH DAY OF JUNE 2005, by the governing body of the Borough of Pine Beach.