

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY**

ORDINANCE #11-05

**AN ORDINANCE OF THE BOROUGH OF MENDHAM
REGARDING THE FEEDING OF WILDLIFE**

BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Mendham, in the County of Morris and State of New Jersey, as follows:

SECTION 1. Purpose. The purpose of this ordinance is to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Borough of Mendham so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

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

SECTION 4. Enforcement. All police officers of the Borough and the Department of Public Works Superintendent, are hereby given full power and authority and are charged with the duty to enforce all provisions of this article.

SECTION 5. Penalties. Any person or persons, firm, association or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be subject to any one or more of the following penalties: a fine not exceeding \$1,250, but in no event less than \$100, imprisonment for any term not exceeding 90 days, or a period of community service not exceeding 90 days.

SECTION 6. All Ordinances of the Borough of Mendham which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 7. If any section, subsection, sentence, clause of phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 8. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

Introduced: April 4, 2005

Adopted: May 2, 2005

ATTEST:

APPROVED:

Maureen Massey, RMC,CMC
Borough Clerk

Neil Henry, Council President