

ORDINANCE NO. 2005-1011

AN ORDINANCE PROHIBITING THE FEEDING OF WILDLIFE ON PUBLIC PROPERTY

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

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 Manville, 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 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 III. Prohibited Conduct:

No person shall feed, in any public park or on any other property owned or operated by the Borough of Manville, 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:

This ordinance shall be enforced by the Police Department and the Code Enforcement Office of the Borough of Manville.

SECTION V. Construction:

Where consistent with the context in which used in this ordinance, words importing the singular shall include the plural; words importing the plural shall include the singular; and, words importing one gender shall include all other genders.

SECTION VI. Inconsistency:

Should any provision of this ordinance be inconsistent with the provisions of any prior ordinances, the inconsistent provisions of said prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

SECTION VII. Severability:

In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect, and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

SECTION VIII. Penalty:

Upon conviction for violation of any provision of this ordinance the maximum penalty shall be one (1) or more of the following: a fine not to exceed One Thousand Two Hundred-Fifty (\$1250.00) Dollars, imprisonment in the County Jail for a period not to exceed ninety (90) days, and/or a period of community service not to exceed ninety (90) days. Each and every day upon which a violation of any provision of this ordinance exists shall constitute a separate violation.

SECTION IX. Purpose of Captions:

Captions contained in this ordinance have been inserted only for the purpose of facilitating reference to the various sections, and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

SECTION X. Effective Date:

This ordinance shall be effective immediately upon final adoption, approval, and publication in accordance with law.

Borough of Manville

Angelo Corradino, Mayor

ATTEST:

Philip E. Petrone, Borough Clerk

ORDINANCE #2005-1011

FIRST READING:

Introduced	Seconded	Council	Yes	No	Abstain	Absent
	√	ALLAN	√			
		ASHER	√			
		OTRIMSKI	√			
		PETROCK	√			
		PETRONE				√
√		WEISS	√			
		MAYOR CORRADINO				

PASSED this 13th day of June, 2005.

Attest:

Philip E. Petrone, Borough Clerk

SECOND READING:

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		ALLAN	√			
√		ASHER	√			
		OTRIMSKI	√			
		PETROCK				√
		PETRONE	√			
	√	WEISS	√			
		MAYOR CORRADINO				

PASSED this 27th day of June, 2005.

Attest:

Philip E. Petrone, Borough Clerk