

ORDINANCE NO. 20 OF 2005

**ORDINANCE OF THE BOROUGH OF TUCKERTON,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
ESTABLISHING CHAPTER 140 OF THE BOROUGH CODE
OF THE BOROUGH OF TUCKERTON ENTITLED
"WILDLIFE FEEDING"**

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

SECTION 1. The Borough Code of the Borough of Tuckerton is hereby amended and supplemented so as to establish Chapter 140 entitled "Wildlife Feeding" which shall read as follows:

Chapter 140

Wildlife Feeding

§ 140-1. Purpose.

To prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Borough of Tuckerton so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 140-2. Definitions.

For the purpose of this Chapter, 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.

§ 140-3. Prohibited Conduct.

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

§ 140-4. Enforcement.

This ordinance shall be enforced by the Police Department and/or Code Enforcement Officer of the Borough of Tuckerton.

§ 140-5. Violations and Penalties.

Any person violating or failing to comply with any of the provisions of this Chapter shall, upon conviction thereof, be punishable by a fine of not more than \$1,000.00 or by imprisonment for a term not to exceed 90 days, or by both such fine and imprisonment, in the discretion of the judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

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 thereof.

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

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Borough Council on first reading at a meeting of the Borough Council of the Borough of Tuckerton held on the 7th day of Sept., 2005, and will be considered for second reading and final passage at a meeting of the Borough Council to be held on the 3rd day of October, 2005, at 7:00 p.m. at the Municipal Building located at 140 East Main Street, Tuckerton, New Jersey, at which time and place, any persons desiring to be heard upon the same will be given the opportunity to be so heard.



GRACE DiELMO, RMC/CMC
Borough Clerk, Borough of Tuckerton

PASSAGE ON FIRST READING: MOVED BY: Foglia

SECOND BY: Marshall

VOTE: VENTRESCA no BOWER yes FOGLIA yes

MARSHALL yes EVANS yes MC ANDREW yes

FINAL PASSAGE: MOVED BY: Foglia

SECOND BY: Evans

VOTE: VENTRESCA yes BOWER yes FOGLIA yes

MARSHALL yes EVANS yes MC ANDREW yes

APPROVED:




KEVIN S. QUINLAN, MAYOR

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ESTABLISHING CHAPTER 140 OF THE BOROUGH CODE
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"WILDLIFE FEEDING"**

The Borough of Tuckerton introduced the above ordinance at its 9/7, 2005 meeting. The Ordinance establishes Chapter 140 of the Borough Code of the Borough of Tuckerton entitled "Wildlife Feeding" so as to prohibit feeding of wildlife in public parks. The Ordinance will be considered on second and final reading at the 10/3, 2005 meeting of the governing body. All meetings are held at the Municipal Building located at 140 E. Main Street, Tuckerton, New Jersey, commencing at 7:00 p.m. Copies of all Ordinances are available at no cost at the Municipal Clerk's Office located at 140 East Main Street, Tuckerton, New Jersey, Monday through Friday from 8:30 a.m. to 4:30 p.m.


GRACE Di ELMO, RMC/CMC
Municipal Clerk, Borough of Tuckerton

PUBLIC NOTICE

PLEASE TAKE NOTICE that Ordinance #20 of 2005, an ordinance entitled, "ORDINANCE OF THE BOROUGH OF TUCKERTON, COUNTY OF OCEAN, STATE OF NEW JERSEY, ESTABLISHING CHAPTER 140 OF THE BOROUGH CODE OF THE BOROUGH OF TUCKERTON ENTITLED "WILDLIFE FEEDING", was adopted by the Mayor and Borough Council at a meeting held on October 3, 2005.



**GRACE DI ELMO, RMC/CMC
BOROUGH CLERK**