

ORDINANCE NO. 2005-16

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF METUCHEN,
CHAPTER 59 THEREOF, ENTITLED ANIMALS, BY ADDING A NEW ARTICLE
III TO PROHIBIT WILDLIFE FEEDING**

BE IT ORDAINED by the Mayor and Council of the Borough of Metuchen as follows:

Section 1. The Code of the Borough of Metuchen is hereby amended by adding a new article, Article III, to Chapter 59 to be known as Wildlife Feeding as follows:

Article III

Wildlife Feeding

§59-43. 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 Metuchen, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§59-44 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.

§59-45 Prohibited Conduct:

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

§59-46 Enforcement:

- a. This ordinance shall be enforced by the Health Officer of the Borough of Metuchen.
- b. Any person found to be in violation of this ordinance shall be ordered to cease the feeding immediately.

§59-47 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 \$1000.00.

Section 2. Severability:

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. Effective Date

This ordinance shall become effective upon publication after final adoption.

INTRODUCTION : October 3, 2005

SECOND READING: October 17, 2005

APPROVAL OR VETO: October 18, 2005

FINAL PUBLICATION: October 21, 2005

Certified copy of an ordinance adopted at a regular meeting of the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey, on

October 17, 2005

[SEAL]

B. Lacina

Bozena Lacina, RMC
Borough Clerk