

ORDINANCE NO. 2022-11

AN ORDINANCE OF THE TOWNSHIP OF PLUMSTED, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 43 OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF PLUMSTED, ENTITLED "PARKS AND RECREATIONAL AREAS," SECTION 2, ENTITLED "CONDUCT AND PROHIBITED ACTS," SO AS TO CREATE A NEW SUBSECTION M, ENTITLED "WILDLIFE FEEDING"

BE IT ORDAINED by the Township Committee of the Township of Plumsted, County of Ocean and State of New Jersey, as follows:

SECTION 1. Chapter 43 of the General Ordinances of the Township of Plumsted entitled "Parks and Recreational Areas," Section 2, entitled "Conduct and Prohibited Acts," shall be amended and supplemented so as to create a new Subsection M, entitled "Wildlife Feeding," which shall read in its entirety as follows:

§ 43-2. Conduct and Prohibited Acts.

M. Wildlife Feeding.

- (1) Purpose. An ordinance to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Township of Plumsted, 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 Township of Plumsted, any wildlife, excluding confined wildlife (for example, wildlife confined in Zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers, or feral cats as part of an approved Trap-Neuter-Release program).

d. Enforcement.

- (1) This ordinance shall be enforced by the Police Department or the Construction Code Official or the Code Enforcement Officer of the Township of Plumsted.
- (2) Any person found to be in violation of this ordinance shall be ordered to cease the feeding immediately.

e. Penalties. Any person(s) who continues to be in violation of the provisions of this ordinance, after being duly notified, shall be subject to a fine of not less than one hundred (\$100) dollars nor more than one thousand (\$1000) dollars per day.

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 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 hereof.

SECTION 4. Since this ordinance is legislative in nature, there shall be the codification of same in the General Ordinance Book of the Township of Plumsted.

SECTION 2. This ordinance shall take effect after second reading and publication as required by law.

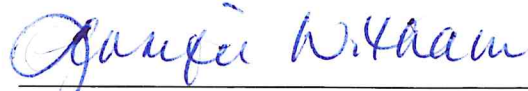
NAME	CALABRESE	CUOZZO	GRILLETTO	MARINARI	BOWEN
AYES	11/3/22	11/3/22 12/1/22	11/3/22 12/1/22	11/3/22 12/1/22	11/3/22 12/1/22
ABSTAIN					
NAYS					
ABSENT	12/1/22				

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Plumsted held on the **3rd** day of **November, 2022** and will be considered for second reading and final passage at a regular meeting of the Township Committee to be held on the **1st** day of **December, 2022** at 7:00 PM, at the Municipal Building, 121 Evergreen Road, New Egypt, NJ 08533, at which time and place any person desiring to be heard upon the same will be given the opportunity to be so heard.

Pursuant to N.J.S.A. 40:49-2, as amended, further notice is hereby given that the purpose of the forgoing ordinance is to prohibit wildlife feedings in any public park or any other property owned or operated by the Township of Plumsted, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

Members of the general public may obtain a copy of the ordinance without cost during normal business hours from the Municipal Clerk's Office, 121 Evergreen Road, New Egypt, New Jersey.



JENNIFER WITHAM, RMC, CMR
MUNICIPAL CLERK