

Borough of Upper Saddle River, New Jersey

Ordinance # 19-05 - Wildlife Feeding

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 Upper Saddle River, 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:

- a. No person shall feed, in any public park or on any other property owned or operated by [insert name of municipality], 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:

- a. This ordinance shall be enforced by the Police Department and/or other Municipal Officials of Upper Saddle River.
- b. Any person found to be in violation of this ordinance shall be ordered to cease the feeding immediately.

SECTION V. 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 \$1,000 or imprisonment in the county jail for a term not exceeding 90 days or a period of community service not exceeding 90 days.

SECTION VI. 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 VII. Effective date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

The above Ordinance was introduced at a Mayor and Council meeting on November 9, 2005 and passed its first reading and will be considered for final passage at a meeting of the said Mayor and Council to be held on December 14, 2005 at 8:00 PM at the Cavallini School Auditorium, West Saddle River Road, Upper Saddle River, NJ, at which time and place all persons interested will be given an opportunity to be heard concerning same.

Rose Vido, RMC
Borough Clerk