

ORDINANCE NO. 39-2005

**AN ORDINANCE AMENDING AND SUPPLEMENTING
THE REVISED GENERAL ORDINANCE OF THE BOROUGH
OF SPRING LAKE, COUNTY OF MONMOUTH, STATE OF
NEW JERSEY, CREATING NEW SECTION 5 IN CHAPTER XIX,
TO PROHIBIT THE FEEDING OF MIGRATORY, WILD WATERFOWL,
AND OTHER WILDLIFE ON OR AROUND PONDS, LAKES AND THE
BEACHFRONT WITHIN THE BOROUGH OF SPRING LAKE.**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH
OF SPRING LAKE, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY, AS
FOLLOWS:**

SECTION 1 CHAPTER 19, SECTION 5 PURPOSE

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

SECTION 2 CHAPTER 19, SECTION 5.1 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 3 CHAPTER 19, SECTION 5.2 **PROHIBITED CONDUCT**

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

SECTION 4 CHAPTER 19, SECTION 5.3 **ENFORCEMENT**

- a. This Ordinance shall be enforced by the Police Department, Code Enforcement Officer and Board of Health of the Borough of Spring Lake.
- b. Any person found to be in violation of this ordinance shall be ordered to cease the feeding immediately.

SECTION 5 CHAPTER 19, SECTION 5.4, **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 less than Ten (\$10.00) Dollars, nor more than Five Hundred (\$500.00) Dollars.

SECTION 6 **SEVERABILITY**

Each section, 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 7

EFFECTIVE DATE

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

INTRODUCED AND PASSED ON FIRST READING ON SEPTEMBER 20, 2005.

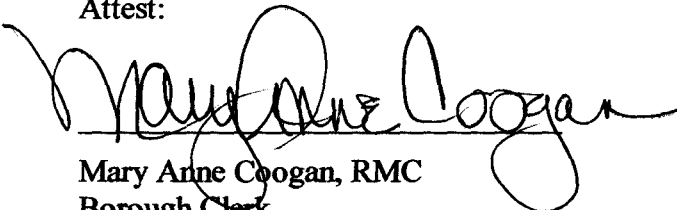
**PASSED ON SECOND AND FINAL READING AND ADOPTED AND APPROVED
BY THE MAYOR AND COUNCIL OF THE BOROUGH OF SPRING LAKE ON
OCTOBER 4, 2005.**

APPROVED:

A handwritten signature in black ink, appearing to read "Thomas J. Byrne", written over a horizontal line.

THOMAS J. BYRNE, MAYOR

Attest:

A handwritten signature in black ink, appearing to read "Mary Anne Coogan", written over a horizontal line.

**Mary Anne Coogan, RMC
Borough Clerk**