

**BOROUGH OF GARWOOD**

**ORDINANCE NO. 05-19**

**AN ORDINANCE TO AMEND CHAPTER 58 (ANIMALS) OF THE CODE OF THE BOROUGH OF GARWOOD TO PROHIBIT THE FEEDING OF UNCONFINED WILDLIFE UNDER CERTAIN CIRCUMSTANCES.**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF GARWOOD:

SECTION 1. Article IV (Wildlife Feeding) in Chapter 58 (Animals) of the Code of the Borough of Garwood is hereby enacted to read as follows:

**ARTICLE IV  
WILDLIFE FEEDING**

§58-31. 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 Garwood so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§58-32. 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.

§58-33. Prohibited Conduct.

- a. No person shall feed, in any public park or on any other property owned or operated by the Borough of Garwood, any wildlife, excluding confined wildlife

(for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers).

§58-34. Enforcement:

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

§58-35. 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 \$500.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. If any portion of this ordinance shall be determined to be invalid, such determination shall not affect the validity of the remaining portions of said ordinance.

SECTION 4. This ordinance shall take effect upon final passage and publication in accordance with law.

**INTRODUCED: MAY 24, 2005**

**ADOPTED: June 14, 2005**

***APPROVED:***

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***DENNIS J. McCARTHY, Mayor***

***ATTEST:***

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***CHRISTINA M. ARIEMMA, Municipal Clerk***

<b>RECORDED VOTE</b>	<b>INTRODUCTION</b>	<b>ADOPTED</b>
<b>COUNCIL PRESIDENT TUCKER</b>	<b>AYE</b>	<b>AYE</b>
<b>COUNCILMAN DeFILIPPO</b>	<b>AYE</b>	<b>AYE</b>
<b>COUNCILMAN LOMBARDO</b>	<b>AYE</b>	<b>ABSENT</b>
<b>COUNCILMAN MITCHELL</b>	<b>AYE</b>	<b>AYE</b>
<b>COUNCILMAN SCHADEWALD</b>	<b>ABSTAIN</b>	<b>ABSTAIN</b>
<b>COUNCILWOMAN VILLAGGIO</b>	<b>AYE</b>	<b>AYE</b>