

Township of West Milford
Passaic County, New Jersey

~ ORDINANCE NO. 2011 – 006 ~
AMENDED

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 71, ANIMALS, OF THE REVISED GENERAL ORDINANCES

BE IT ORDAINED by the Municipal Council of the Township of West Milford, County of Passaic, State of New Jersey, as follows:

SECTION 1. Chapter 71, Animals, Article II, Wildlife Feeding, of the aforesaid Revised General Ordinances is hereby amended and supplemented by the addition of Article V, entitled Waterfowl, to read as follows:

ARTICLE V
WATERFOWL

§ 71-37. Purpose.

It has been well established that the feeding of migratory, non-migratory and resident waterfowl is detrimental to the waterfowl and may result in damage to flora, fauna and property, harm water quality, increase potential to spread disease and cause a public health nuisance and safety hazard that is detrimental to the health and general welfare of the public. The purpose of this article is to prohibit the feeding of waterfowl, on any public or lands owned by community property associations in the Township, including Township and State waterways, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 71-38. Definitions and word usage.

- A. 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.
- B. For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this article clearly demonstrates a different meaning:

FEED - To give, place, expose, deposit, distribute or scatter any edible material in a location accessible to waterfowl any type of food, including but not limited to corn, wheat or other grains, bread, popcorn, salt, scraps or any similar nutritive substance to be eaten by waterfowl.

PERSON - Any individual 18 years of age or older, corporation, company, partnership, firm, association, or entity subject to municipal jurisdiction.

WATERFOWL - Any bird that frequents the water, or lives about rivers, lakes, etc., or on or near the sea; whether migratory or not, including but not limited to ducks, geese, swans, heron, and egrets.

WATERWAYS - Lakes, ponds, streams, creeks, rivers and stormwater basins.

§ 71-39. Feeding of Waterfowl Prohibited.

- A. No person shall purposely or knowingly, as said terms are defined in Title 2C of the New Jersey Revised Statutes, feed, bait, cause, permit to be fed or in any manner provide access to food to

any waterfowl in the township, on lands or waterways located in the Township of West Milford either publicly or owned land or lands owned by a community property association. This section shall not apply to the feeding of waterfowl raised and securely kept in an enclosed pen or other enclosure on privately owned property.

- B. No person shall purposely or knowingly create any condition which results in a congregation of waterfowl on property which:
- (1) Results in an accumulation of waterfowl feces or droppings;
 - (2) Results in damage to flora, fauna or real property;
 - (3) Results in a threat or nuisance to the public health, safety or welfare; or
 - (4) Results in a threat to the health, safety or welfare of waterfowl.

§ 71-40. Enforcement.

All police officers of the Township, regular and special, and the Health Officer or his/her duly authorized designee are hereby given full power and authority and are charged with the duty to enforce all provisions of this article.

§ 71-41. Violations and penalties.

Any person or persons, firm, association or corporation violating any of the provisions of this article shall, upon conviction thereof, be subject to the penalties imposed in Chapter 1, Article III, General Penalty, of the Township Code.

SECTION 2. All ordinances of the Township of West Milford which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 4. This Ordinance may be renumbered for purposes of codification.

SECTION 5. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

INTRODUCED: April 6, 2011
ADOPTED: April 20, 2011
EFFECTIVE DATE: May 10, 2011

TOWNSHIP OF WEST MILFORD
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ATTEST:

Antoinette Battaglia, Township Clerk

Bettina Bieri, Mayor