

**AN ORDINANCE OF THE BOROUGH OF WESTVILLE,
COUNTY OF GLOUCESTER, STATE OF NEW JERSEY,
REGULATING THE FEEDING OF WILDLIFE ON BOROUGH
PROPERTY.**

WHEREAS, the Mayor and Council, Borough of Westville, have determined that certain amendments and additions to Chapter 52 entitled "Dogs, Cats and Other Animals" are necessary; and

WHEREAS, in all other respects Chapter 52 entitled "Dogs, cats and Other Animals" shall remain in full force and effect;

BE IT ORDAINED, by the Borough Council of the Borough of Westville, in the County of Gloucester and State of New Jersey, THAT Chapter 52, Dogs, Cats and Other Animals, of the Code of the Borough of Westville, is hereby amended to add the following regulations on the feeding of wildlife as follows:

I. 52-31. Feeding of Wildlife.

52-31.1. Purpose.

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

52-31.2. 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 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.

52-31.3. Prohibited Conduct.

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

52-31. 4. Enforcement.

- A. This ordinance shall be enforced by the Police Department, Code Enforcement Officer and/or the Board of Health of the Borough of Westville.
- B. Any person found to be in violation of this ordinance shall be ordered to cease the feeding immediately.

52-31. 5. Violations and penalties.

- A. Any person(s) who is found to be in violation of this ordinance shall, upon conviction thereof, be punishable by one or more of the following: imprisonment in the county jail or any place provided by the Borough for the detention of prisoners for any term not exceeding 90 days; by a period of community service not exceeding 90 days; or by a fine of not less than \$100 or more than \$1,000, at the discretion of the Judge.
- B. Any person who is convicted of violating the provisions of this ordinance within one year of the date of a previous violation of the same ordinance and who was fined for the previous violation shall be sentenced by the court to an additional fine as a repeat offender. The additional fine imposed by the court for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for the violation of this ordinance, but shall be calculated separately from the fine imposed for the original violation of this article. The continuation of such violation for each successive day shall constitute a separate offense.

52-31. 6. 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.

III. If any parts of this Ordinance are for any reason held to be invalid, such adjudication shall not affect the validity of the remaining portions of this Ordinance.

IV. All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency. All other parts of Chapter 52 not inconsistent herewith are ratified and confirmed.


V. This Ordinance shall become effective immediately upon its final passage and publication required by law.

INTRODUCED: April 13, 2005
ADOPTED: April 27, 2005

BOROUGH OF WESTVILLE

BY: _____
WILLIAM C. PACKER, III, Mayor

ATTEST:



RICHARD M. BURR, Clerk
(SEAL)