

**PLEASE TAKE NOTICE** that the following Ordinance was adopted on first reading by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, at a meeting held on the 18<sup>th</sup> day of October, 2023. The Ordinance was then ordered to be published according to law. Notice is hereby given that the said Ordinance will be considered for final passage at a public hearing to be held on 8<sup>th</sup> day of November, 2023, at 7:00 p.m., or as soon thereafter as the matter may be reached, at the Union Township Municipal Building, 140 Perryville Road, Hampton, New Jersey or via a virtual meeting of the governing body held on such date at which time all interested parties will be heard.

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Ella M. Ruta, Municipal Clerk

**ORDINANCE #2023-14**

**AN ORDINANCE OF THE TOWNSHIP OF UNION, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AMENDING CHAPTER 22, ENVIRONMENTAL REGULATIONS, OF THE TOWNSHIP CODE TO ADOPT NJDEP'S MODEL ORDINANCE PROHIBITING THE FEEDING OF WILDLIFE ON PUBLIC PROPERTY**

**WHEREAS**, as part of the MS4 Tier A permit stormwater requirements, the New Jersey Department of Environmental Protection (NJDEP) requires municipalities to adopt NJDEP-mandated regulations prohibiting the feeding of wildlife on public property; and

**WHEREAS**, the NJDEP model ordinance contains exceptions that permit baiting for legal hunting/fishing, and the feeding of confined wildlife, and of feral cats as part of an approved TNR program; and

**WHEREAS**, the Township Engineer and Township Attorney have reviewed the model ordinance provided by NJDEP and recommend adoption.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, as follows:

**SECTION 1.** Chapter 22, Environmental Regulations, of the Township Code is hereby amended to establish § 22-3, Wildlife Feeding, to read as follows:

**§ 22-3 Wildlife Feeding.**

**§ 22-3.1 Purpose.**

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

**§ 22-3.2 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 ordinance 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 the 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.

**§ 22-3.3 Prohibited Conduct.**

No person shall feed, in any public park or on any other property owned or operated by the Township of Union, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers, or feral cats as part of an approved Trap-Neuter-Release program).

**§ 22-3.4 Enforcement.**

This ordinance shall be enforced by the Animal Control Officer, Code Enforcement and Board of Health of the Township of Union. Any person found to be in violation of this ordinance shall be ordered to cease the feeding immediately.

**§ 22-3.5 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 \$100 for the first offense, and a fine of \$250 for a second and each subsequent offense.

**SECTION 2.** Ordinances, resolutions, regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistencies.

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

**SECTION 4.** This Ordinance shall take effect upon its final passage, approval, and publication, as required by law.

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Ella Ruta, Municipal Clerk

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David DeGiralamo, Mayor