

**CITY OF ESTELL MANOR, NJ**

**ORDINANCE #07-2024**

**ORDINANCE CREATING CHAPTER 253 IN THE CODE OF THE CITY OF ESTELL MANOR CONCERNING WILDLIFE FEEDING; AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH**

**WHEREAS**, the New Jersey Department of Environmental Protection (NJDEP) has determined that over 90% of New Jersey's waterways are impaired and over 60% can be attributed to pollutants from stormwater runoff; and

**WHEREAS**, in 2004 the Municipal Separate Storm Sewer System (MS4) permitting program was created, and is required by both federal and state regulations, to address water quality and flooding issues in municipal stormwater systems; and

**WHEREAS**, the MS4 Tier A Permit was recently updated with a new permitting process that became effective January 1, 2023, affecting 557 of the municipalities within New Jersey that are now required to secure a MS4 Tier A Permit; and

**WHEREAS**, the City of Estell Manor, which was previously included within the Tier B Permit group which required less stringent regulations, is now required to obtain a Tier A Permit; and

**WHEREAS**, municipalities that are newly included within the Tier A Permit municipalities have been granted until May 1, 2024 to adopt ordinances consistent with the new MS4 Tier A Permit requirements; and

**WHEREAS**, it is necessary for the City of Estell Manor to adopt the necessary ordinances so as to qualify for the MS4 Tier A Permit.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Estell Manor, County of Atlantic and State of New Jersey, that:

**SECTION 1. Chapter 253 to be known as “Wildlife Feeding” is hereby created and added to the Code of the City of Estell Manor and shall read as follows:**

**Chapter 253 Wildlife Feeding**

**ARTICLE I. Purpose**

**§ 253-1 Purpose**

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

**ARTICLE II. Definitions**

**§ 253-2 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.

- 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.

## **ARTICLE III. Prohibited Conduct**

### **§ 253-3 Prohibited Conduct**

No person shall feed, in any public park or on any other property owned or operated by the City of Estell Manor, 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).

## **ARTICLE IV. Enforcement**

### **§ 253-4 Enforcement**

- A. This ordinance shall be enforced by the New Jersey State Police and by any other individual authorized by law to enforce the same.
- B. Any person found to be in violation of this ordinance shall be ordered to cease the feeding immediately.

## **ARTICLE V. Violations and Penalties**

### **§ 253-5 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 and penalties consistent with those set forth within Chapter 1, Article II, §1.3 *et. seq.*

**SECTION 2.** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies, and should any section, clause, sentence or provision of any item in this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 3.** This Ordinance shall take effect upon its final passage and publication as provided by law.

***FIRST READING:***

CITY COUNCIL OF  
THE CITY OF ESTELL MANOR,  
COUNTY OF ATLANTIC and  
STATE OF NEW JERSEY

ATTEST:

\_\_\_\_\_  
Elizabeth Owen, Mayor

\_\_\_\_\_  
Lisa Marcolongo, RMC, CMR  
City Clerk

<b>COUNCIL MEMBER</b>	<b>MOTION</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
GIVENS					
MASKER					
MADDOX					
DILG					
MAYOR OWEN					

***FIRST READING:***      **March 5, 2024**  
***PUBLICATION:***      **March 14, 2024**  
***FINAL PASSAGE:***     **April 2, 2024**  
***PUBLICATION:***