

ORDINANCE NO. 871

**AN ORDINANCE OF THE BOROUGH OF HOPEWELL,
COUNTY OF MERCER, NEW JERSEY, PROHIBITING
THE FEEDING OF WILDLIFE IN BOROUGH PARKS
AND ON OTHER BOROUGH PROPERTY, UPDATING
THE PENALTY PROVISIONS FOR VIOLATIONS OF
SECTION 3.21 OF CHAPTER III, AND AMENDING
“THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF HOPEWELL, 1975”**

WHEREAS, effective January 1, 2023, the New Jersey Department of Environmental Protection re-assigned the Borough of Hopewell from Stormwater Tier B to Tier A for purposes of the Borough’s municipal stormwater permit; and

WHEREAS, in order to help better manage stormwater discharges and resulting pollutant and nutrient impacts to waterways, Tier A municipalities are required to initiate a variety of municipal stormwater compliance activities before January 1, 2024, including but not limited to revising and adopting specific ordinances to help better manage stormwater discharges and resulting pollutant and nutrient impacts to waterways; and

WHEREAS, one of the required ordinances would prohibit the feeding of wildlife on Borough property, including parks; and

WHEREAS, Chapter III of the “Revised General Ordinances of the Borough of Hopewell, 1975” (“Borough Code”), entitled “General Police Regulations,” regulates the activities of persons using the Borough’s property and parks; and

WHEREAS, at this time the Mayor and Council seek to amend Chapter III to prohibit the feeding of wildlife on Borough property and in its parks.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Hopewell, County of Mercer and State of New Jersey, as follows:

1. Amendments to “Definitions” Within Section 3-21 of Chapter III of the Borough Code. Section 3-21, which sets forth the “Rules and Regulations for Use by Private Parties of Real Property and Structures Owned or Exclusively Controlled by the Borough” under Chapter III of the Borough Code (“General Police Regulations”), is amended by revising the “Definitions” subsection thereunder (subsection 3-21.1) as follows (additions are underlined; deletions are [bracketed]):

§3-21.1 Definitions.

ANIMALS — Shall mean dogs, cats, or any other domesticated living creatures.

ASSEMBLY — Shall mean an informal gathering of individuals for family, social, or similar purposes. A gathering shall not qualify as an assembly if the proposed purpose is connected with or in support of an entity.

BOROUGH — Shall mean the Borough of Hopewell.

BOROUGH FACILITIES — Shall mean structures owned or exclusively controlled by the borough and shall include but not be limited to Borough Hall, the Train Station and Freight Shed, and the Gazebo.

BOROUGH PARK — Shall mean real property owned or exclusively controlled by the borough and specifically designated as a park.

ENTITY — Shall mean any corporation, company, business, association, unincorporated association, firm, partnership, or similar organization. The term entity shall also include a political subdivision of this State subject to municipal jurisdiction, for purposes of this section.

EVENT — Shall mean an assembly or meeting, as defined herein.

FEED – Shall mean 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.

INDIVIDUAL — Shall mean a natural person.

MEETING — Shall mean a gathering of individuals for business purposes; or for artistic, creative, educational, political or similar activities in connection with or in support of a nonprofit or for-profit entity.

PERMIT — Shall mean any written license issued by the borough clerk permitting an event in a borough facility.

PERSON – Shall have the same meaning as “person” is defined in section 1-2 of this Code, which shall also include any individual or entity as defined in this section.

VEHICLE — Shall mean any motor vehicle, trailer, camper, go-cart, snowmobile, motorcycle, off-road vehicle, dirtbike, minibike, or other vehicle propelled by other than muscular power.

WILDLIFE – Shall mean all animals neither human nor domesticated.

2. **Amendments to “Prohibited Activities in Borough Parks and Other Borough Real Property” Within Section 3-21 of Chapter III of the Borough Code.** Section 3-21, which sets forth the “Rules and Regulations for Use by Private Parties of Real Property and Structures Owned or Exclusively Controlled by the Borough” under Chapter III of the Borough Code (“General Police Regulations”), is further amended by revising the “Prohibited Activities in Borough Parks and Other Borough Real Property” subsection thereunder (section 3-21.5) as follows (additions are underlined; deletions are [bracketed]):

§3-21.5 Prohibited Activities in Borough Parks and Other Borough Real Property.

In addition to the activities prohibited in subsection 3-21.4, the following prohibitions apply specifically to borough parks and other borough real property, collectively referred to as "parks." No [individual] person shall in any park or other borough real property:

- a. Deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park or be left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided. Where receptacles are not provided, all such rubbish or waste shall be carried away from the park by the [individual or entity] person responsible for its presence and be properly disposed of elsewhere.
- b. Operate any vehicle within the confines of the park. All motor vehicles driven on park property shall be driven only on paved roads and may be parked only in a designated motor vehicle parking area. No other motorized vehicles shall be permitted.
- c. Ride or drive a horse.
- d. Hunt, molest, harm, frighten, kill, trap, pursue or tease any animal, wildlife, reptile or bird, or remove, sell or give away any such creature.
- e. Carry or use firearms, weapons or implements of any description potentially dangerous to humans, animals or wildlife.
- f. Shoot into park areas from beyond park boundaries. This violates New Jersey State law.
- g. Build or attempt to build a fire in a portable barbecue grill or in any place other than permanent grills, or with any material other than charcoal; leave lighted matches, burning cigarettes or other flammable material within the park.

- h. Possess or ignite any firecrackers, torpedo rockets or other fireworks, or explosives, or any substances that can be combined to create an explosive or explosive device.
- i. Post, paint or affix any message or advertisement on borough property, or leave on premises, any placard, ticket, handbill, circular, or advertisement, except as permitted in the community bulletin board located at the park entrance at Greenwood and Columbia Avenues.
- j. Display any flags, banners, transparencies, targets, signs, placards or any other matter for commercial advertising purposes.
- k. Operate any musical instrument, or use amplified sound for advertising purposes without prior approval by the borough.
- l. Construct or erect a structure of any kind, whether permanent or temporary; or run or string any public service utility into, upon or within a park, except after having received prior written permission from the borough or other appropriate authority.
- m. Expose or offer for sale any item, or place any stand, cart or vehicle for the transportation, sale or display of any such item without first obtaining a permit from the borough clerk.
- n. Bring a dog or other domestic animal into those areas where such animals are prohibited, unless such animal is restrained at all times on an adequate leash not greater than six feet in length, and any excretion of such animal on park property is wrapped and disposed of in a proper receptacle.
- o. Damage, cut, or remove any tree or plant or injure the bark or pick flowers or seed of any tree or plant, dig in or otherwise disturb grass areas or in any other way injure the natural beauty or usefulness of any area.
- p. Dig or remove any soil, rock, sand, stones, trees, shrubs or plants or other wood or materials or make any excavation by tool, equipment, blasting or other means.
- q. Walk, stand or sit upon monuments, vases, planters, fountains, railings, fences or upon any other property not designated or customarily used for such purposes.
- r. Tie or hitch an animal to any tree or plant.
- s. Willfully mark, deface, damage, tamper with, displace or remove any buildings, bridges, tables, benches, railings, paving, monuments, or other

structures or equipment, facilities or borough property, either real or personal.

- t. Set up tents, shacks or any other temporary shelter for the purpose of overnight camping, or any special vehicle to be used or that could be used for such purpose, including but not limited to a house trailer, camp trailer or recreation vehicle (RV).
- u. Remove, relocate or open permanent or temporary barriers, signs, gates or fences.
- v. Enter an area posted as "closed to the public," or aid or abet another to use an area in violation of posted notices.
- w. Feed any wildlife, excluding feral cats as part of an approved Trap-Neuter-Release program.

3. Amendments to "Penalties for Violation of this Section 3-21" Within Section 3-21 of Chapter III of the Borough Code. Section 3-21, which sets forth the "Rules and Regulations for Use by Private Parties of Real Property and Structures Owned or Exclusively Controlled by the Borough" under Chapter III of the Borough Code ("General Police Regulations"), is further amended by revising the "Penalties for Violation of this Section 3-21" subsection thereunder (section 3-21.8) as follows (additions are underlined; deletions are [bracketed]):

§3-21.8 Enforcement; Penalties for Violation of this Section 3-21.

- a. The provisions of this section shall be enforced by the police department, administrator (or designee) and/or such other municipal officers or employees during the course of ordinary enforcement activities.
- b. Any person observed to be violating the provisions of this section shall be ordered to cease the unlawful conduct immediately.
- c. Any person who [An individual or entity that] violates the requirements of this section 3-21 shall also be subject to a minimum fine of \$100.00 but not exceeding \$2,000, or by imprisonment for a period not exceeding 90 days; or a period of community service not exceeding 90 days; or by both such fine and imprisonment or community service.


4. Repealer. All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

5. **Severability.** If any section, paragraph, subsection, clause or provision of this ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be valid and enforceable.

6. **Effective Date.** This ordinance shall take effect upon its adoption and publication as provided by law.

INTRODUCED: 10/5/2023
PASSED: 10/5/2023
PUBLISHED: 10/13/2023
ADOPTED: 11/2/2023
INTRODUCED BY: Mr. Morehouse

ATTEST:


Regina Toth
Municipal Clerk


C. Schuyler Morehouse
Council President

ROLL CALL VOTE				
COUNCIL MEMBER	YES	NO	ABSTAIN	ABSENT
KENNEDY	✓			
MACKIE	✓			
MCAULIFFE	✓			
MOREHOUSE	✓			
STUHLER	✓			
WEAVER	✓			