

## ORDINANCE 334-24

### AN ORDINANCE OF THE TOWNSHIP OF UPPER FREEHOLD AMENDING CHAPTER 5 ANIMAL CONTROL, OF THE MUNICIPAL CODE OF THE TOWNSHIP OF UPPER FREEHOLD.

**BE IT HEREBY ORDAINED** by the Township Committee of the Township of Upper Freehold that Chapter 5, of the Municipal Code of the Township of Upper Freehold is hereby amended, with the following Section 5-11 entitled Wildlife Feeding added as follows:

**SECTION 1.** Chapter 5 is amended as follows:

#### **§ 5-11 WILDLIFE FEEDING.**

##### **§ 5-11.1 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 Upper Freehold, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

##### **§ 5-11.2 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.

##### **§ 5-11.3 Prohibited Conduct.**

- a. No person shall feed, in any public park or on any other property owned or operated by the Township of Upper Freehold, 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).

##### **§ 5-11.4 Enforcement.**

- a. This ordinance shall be enforced by the Township of Upper Freehold Code Enforcement Officer.

- b. Any person found to be in violation of this ordinance shall be ordered to cease the feeding immediately.

**§ 5-11.5 Violations and Penalties.**

Any person who violates or fails to comply with any provision of this section or any rule or regulation promulgated pursuant thereto by resolution of the Township Committee to the penalty stated in Chapter 1, Section 1-5.

**SECTION 2. REPEALER.**

The remainder of all other sections and subsections of the aforementioned ordinances not specifically amended by this Ordinance shall remain in full force and effect.

**SECTION 3. INCONSISTENT ORDINANCES.**

All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

**SECTION 4. 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.

**SECTION 5. EFFECTIVE DATE.**

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.


Approved on First Reading: February 1, 2024

Approved, Passed & Adopted: April 11, 2024

DATED: April 11, 2024

  
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Dr. Robert A. Frascella, Mayor

ATTEST:

  
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Dana L. Tyler, RMC  
Municipal Clerk/Administrator