

ORDINANCE NO. O-08-8

AN ORDINANCE OF THE BOROUGH OF PITMAN,
COUNTY OF GLOUCESTER, STATE OF NEW JERSEY.

AN ORDINANCE CREATING A NEW SECTION 12A OF CHAPTER IV OF THE CODE OF
THE BOROUGH OF PITMAN, ENTITLED "WILDLIFE FEEDING"

WHEREAS, the Mayor and Council of the Borough of Pitman deem it in the best interest of the Borough to create a new Section 12A of Chapter IV of the Code of the Borough of Pitman, entitled "Wildlife Feeding".

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Pitman, in the County of Gloucester and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

This Ordinance creates a new Section 12A of Chapter IV of the Borough of Pitman Code as follows:

SECTION 12A

WILDLIFE FEEDING

4-12A-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 Pitman, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

4-12A-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 Section 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.

4-12A-3 Prohibited Conduct.

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

4-12A-4 Enforcement.

- a. This ordinance shall be enforced by the Police Department of the Borough of Pitman, Animal Warden or any agency employed by the Borough to enforce the appropriate provisions of this ordinance.
- b. Any person found to be in violation of this ordinance shall be ordered to cease the feeding immediately.

4-12A-5 Violations and Penalties.

- A. Any person violating this Section shall, upon conviction thereof, be punishable by one or more of the following: by a period of community service not exceeding 90 days; by a fine of not less than \$25.00 or more than \$1,250.00, at the discretion of the Judge.
- B. Any person who is convicted of violating the provisions of this Section within one year of the date of previous violation of the same Section 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 a violation of this Section, but shall be calculated separately from the fine imposed for the original violation of this Section. Whenever such person shall have been officially notified or by service of a Summons in a prosecution, or in any other official manner, that said person is committing a violation, each day's continuance of such violation after such notification shall constitute a separate offense, punishable by a like fine or penalty.

4-12A-6 Severability.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

4-12A-7 Repealer.

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance be and the same are hereby repealed to the extent of such inconsistencies.

When Effective.

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

BOROUGH OF PITMAN

BY: _____
Michael D. Batten, Jr., Mayor

ATTEST:

DAWNMARIE HUMAN,
Pitman Borough Clerk/Administrator

NOTICE

The Ordinance published herein was introduced and passed upon first reading at a meeting of the Mayor and Council of the Borough of Pitman, in the County of Gloucester and State of New Jersey, held on February 25, 2008. It will be further considered for final passage, after public hearing hereon, at a meeting of said Mayor and Council to be held in the Borough Hall, 110 S. Broadway, Pitman, New Jersey 08071, on March ____, 2008 at 8:00 P.M. During the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office at Borough Hall, 110 S. Broadway, in the Borough, to the members of the general public who shall request the same.

DawnMarie Human
Pitman Borough Clerk/Administrator