

ARTICLE IV
Feeding Wild Animals and Waterfowl
[Adopted 2-6-2012 by Ord. No. 2012-03]

§ 103-35. Purpose.

It has been well established that the feeding of wild animals and waterfowl is both detrimental to the animals and causes a public health nuisance and safety hazard that is detrimental to the health and general welfare of the public.

§ 103-36. Definitions.

As used in this article, the following terms shall have the meanings indicated:

WATERFOWL — Includes any bird that frequents the water, or lives about rivers, lakes, etc., or on or near the sea; an aquatic fowl, including, but not limited to, ducks, geese, swans, heron, and egrets.

WILD ANIMAL — Any animal, which is not normally domesticated in this state, including, but not limited to, bears, coyotes, deer, feral cats, foxes, groundhogs, opossums, raccoons, skunks, and waterfowl.

§ 103-37. Feeding of wild animals and waterfowl prohibited.

- A. No person shall purposely or knowingly, as said terms are defined in Title 2C of the New Jersey Revised Statutes, feed, bait, or in any manner provide access to food to any wild animal or waterfowl in the Borough of Dunellen, on lands either publicly or privately owned. This section shall not apply to the feeding of farm animals.
- B. No person shall purposely or knowingly leave or store any refuse, garbage, food product, pet food, forage product or supplement, salt, seed or birdseed, fruit, grain in a manner that would constitute an attractant to any wild animal or waterfowl.
- C. No person shall fail to take remedial action to avoid contact or conflict with wild animals, which may include the securing or removal of outdoor trash, cooking grills, pet food, bird feeders or any other similar food source or attractant after being advised by the Borough to undertake such remedial action. Further, after an initial contact or conflict with a wild animal, no person shall continue to provide, or otherwise fail to secure or remove, any likely food sources or attractants, including, but not limited to, outdoor trash, grills, pet food or bird feeders.
- D. Nothing in this section shall apply to:
 - (1) Any agent of the Borough authorized to implement an alternative control method set forth in any approved community-based deer management plan and possessing a special deer management permit issued by the New Jersey Division of Fish and Wildlife in accordance with the provisions of P.L. 2000, c.46 (N.J.S.A. 23:4-42.3 et seq.), or
 - (2) Any hunter engaging in baiting for the purpose of hunting pursuant to a valid hunting license issued in accordance with the provisions of Title 23 of the New Jersey Revised

Statutes.

§ 103-38. Feeding of other songbirds and other backyard birds permitted.

Feeding of other songbirds and other backyard birds shall be permitted outdoors at such times and in such numbers that:

- A. Such feeding does not create an unreasonable disturbance that affects the rights of surrounding property owners and renders other persons insecure in the use of their property; and
- B. Does not create an accumulation of droppings on the property and surrounding properties; and
- C. Does not become an attractant for rodents or other wild animals; and
- D. Bird feeders are placed at least five feet above the ground.

§ 103-39. Enforcement.

- A. Each property owner shall have the duty to remove any above named materials or device placed on the owner's property in violation of this article.
- B. Failure to remove such materials or device or to make such modifications within 24 hours after notice from the Borough shall constitute a separate violation of this article.
- C. Health Department personnel, Construction and Code Enforcement Officers, Animal Control Officers and all police officers of the Borough of Dunellen are hereby given full power and authority to enforce this article.
- D. No person shall hinder, molest or interfere with anyone authorized or empowered to perform any duty under this article.

§ 103-40. Violations and penalties.

Any person violating any provision of this article shall be liable to a fine of not less than \$50 nor more than \$500 for each offense, together with the costs of prosecution. A separate offense shall be deemed committed on each day or part of each day during which a violation occurs or continues.