

ORDINANCE NO. 05-37

**AN ORDINANCE SUPPLEMENTING SECTION 9-2, CONTROL OF DOGS, CATS AND OTHER ANIMALS OF CHAPTER IX, ANIMAL CONTROL, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ROCKAWAY, MORRIS COUNTY, NEW JERSEY TO PROHIBIT THE FEEDING OF WILDLIFE**

**WHEREAS**, pursuant to *N.J.A.C. 7:8-4.1*, et seq., a municipality shall adopt a storm water management plan and storm water control ordinances consistent with the state regulations; and

**WHEREAS**, the State regulations address several areas of concern, including the feeding of wildlife in the Township of Rockaway so as to protect public health, safety and welfare; and

**WHEREAS**, the Council of the Township of Rockaway desires to adopt an ordinance to supplement Chapter IX, Animal Control, to address the feeding of all wildlife pursuant to the State Regulations.

**NOW, THEREFORE, BE IT ORDAINED**, by the Governing Body of the Township of Rockaway, County of Morris, State of New Jersey, as follows:

**SECTION ONE.** Subsection 9-2.8, Violations, of Chapter 9, Animal Control, of the Revised General Ordinances of the Township of Rockaway, Morris County, New Jersey, shall be renumbered 9-2.9, and shall read as follows:

**9-2.9 Violations and Penalties.**

- a. Any person owning, keeping or harboring any dog who shall be found guilty of violating any provision of Subsections 9-2.1 through 9-2.7a shall, for each offense, upon conviction thereof by

the Municipal Judge, be subject to a fine not to exceed five hundred dollars (\$500.00) or imprisonment for a term not to exceed ninety (90) days, or both, in the discretion of the Court.

- b. Any person found to be in violation of Subsections 9-2.7b and 9-2.8 shall be subject to the penalties as set forth in Section 1-5 of the Revised General Ordinances of the Township of Rockaway, Morris County, New Jersey.

**SECTION TWO.** Subsection 9-1.2, Definitions, Chapter 9, Animal Control, of the Revised General Ordinances of the Township of Rockaway shall be supplemented to add new definitions, that shall be inserted alphabetically and shall read as follows:

*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.

*Wildlife* shall mean all animals that are neither human nor domesticated.

**SECTION THREE.** Section 9-2, Control of Dogs, Cats, and Other Animals, of Chapter 9, Animal Control, of the Revised General Ordinances of the Township of Rockaway, Morris County, New Jersey, shall be supplemented to add Subsection 9-2.8, Feeding of Wildlife Prohibited, which shall read as follows:

**9-2.8. Feeding of Wildlife Prohibited.** This subsection shall prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Township of Rockaway, so as to protect public health, safety and welfare and to prescribe penalties for failure to comply.

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

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

- b. **Exceptions.** This subsection shall not be construed to prohibit humane acts towards wild animals in individual cases, such as the temporary nurturing of a wounded animal on one's own premises.

**SECTION FOUR.** All Ordinances of the Township of Rockaway that are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

**SECTION FIVE.** If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

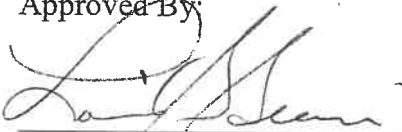
**SECTION SIX.** This Ordinance shall take effect as provided by law.

#### CERTIFICATION

I, Mary C. Cilurso, Township Clerk, Township of Rockaway County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title, and passed on first reading at a regular meeting of the Rockaway Township Council held on October 5, 2005 and adopted by the Governing Body at a regular meeting of the Township held on October 25, 2005.

  
Mary C. Cilurso, Township Clerk

Approved By



Louis S. Sceusi  
Mayor