

ORDINANCE NO. 322
AN ORDINANCE TO PROHIBIT THE FEEDING OF
UNCONFINED WILDLIFE IN ANY PUBLIC PARK
OR ON ANY OTHER PROPERTY OWNED OR OPERATED BY
THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH
AND TO PRESCRIBE PENALTIES FOR THE FAILURE TO COMPLY

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF LOCH ARBOUR as follows:

SECTION I. Purpose:

An ordinance to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Village of Loch Arbour, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

SECTION II. 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.

SECTION III. Prohibited Conduct:

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

SECTION IV. Enforcement:

- A. This Ordinance shall be enforced by the Police Department pursuant to the current Interlocal Services Agreement or the Local Code and Zoning Official of the Village of Loch Arbour.
- B. Any person found to be in violation of this ordinance shall be ordered to cease the feeding immediately.

SECTION V. Violations and Penalties:

For a violation of any provision of this Ordinance, the maximum penalty, upon conviction thereof, shall be a fine not exceeding One Thousand Two Hundred Fifty ((\$1,250.00) or imprisonment for up to ninety (90) days or a period of community service not exceeding ninety (90) days, or any combination thereof. Each and every day in which a violation of this Ordinance shall exist shall constitute a separate violation.

SECTION VI. Severability:

- A. 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.

- B. All Ordinances or parts of Ordinances inconsistent herewith are repealed, but only to the extent of such inconsistency.

SECTION VII. Effective date:

This Ordinance shall be in full force and effect immediately upon its final passage and publication as required by law.

CERTIFICATION

I, LORRAINE CARAFA, CLERK OF THE VILLAGE OF LOCH ARBOUR, do hereby certify the above to be a true and exact copy of the Ordinance adopted by the Board of Trustees of the Village of Loch Arbour, Monmouth County after a public hearing thereon held the 1st day of March 2006.

LORRAINE CARAFA, R.M.C.
Village Clerk

Introduction: February 1, 2006
First publication: February 9, 2006
Public hearing: March 1, 2006
Adoption: March 1, 2006
Final publication: March 9, 2006

Attorney: Kenneth B. Fitzsimmons, Esq.