

DASTI & ASSOCIATES

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File No.: GL-690

September 11, 2020

Via Email

Ms. Michele Rivers, Township Clerk

Township of Barnegat

900 W Bay Avenue

Barnegat, New Jersey 8005

Re: Ordinance Amending Chapter 70D

Dear Michele:

Enclosed please find the attached Ordinance revising Chapter 70 to prohibit the feeding of or otherwise providing food for wildlife in the Township. The revisions to the Ordinance prohibit that type of conduct on any property, not just Township-owned property.

By copy of this correspondence I am providing a copy of the Ordinance to Chief Germain and John Durasky, the Code Enforcement Officer, for their review and comment prior to introduction.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

/s/ Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD: bm

Encl.

cc: Martin Lisella, Township Administrator-w/encl.-via email

Keith Germain, Chief of Police-w/encl.-via email

John Durasky, Code Enforcement-w/encl.-via email

ORDINANCE NO. 2020-

**AN ORDINANCE OF THE TOWNSHIP OF BARNEGAT,
COUNTY OF OCEAN AND STATE OF NEW JERSEY
AMENDING AND SUPPLEMENTING CHAPTER 70D OF
THE TOWNSHIP CODE ENTITLED "WILDLIFE
FEEDING, PROHIBITED".**

NOW THEREFORE BE IT ORDAINED by the Mayor and Township
Committee of the Township of Barnegat, County of Ocean, and State of New Jersey as
follows:

SECTION 1. Chapter 70D of the Township Code entitled "WILDLIFE
FEEDING, PROHIBITED" is hereby amended and supplemented as follows:

§ 70D-1. Purpose.

An ordinance to prohibit the feeding, baiting, or otherwise providing access to food to any unconfined wildlife in Barnegat Township, on any lands either publicly or privately owned and unless specifically excepted, so as to protect public health, safety, and welfare, and to prescribe penalties for failure to comply.

§ 70D-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 including 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.

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.

PERSON – Includes but is not limited to individuals, corporations, companies, associations, societies, including nonprofit organizations, firms, partnerships, joint-stock companies, individuals, and governmental entities.

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WATERFOWL – Any bird that frequents the water, or lives about rivers, lakes, etc. or on or near the sea; aquatic fowl including, but not limited to ducks, geese, swans, herons, and egrets.

WILD ANIMAL – Any animal, which is not human nor domesticated, including but not limited to bears, coyotes, deer, feral cats, foxes, groundhogs, opossum, raccoons, skunks, waterfowl, wolves, and hybrid wolves.

§ 70D-3. Prohibited Conduct.

- 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, birds, or waterfowl in Barnegat Township, on lands either publicly or private owned, except as permitted in Subsection D and E below. This section does not apply to the feeding of farm animals, nor to confined wildlife such as wildlife confined in stables, parks, or rehabilitation centers, nor unconfined wildlife at environmental education centers.
- 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, or grain in a manner that would constitute an attractant to any wild animal or waterfowl.
- C.** After being advised by the Township to undertake remedial action to avoid contact or conflict with wild animals, 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, bird feeders or any other similar food source or attractant.
- D.** Nothing in this section shall apply to any agent of the Township 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 N.J.S.A. 23:4-42.3 et seq. or issued in accordance with the provisions of Title 23 of the New Jersey Revised Statutes.
- E.** Feeding of songbirds and other backyard birds shall be permitted outdoors so long as such feeding:
 - (1)** 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;

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(2) Does not create an accumulation of droppings on the property and surrounding properties; and

(3) Does not become an attractant for rodents or other wild animals.

§ 70D-4. Enforcement.

A. The Barnegat Township Police Department and the Board of Health of the Township of Barnegat shall enforce the provisions of this chapter.

B. Any person found to be in violation of this ordinance shall be ordered to cease the feeding immediately. Failure to cease immediately, or after receiving notice of violation, any person who again feeds wildlife, shall be deemed to have violated this chapter.

§ 70D-5. Violations and Penalties.

Any person found in violation of the provisions of this ordinance shall be subject to a fine not to exceed one hundred fifty dollars (\$150).

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

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NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Barnegat on the _____ day of _____, 2020, and will be considered for second and final passage at a meeting of the Township Committee to be held on the _____ day of _____, 2020, at _____ AM/PM. at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

MICHELE RIVERS, RMC, Clerk
Township of Barnegat

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