

ORDINANCE NO. 05- 13

**AN ORDINANCE OF THE TOWNSHIP OF LACEY,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AMENDING AND SUPPLEMENTING CHAPTER 265 OF
THE TOWNSHIP CODE OF THE TOWNSHIP OF LACEY,
ENTITLED, "PEACE AND GOOD ORDER," SO AS TO
CREATE ARTICLE IV, ENTITLED, "WILDLIFE FEEDING
REGULATIONS," AND AMEND VARIOUS SECTIONS
REGARDING VIOLATIONS AND PENALTIES**

BE IT ORDAINED, by the governing body of the Township of Lacey, County of Ocean, State of New Jersey, as follows:

SECTION 1. Chapter 265 of the Township Code of the Township of Lacey, entitled, "Peace and Good Order," is hereby amended and supplemented so as to create a new article, Article IV, entitled, "Wildlife Feeding Regulations," so that the Article shall read in its entirety as follows:

§265-23. Purpose.

The purpose of this article is to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Township of Lacey, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§265-24. Definitions.

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Article 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.

§265-25. Prohibited conduct.

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

§265-26. Enforcement.

A. This ordinance shall be enforced by the Lacey Township Police Department and the Lacey Township Code Enforcement Officer.

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

§265-27. Violations and penalties.

A. Any person violating or failing to comply with any of the provisions of this Article shall, upon conviction thereof, be punishable by a fine of no less than \$100 and no more than \$1,250, by imprisonment not to exceed 90 days or by community service of not more than 90 days or any combination of fine, imprisonment and community service, as determined in the discretion of the Municipal Court Judge; except that, in the Pinelands Area, the maximum penalty shall be \$500 for each offense, as provided in N.J.S.A. 13:18A-24. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons

allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

B. The violation of any provision of this Article shall be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

SECTION 2. Chapter 265 of the Township Code of the Township of Lacey, entitled, "Peace and Good Order," is hereby amended and supplemented so as to amend Section 265-2, entitled, "Violations and penalties," so that Subsection C shall read in its entirety as follows:

Any person violating or failing to comply with any of the provisions of this Article shall, upon conviction thereof, be punishable by a fine of no less than \$100 and no more than \$1,250, by imprisonment not to exceed 90 days or by community service of not more than 90 days or any combination of fine, imprisonment and community service, as determined in the discretion of the Municipal Court Judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

SECTION 3. Chapter 265 of the Township Code of the Township of Lacey, entitled, "Peace and Good Order," is hereby amended and supplemented so as to amend Section 265-2, entitled, "Violations and penalties," so as to create Subsection D which shall read in its entirety as follows:

The violation of any provision of this Article shall be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

SECTION 4. Chapter 265 of the Township Code of the Township of Lacey, entitled, "Peace and Good Order," is hereby amended and supplemented so as to amend Section 265-15, entitled, "Violations and penalties," so that the section shall read in its entirety as follows:

A. Any person violating or failing to comply with any of the provisions of this Article shall, upon conviction thereof, be punishable by a fine of no less than \$100 and no more than \$1,250, by imprisonment not to exceed 90 days or by community service of not more than 90 days or any combination of fine, imprisonment and community service, as determined in the discretion of the Municipal Court Judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

B. The violation of any provision of this Article shall be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

SECTION 5. Chapter 265 of the Township Code of the Township of Lacey, entitled, "Peace and Good Order," is hereby amended and supplemented so as to amend Section 265-22, entitled, "Violations and penalties," so that the Section shall read in its entirety as follows:

A. Any person violating or failing to comply with any of the provisions of this Article shall, upon conviction thereof, be punishable by a fine of no less than \$100 and no more than \$1,250, by imprisonment not to exceed 90 days or by community service of not more than 90 days or any combination of fine, imprisonment and community service, as determined in the discretion of the Municipal Court Judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

B. The violation of any provision of this Article shall be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

C. As to violations of this Article which involve an act of graffiti, in addition to any other penalty imposed by the Court, the person shall pay the owner of the damaged property monetary restitution in the amount of the pecuniary damage caused by the act of graffiti and to perform community

service, which shall include removing the graffiti from the property if appropriate.

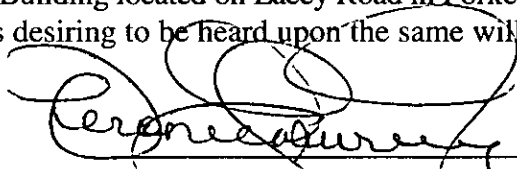
SECTION 6. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 7. 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 8. This ordinance shall take effect after second reading and publication as required by law.

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 Lacey held on the **10th** day of **March, 2005**, and will be considered for second reading and final passage at a regular meeting of the Township Committee to be held on the **24th** day of **March, 2005**, at 8:00 p.m., at the Municipal Building located on Lacey Road in Forked River, 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.


VERONICA LAUREIGH, CMC, AAE
Township Clerk, Township of Lacey