

**BOROUGH OF DUNELLEN
ORDINANCE 2012-03**

The following ordinance was Introduced on January 9, 2012. It will be presented for Public Hearing and Adoption on February 6, 2012, at 7:30 pm, during a regularly scheduled meeting of the Dunellen Borough Council, 355 North Avenue, Dunellen, NJ. Copies of this ordinance will be posted on the municipal bulletin board and be available to members of the public at the Office of the Municipal Clerk.

**AN ORDINANCE AMENDING CHAPTER 103, “ANIMALS,” OF THE CODE OF THE
BOROUGH OF DUNELLEN**

BE IT ORDAINED by the Borough Council of the Borough of Dunellen, County of Middlesex, State of New Jersey, that Chapter 103 of the Revised General Code of the Borough of Dunellen, be amended as follows:

Section 103-3. Application for licenses [dogs].

Any person who shall own, keep or harbor a dog of licensing age shall, in the month of January 1972 and annually thereafter, apply for and procure from the Municipal Clerk of the Borough a license and official registration tag for each such dog so owned, kept or harbored and shall place upon such dog a collar or harness with the registration tag securely fastened thereto.

Section 103-32. License requirements [cats].

Owners must obtain license number. Any person who owns, keeps or harbors a cat of licensing age must annually apply for and procure from the licensing authority an official registration tag with license number, for each cat, so owned, kept or harbored. The owner shall prove licensure of any such cat by producing the registration tag upon the request of the licensing authority, its authorized representatives or a police officer. Licenses are not transferrable.

103-35. Prohibiting the Feeding of Wild Animals and Waterfowl

A. 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.

B. Definitions

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

"Wild animal" shall include 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.

"Waterfowl" shall include 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.

C. Feeding of Wild Animals and Waterfowl Prohibited

1. 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.
2. 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.
3. 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.
4. 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, 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.

D. Feeding of other songbirds and other backyard birds permitted

1. Feeding of other songbirds and other backyard birds shall be permitted outdoors at such

times and in such numbers that: (1) 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; (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 and; (4) Bird feeders are placed at least five (5) feet above the ground.

E. Enforcement

1. 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 Ordinance.
2. Failure to remove such materials or device or to make such modifications within twenty-four (24) hours after notice from the Borough shall constitute a separate violation of this Ordinance.
3. 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 ordinance.
4. No person shall hinder, molest or interfere with anyone authorized or empowered to perform any duty under this ordinance.

F. Penalties

Any person violating any provision of this Section shall be liable to a fine not less than Fifty Dollars (\$50.00) or more than Five Hundred Dollars (\$500.00) 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.

G. Severability

Every section of this ordinance or subdivision or separate part thereof shall be considered a separate provision to the intent that if any portion shall be declared unconstitutional it shall not affect the remaining parts of this ordinance.

H. When Effective

This ordinance shall take effect immediately upon final passage thereof and publication thereof as provided for by law.