

**TOWNSHIP OF HOPEWELL
MERCER COUNTY, NEW JERSEY**

ORDINANCE NO. 05-1354

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER III, "LAW ENFORCEMENT REGULATIONS", OF
THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF
HOPEWELL TO ESTABLISH REGULATIONS CONCERNING
WILDLIFE FEEDING ON PUBLIC PROPERTY**

WHEREAS, The U.S. Environmental Protection Agency (EPA) published the regulation entitled "National Pollutant Discharge Elimination System - Regulations for Revision of the Water Pollution Control Program Addressing Storm Water Discharges" (*Federal Register*, Volume 64, Number 235, pages 68722-68852) on December 8, 1999 as required by Section 402(p) of the Clean Water Act (CWA); and

WHEREAS, in February 2004 the New Jersey Department of Environmental Protection adopted new Stormwater Management Rules (N.J.A.C. 7:8) in fulfillment of its obligations under the USEPA Regulations; and

WHEREAS, Hopewell Township is designated as a Tier A Municipality under 7:8 and is obligated to implement certain ordinances required by the Tier A NJPDES Municipal Stormwater General Permit (NJ0141852) on or before October 2005; and

WHEREAS, the Hopewell Township Committee desires to meet its obligations under 7:8.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that a new Section 22, Chapter 3 of the Revised General Ordinances, entitled "Wildlife Feeding" be created as follows:

3-22.1 Purpose. An ordinance to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Township of Hopewell, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

3-22.2 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 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.

3-22.3 Prohibited Conduct. No person shall feed, in any public park or on any other property owned or operated by Township of Hopewell any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers).

3-22.5 Violations and Penalties. Any person found to be in violation of the provisions of this ordinance shall be subject to the penalty provisions set forth at Section 3-1 of this Chapter, except that no person found to be in violation of the provisions of this ordinance shall be subject to imprisonment.

3-22.6 Severability. 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.

BE IT FURTHER ORDAINED that this section shall take effect upon final adoption and publication in accordance with law.

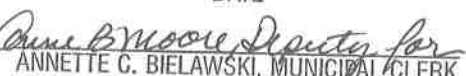
Date Introduced: August 8, 2005
Date Advertised: August 25, 2005
Date Adopted: September 26, 2005



Arlene A. Kemp
Mayor

Attest:

Annette C. Bielawski
Municipal Clerk

CERTIFICATION
I HEREBY CERTIFY THE FOREGOING TO BE
A TRUE COPY OF AN ORDINANCE ADOPTED
BY THE HOPEWELL TOWNSHIP COMMITTEE
AT A MEETING HELD
September 26, 2005
DATE

ANNETTE C. BIELAWSKI, MUNICIPAL CLERK