

TOWNSHIP OF MOORESTOWN

ORDINANCE NO. 3-2004

AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN,
AMENDING CHAPTER 202 ENTITLED “NUISANCES, PUBLIC HEALTH”
OF THE CODE OF THE TOWNSHIP OF MOORESTOWN
TO PREVENT THE FEEDING OF WATERFOWL
IN THE TOWNSHIP OF MOORESTOWN

WHEREAS, it has been determined that the presence of large numbers of geese, duck, brant and other waterfowl on and around bodies of water and surrounding properties in the Township of Moorestown causes a public nuisance, and goes against the health and general welfare of the public; and

WHEREAS, the Township desires to prevent any person’s conduct that may attract or promote the presence of these waterfowl.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey that the Township Code of the Township of Moorestown be and is hereby amended as follows:

Section 1. The following sections shall be added to Chapter 202.

In addition to the “Public Health Nuisance Code of New Jersey (1953),” which is adopted by this Chapter, the feeding of waterfowl shall be regulated as follows:

§202-4. Title. Feeding of Waterfowl.

§202-5. Definitions.

- (1) Waterfowl. A general term referring to all “undomesticated birds” commonly known as geese, ducks, brants, swans, river and sea ducks, gulls and similar species.
- (2) Feed. To “feed” includes the provision or dissemination of food in any manner in the vicinity of waterfowl.
- (3) Waterways. A general term referring to lakes, ponds, streams, creeks and stormwater basins.

§202-6. Prohibited acts.

- (1) It shall be unlawful for any person to feed waterfowl on any publicly-owned land or waterways within the township.
- (2) It shall be unlawful for any person to feed waterfowl on any privately-owned/non-residential land or waterways, which are publicly accessed within the township.
- (3) It shall be unlawful to refuse to post a sign on any privately-owned/non-residential property which is publicly accessed, if so directed by the Township Manager or Police Department.

§202-7. Signs.

- (1) When directed to post signs by the Township Manager or Police Department, signs must be conspicuously placed, at the property owner's expense, and be constructed not less than twelve by eighteen inches (12"x18") in size, bearing the words: "WARNING: FEEDING OF WATERFOWL PROHIBITED."
- (2) Defacing, tampering, moving, or damaging such signs shall constitute a violation of this section.

§202-8. Enforcement.

- (1) This section shall be enforced by the Moorestown Township Police Department.
- (2) Notice of violation shall be by issuance of Municipal Court Summons.

§202-9. Violations and Penalties.

- (1) Any person violating this Chapter shall be subject to a warning for the first violation. It is not the intent of the Township to penalize people for feeding waterfowl but to discourage people from doing so.
- (2) A person violating this Chapter for a second and subsequent time shall be subject to fine of not less than \$25 nor more than \$100, or a period of community service, within the meaning and limits of and as referred to in N.J.S.A. 40:49-5, as amended and supplemented, and other applicable law; or both a fine and community service.

Section 2: All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 3: If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this ordinance shall be deemed valid and effective.

Section 4: This ordinance shall become effective upon final passage and publication according to law.

CERTIFICATION

I, Patricia L. Hunt, hereby certify that Ordinance No. 3-2004 was introduced and adopted on first reading by the Township Council at a meeting held on January 26, 2004. This ordinance was duly adopted by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey at a meeting of the Township Council held on February 9, 2004.

Patricia L. Hunt, Township Clerk