

**§ 78-15. Purpose.**

The purpose of this article is to prohibit the feeding of unconfined wildlife on any property within the Borough of Essex Fells, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

**§ 78-16. 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:

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 or the use of bird feeders on private property.

PERSON — Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

WILDLIFE — All animals that are neither human nor domesticated. "Wildlife" shall include unlicensed dogs or cats.

**§ 78-17. Prohibited conduct; penalty. [Amended 4-15-2014 by Ord. No. 2014-949]**

No person shall feed, in any public park or on any other property within the territorial jurisdiction of the Borough of Essex Fells, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers or unconfined wildlife at environmental education centers). The penalty for a violation of this section shall be:

- A. First offense: \$50.
- B. Second offense: \$75.
- C. Third offense: \$100.
- D. Fourth and subsequent offenses: \$150.

**§ 78-18. Enforcement.**

- A. This article shall be enforced by the Police Department of Essex Fells.
- B. Any person found to be in violation of this article shall be ordered to cease the feeding immediately.

**§ 78-19. Violations and penalties.**

Any person, firm or corporation which violates any of the provisions of this article shall, upon conviction, be punished as provided in Chapter 1, Article III, General Penalty, and each violation of any of the provisions of this article and each day the same is violated shall be deemed and taken

to be a separate and distinct offense.