TOWNSHIP OF FAIRFIELD
ORDINANCE #2017-16

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 8 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF FAIRFIELD, COUNTY OF ESSEX, STATE OF NEW JERSEY, RELATING TO THE FEEDING OF WILDLIFE

WHEREAS, the feeding of certain wildlife within the Township of Fairfield poses a significant nuisance and health risk to the public; and

WHEREAS, the Township’s existing code does not adequately address the growing health and nuisance concerns associated with the uncontrolled feeding of wildlife.

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Township of Fairfield, County of Essex, State of New Jersey, as follows:

SECTION 1. Chapter 5, Article 8, entitled “Wildlife Feeding,” of the Township Code of the Township of Fairfield shall be amended as follows:

§ 5-8.2 Definitions.

... Birds shall mean a warm-blooded egg-laying vertebrate characterized by feathers and forelimbs modified as wings.

Birdfeeder shall mean any outdoor container for birdfeed, or any item construed as birdfeed, used to attract wild birds.

Community Cat shall mean cats that are un-owned or loosely owned; community cats are comprised of both strays and feral cats.

... Feral Cat shall mean any homeless, wild, or untamed cat which is unsocialized to humans and has a temperament of extreme fear of, and resistance to, contact with humans.

Feral Cat Colony shall mean an individual cat or group of community cats that congregate. Although not every cat in a colony may be feral, any non-feral cats that routinely congregate with a colony shall be deemed to be a part of it.

Non-domesticated shall mean any animal, which lives in the wild and has not been trained to live in a human environment, which has the potential for attacking humans and/or causing property damage.

Nonprofit Animal Establishment shall mean a therapeutic facility, humane society, animal shelter, animal rescue or welfare groups, or assistance animal training facilities (recognized by federal or state law as nonprofit).

Nuisance shall mean disturbing the peace by:

(A) Habitually or continually howling, crying or screaming; or
(B) The habitual and significant destruction, desecration or soiling of property against the wishes of the owner of the property.
Person shall mean any individual, corporation, company, partnership, firm, association, nonprofit animal establishment, or political subdivision of this State subject to municipal jurisdiction.

Stray Cat shall mean lost and abandoned former pets who may be suitable for home environments.

§ 5-8.3 Feeding of Wildlife and Feral Cats Prohibited. Conduct.

No person shall feed, in any public park or any other property owned or operated by the Township of Fairfield, any wildlife excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers. (Ord. No. 2005-19 § 1)

For the protection of the health and welfare of the citizens, it shall be unlawful to feed or bait wildlife including but not limited to bears, deer, feral cats not covered in this chapter, Canada Geese, wild turkeys, pigeons or waterfowl, or other non-domesticated animals in any manner within the Township. This article does not prohibit baiting and the legal taking of fish or game, the feeding of confined wildlife or farm animals that are displayed at petting zoos, parks, rehabilitation centers, zoos, or unconfined wildlife at environmental education centers.

§ 5-8.4 Nuisance Complaints.

Notwithstanding the requirements of this Article, Animal Control Officers and Police Officers may investigate any nuisance complaint. If an Animal Control Officer or Police Officer determines that a community colony/feral/stray cat is causing a nuisance as defined by this article, the Animal Control Officer or Police Officer may remove the cat.

§ 5-8.5 General Restrictions.

A. No feral cat colony may be permitted to be established within any area designated by federal or State agencies as areas reserved for protected or endangered species of birds or other wildlife, or in any federal, State or local designated park or preserve.

B. No person may feed any feral or community cat within the Township.

C. No person may bring a feral or community cat from another municipality to create a community cat colony within the Township.

D. No person shall purposely or knowingly leave or store any refuse, garbage, food product, pet food, salt, seed, birdseed, fruit, or grain in a manner that would constitute an attractant to any wildlife.

E. Nothing herein shall be construed to prohibit the feeding of wild birds using birdfeeders, provided such feeding does not create an unreasonable interference to surrounding property owners or become an attractant for rodents or other wildlife. Birdfeeders shall be placed at least five (5) feet above the ground and the areas in and around any birdfeeder shall be kept free and clear of birdseed or any item construed as birdfeed.

§ 5-8.6 Enforcement.

This section shall be enforced by the Police Department of the Township of Fairfield and Fairfield Township Animal Control Officers. Any person found to be in violation of this section shall be ordered to cease the feeding immediately.
§ 5-8.5 8.7 Violations and Penalties.

This section shall be in full force and effect from and after its adoption and publication as may be required by law. (Ord. No. 2005-19 § 1)

Fines for violations of this chapter are as follows:

A. not less than $150.00 for a first offense;
B. not less than $250.00 for a second offense; and
C. not less than $500.000 for each subsequent offense.

§ 5-8.6 8.8 Severability.

...

§ 5-8.7 8.9 Effective Date.

...

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. 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 5. This ordinance shall take effect after second reading and publication as required by law.

JAMES W. GASPARINI
Mayor

ATTEST:

DENISE D. CAFONE
Municipal Clerk

NOTICE

Notice is hereby given that the foregoing Ordinance was submitted in writing at a meeting of the Mayor and Council of the Township of Fairfield, County of Essex, State of New Jersey, held on August 14, 2017, introduced and read by title and passed first reading, and that said Governing Body will further consider the same for second reading and final passage thereof at a meeting to be held on September 11, 2017 at 7:00 p.m. at the Municipal Building, 230 Fairfield Road, Fairfield, New Jersey, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens of interest shall have an opportunity to be heard concerning same.

DENISE D. CAFONE
Municipal Clerk
INTRODUCED BY:  Councilman Cifelli
SECONDED BY:  Councilman LaForgia
PUBLISHED:  August 17, 2017

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2ND READING AND PUBLIC HEARING - September 11, 2017

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SECONDED BY:  Councilman LaForgia
PUBLISHED:  September 14, 2017

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