TOWNSHIP OF HARDYSTON

Ordinance 2024-15

ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING CHAPTER 60, ANIMALS, OF THE TOWNSHIP GENERAL CODE TO ESTABLISH REGULATIONS PROHIBITNG THE FEEDING OF WILDLIFE IN ANY PUBLIC PARK OR PROPERTY OWNED BY THE TOWNSHIP OF HARDYSTON

WHEREAS, the Township of Hardyston has long had a Tier B Municipal Stormwater General Permit in accordance with the New Jersey Department of Environmental Protection ('NJDEP') Stormwater Management Regulations at N.J.A.C 7:8-1, et seq.; and

WHEREAS, the NJDEP has indicated its intent to reassign to 'Tier A' designation under the Municipal Separate Storm Sewer System permit program ('Permit Program') all New Jersey municipalities previously designated 'Tier B' ('Reassignment Plan'); and

WHEREAS, as a condition of the NJDEP Municipal Stormwater Management program Tier A municipalities are required to adopt additional regulations prohibiting the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Township of Hardyston in order to protect the environment, public health, safety and welfare; and

WHEREAS, the Mayor and Township Council have reviewed the recommended regulations and believe that the changes promote the peace, health, public safety of the residents of the Township and are in the public interest.

NOW THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Hardyston, in the County of Sussex, and State of New Jersey as follows:

SECTION 1. Chapter 60 "Animals" is hereby amended and supplemented to replace and add the following sections:

§60-29. Wildlife Feeding Prohibited.

No person shall feed, in any public park or on any other property owned or operated by the Township of Hardyston, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers, or feral cats as part of an approved Trap-Neuter-Release program) and baiting in the legal taking of fish and game.

§60-30. Violations and penalties.

Any person found guilty of violating any provision of this chapter shall, upon conviction thereof, be subject to one or more of the following: imprisonment in the county jail or any place provided by the municipality for the detention of prisoners, for any term not exceeding 90 days; or a fine not exceeding $1,000, or a period of community service not exceeding 90 days; provided, however, that the minimum fines shall be established as follows:

A. Failure to obtain license (§§ 60-3, 60-10 and 60-12): $50.
B. Dogs running at large (§§ 60-12G and 60-22): $50.
C. Disturbing the peace (barking or crying): $50.
D. Dogs attacking person: $100.
E. Removal of tag, attaching a tag wrongfully (§ 60-11A): $50.
F. Dogs attacking other animals: $100.
G. Interference with an officer: $100.
H. Defecation (§ 60-24A, B, C and D): $50.

§60-31. Enforcement
It shall be the duty of the Animal Control Officer to enforce the provisions of this chapter.

SECTION 2. All ordinances of the Township of Hardyston, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION 4. No provision of this Ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this Ordinance or from other law.

SECTION 5. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

SECTION 6. This Ordinance may be renumbered for codification purposes.

NOTICE

PLEASE TAKE NOTICE that notice is hereby given that the above ordinance was introduced and passed at the regular meeting of the Hardyston Township Council held at the Municipal Building, 149 Wheatsworth Road, Hardyston, New Jersey, on August 28, 2024. The same came up for final adoption at a meeting of the Township Council of the Township of Hardyston held on November 13, 2024, and after all persons present were given the opportunity to be heard concerning the same, it was finally passed, adopted and will be in full force and effect in the Township according to law.

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Jane Bakalarczyk, RMC, Municipal Clerk