

**BOROUGH OF FREEHOLD  
COUNTY OF MONMOUTH  
NO. 2017/2**

**ORDINANCE OF THE BOROUGH OF FREEHOLD,  
COUNTY OF MONMOUTH, STATE OF NEW JERSEY,  
AMENDING CHAPTER 8.56 (BOARD OF HEALTH REGULATIONS), AND RESCINDING CHAPTER  
8.68 (FEEDING OF UNCONFINED WILDLIFE)**

**WHEREAS**, the Freehold Borough Board of Health has recommended certain amendments to the Board of Health Regulations.

**BE IT ORDAINED** as follows:

**SECTION I**

**Section 8.56** (Board of Health Regulations), be amended and supplemented as follows:

**Article 7**

**Animals-Wildlife Feeding**

**8.56.370 Definitions**

**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.

**PERSON** – Includes but is not limited to individuals, corporations, companies, associations, societies, including nonprofit organizations, firms, partnerships, joint-stock companies, individuals and governmental entities.

**WATERFOWL** - Any bird that frequents the water, or lives about rivers, lakes, etc. or on or near the sea; aquatic fowl including, but not limited to ducks, geese, swans, herons and egrets.

**WILD ANIMAL** – Any animal, which is not human nor domesticated, including but not limited to bears, coyotes, deer, feral cats, foxes, groundhogs, opossum, raccoons, skunks, waterfowl, wolves and hybrid wolves.

**8.56.380 Wildlife Feeding**

A. Feeding of wild animals, birds and waterfowl prohibited.

(1) No person shall purposely or knowingly, as said terms are defined in Title 2C of the New Jersey Revised Statutes, feed, bait or in any manner provide access to food to any wild animal, birds or waterfowl in Freehold Borough, on lands either publicly or privately owned, except as permitted by Subsection B below. This section shall not apply to the feeding of farm animals, nor to confined wildlife (for example, wildlife confined in stables, parks or rehabilitation centers, nor unconfined wildlife at environmental education centers).

(2) No person shall purposely or knowingly leave or store any refuse, garbage, food product, pet food, forage product or supplement, salt, seed or birdseed, fruit or grain in a manner that would constitute an attractant to any wild animal or waterfowl.

(3) After being advised by the Borough to undertake remedial action to avoid contact or conflict with wild animals, no person shall continue to provide, or otherwise fail to secure or remove, any likely food sources or attractants, including, but not limited to, outdoor trash, grills, pet food, bird feeders or any other similar food source or attractant.

(4) Nothing in this section shall apply to:

(a) Any agent of the Borough authorized to implement an alternative control method set forth in any approved community-based deer management plan and possessing a special deer management permit issued by the New Jersey Division of Fish and Wildlife in accordance with the provisions of N.J.S.A. 23:4-42.3 et seq.; or (b) issued in accordance with the provisions of Title 23 of the New Jersey Revised Statutes.

B. Feeding of songbirds and other backyard birds permitted. Feeding of songbirds and other backyard birds shall be permitted outdoors at such times and in such numbers that:

(1) Such feeding does not create an unreasonable disturbance that affects the rights of surrounding property owners and renders other persons insecure in the use of their property;

(2) Does not create an accumulation of droppings on the property and surrounding properties; and

(3) Does not become an attractant for rodents or other wild animals.

#### **8.56.390 Enforcement.**

A. This chapter shall be enforced by the Board of Health, police department and/or code enforcement office of the borough of Freehold.

B. Any person found to be in violation of this chapter shall be ordered to cease the feeding immediately. Failure to cease immediately, or, having been given notice of violation, any person who again feeds wildlife, shall be deemed to have violated this chapter.

#### **8.56.400 Violations and Penalties.**

Any person(s) who is found to be in violation of the provisions of this chapter shall be subject to a fine not to exceed five hundred dollars (\$500.00).

## **SECTION II**

**Chapter 8.68 Feeding of Unconfined Wildlife** is hereby deleted and superseded by Chapter 8.56 Board of Health Regulations, Article 8.

## **SECTION III**

If any part of this Ordinance shall be deemed invalid such part shall be deemed severable and the invalidity thereof shall not affect the remaining part of this Ordinance.

**SECTION IV**

Any Ordinance or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed and superseded.

**SECTION V**

This Ordinance shall take effect upon final passage and publication in accordance with Law.

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REGULATIONS), AND RESCINDING CHAPTER 8.68 (FEEDING OF UNCONFINED  
WILDLIFE)**

**NOTICE IS HEREBY GIVEN** that the forgoing Ordinance was approved for final adoption by the Mayor and Council of the Borough of Freehold at a meeting held on February 6, 2017.

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TRACI L. DI BENEDETTO  
BOROUGH CLERK