

§ 5-8. WILDLIFE FEEDING.

§ 5-8.1. Purpose. [Ord. No. 2005-19 § 1]

It is the purpose of this section to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by The Township of Fairfield, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 5-8.2. Definitions. [Ord. No. 2005-19 § 1; Ord. No. 2017-16]

For the purpose of this section, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this chapter 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.

BIRDFEEDER — Shall mean any outdoor container for birdfeed, or any item construed as birdfeed, used to attract wild birds.

BIRDS — Shall mean a warm-blooded egg-laying vertebrate characterized by feathers and forelimbs modified as wings.

COMMUNITY CAT — Shall mean cats that are un-owned or loosely owned; community cats are comprised of both strays and feral cats.

FEED — Shall mean 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.

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. **[Ord. No. 2017-16]**

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.

WILDLIFE — Shall mean all animals that are neither human nor domesticated.

§ 5-8.3. Feeding of Wildlife and Feral Cats Prohibited. Prohibited. [Ord. No. 2005-19 § 1; Ord. No. 2017-16]

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. [Ord. No. 2005-19 § 1; Ord. No. 2017-16]

Notwithstanding the requirements of this section, 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 section, the Animal Control Officer or Police Officer may remove the cat.

§ 5-8.5. General Restrictions. [Ord. No. 2017-16]

- 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 feet above the ground and the areas in and around any birdfeeder shall be kept free and clear of birdfeed or any item construed as birdfeed.

§ 5-8.6. Enforcement. [Ord. No. 2005-19 § 1; Ord. No. 2017-16]

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.

§ 5-8.7. Violations and Penalties. [Ord. No. 2005-19 § 1; Ord. No. 2017-16]

Fines for violations of this chapter are as follows:

- a. Not less than \$150 for a first offense;
- b. Not less than \$250 for a second offense; and
- c. Not less than \$500 for each subsequent offense.

§ 5-8.8. Severability. [Ord. No. 2005-19 § 1; Ord. No. 2017-16]

Each subsection, sentence, clause and phrase of this section is declared to be an independent subsection, sentence, clause and phrase, and the finding or holding of any such portion of this section to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this section.

§ 5-8.9. Effective Date. [Ord. No. 2005-19 § 1; Ord. No. 2017-16]

This section shall be in full force and effect from and after its adoption and publication as may be required by law.