ORDINANCE NO. 1-04


WHEREAS, pursuant to the authority set forth in N.J.S.A. 26:3-31, the Board of Health of the Borough of Morris Plains (the "Board") is desirous of prohibiting the feeding of wildfowl and wild animals within the Borough of Morris Plains to promote the public health and welfare.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Health of the Borough of Morris Plains, as follows:

Section 1:

That Appendix A of the Ordinances of the Borough of Morris Plains be amended and supplemented with the addition of a new Article 11, which shall read as follows:

ARTICLE 11. WILDFOWL AND WILD ANIMAL FEEDING PROHIBITION.

App. A. 11-1. Purpose.

The purpose of this Ordinance is to prevent the deterioration of water resources within the Borough of Morris Plains, County of Morris, and to help contain the spread of animal borne diseases and prevent the attraction of wild animals which may pose a danger to the community within the Borough of Morris Plains, County of Morris. It is recognized that the presence of wildfowl contributes to high coliform counts, which is a major contaminant contributing to the degradation of watercourses and wetlands, and that the presence of certain wild animals contributes to the dissemination of animal-borne diseases, such as Lyme Disease and rabies, and other diseases. It is further recognized that the feeding of wild animals may attract certain animals whose presence may present a danger to the residents of the community.


It has been determined that one of the underlying causes for the congregation of wildfowl or the attraction of other wild animals to an area is the feeding of the same by well-meaning persons.

For the purposes of this ordinance, the term "Wildfowl and wild animals" shall include, but not be limited to wild geese, ducks, deer, raccoons, bears, coyotes, squirrels, opossums, and feral dogs and cats.

App. A. 11-4 Feeding restrictions.

a) Except as provided in Section 11(b) hereof, no person shall feed, cause to be fed or provide food for wild geese, ducks or other wildfowl, deer or other wild animals, anywhere in the Borough of Morris Plains, either on public or private property.

b) Nothing in the foregoing Section 11(a) shall be construed to prohibit humane acts of individual cases, such as the temporary nurturing of a wounded bird, abandoned gosling or duckling, or other wounded wildfowl or wild animal upon one's property provided that the proper animal control officer or municipal Police Department is immediately notified.

App. A. 11-5 Enforcement and penalties.

a) Any person who violates the provisions of this Ordinance shall be subject to a fine of not less than One Hundred Dollars ($100) nor more than Five Hundred Dollars ($500).

b) The provisions of this Ordinance shall be enforced by the Health Officer of the Borough, such other personnel of the Health Department as may be directed to enforce this section by the Health Officer, the Animal Control Officer of the Borough and the Police Officers of the Borough of Morris Plains.

Section 2:

Upon the introduction of this ordinance, three copies of this Ordinance have been placed on file in the office of the Secretary of this local Board of Health and in the Borough Clerk's Office for use and examination by the public and said copies will remain on file in said offices until final action is taken on this ordinance.

Section 3:

All other provisions set forth in the ordinances of the Board of Health as set forth in Appendix A of the Revised Ordinances shall be unaffected and are hereby continued.
Section 4:

All Ordinances and parts of Ordinances of the Board of Health inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 5:

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid by a Court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance.

Section 6:

This Ordinance shall take effect immediately after final passage and publication in accordance with law.