

## **Draft Resolution - Wildlife Feeding on Highway Property**

### **Resolution # [ ] - Wildlife Feeding on Highway Property**

#### *Notes:*

1. *If Capitol County were governed under the Optional County Charter Act, N.J.S.A. 40:41A-1 et seq., this “resolution” would instead be an “ordinance” (see N.J.S.A. 40:41A-27 and –101).*
2. *In the Highway Permit, the wildlife feeding requirement is limited to property at certain highways and other thoroughfares. However, a county or other Highway Agency may choose to regulate wildlife feeding on any property owned or operated by the Highway Agency, including property located at county operated Public Complexes and other county operated facilities. Also, if Capitol County obtains both the Highway Permit and the Public Complex Permit, Capitol County could adopt a single Wildlife Feeding resolution to meet requirements in both permits.*

#### **SECTION I. Purpose:**

A resolution to prohibit the feeding of unconfined wildlife, on any property owned or operated by Capitol County for county highways, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

#### **SECTION II. Definitions:**

For the purpose of this resolution, 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.

- a. County highway– any highway or other thoroughfare operated by Capitol County (including a maintenance facility or rest area for such a thoroughfare). For purposes of this resolution, a “highway or other thoroughfare” does not include:
  1. Any thoroughfare confined to the grounds of one or more buildings; or
  2. Any thoroughfare confined to a park or recreational area operated by Capitol County.  
*(Note: This draft definition omits highway service areas because Capitol County does not operate or plan to operate any highway service areas.)*
- b. 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.

- c. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to county jurisdiction.
- d. Wildlife – all animals that are neither human nor domesticated.

**SECTION III. Prohibited Conduct:**

- a. No person shall feed, on any property owned or operated by Capitol County for a county highway, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers).

**SECTION IV. Enforcement:**

- a. The provisions of this resolution shall be enforceable by any local or State police officer.
- b. Any person found to be in violation of this resolution shall be ordered to cease the feeding immediately.

**SECTION V. Violations and Penalties:**

Any person(s) who is found to be in violation of the provisions of this resolution shall be subject to a fine not to exceed **[insert amount]**.

**SECTION VI. Severability:**

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

**SECTION VII. Effective date:**

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

ALL OF WHICH IS ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 200\_, by the Board of Chosen Freeholders of Capitol County.