

**BOROUGH OF OGDENSBURG  
COUNTY OF SUSSEX  
ORDINANCE 04-2023**

**AN ORDINANCE OF THE BOROUGH OF OGDENSBURG, COUNTY OF SUSSEX,  
AND STATE OF NEW JERSEY AMENDING CHAPTER 18 OF THE BOROUGH CODE  
ENTITLED "MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4), TIER A  
COMMUNITY-WIDE ORDINANCES" TO ADD NEW SECTION 18-2 ENTITLED  
"WILDLIFE FEEDING"**

**WHEREAS**, in July 2022, the New Jersey Department of Environmental Protection ("NJDEP") reassigned all New Jersey municipalities designated as "Tier B" under the Municipal Separate Storm Sewer System Permit Program (MS4 Permit Program) to "Tier A" effectively invalidating the "Tier B" permit program; and

**WHEREAS**, as a result of Tier A reassignment, the Borough of Ogdensburg ("Borough") is required to satisfy additional permit conditions set forth in the Tier A MS4 New Jersey Pollutant Discharge Elimination System ("NJPDES") Master General Permit renewed January 1, 2023; and

**WHEREAS**, Tier A NJPDES permit conditions require, among other things, that the Borough adopt and enforce community-wide ordinances regarding (1) Pet Waste, (2) Wildlife Feeding, (3) Litter Control, (4) Improper Disposal of Waste, (5) Containerized Yard Waste/Yard Waste, (6) Private Storm Drain Inlet Retrofitting, (7) Privately-Owned Salt Storage, (8) Tree Removal/Replacement, (9) Illicit Connection, and (10) Privately-Owned Refuse Container/Dumpster (optional); and

**WHEREAS**, the Borough desires to adopt the aforesaid ordinances throughout the course of this calendar year for better legislative management and increased public participation, which ordinances shall appear in Chapter 18 of the Borough Code entitled "Municipal Separate Storm Sewer System (MS4), Tier A Community-Wide Ordinances."

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Ogdensburg, County of Sussex, and State of New Jersey, that Chapter 18 of the Borough Code entitled "Municipal Separate Storm Sewer System (MS4), Tier A Community-Wide Ordinances" is hereby amended to add new Section 18-2 entitled "Wildlife Feeding" as follows:

**SECTION 1.** Section 18-2 entitled "Wildlife Feeding" is hereby added to Chapter 18 of the Borough Code as follows:

**§ 18-2 WILDLIFE FEEDING**

**§ 18-2.1 Purpose.**

The purpose of this Section is to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Borough of Ogdensburg, to protect public health, safety, and welfare, and to prescribe penalties for failure to comply.

## **§ 18-2.2 Definitions.**

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 the 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.

### **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**

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

### **WILDLIFE**

All animals that are neither human nor domesticated.

## **§ 18-2.3 Prohibited Conduct.**

No person shall feed, in any public park or on any other property owned or operated by the Borough of Ogdensburg, 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).

## **§ 18-2.4 Enforcement.**

- a. This ordinance shall be enforced by the Police Department and/or other Municipal Officials of the Borough of Ogdensburg.
- b. Any person found to be in violation of this ordinance shall be ordered to cease the feeding immediately.

## **§ 18-2.5 Violations and Penalties.**

Any person(s) who is found to be in violation of this Section shall be subject to a minimum fine of not less than \$50 nor maximum fine more than \$250 for each and every violation.

**SECTION 2.** All other provisions unaffected by this Ordinance shall remain in full force and effect.

**SECTION 3.** All Ordinances or parts of Ordinances inconsistent herewith are repealed.

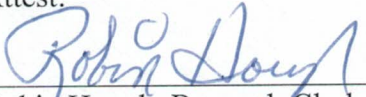
**SECTION 4.** If any section, subsection, sentence, clause, phrase, or a portion of this

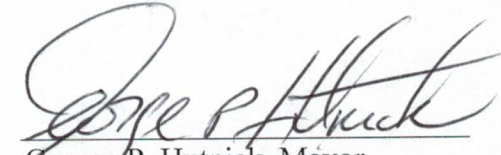


Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 5.** This ordinance shall become effective after second reading and publication as required by law.

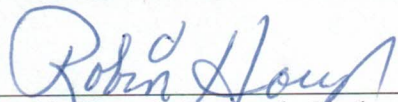
Attest:

  
Robin Hough, Borough Clerk

  
George P. Hutnick, Mayor

### NOTICE

**TAKE NOTICE** that the above-entitled ordinance was introduced at a regular meeting of the Borough Council of the Borough of Ogdensburg on May 8, 2023, and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Ogdensburg to be held on May 22, 2023 at 7:00PM in the Municipal Building, 14 Highland Ave., Ogdensburg, New Jersey, and shall take effect according to law.

  
Robin Hough, Borough Clerk

Roll call vote for Introduction:

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
Councilman Alvarez				✓
Councilman Ciasullo	✓			
Councilwoman Cowdrick	✓			
Councilman DeMeo	✓			
Councilman Poyer	✓			
Councilwoman Ruitenberg	✓			
Mayor Hutnick (Tie Only)				

Roll call vote for Adoption:

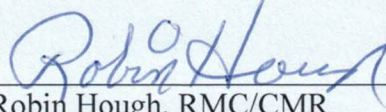
RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
Councilman Alvarez				✓
Councilman Ciasullo	✓			
Councilwoman Cowdrick	✓			
Councilman DeMeo	✓			
Councilman Poyer	✓			
Councilwoman Ruitenberg	✓			
Mayor Hutnick (Tie Only)				



**BOROUGH OF OGDENSBURG  
LEGAL NOTICE  
ORDINANCE 04-2023**

**AN ORDINANCE OF THE BOROUGH OF OGDENSBURG, COUNTY OF SUSSEX,  
AND STATE OF NEW JERSEY AMENDING CHAPTER 18 OF THE BOROUGH CODE  
ENTITLED "MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4), TIER A  
COMMUNITY-WIDE ORDINANCES" TO ADD NEW SECTION 18-2**

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Ogdensburg, in the County of Sussex, State of New Jersey, held in the Municipal Building on the 8<sup>th</sup> day of May, 2023, and the same came up for final passage at a meeting of the said Borough Council on the 22<sup>nd</sup> day of May, 2023, at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the borough according to law by order to the Borough Council of the Borough of Ogdensburg, County of Sussex and State of New Jersey.

  
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Robin Hough, RMC/CMR