

**BOROUGH OF PALISADES PARK  
BERGEN COUNTY, NEW JERSEY**

**ORDINANCE #2019-12**

**AN ORDINANCE AMENDING CHAPTER 315 OF THE BOROUGH CODE ENTITLED  
“SANITARY CODE” OF THE BOROUGH OF PALISADES PARK, COUNTY OF  
BERGEN, STATE OF NEW JERSEY**

BE IT ORDAINED by the Board of Health of the Borough of Palisades Park that Chapter 315 of the Code of the Borough of Palisades Park be and hereby is amended as follows:

Section I: Section 315-2, entitled “Words, Terms and Definitions” be, and hereby is, amended by adding to the existing provisions of said section the following:

**315-2 Words, Terms and Definitions** - Is amended to include the following terms used in this Chapter.

ANIMAL - For the purpose of this Ordinance shall mean cat or dog.

BIRDS - Waterfowl, songbirds, pigeons but not limited to blue jays and other birds.

CERTIFIED ANIMAL CONTROL OFFICER - A person who has satisfactorily completed a course of study on the control of animals approved by the Commissioner of Health and Senior Services.

FEED - To give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife and/or bird feeding does not include baiting in the legal taking of fish, pest control and/or game.

FREE-ROAMING CATS - Cats that roam outdoors and interact with feral cats and wildlife. Cats with specific owner, stray pets, or may have originated in one household and are fed or cared by other households in the neighborhood.

NUISANCE - Any condition which is dangerous to human life or health, or that which renders air, water, soil or any type of food hazardous or injurious to human life or health.

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.

Section II:

**Section 315-25.1 - Prohibited conduct on public property**

No person with the exception of Certified Animal Control Officer shall attract, feed or attempt to attract or feed water fowl, songbirds, pigeons and other backyard birds, feral/stray cats, any wildlife, excluding confined wildlife (for example wildlife confined in zoos, parks or rehabilitation

centers, or unconfined wildlife at environmental education centers), which are not the person's property by placing throwing or providing by any means food for said birds, wildlife or stray animals.

Section III:

**ARTICLE V.1 – Domestic Animals, Birds, Fowl, Stray Feral Cats and Wildlife.**

**Section 315-25.1 Prohibited conduct on public property**

No person shall attract, feed or attempt to attract or feed waterfowl, songbirds, pigeons and other backyard birds, feral/stray cats, any wildlife, excluding confined wildlife (for example wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers), which are not the person's property by placing, throwing or providing by any means food for said birds or wildlife.

Section IV:

**Section 315-25.2 Prohibited conduct on private property**

Section F is hereby added to said Section 315-25.2.

No person with the exception of Certified Animal Control Officer shall attract, feed or attempt to attract or feed stray and free-roaming cats.

The feeding of waterfowl, songbirds, pigeons, and other backyard birds shall be permitted outdoor on private property only if:

- A. Such a feeding does not create an unreasonable disturbance or nuisance that intrudes on the rights of surrounding property owners and renders others insecure in the use of their property;
- B. The feeding does not become an attractant for rodents or other wildlife;
- C. The feeding does not create an accumulation of droppings on the feeder's property or on the neighboring properties;
- D. All birdfeeders are placed at least five feet above the ground; and
- E. The birdfeeder's capacity for seed is no more than five pounds.

Section V:

**Section 315-25.3 Enforcement**

- A. Every property owner shall have the duty to remove any named materials placed on the owner's property that is in violation of this article.
- B. Failure to remove such materials or to make such modifications within 24 hours after notice from the Borough of Palisades Park shall constitute a violation of this article.
- C. The Animal Control Officers and all Police Officers of the Borough of Palisades Park and Licensed Health Department Staff are here by given full power and authority to enforce this article.

**D. 315-25.4 Violations and penalties.**

Any person who violates a provision of this article shall be liable to a fine of no less than \$100 and no more than \$1,000 for the first offense, together with the cost of prosecution. A second offense shall make a person liable for a fine of no less than \$150 and no more than \$2,000. Any subsequent offenses shall make a person liable for a fine of no less than \$300 and no more than \$5,000. A separate offense will be deemed committed on each day or part of each day during which a violation occurs or continues.

Section VI: Severability. If any chapter, section, sub-section or paragraph of this Ordinance is declared to be unconstitutional, invalid or inoperative in whole or in part, by a court of competent jurisdiction, such chapter, section, sub-section or paragraph shall to the extent that it is not unconstitutional, invalid or inoperative, remain in full force and effort, and no such determination shall be deemed to invalidate the remaining chapters, sections, sub-sections or paragraph of this Ordinance.

Section VII: This Ordinance shall take effect upon final passage thirty (30) days after the date of first publication in accordance with the law.

Approved:

  
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Christopher J. Chung, Mayor

Attest:

  
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Gina S. Kim, Borough Clerk

First Reading: July 23, 2019  
Second Reading: August 27, 2019