

ORDINANCE NO. 3- 2008

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING AND SUPPLEMENTING
CHAPTER 68 OF THE CODE OF THE TOWNSHIP OF LIVINGSTON "ANIMALS" BY ADDING
A NEW ARTICLE V
"RESTRICTING THE FEEDING OF DEER"

WHEREAS, the supplemental feeding of deer can artificially increase reproductive rates, foster the transmission of disease, encourage deer to concentrate in specific areas, and make the deer more tolerant of people; and

WHEREAS, the supplemental feeding of deer can also contribute to an unnaturally high deer population, especially during harsh winter; and

WHEREAS, it is a desire of the Township Council to establish restrictions on the feeding of deer within the Township of Livingston as part of a deer management program.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Livingston, County of Essex, State of New Jersey that

Italicized, bold language is added

SECTION 1. Chapter 68 Animals Article V: Feeding of Deer.

1. Restrictions on the Feeding of Deer.

(a) **Deer Feeding Prohibited.** *Except as provided in Paragraph (d) below no person shall intentionally feed deer within the Township of Livingston.*

(b) **Feeding Defined.** *For the purposes of this Section, feeding shall include the act of placing or permitting to be placed on the ground, or within 5 feet of the ground, any device or any fruits, grains, minerals, plants, salt licks, vegetables, seeds, nuts, hay, or any other edible materials that may reasonably be expected to result in deer feeding, unless such items are screened or otherwise protected from deer consumption.*

The presumption that the placement of any fruits, grains, minerals, plants, salt licks, vegetables, seeds, nuts, hay, or any other edible materials is for the purpose of feeding deer shall not apply to the following:

- 1. Naturally growing materials, including but not limited to fruit, grain, nuts, seeds, hay and vegetables.**
- 2. Planted materials growing in gardens, as standing crops, or in a wildlife food plot.**
- 3. Residue from lawns, gardens and other vegetable material maintained as a mulch pile.**
- 4. Stored crops provided the crop is not intentionally made available to deer.**
- 5. Spills of seed materials intended for the planting or crop materials that have been harvested if the spills are incidental to normal agricultural operations and such material are not intentionally made available to deer.**
- 6. Unmodified, commercially-purchased bird or squirrel feeders or their equivalent.**

(c) **Removal Required.** Each property owner shall have the duty to remove any device or materials placed on the owner's property in violation of this Section. Alternatively, a property owner may modify such device or make other changes to the property that prevent deer from having access to the materials or feeding from the device. Failure to remove such materials or to make such modifications within 24 hours after notice from the Township shall constitute a separate violation.

(d) **Exceptions to Prohibition.**

1. The prohibition in Paragraph (a) shall not apply to any health department employee, law enforcement officer or state or federal game official acting within the scope of his or her official duties. Nor shall the prohibition in Paragraph (a) apply to feeding activities permitted by the New Jersey State Division of Wildlife hunting regulations when performed by an individual holding valid local and state deer hunting permits and in those areas where deer hunting is authorized.

2. The prohibition in paragraph (a) shall not apply to feeding that is authorized by the Township Council on a temporary basis for a specific public purpose.

(e) **Violations and Penalties.**

1. Any person who violates any provision of this Article shall upon conviction therefore be punishable by a fine as provided for in §1-7 General Penalty of the Code of the Township of Livingston.

SECTION 2. Except as hereby amended the Code of the Township of Livingston shall remain in full force and effect.

SECTION 3. This Ordinance shall take effect upon final passage and twenty days from publication in accordance with the law.


GARY S. SCHNEIDERMAN, Mayor


GLENN R. TURTLETAUB
Township Clerk

Approved as to form:


SHARON L. WEINER, Township Attorney

Introduced: 1/7/08

Adopted: 1/28/08