

**BOARD OF HEALTH OF THE BOROUGH OF OAKLAND
ORDINANCE NO. 15-CODE-91**

**AN ORDINANCE OF THE BOARD OF HEALTH,
BOROUGH OF OAKLAND, NEW JERSEY PROVIDING
FOR PROHIBITION OF THE FEEDING OF DEER AND
INADVERTENT FEEDING OF OTHER WILDLIFE ON
LANDS IN THE BOROUGH, AND PROVIDING
PENALTIES FOR VIOLATIONS THEREOF**

SECTION 1. PURPOSE.

The feeding of white-tailed deer and other wildlife is both detrimental to the animals and causes a public health nuisance and safety hazard detrimental to the health and general welfare of the public. Of special concern to public health is that deer carry ticks that carry Lyme Disease, a physically and neurologically debilitating disease.

SECTION 2. DEFINITIONS.

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Ordinance 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. Feed – to give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing deer;
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction;
- c. Deer – white-tailed deer (*Odocoileus Virginianus*);

- d. Purposely or knowingly – (i) Purposely. A person acts purposely with respect to the nature of his conduct or a result thereof if it is his conscious object to engage in conduct of that nature or to cause such a result. A person acts purposely with respect to attendant circumstances if he is aware of the existence of such circumstances or he believes or hopes that they exist. "With purpose," "designed," "with design" or equivalent terms have the same meaning; or (ii) Knowingly. A person acts knowingly with respect to the nature of his conduct or the attendant circumstances if he is aware that his conduct is of that nature, or that such circumstances exist, or he is aware of a high probability of their existence. A person acts knowingly with respect to a result of his conduct if he is aware that it is practically certain that his conduct will cause such a result.

SECTION 3. PROHIBITED CONDUCT.

No person shall purposely or knowingly feed deer in the Borough of Oakland, on lands either publicly or privately owned. It shall be presumed that the person is purposely or knowingly feeding deer unless the feed is placed on a platform or in a container that is raised at least six (6) feet off the ground with a food/seed catching device attached to collect food/seed scattered by birds, or is placed in a feeder whose opening is sufficiently restricted so as to prevent deer from accessing the feed. Nothing in this section shall apply to (a) any agent of the Borough authorized to implement an alternative control method set forth in any approved community based deer management plan and possessing a special deer management permit issued by the New Jersey Division of Fish and Wildlife; (b) any hunter engaging in baiting for the purpose of hunting pursuant to a valid hunting license issued in accordance with the

provisions of Title 23 of the New Jersey Revised Statutes; (c) the feeding of farm animals; or (d) the feeding of songbirds and other backyard birds provided the bird feeder is no less than six (6) feet above ground level with a seed catching device attached to it so as to curtail the scattering of seed or other bird food on the ground, making it accessible to deer or other wildlife.

SECTION 4. ENFORCEMENT.

- a. Each property owner shall have the duty to remove any feed material or feeding device placed on the owner's property in violation of this Ordinance.
- b. Failure to remove such materials or device within twenty-four (24) hours after notice from the Borough of Oakland shall constitute a separate violation of this Ordinance.
- c. Health Department personnel, Animal Control Officers and all Police Officers of the Borough of Oakland are hereby given full power and authority to enforce this ordinance.
- d. No person shall hinder, molest or interfere with anyone authorized or empowered to perform any duty under or enforcement of this ordinance.

SECTION 5. VIOLATIONS AND PENALTIES.

Any person who continues to be in violation of the provisions of this Ordinance, after being duly notified, shall be subject to a fine of not less than One Hundred Dollars (\$100.00) or more than Five Hundred Dollars (\$500.00) for each offense, together with the costs of prosecution. A separate offense shall be deemed committed on each day or part of each day during which a violation occurs or continues.

SECTION 6. SEVERABILITY.

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

SECTION 7. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon final passage thereof and publication thereof as provided for by law.