

3-31 FEEDING AND NOURISHING OF WILD FOWL.

3-31.1 Findings.

It has been determined that the presence of large numbers of migratory and wild waterfowl on or around ponds and lakes within the Borough of Lake Como and on all other property in the Borough of Lake Como creates a public health nuisance due to the accumulation of droppings in and around said ponds and lakes, which is inimical to the health and general welfare of the public. The purpose of this section is to prevent such conduct that may attract such migratory and wild waterfowl to the properties within the Borough. (Ord. No. 2004-741)

3-31.2 Definitions.

- a. As used in this section, the term "migratory waterfowl" and/or "wild waterfowl" shall be defined to include those nondomesticated species of birds commonly known as swans, geese, brant, seagulls, river and sea ducks and any other waterfowl which generally follows a seasonal migration pattern.
- b. As used in this section, the term "domestic waterfowl" shall be defined to include these species of birds commonly known as swans, geese, brant seagulls, river and sea ducks, and any other waterfowl which does not generally follow a seasonal migration pattern but is indigenous to New Jersey.
(Ord. No. 2004-741)

3-31.3 Feeding of Migratory, Wild and/or Domestic Waterfowl Prohibited.

No person or persons shall feed, cause to be fed or provide food for migratory, wild or domestic waterfowl within the Borough of Lake Como on lands either publicly or privately owned. (Ord. No. 2004-741)

3-31.4 Exceptions.

Notwithstanding the prohibitions referenced in this section, the following exceptions shall exist:

The Mayor and Council shall have the right and sole discretions to properly relocate Muscovy Ducks to a habitat that is most suitable to the waterfowl. (Ord. No. 2004-741)

3-31.5 Prohibited Conditions.

No person or persons shall create or foster any condition to exist or continue which results in a congregation or congestion of migratory or wild waterfowl or in an accumulation of waterfowl feces or droppings on private or public property within the Borough of Lake Como creating a public health nuisance or in any manner threatening the health, safety and welfare of the public and/or the waterfowl. (Ord. No. 2004-741)

3-31.6 Enforcement.

The Police Department, Code Enforcement Officer and the Board of Health are hereby authorized and directed to enforce the provision of this section. (Ord. No. 2004-741)

3-31.7 Violations and Penalties.

Any person who shall violate the provisions of this section by providing food or nourishment to any animal, wildlife or bird shall be subject to a fine consistent with this section. (Ord. No. 2004-741)