

BOROUGH OF RIVER EDGE
ORDINANCE #26-11

AN ORDINANCE TO AMEND CHAPTER 122 OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF RIVER EDGE, ENTITLED “ANIMALS”.

BE IT ORDAINED by the Mayor and Council of the Borough of River Edge:

Section 1. Section 122-2 entitled “License Required” of Article I of Chapter 122 entitled “Dogs and Cats” shall be amended by the following:

Add:

- C. No more than a total of six cats or dogs of licensing age shall be kept, maintained or harbored at any one time in any one household in the Borough of River Edge. An owner who, at the effective date of this amendment, should possess more than six cats or dogs shall be permitted to keep and maintain said number of animals as long as all such animals are properly licensed in accordance with Borough requirements.
- D. No person, firm or corporation shall knowingly feed, harbor or maintain any stray and unlicensed cat within the Borough of River Edge.

Section 2. Article V, entitled “Feeding of Birds” is hereby added as follows:

ARTICLE IV – Feeding of Birds

§ 122-35 Definitions.

For the purpose of this article, 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 indicate 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 – Shall mean to place, give, expose, deposit, distribute, or scatter any edible material with the intention of feeding, attracting, or enticing a bird as mentioned above.

PERSON — Shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

§ 122-36 Prohibited Conduct on Public Property.

In the Borough of River Edge, no person, while in any public park or on any other property owned or operated by the Borough of River Edge, shall attract, feed or attempt to attract or feed waterfowl, songbirds, pigeons, and other backyard birds which are not the person's personal property by placing, throwing, or providing by any means food for said birds.

§ 122-37 Prohibited Conduct on Private Property.

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

- A. Such feeding does not create an unreasonable disturbance that intrudes on the rights of surrounding property owners and renders others insecure in the use of their property.
- B. The feeding does not create an accumulation of droppings on the feeder's property or on the neighboring properties
- C. The property does not become an attractant for rodents or other wild animals
- 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

§ 122-38 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 shall constitute a violation of this article.
- C. The Health Department, the Property Maintenance Official, and the Police Department of the Borough of River Edge are hereby given full power and authority to enforce this article.

§ 122-39 Violations and Penalty.

Any person who violates a provision of this article shall be liable to a fine of no less than \$50.00 and no more than \$1,000 for the first offense. A second offense shall make a person liable for a fine of no less than \$100 and no more than \$2,000. Any subsequent offenses shall make a person liable for a fine of no less than \$250 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 3. Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 4. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 5. This Ordinance shall take effect immediately upon final passage and publication as required by law.

INTRODUCED:

ADOPTED:

Thomas Papaleo, Mayor

ATTEST:

Anne Dodd, RMC,
Borough Clerk/Assistant Borough Administrator