

**TOWNSHIP OF ANYTOWN  
STATE OF NEW JERSEY**

**ORDINANCE NO. \_\_**

**AN ORDINANCE OF THE TOWNSHIP OF ANYTOWN  
PROHIBITING THE FEEDING OF BLACK BEARS  
AND REGARDING WASTE DISPOSAL**

**WHEREAS**, the Township of Anytown is concerned with the significant impact of the growth of the black bear population inhabiting the Anytown community,

**WHEREAS**, the Township Council and the Township of Anytown find that the feeding of black bears, inadvertent or otherwise, in addition to being illegal under L.2002,c.97 (23:2A-14), also constitutes a nuisance and a menace to property and the health, safety, and welfare of the citizens of Anytown; and

**WHEREAS**, the Township Council and the Township of Anytown find that regulations and standards requiring the utilization of certified bear-resistant containers, certified bear-resistant refuse containers, certified bear-resistant dumpster enclosures and the proper storage of food or refuse edible by bears, are necessary to enhance public safety and protect the health and welfare of bears and other wildlife; and

**WHEREAS**, the Township Council and the Township of Anytown find that human refuse provides an abundant yet unhealthy supply of food for bears and other wildlife, in conjunction with an already sufficient supply of naturally occurring foods.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Anytown, as follows:

**1. Basis/Purpose**

Black bears live in close proximity to people in Anytown. Over the past several years human-wildlife encounters dealing with black bears have increased. Human provided food sources are a primary cause of conflict between black bears and people. Of particular concern is the issue of certain residents intentionally or unintentionally feeding these animals and creating potential safety issues.

**2. Intent**

The Township Council and the Township of Anytown find and declare that the purpose of this Ordinance is to protect the public health and welfare by prohibiting the feeding of black bears in any manner on private property within Anytown or on Anytown Township controlled lands.

### 3. Definitions

The following words and phrases, whenever used in this Ordinance, shall be construed as defined in this section:

**A. Premises** – means property owned, occupied, leased, or expressly permitted to be used by a resident, including any confined area or locality such as a residence, business, room, shop, building, motor vehicle, or refuse container/dumpster enclosure.

**B. Person** – any person, resident, occupier, firm, corporation, or organization within unincorporated Anytown or on Township controlled land.

**C. Wildlife** – any undomesticated and unrestrained animal, including but not limited to black bear, deer, skunks, squirrels, raccoons, crows, coyotes, bobcats, and foxes.

**D. Certified Bear-Resistant Container** – means the container has passed a formal testing procedure developed by the Living with Wildlife Foundation, Montana Fish, Wildlife and Parks, the US Forest Service, and the Interagency Grizzly Bear Committee.

**E. Bear-Resistant Refuse Container (BRRC)** – a fully enclosed container that can be constructed of pliable materials, but must be reinforced to deter access by black bears and other wildlife and meeting the standards as set forth in the Site Development Standards of Anytown’s Land Use Regulations, as may be amended from time to time. The container must employ a sturdy pliable lid that has a latching mechanism preventing access to its contents by black bears and other wildlife. BRRCs must also be certified as meeting the standards of testing by the Living with Wildlife Foundation and approved by the Interagency Grizzly Bear Committee (IGBC) as bear resistant for 60 total minutes of bear contact time and as outlined in Exhibit A. A dumpster or similar trash receptacle of heavy construction may be a BRRC. The container must employ a latching mechanism on the access door sufficient to defeat attempts by black bears and other wildlife to enter. All BRRCs must have the residence street address and unit number permanently affixed to the container with digits no smaller than two inches in height.

**F. Bear-Resistant Dumpster Enclosure (BRDE)** – a fully enclosed structure consisting of four sides and top of sufficient design (i.e. barbed wire or roof) constructed to prevent access by black bears and other wildlife and meeting the standards as set forth in the Site Development Standards of Anytown’s Land Use Regulations, as may be amended from time to time. BRDEs must also meet the standards of testing by the Living With Wildlife Foundation as outlined in Exhibit A. The door or cover must have a latching mechanism sufficient to prevent entry by wildlife. The sides of the structure must extend to within two inches of the ground, and ventilation openings must be covered with a heavy gauge steel mesh or other material of sufficient strength to prevent access by black bears and other wildlife. Mesh openings shall not exceed one-quarter inch in width. All BRDEs must have the residence street address and unit number permanently affixed to the container with digits no smaller than two inches in height.

#### **4. Feeding of Black Bears Prohibited**

**A.** With the exception of 4 B below governing birdfeeders, no person shall intentionally or unintentionally feed or knowingly leave or store any refuse, food product, pet food, or other product edible by black bears on any premises in a manner which would constitute a lure, attraction, or enticement of black bears on property within unincorporated Anytown Township or Anytown controlled lands.

**B.** Birdfeeders are allowed. Between the dates of April 1 and November 30 all birdfeeders must be suspended on a cable or other device at least 10 feet above the ground so as to be inaccessible to bears, and the area below the feeders must be kept free from seed debris during this period. Birdseed, or any item construed as bird seed, shall not be placed on the ground, but must remain contained in birdfeeders. Birdfeeders shall be brought indoors every night. If a bear gains access to a birdfeeder, the condition allowing access must be corrected or the birdfeeder removed within 48 hours.

#### **5. Acceptable Wildlife Containers and Enclosures**

**A. Single-family units and special events:** Any refuse container regardless of size, including containers for single-unit residential properties or special events, which receive refuse edible by bears or other wildlife, shall be a BRRC or BRDE.

**B. Multi-family units, commercial property, and construction sites:** Any refuse container regardless of size, including containers for multi-family residential units, commercial properties, or construction sites, which receive refuse edible by bears or other wildlife, shall be a BRRC or BRDE.

**C. Damage and repair of containers and enclosures:** If a BRRC or BRDE is damaged or defeated so that it may allow access by black bears and other wildlife, repairs must be made within one (1) week after the damage is discovered.

**D. Curb pick-up and drop-off:** Residents with curbside pick-up shall use only BRRCs and shall place them at the curb, alley, or public right of way at or after seven o'clock (7:00) p.m. on the evening before scheduled pick-up. After pick-up, all containers must be removed from the curb, alley, or public right of way by seven o'clock (7:00) p.m. on the evening of collection.

#### **6. Acceptable Outdoor Compactor Design**

Any outdoor compactor containing any material edible by bears or other wildlife must not be accessible by wildlife. No trash or material may be exposed and doors must be kept closed and latched with a wildlife-proof mechanism except when loading or removing refuse. Cleaning of compactors shall occur weekly in order to minimize odors. If damaged, allowing access by wildlife, repairs must be made to the outdoor compactor within one (1) week after written notification by Anytown.

## **7. Areas Requiring New Containers or Enclosures; Deadlines for Compliance; Annual Review**

The residential and commercial areas designated in Exhibit B shall employ BRRCs or BRDEs pursuant to the schedule set forth in that Exhibit. The Township Council, in consultation with the New Jersey Division of Fish and Wildlife, Anytown Animal Control Department, Anytown Code Enforcement Officers, the Anytown Sheriff's Department, or any other applicable agency, department, or governmental entity, shall monitor and update the areas required to employ BRRCs or BRDEs annually. Areas that have one (1) or more bear calls or one (1) bear trapped or destroyed within one (1) calendar year shall be added to Exhibit B.

**8. Exceptions** – The following entities or actions are exempt from the requirements of this Ordinance:

**A.** Any individual, company or corporation that is duly licensed by the State of New Jersey or is entitled under law to possess wildlife of any kind.

**B.** Any action that is officially sanctioned by the State of New Jersey, Federal Agencies, or Anytown that would require feeding, baiting, or luring of wildlife (i.e., capturing and tagging wildlife for scientific projects and study).

**C.** The Township Council or its designee may, in consultation with the New Jersey Division of Fish and Wildlife, remove a geographic area of Anytown (e.g., a subdivision) from any part of the above requirements.

**D.** Any individual, company, or corporation that is engaged in lawful agricultural pursuits (i.e., haystack or cattle feeder located in a farmer's pasture).

## **9. Violation and Penalties**

**First Violation** – the first violation of this Ordinance may, at the discretion of the enforcement officer, result in the issuance of a Notice of Violation and a fine as set forth below. Failure to correct a Notice of Violation within a reasonable time, not to exceed one (1) week, is grounds for issuance of a Subsequent Violation. The fine amount for a first violation may be excused if the violator purchases a BRRC or BRDE within the time period for payment of the fine.

**Subsequent Violation** – Offenders who continue to violate this Ordinance or continue to fail in achieving timely compliance as set forth in any previous Notice of Violation shall be subject to a fine schedule as set forth below.

**Penalties** – Any person who or entity that is issued a Notice of Violation shall be guilty of a petty offense, punishable as follows:

**A.** A fine of two hundred and fifty dollars (\$250) for the first Notice of Violation.

**B.** A fine of one thousand dollars (\$1000) shall be issued for each subsequent Notice of Violation. Each incident of an individual bear being fed is punishable by a one thousand dollar (\$1000) fine.

## **10. Enforcement**

**A.** Notwithstanding any other provision of this Ordinance, any law enforcement officer, Code Enforcement Officer, Conservation Officer, Community Development Director, Environmental Health Director, or other persons or positions designated by resolution of the Anytown Council as enforcement officers under this Ordinance may issue Notices of Violations, citations, summonses, and complaints for violation of this Ordinance.

**B.** Violation of this Ordinance is hereby declared to be a nuisance which may be abated by Anytown by restraining order, preliminary and permanent injunction, or other means provided for by law, and the Township may take action to recover the costs of the nuisance abatement.

## **11. Notice of Violation**

A person shall be deemed to have been issued a Notice of Violation if it is personally served upon the resident, posted on the person's premises, or placed in the U.S. Mail, postage prepaid and addressed to the resident according to the last address given by the resident to any County government department.

## **12. Liberal Construction**

This Ordinance shall be liberally construed so as to further its purposes.

## **13. Severability**

If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**14. Effective Date**

This Ordinance shall be effective thirty (30) days from and after the date of its adoption.  
This Ordinance shall apply throughout all of Anytown all year round.

**MOVED, READ AND ADOPTED**, by the Township Council of Anytown, County of \_\_,  
State of New Jersey, at its regular meeting held the \_\_\_\_ day of \_\_\_\_\_, 2008.

TOWNSHIP OF ANYTOWN, STATE OF NEW JERSEY

By and Through its TOWNSHIP COUNCIL OF ANYTOWM

ATTEST:

By: \_\_\_\_\_  
Clerk

\_\_\_\_\_  
Mayor

Adopted:

**EXHIBIT A TO AN ORDINANCE PROHIBITING THE FEEDING OF BLACK  
BEARS AND REGARDING WASTE DISPOSAL IN ANYTOWN  
(the “Ordinance”)**

Pursuant to Section 3 of the Ordinance, certified Bear-Resistant Refuse Containers and Bear-Resistant Dumpster Enclosures are characterized as set forth below.

Certified Bear-Resistant Containers have passed a formal testing procedures developed by the Living with Wildlife Foundation, Montana Fish, Wildlife and Parks, the US Forest Service, and the Interagency Grizzly Bear Committee. The standards of testing by the Living with Wildlife Foundation and approved by the Interagency Grizzly Bear Committee (IGBC) require that the containers be bear resistant for 60 total minutes of bear contact time.

For more information on the Bear Resistant Products Testing Program and the current list of products that have passed testing, please visit the Living with Wildlife Foundation’s website at: [www.lwwf.org](http://www.lwwf.org).

**EXHIBIT B TO AN ORDINANCE PROHIBITING THE FEEDING OF BLACK BEARS AND REGARDING WASTE DISPOSAL IN ANYTOWN**  
**(the “Ordinance”)**

Pursuant to Section 7 of the Ordinance, the following areas require BRRCs or BRDEs pursuant to the deadline for implementation set forth below. Unless otherwise noted, these areas refer to residential and commercial development north of \_ and west of \_.

- List specific residential and commercial locations in Anytown that have one (1) or more bear calls of one (1) bear trapped or destroyed within one (1) calendar year. The deadline for compliance with the Ordinance shall also be listed.