

TOWNSHIP OF READINGTON

YOU ARE HEREBY NOTIFIED THAT AN ORDINANCE ENTITLED:

AN ORDINANCE AMENDING THE CHAPTER 168 OF THE CODE OF THE TOWNSHIP OF READINGTON, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY TO CREATE A NEW SUB-CHAPTER ENTITLED "WILDLIFE MANAGEMENT"

ORDINANCE #12-2019

BE IT ORDAINED, by the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, that Chapter 168 of the Code of the Township of Readington is hereby amended to add the following new sub-chapter entitled "Wildlife Management" and provisions as follows:

SECTION 1. POLICY STATEMENT.

Pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal and enforce such other ordinances, rules, regulations and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

The governing body recognizes that the uncontrolled proliferation of wildlife, particularly (but not necessarily limited to) the deer population has caused a negative impact to public health, safety and welfare within the Township, including traffic accidents, property and crop damage and the increased risk of disease, such as Lyme's Disease. The Township Committee has determined that there is a need to manage wildlife on Township-owned property and that it should be done in a controlled manner. Accordingly, in order to protect the public health, safety and welfare, the Township reserves exclusive rights to manage wildlife on Township-owned property.

SECTION 2. PROPERTIES SUBJECT TO WILDLIFE MANAGEMENT.

The properties to be subject to wildlife management shall be determined annually by Resolution of the Township Committee.

SECTION 3. MEANS OF WILDLIFE MANAGEMENT.

Management of wildlife on Township-owned property shall include all legal means, including but not limited to hunting, fencing, leasing of land to organizations for the purpose of wildlife management, or any other means approved by the New Jersey Division of Fish and Wildlife.

SECTION 4. ROLE OF THE ENVIRONMENTAL COMMISSION.

The Environmental Commission shall have the authority to recommend rules to the Township Committee for adoption.

SECTION 5. SAFETY ZONES.

The Township adopts the New Jersey Division of Fish and Wildlife code regarding the safety zone but adds the provision that there shall be no discharge of any weapon or placement of tree stands within 450

feet of an active trail.

SECTION 6. NOTIFICATION.

Owners of properties of four (4) acres or less who hunt or allow others to hunt (bow only) on their property must notify all adjacent property owners by certified or registered mail that there will be active hunting on their property and must post the boundaries of their property which adjoin a residential property. There shall be no shotguns or similar fire arms used to hunt on properties of four (4) acres or less. Signs to be used for posting shall be purchased from the Township.

SECTION 7. PERMIT REQUIRED.

(A) No person shall hunt, shoot, kill or remove deer from any municipally-owned park, open space or wildlife management areas unless that person has first obtained a permit issued by the Township for any wildlife management activity. Permits shall be carried by such person while engaged in wildlife management activity on Township-owned properties. That person must also be issued a display permit and shall display such permit on the dashboard of a parked vehicle and affix it to all stands.

(B) Individuals engaged in wildlife management shall produce a permit on demand to any law enforcement officer, Township employee or lessee of Township-owned property.

SECTION 8. PERMIT ELIGIBILITY.

1. All individuals must be covered by insurance for a minimum of one million dollars of general liability.
2. Permittees must hold a valid State of New Jersey hunting license and be eighteen (18) years or older.
3. No person who is prohibited by law from possessing a firearm or who has been convicted of a felony or other significant state or local background check violations within the past ten (10) years shall be eligible for a permit.
4. Permittees must attend and complete a hunter safety and orientation course run by the Township as required by the Township.

SECTION 9. APPLICATION PROCESS.

1. All applications must be submitted in writing to the Municipal Clerk in person, by the applicant, on a form promulgated by the Municipal Clerk. Those not submitted in person will not be processed. The application shall provide the following information:
 - a. Name, address, phone number, proof of age and social security number;
 - b. Vehicle license plate number, year, make, model and color;
 - c. Copies of the applicant's current and valid New Jersey hunting license(s) attached to the application in addition to copies of any applicable state-issued deer-hunting permit(s) (permit bow, permit shotgun, permit muzzleloader rifle and antlered buck permits which are available for sale beginning in early September) that are required of the applicant, once these state permits are issued which may be just prior to the start of the corresponding hunting season.
 - d. A signed certification that the applicant is not prohibited by law from possessing a firearm and has not been convicted of any felony.
 - e. A release authorizing the Township's Police Department and/or NJ Division of Fish and Wildlife, as

applicable, to conduct a background check for violations of the New Jersey Fish and Game Code, N.J.A.C. 7:25-5 et seq., as well as N.J.S.A. Title 23, and for violations of any local regulations pertaining to parks or to hunting, as well as a felony, or other significant state or local violations. Any applicant who has been convicted of a felony, other significant state or local violations, has violated any significant provision of the Fish and Gaming Code, Title 23, or who has violated any local regulation pertaining to parks or to hunting within ten (10) years of the date of the application shall not be eligible for a permit.

i. Background checks will be conducted as provided for by N.J.A.C. 13:59-1. Applicants must submit to procedures as determined by the State and shall be responsible for applicable associated fees.

f. A copy of the current certificate of insurance confirming general liability insurance with combined single limits coverage for bodily injury and property damage of at least one million (\$1,000,000.00) dollars per single occurrence and one million (\$1,000,000.00) dollars annual aggregate.

2. Applications shall be reviewed by the Municipal Clerk, Police Department and/or other designated municipal representatives for the Township, for completeness and approval.

3. All approved permits shall be issued by the Municipal Clerk.

4. Appeals of any decisions regarding the hunting program shall be submitted in writing to the Municipal Clerk's office. The appeal shall consist of a plain, concise and complete written statement setting for the grounds for the appeal. The appeal panel shall consist of one (1) member appointed by the Township Committee, one (1) member of the Environmental Commission not serving on the Wildlife Advisory Subcommittee and one (1) member of the Wildlife Advisory Subcommittee. Any decision of the appeal panel shall be made by majority vote. All decisions of the appeal panel are final

SECTION 10. PERMIT FEES.

1. A non-refundable permit fee of \$100.00 is hereby established, as may be amended from time to time. The applicant shall submit the required fee to the Township with the completed application. Any application submitted without the required fee shall not be processed.

SECTION 11. DURATION OF PERMIT.

1. Permits shall be valid only during the applicable State-approved deer hunting season, as said dates may be amended by the New Jersey Division of Fish and Wildlife and the Fish and Game Council.

SECTION 12. RULES AND REGULATIONS.

1. The permittee is not permitted to have any non-permitted person with them while engaged in active hunting.

2. Wildlife management is restricted to the portions of the properties designated and site-specific non-transferable areas will be assigned.

3. Only white-tailed deer may be hunted; any other hunting is prohibited.

4. All deer must be checked using the New Jersey Division of Fish and Wildlife's Automated Deer Check System.

5. Use or possession of alcoholic beverages or illegal substances while on the properties is prohibited,

6. All current New Jersey Division of Fish and Wildlife perimeter rules apply - 450 feet for firearm and

150 feet for bow. In addition, hunters shall consider all marked trails for recreation purposes as an occupied structure and subject to a 450 foot safety zone.

7. Harvesting shall be done from elevated tree stands, only in accordance with State Wildlife Regulations, with harvesters shooting downward only, into a restricted perimeter (e.g. 40 yards maximum). Tree stands should be a minimum of ten (10') feet above ground level. Only portable stands that do not harm trees will be permitted with each hunter. All stands will be removed within 14 days of the end of the season.

8. Hunters must use a safety harness or belt made for tree stand hunting.

9. Hunters shall not be permitted to drive deer.

10. All State, County and Township rules and regulations pertaining to parks and hunting shall apply.

11. Applicant agrees to abide by any additional rules, regulations and/or restraints set forth by the Township.

12. Compliance with any additional conditions as may be deemed necessary to ensure the safety of residents or other people or of property by the Township of Readington Police Chief or Township Administrator and/or Clerk after reasonable notification. Such conditions may include, but are not limited to, limiting the days and times during which the permittees may hunt and restricting the areas within the parks, open spaces and/or wildlife management areas where hunting is permitted.

SECTION 13. DATES AND LOCATIONS FOR HUNTING.

1. The number of permits issued each year, the properties for which the permits are issued and the dates on which those properties may be hunted, shall be determined annually by resolution of the Township Committee. Notice informing the public of said designated dates and locations shall be published on the Township website.

SECTION 14. REVOCATION OF PERMIT.

1. Violation of any special regulations or conditions of any applicable State, County, Township law, ordinance or regulation will result in the immediate loss of hunting privileges for the hunter on the properties and will also subject the hunter to applicable penalties.

2. The Municipal Clerk or her/his designee, upon the advice and recommendation of the Chief of Police, shall be authorized to revoke any permit issued at any time if the safety of any person or property, including but not limited to that of the Township of Readington, is threatened by a permittee.

SECTION 15. ENFORCEMENT

The provisions of this section and provisions of any rules and regulations adopted by the Township Committee may be enforced by the Chief of Police and/or his/her designees of the Township of Readington, or other public officer as may be appointed or directed by the Township Committee or Municipal Clerk.

SECTION 16. VIOLATIONS AND PENALTIES

All State and local regulations pertaining to parks and hunting shall remain in full force and effect, and nothing herein shall be construed to abrogate the same. Violations of this section, any special condition

or any applicable State, County or local law, ordinance or regulation will result in the immediate loss of hunting privileges on the property through the following permit year and will subject the hunter to any applicable penalties. Unless another penalty is expressly provided by New Jersey statute, any person violating any provisions of this Section shall, upon conviction, be punishable by a fine not less two hundred fifty dollars (\$250.00) for the first offense, five hundred dollars (\$500.00) for the second offense and one thousand dollars (\$1,000.00) for each subsequent offense.

SECTION 17. REPEALER

All ordinances and resolutions or parts thereof which are inconsistent with this ordinance are repealed.

SECTION 18. SEVERABILITY

If the provision of any article, section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by any Court of competent jurisdiction, such Order or Judgment shall not affect or invalidate the remainder of any such article, section, subsection, paragraph or clause and, to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 19. The sections, subsections and provisions of this Ordinance may be renumbered as necessary or practical for codification purposes.

SECTION 20. EFFECTIVE DATE

This ordinance shall take effect immediately upon final adoption and publication according to the law of the State of New Jersey.

A TRUE COPY OF WHICH ORDINANCE IS PRINTED ABOVE WAS INTRODUCED AT THE MEETING OF THE TOWNSHIP COMMITTEE ON **MAY 6, 2019** AND THAT IT IS THE INTENTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF READINGTON TO CONSIDER PASSAGE OF SAID ORDINANCE AT THE REGULAR MEETING OF THE TOWNSHIP COMMITTEE TO BE HELD AT THE MUNICIPAL BUILDING, 509 ROUTE 523, WHITEHOUSE STATION, NEW JERSEY, ON **MAY 20, 2019** AT 7:45 P.M. AT WHICH TIME AND PLACE, OR AT ANY TIME OR PLACE TO WHICH THE MEETING SHALL BE FROM TIME TO TIME ADJOURNED AN OPPORTUNITY WILL BE GIVEN TO ALL PERSONS WHO MAY BE INTERESTED THEREIN TO BE HEARD CONCERNING SAID ORDINANCE.

VITA MEKOVETZ, *RMC/MMC/QPA*
MUNICIPAL CLERK/ADMINISTRATOR