

## ORDINANCE 2004-24

### AN ORDINANCE AMENDING CHAPTER 183, TITLED “HUNTING”, OF THE MUNICIPAL CODE OF THE TOWNSHIP OF HILLSBOROUGH, COUNTY OF SOMERSET, STATE OF NEW JERSEY

**BE IT ORDAINED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey as follows:

**Section 1:** The title of Chapter 183 is amended as follows:

#### **“HUNTING AND WILDLIFE MANAGEMENT”**

**Section 2:** Section 183-1 of the Municipal Code of the Township of Hillsborough is amended as follows:

#### **§ 183-1. Hunting in public places prohibited, but with exception.**

It shall be unlawful at all times to hunt, kill, or destroy, or attempt to hunt, kill, or destroy any game birds or game animals while being in any of the public streets, highways, alleys, parks, municipally owned open spaces and/or greenways, or other public places in the Township of Hillsborough, whether said game birds or game animals are in said public streets, highways, alleys, parks, municipally owned open spaces and/or greenways, or public places, or whether said game birds or game animals are in the fields or woods adjacent to said public streets, highways, alleys, parks, municipally owned open spaces and/or greenways, or other public places in said Township of Hillsborough, except in accordance with Section 183-3 (Culling of White-Tailed Deer on Municipally-Owned Property) of the Municipal Code, or in accordance with a Township-based Wildlife Management Program to be developed by the appropriate municipal board or boards and commissions in collaboration with the Township Health Officer and with the assistance of the New Jersey Division of Fish, Game and Wildlife adopted by resolution of the Township Committee. Until and unless such program is developed Outside of these two exceptions, all hunting prohibitions as delineated in this section shall remain in effect.

**Section 3:** Section 183-2 of the Municipal Code of the Township of Hillsborough shall be established as follows:

#### **§ 183-2. Violations and Penalties**

Every person offending against the provisions of ~~this chapter~~ Section 183-1 above shall, upon conviction, be deemed guilty of a Class A violation, punishable as provided in Chapter 1, General Provisions, Article II.

**Section 4:** A new Section 183-3 of the Municipal Code of the Township of Hillsborough shall be established as follows:

**§ 183-3. Culling of White-Tailed Deer on Municipally-Owned Land.**

The hunting, shooting, killing and removal of white-tailed deer on municipally-owned land shall be allowed for the purpose of reducing and managing the Township's deer population, but only with the possession of and under the provisions of a municipal game management permit for such activity. The number of municipal game management permits issued each year for the culling of white-tailed deer, and the properties for which such permits shall be issued, shall be determined annually by resolution of the Township Committee. The permit process is described in Section 183-5 (Permit Process for Hunting on Municipally-Owned Property) of this chapter.

**Section 5:** A new Section 183-4 of the Municipal Code of the Township of Hillsborough shall be established as follows:

**§ 183-4. Wildlife Management Program.**

**A. General purpose.**

The Wildlife Management Program (or "program") shall establish the provisions for the conduct of public hunting, and/or of any other method of wildlife management, control or preservation, on municipally-owned land, with the exception of the culling of white-tailed deer with a municipal game management permit for said activity, which is separately authorized under Section 183-3 of this chapter. The program shall emphasize the maintenance of a healthy balance and diversity in the local ecology, while providing for the health and safety of Township residents, and the protection of farming.

**B. State assistance.**

The program should be developed with the assistance of the New Jersey Division of Fish, Game and Wildlife, and none of its provisions shall be in conflict with State hunting or wildlife control laws or regulations.

**C. Permits required for public hunting.**

The hunting, shooting, killing and/or removal of game animals from municipally-owned land may be provided for by the program only with the possession of and under the provisions of a municipal game management permit for such activity. The permit process is described in Section 183-5 (Permit Process for Hunting on Municipally-Owned Property) of this chapter.

**Section 6:** A new Section 183-5 of the Municipal Code of the Township of Hillsborough shall be established as follows:

**§ 183-5. Permit Process for Hunting on Municipally-Owned Land**

**A. Prohibition of hunting or carriage of loaded weapons on municipally-owned land without a municipal game management permit.**

No one shall hunt, shoot, kill or remove white-tailed deer or any other game animal, or carry loaded firearms or any other weapon potentially dangerous to wildlife and human safety, on municipally-owned land, unless having first obtained a municipal game management permit for such activity.

**B. Number of permits and permitted properties.**

The number of municipal game management permits issued each year for the culling of white-tailed deer, and the properties for which the permits are issued, shall be determined annually by resolution of the Township Committee. The number and type of other municipal game management permits that may be issued, and the properties for which such permits may be issued, shall be established under the Township's Wildlife Management Program.

**C. Permit process.**

1. A municipal game management permit may be obtained by application to the Township Clerk. Application forms will be available in the Clerk's office.
2. Applicants must apply in person, and must bring the applicable original State hunting license and permit documents with them for photocopying at the Clerk's office.
3. Individual applicants may form a group or hunting club to purchase all the permits available for a specific property; in such case one individual may appear in person to apply on behalf of the group or hunting club.
4. The application shall contain the following applicant information; each member of a purchasing group must individually provide this information:
  - a) Name, address and phone number
  - b) Date of birth; applicants must be 18 years of age or older to be eligible
  - c) Social security number
  - d) Motor vehicle information including year, make, model and license plate number
  - e) Valid New Jersey hunting license (firearm, bow and arrow or all around sportsman) and any other applicable State permits
  - f) A copy of the certificate of insurance confirming general liability insurance with coverage with combined single limits for bodily injury and property damage of at least one million dollars (\$1,000,000) per single occurrence and one million dollars (\$1,000,000) annual aggregate.
  - g) The parcel for which a permit is sought
5. As permissible under State law, preference may be given to Hillsborough residents followed by Somerset County residents, thereafter remaining permits shall be available to any eligible resident of the State of New Jersey
6. Any permit issued by the Township may contain such conditions as are reasonably required to ensure the safety of Township residents, including but not limited to

- posting the properties to warn the public of any hunting activities taking place thereon, limiting the days and times during which the permittees may hunt thereon, and restricting the areas within the properties on which the permittees may hunt.
7. Permits shall be valid only during the applicable State-approved deer or other game animal hunting seasons, as said dates may be amended from time to time by State authorities.
  8. Permits shall be specific to the property for which they are issued, and shall be non-transferable between properties and/or parties.
  9. The Township may charge a fee for the issuance of permits. Fees may be described by a standardized fee schedule, or determined by a competitive bidding process. For the culling of white-tailed deer, the permit fee structure shall be established annually by resolution of the Township Committee. For the hunting of other game animals as may be permitted under the Township Wildlife Management Program, said program shall contain the provisions of the permit fee structure(s).
  10. The Township Chief of Police shall be authorized to revoke a permit issued hereunder at any time if the safety of any persons or the safety of personal or Township property is threatened as a result of activity authorized by the permit. Violations by any permittee of any applicable State or local rules or regulations pertaining to hunting shall also cause the permit to be revoked. Where such permit has been revoked or where persons or personal property are endangered as set forth above, the Chief of Police is authorized to require that such person or persons leave the Township-owned land immediately, and take all steps necessary and legal to eliminate the condition that endangers persons or property.

**Section 7:** A new Section 183-6 of the Municipal Code of the Township of Hillsborough shall be established as follows:

**§ 183-6. Wildlife Management Commission.**

**A. Establishment of a Wildlife Management Commission.**

There is hereby established a Wildlife Management Commission (WMC) of the Township of Hillsborough, which shall develop and recommend to the Township Committee, on an annual basis, a Township Wildlife Management Program as described in general terms in Section 183-4, and shall monitor and report on said program after its adoption by the Township Committee.

**B. Composition; terms; vacancies; removal.**

- 1) The WMC shall consist of five (5) members appointed by the Township Committee, by resolution.
  - a) All must be residents of the Township.
  - b) All shall be appointed for terms of three (3) years, staggered as evenly as possible by reason of the original appointments
  - c) All vacancies shall be filled for the unexpired term in the same manner by the Township Committee.

- 2) The Township Committee may remove any member of the WMC for cause. Cause for removal may be found where:
  - a) A member is absent for three (3) consecutive meetings, or fifty percent (50 %) of regularly scheduled meetings within a calendar year
  - b) A member does not take a proper part in carrying out the mission or performing the duties of the WMC.

**C. Organization.**

- 1) The WMC shall organize within thirty (30) days after the appointment of its total membership, and thereafter annually each January, by the election by its membership of one of its members as Chairman, and one as Secretary.
- 2) The WMC shall meet at least four times per year, and may choose to meet more often as necessary to perform its duties.

**D. Powers and duties.**

- 1) The WMC shall prepare on an annual basis, in consultation with appropriate Township staff officials, a proposed Wildlife Management Program.
  - a) The proposed program shall be submitted each June to the Township Committee for its consideration.
  - b) If the WMC cannot or does not submit a proposed program within the required time frame, the appropriate Township staff officials shall propose a program.
- 2) The Township Committee shall consider the program that is proposed to it by the WMC and/or appropriate Township staff officials, but it maintains full authority to adopt a program of its choice, or not adopt a program at all.
- 3) The WMC shall monitor the adopted program, and, in May of each year, shall briefly report to the Township Committee on the conduct and outcome of the past year's program.

**Section 8:** This ordinance shall take effect upon its adoption, passage, and publication according to law.

ATTEST:

TOWNSHIP OF HILLSBOROUGH:

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Kevin P. Davis, Acting Township Clerk

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Steven N. Sireci, Jr., Mayor