

BOROUGH OF HOPATCONG

ORDINANCE #27-2015

AN ORDINANCE OF THE BOROUGH OF HOPATCONG, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY RENAMING CHAPTER 100 TO “WILDLIFE MANAGEMENT,” REPLACING ARTICLE I OF SAID CHAPTER, AND AMENDING CHAPTER 163 ENTITLED “PARKS AND RECREATION AREAS,” CHAPTER 112 ENTITLED “FIREARMS,” AND CHAPTER 154 ENTITLED “NATURAL AREA PRESERVE”

BE IT ORDAINED by the Borough of Hopatcong, in the County of Sussex, and State of New Jersey that Chapter 100 entitled “Deer Management,” Chapter 163 entitled “Parks and Recreations Areas,” Chapter 112 entitled “Firearms” and Chapter 154 entitled “Natural Area Preserve” of the Code of the Borough of Hopatcong (“Code”) are hereby amended, supplemented, and revised as follows:

SECTION I. Chapter 100 of the Code currently entitled “Deer Management” is hereby renamed “Wildlife Management.”

SECTION II. Chapter 100, Article I entitled “Deer Hunting on Municipally Owned Property” is hereby deleted in its entirety and replaced as follows:

Chapter 100. Wildlife Management

Article I. Hunting on Municipally Owned Property

§100-1. Purpose.

The governing body of the Borough of Hopatcong has determined that wildlife management on municipally owned property is necessary to provide for the health, safety, and welfare of the residents of the Borough, and to ensure that healthy wildlife populations are maintained and plant and animal life which make up the ecosystems of the natural areas within the Borough are not irreparably damaged or destroyed.

§100-2. Definitions. For the purpose of this chapter, the following terms shall have the meanings indicated:

BOW AND ARROW

Any long bow, re-curve bow, compound bow or crossbow used to shoot a slender, straight, generally pointed missile or weapon equipped with feathers or vanes at the end of the shaft near the nock, for controlling flight.

FIREARM

Any gun, shotgun, rifle, pistol, revolver or other device from which a bullet, shot, ball, slug or other solid projectile is propelled by means of a cartridge or shell or the action of an explosive or the igniting of flammable or explosive substances.

GAME SPECIES

Any wildlife for which a legal hunting or trapping season has been established by applicable law or regulation.

HUNTING

The possession of an instrument used to take wildlife in a condition that makes the instrument readily usable, while in place of proximity thereto where wildlife may be found.

§100-3. Wildlife Management Task Force.

- A. Creation. The Mayor shall appoint a Wildlife Management Task Force (“WMTF”) to serve on an annual basis. The WMTF shall develop and recommend to the governing body a Wildlife Management Plan for the conduct of public hunting and/or of any other method of wildlife management, control or preservation on municipally owned property.
- B. Yearly report and recommendation. Approximately June 15 of each year, the WMTF shall recommend a Wildlife Management Plan to the governing body which shall advise as to whether a hunt should take place, the number of permits that should be issued, the areas to be hunted and the time periods for hunting. The governing body shall consider the recommendations by the WMTF and, if it agrees, adopt a resolution setting forth the details of the Wildlife Management Plan including application dates and deadlines. The resolution shall be posted in the Borough and on the Borough’s website.
- C. State assistance. The Wildlife Management Plan should be developed with the assistance of the New Jersey Division of Fish and Wildlife, and none of its provisions shall be in conflict with state hunting or wildlife control laws or regulations.

§100-4. Hunting permitted. Permit required.

- A. General restrictions. The hunting, shooting, harvesting and removal of any game species on municipally owned property shall be permitted only in accordance with the provisions of this chapter.
- B. Permit required. No person shall be permitted to hunt, shoot, harvest or remove any game species from municipally owned property or carry or possess a bow and arrow or lawful firearm upon said lands for such purposes unless that person has applied for and received a Municipal Game Management Permit (“permit”) for such activity.
- C. Permissible methods. Unless otherwise limited by an approved Wildlife Management Plan, applicants successful in obtaining a permit to hunt game species on municipally owned property may use any lawful methods prescribed by N.J.S.A. Title 23 of the Revised Statutes of New Jersey, as amended, N.J.A.C. 7:25-5 et seq. (“Game Code”), and all other codes, rules and regulations promulgated thereunder.

§100-5. Application process.

- A. Prior to engaging in hunting activity, any individual desiring to hunt game species on designated municipal property and who meets the eligibility requirements set forth in this chapter shall apply for and receive a permit from the Borough Clerk. A permit shall be obtained by application to the Borough Clerk, which shall contain the following:
 - (1) Photo copy of applicant’s driver license or other government issued photo ID.
 - (2) The applicant’s license plate number and photo copy of vehicle registration.
 - (3) Copy of current New Jersey Bow and Arrow License, Firearm License, Trapping License or All-Around Sportsman License.

- (4) A signed certification that the applicant is not prohibited by law from possessing a bow and arrow or lawful firearm and has not been convicted of any felonies. Any applicant who is prohibited by law from possessing a bow and arrow or lawful firearm who has been convicted of a felony shall not be eligible for a permit.
- (5) A signed waiver, indemnification and release of liability agreement.
- B. Applications shall be available in the Borough Clerk's office and on the Borough's website.
- C. Any hunter who has violated any local regulations pertaining to parks or hunting shall be disqualified.
- D. Permits shall be available to duly licensed hunters meeting the requirements established by the State of New Jersey and the Borough of Hopatcong.

§100-6. Permit fees.

Permit fees, if necessary, shall be determined by resolution adopted by the governing body.

§100-7. Rules and Regulations.

The following rules and regulations shall apply to all Municipal Game Management Permits issued by the Borough of Hopatcong:

- A. All hunting activity must be conducted in compliance with all of the laws, rules and regulations of the State of New Jersey and the Borough of Hopatcong.
- B. Each permittee shall be assigned a Hunting Identification Number and shall be required to display said identification number prominently on his or her person and vehicle when engaging in hunting activities. This shall include any devices such as arm bands, dash plaques or any other identification deemed appropriate by the Borough of Hopatcong.
- C. Permits are nontransferable.
- D. Permittees shall be authorized to hunt only the property designated by the Borough of Hopatcong and shall be responsible for knowing where they are at all times.
- E. Unless otherwise limited by an approved Wildlife Management Plan, permittees may hunt any lawful game species on municipally owned property.
- F. All season dates, bag limits and hunting zones set according to N.J.A.C. 7:25-5 et seq. and the Fish and Game Council shall apply. In the event the Borough of Hopatcong secures a Community Based Deer Management Program permit issued by the Division of Fish and Wildlife, special rules shall apply regarding season dates, bag limits and other regulations.
- G. All hunting shall be from an elevated position either natural or artificial. Only portable stands that do not harm the trees shall be permitted. All stands shall be removed no later than 15 days following the expiration of the permit. Fall-arrest safety harnesses protection shall be used when utilizing tree stands.
- H. Motor vehicles shall be restricted to public roads.
- I. Target practice is strictly prohibited. For purpose of this chapter, discharging a crossbow into a target at the end of a hunt for the purpose of uncocking the crossbow shall not be considered to be target practice.
- J. Any permit issued by the Borough of Hopatcong may contain such additional conditions as the Borough of Hopatcong and the Police Department determine are reasonably required to ensure the safety of the Borough's residents, including but

not limited to limiting the days and times during which permittees may hunt and restricting the areas upon which permittees may hunt.

§100-8. Included properties.

- A. Hunt Permit Areas shall be designated by resolution adopted by the governing body.
- B. Hunting in Wildlife Sanctuary and within the Roland and May Eves-Mountain Inlet Wildlife Sanctuary as described in Article IV, §§ 163-19 through 163-22 is strictly prohibited.

§100-9. Duration of permit.

Permits shall be valid only during the applicable state-approved hunting seasons, as said dates may be amended from time to time by the New Jersey Fish and Game Council.

§100-10. Revocation of permit.

The Borough Clerk and Police Department shall be authorized to revoke a permit issued hereunder at any time if the safety of any persons or the safety of personal property, including that of the Borough, is threatened. The WMTF may also make recommendations to revoke any permit. Violations by any permittee of any significant state or local rules and regulations pertaining to hunting or use of parkland 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 Borough Clerk and the Police Department are authorized to require that such person or persons leave the area immediately and take all steps necessary to eliminate the condition which endangers persons or personal property.

§100-11. Violations and penalties.

- A. All state and local regulations pertaining to parks and to hunting shall remain in full force and effect, and nothing herein shall be construed to abrogate same. Violation of this chapter, any special condition or any applicable state or local regulation will result in the immediate loss of hunting privileges on the property and will subject the hunter to any applicable penalties including but not limited to the general penalties set forth in this Code. The maximum penalty for a first offense shall be \$500. The maximum penalty for a second or subsequent offense shall be \$1,000.
- B. Any individual hunting on municipally owned property without a permit issued pursuant to this chapter shall be considered trespassing and subject to the fines and penalties in Subsection A and may be prosecuted as trespassers.

§100-12. Enforcement.

The provisions of this article and provisions of any rules and regulations adopted by the Borough Council shall be enforced by the Hopatcong Police Department.

SECTION III. Chapter 100, Articles II and III shall remain unchanged.

SECTION IV. Chapter 163 entitled “Parks and Recreation Areas” is hereby amended, supplemented, and revised by deleting §163-9(C) in its entirety and replacing same as follows:

- C. Any rifle, shotgun, BB gun, air gun, spring gun, slingshot, or other instrument or weapon in which the propelling force is a spring or air, except bows and arrows or firearms which may be lawfully used with a valid permit for the limited hunting of game species on municipally owned property in accordance with Chapter 100, Article I entitled “Hunting on Municipally Owned Property.”

SECTION V. Chapter 112 entitled “Firearms” is hereby amended, supplemented, and revised by adding §112-3(D) as follows:

§ 112-3. Exemptions.

- D. Public hunting on municipally owned property pursuant to the requirements set forth in Chapter 100, Article I entitled “Hunting on Municipally Owned Property” and in accordance with all of the laws, rules and regulations of the State of New Jersey and the Borough of Hopatcong.

SECTION VI. Chapter 154 entitled “Natural Area Preserve” is hereby amended, supplemented, and revised by deleting §154-5(D) in its entirety and replacing same as follows:

§ 154-5. Permitted Uses.

- D. Public hunting pursuant to the requirements set forth in Chapter 100, Article I entitled “Hunting on Municipally Owned Property” and in accordance with all of the laws, rules and regulations of the State of New Jersey and the Borough of Hopatcong.

SECTION VII. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION VIII. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION IX. This Ordinance shall take effect immediately upon final passage and publication according to law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Borough of Hopatcong held on the 2nd day of September, 2015, at 7:00 p.m. and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Council of the Borough of Hopatcong to be held on the 16th day of September, 2015, at 7:00 p.m., or as soon thereafter as the Borough may hear this Ordinance at the Municipal Building, 111 River Styx Road, Hopatcong, New Jersey 07843, at which time all persons interested may appear for or against the passage of said Ordinance.

Catherine Schultz
Borough Clerk

CERTIFICATION

I, Catherine Schultz, Clerk of the Borough of Hopatcong, do hereby certify that the Governing Body of the Borough of Hopatcong duly adopted the foregoing Ordinance on the 16th day of September, 2015, at 7:30 p.m..

Catherine Schultz, Clerk
Borough of Hopatcong

Sylvia Petillo, Mayor

Introduced:

Adopted: