

EXPLANATION: This Ordinance repeals and replaces Chapter 183 of the Code of the Township of Hillsborough, titled "Hunting and Wildlife Management."

ORDINANCE 2008-50

**AN ORDINANCE REPEALING AND REPLACING CHAPTER 183
OF THE CODE OF THE TOWNSHIP OF HILLSBOROUGH, TITLED
"HUNTING AND WILDLIFE MANAGEMENT."**

BE IT ORDAINED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that Chapter 183 of the Code of the Township of Hillsborough, titled "Hunting and Wildlife Management" is repealed in its entirety.

Section 1. Chapter 183 of the Code of the Township of Hillsborough, titled "Hunting and Wildlife Management" is replaced as follows:

HUNTING AND WILDLIFE MANAGEMENT

§183-1. Definitions.

"Endangered species" means any species or subspecies declared to be endangered by applicable law or regulations.

"Nongame species" means any wildlife for which a legal hunting or trapping season has not been established or which has not been classified as an endangered species by applicable law or regulation.

"Wildlife" means any wild mammal, bird, reptile, amphibian, fish, mollusk, crustacean or other wild animal that is neither an endangered species or a nongame species. The definition of wildlife includes "white-tailed deer."

§183-2. 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 wildlife 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 wildlife is in said public streets, highways, alleys, parks, municipally owned open spaces and/or greenways or public places, or whether said wildlife is 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 §§183-4, 5 and 6 of the Code of the Township of Hillsborough. Beyond the exceptions granted by Chapter 183, all hunting prohibitions shall remain in effect.

§183-3. Violations and penalties.

Every person violating the provisions of §183-2 above shall, upon conviction, be punishable as provided in Chapter 1, General Provisions, Article II.

§ 183-4. Culling of white-tailed deer or other wildlife on municipally owned land.

The hunting, shooting, killing and removal of white-tailed deer or other wildlife on municipally owned land shall be allowed only with the possession of and under the provisions of a municipal wildlife management permit for such activity. The number of municipal wildlife management permits issued each year 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 §183-6 of this chapter.

§ 183-5. 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 a municipal game management permit for said activity which is separately authorized under §183-4 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 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 wildlife from municipally owned land may be provided for by the program only with the possession of and under the provisions of a municipal wildlife management permit for such activity. The permit process is described in §183-6 of this chapter.

§ 183-6. Permit process for hunting on municipally owned land.

- A. Prohibition of hunting or carriage of loaded or unloaded weapons on municipally owned land without a municipal wildlife management permit. No one shall hunt, shoot, kill or remove white-tailed deer or any other wildlife, or carry firearms or any other weapon potentially dangerous to wildlife and human safety, on municipally owned land unless having first obtained a municipal wildlife management permit for such activity.
- B. Number of permits and permitted properties. The number of municipal wildlife 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 wildlife 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 wildlife 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 New Jersey resident hunting license valid for the current calendar year and required 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 (1) 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) Motor vehicle information, including year, make, model and license plate number.
 - (d) Valid New Jersey resident hunting license (firearm, bow and arrow or all around sportsman).

- (e) 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 \$1,000,000 per single occurrence and \$1,000,000 annual aggregate.
 - (f) The parcel for which a permit is sought.
 - (g) A completed consent form for the purpose of conducting a hunting license check on each individual applicant.
- (5) As permissible under state law, preference may be given to Township 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 wildlife hunting seasons, as said dates may be amended from time to time by state authorities or Township officials.
 - (8) Permits shall be specific to the property for which they are issued and shall be nontransferable between properties and/or parties.
 - (9) The Township may charge a fee for the issuance of permits. Fees may be established 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 wildlife as may be permitted under the Township wildlife management program, said permit fee structure shall also be established annually by resolution of the Township Committee.
 - (10) The Township Chief of Police, or designee, 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 Police Department 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.

§ 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 §183-5 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 consecutive meetings or fifty (50%) percent 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 (1) of its members as Chairman and one as Secretary.
 - (2) The WMC shall meet at least four (4) 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 annually, 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, 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 report to the Township Committee on the conduct and outcome of the past year's program.

Section 2. Severability.

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

Section 3. Effective Date.

This Ordinance shall take effect as provided by law.

ATTEST:

HILLSBOROUGH TOWNSHIP COMMITTEE

Kevin P. Davis, Clerk

Anthony Ferrera, Mayor

Introduced: 11/25/08

Published: 12/04/08

Public Hearing: 12/23/08

Adopted: 12/23/08

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