

**TOWNSHIP OF HOPEWELL
MERCER COUNTY, NEW JERSEY**

ORDINANCE NO. 12-1549

**AN ORDINANCE TO AMEND AND SUPPLEMENT
CHAPTER 2 "ADMINISTRATION",
SUBCHAPTER 33 "PARKS, PUBLIC LANDS AND OPEN SPACE"
OF THE REVISED GENERAL ORDINANCES OF
THE TOWNSHIP OF HOPEWELL**

WHEREAS, on September 29, 2009, the Hopewell Township Committee created a "Hopewell Valley Deer Management Task Force" to develop a plan to mitigate negative impacts caused by deer on the quality of life of residents of Hopewell Valley; and

WHEREAS, in September 2010, the Task Force presented its 56 page "Hopewell Valley Deer Management Plan" to the Hopewell Township Committee; and

WHEREAS, the management plan outlines several goals and concepts to assist in herd management which will help reduce the incidence of Lyme disease, deer-vehicle collisions, agriculture and landscape losses, while also restoring forest health, and

WHEREAS, the Task Force also suggested the appointment of a standing committee to further the goals and objectives referenced in the plan; and

WHEREAS, Hopewell Township Ordinance #11-154 created a "Deer Management Advisory Committee" and charged with continuing the goals of the plan; and

WHEREAS, the Deer Management Advisory Committee has prepared an Ordinance to facilitate a deer reduction program by hunting white-tailed deer on municipally-owned lands within the Township of Hopewell; and

WHEREAS, this Ordinance has been reviewed by staff, various advisory boards and commissions/committees of Hopewell Township, the New Jersey Division of Fish and Wildlife, and the Hopewell Township Police Department and their comments have been incorporated in this ordinance.

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that Chapter 2, entitled "Administration", Subchapter 33, entitled "Parks, Public Lands and Open Space" of the Revised General Ordinances of the Township of Hopewell is hereby supplemented with a new section number 16 entitled "Deer Management" as follows:

Section 2-33.16 Deer Management

Hunting, shooting, killing and removal of white-tailed deer on municipally-owned property shall be allowed solely for the purpose of reducing and managing the Township's deer population and only in accordance with the following provisions, and only on designated lands, and shall otherwise be prohibited in any Township park or open space.

- a. *Permit Required.* No person shall hunt, shoot, kill or remove deer from any municipally- owned park or open space, or enter on those lands carrying or possessing firearms of any description in which loaded or blank cartridges may be used, as well as air guns, spring guns, bows, slings or any other form of weapon potentially dangerous to wildlife and human safety, unless that person has first obtained a municipal deer management permit for such activity.

- b. *Eligibility for Permit.* Municipal deer management permits shall be available to any holder of a valid State of New Jersey hunting license, except Hopewell Township employees who are involved in the administration and/or enforcement of this section. Applicants must be fourteen (14) years of age or older to be eligible for a municipal deer management permit. All permits shall be issued subject to the following limitations:
1. For the first hunting season, hunters will be selected by lottery drawing.
 2. In subsequent years, there shall be two (2) drawings for permits. The first drawing shall be open only to those past hunters who meet the following eligibility requirements and who are applying to hunt the same property for which they were previously issued a permit;
 - (a) Hunters who have harvested (throughout the fall/winter seasons) two (2) or more antlerless deer if hunting with a bow or three (3) or more antlerless deer if hunting with a firearm, and who otherwise meet all eligibility requirements set forth in this section. Note that the Deer Management Advisory Committee and the Program Director may modify these harvest requirements.
 3. A second and subsequent drawing will be held for any remaining permits for available hunting spots. This drawing shall be open to anyone holding a valid State of New Jersey hunting license who meets the eligibility requirements set forth in this section.
- c. *Application Process.* All applications must be submitted in writing to the Hopewell Township Chief of Police in person, by the applicant, on a form promulgated by the Police Chief. Those not submitted in person will not be processed. The applicant shall provide the following information:
1. Name, address, phone number, date of birth and social security number
 2. Automobile license plate number, year, make, model and color.
 3. A New Jersey Conservation Identification Number (CID) or proof of participation in a State hunter education course.
 4. 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.
 5. A signed certification that the applicant is not prohibited by law from possessing a firearm and has not been convicted of any felony. Any applicant who is prohibited by law from possessing a firearm or who has been convicted of a felony shall not be eligible for a municipal deer management permit.
 6. A release authorizing the Township to conduct a background check for violations of the New Jersey Fish and Game Code, N.J.A.C. 7:25-5 et seq., plus N.J.S.A. Title 23 and for violations of any local regulations pertaining to parks or to hunting. Any applicant who has violated any significant provision of the

Fish and Game Code, Title 23 or 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.

7. A copy of a 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.

Applications shall be reviewed by the Hopewell Township Police Department for accuracy and for compliance with the requirements set forth herein. After review, the Hopewell Township Police Department shall either grant or deny the permit application.

- d. *Permit Fees.* To defray increased maintenance, materials, labor and administrative costs incurred by the Township in connection with its deer management program, a permit fee of one hundred (\$100.00) dollars is herewith established. Any permit fees collected that are not needed to defray the costs of administering the program, including venison donation, shall be deposited into the Township's Open Space Fund and dedicated to the acquisition or maintenance of open space. 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.
- e. *Duration of Permit.* Permits shall be valid only during the applicable State-approved deer hunting seasons, as said dates may be amended from time to time by the New Jersey Division of Fish and Wildlife and the Fish and Game Council.
- f. *Hunter Orientation Course.* As a prerequisite to receiving a permit, each applicant shall be required to complete the Township's site-specific hunter orientation course. Following successful completion of the hunter orientation course, the Municipal Clerk shall issue the permit.
- g. *Rules and Regulations.* The following rules and regulations shall apply to all permittees:
 1. Prior to any hunting activities taking place, permittees shall post hunting notice signs along the boundaries of the properties for which they have received a permit (boundary hunting notice signs will be provided by the Township) and the Township shall post hunting notice signs at the entrances to all properties for which permits have been issued.
 2. Hunting will be allowed only in elevated stands. Only portable stands that do not harm the trees shall be permitted. All stands shall be removed no later than fifteen (15) days following the end of the New Jersey deer hunting seasons, or as required by the Program Director.
 3. All deer must be checked in using the New Jersey Division of Fish and Wildlife's Automated Deer Check System.
 4. All permits shall be site-specific and nontransferable. Permittees shall be authorized to hunt only the property for which they have been issued a permit and shall be responsible for knowing where they are at all times. Each permittee is required to display his or her municipal deer management permit prominently on their person when engaging in hunting activities on properties within this program. Vehicle permits must be displayed on the front left side of the

dashboard of the authorized vehicle registered with the deer management program.

5. Deer drives shall be allowed, subject to the following limitations:
 - (a) Only permittees may drive deer.
 - (b) No person shall carry a sporting arm of any kind while driving deer.
 6. Motorized vehicles shall be restricted to public roads and designated parking areas.
 7. Target practice is strictly prohibited. Discharge of a crossbow prior to transporting is not considered target practice. A field target such as the Rinehart RFT is recommended to discharge crossbows.
 8. All season dates and bag limits designated by the State of New Jersey Division of Fish and Wildlife and the Fish and Game Council for deer management zones 12, 14 and 41 shall apply.
 9. Only white-tailed deer may be hunted; the hunting, shooting, killing, pursuit or removal of any other wildlife is strictly prohibited.
 10. Compliance with any additional conditions as may be deemed necessary to ensure the safety of residents by the Hopewell Township Police Chief or Deer Management Advisory Committee 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 or open spaces where hunting is permitted.
- h. *Dates and Locations for Hunting.* 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 as recommended by the Deer Management Advisory Committee. A press release and/or notice informing the public of said designated dates and locations shall be published as follows: the Township's website, the Township's television channels, and a press release shall be provided to the official newspaper(s) of Hopewell Township. Residents within 200 feet of these designated properties also will be notified by mail.
- i. *Program Director.* The Deer Management Program Director shall be determined by the Township Administrator with the recommendation of the Deer Management Advisory Committee.
- j. *Revocation of Permit.* The Township Administrator, upon the advice and recommendation of the Deer Management Program Director and/or the Hopewell Township Police Chief, shall be authorized to revoke any permit issued at any time if the safety of any persons or personal property, including that of the Township of Hopewell, is threatened by a permittee. Violations by any permittee of any applicable State or local rules and regulations pertaining to hunting or to the use of parkland shall be cause for permit revocation. When a permit has been revoked or where persons or personal property are endangered as set forth above, the Deer Management Program Director and/or the Hopewell Township Police Chief or his designee is authorized to require that such person or persons leave the park immediately and take all steps necessary to eliminate the condition which endangers persons or personal property.

k. *Violations and Penalties.* 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 the same. Violation of this section, any special condition or any applicable State or local 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, including but not limited to the General Penalties set forth in Section 3-1 of the Hopewell Township Code.

l. *Enforcement.* The provisions of this section and provisions of any rules and regulations adopted by the Township Committee shall be enforced by the Hopewell Township Police Department.

BE IT FURTHER ORDAINED that Chapter 2, entitled "Administration", Subchapter 33, entitled "Parks, Public Lands and Open Space", Subsection 5, entitled "Regulations Pertaining to the Use of Park Property", of the Revised General Ordinances of the Township of Hopewell is hereby amended as follows:

2-33.5 Regulations Pertaining to the Use of Park Property.

No person shall engage in any of the following activities in a park:

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c. *Wild Animals, Birds, Etc.*

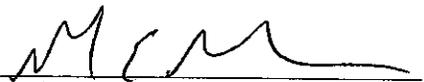
1. Non-Permitted Hunting. Non-permitted Hunting, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal; nor shall he remove or have in his possession the young of any wild animal or the eggs or nest or young of any reptile or bird.
2. Feeding. Give or offer or attempt to give to any animal, reptile or bird any tobacco, alcohol or other known noxious substances.

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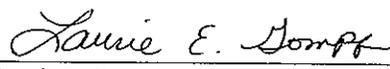
BE IT FURTHER ORDAINED that in the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

Upon final reading, passage and publication this ordinance shall take effect in accordance with the law.

Date Introduced: May 29, 2012
Dated Advertised: May 31, 2012
Date Adopted: June 11, 2012


Michael Markulec
Mayor

Attest:


Laurie E. Gompf
Municipal Clerk