

ORDINANCE 2019-19

AN ORDINANCE AMENDING SECTIONS 120-1 AND 120-2 OF CHAPTER 120 "FIREARMS" OF THE CODE OF COLTS NECK TOWNSHIP

WHEREAS, the Township Committee has determined that certain restrictions on the hunting of white-tailed deer are unnecessary;

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of Colts Neck Township in the County of Monmouth, State of New Jersey as follows (additions to text indicated by underline; deletions to text indicated by ~~strikeout~~):

§ 120-1 Discharge prohibited; exceptions.

- A. No person shall discharge a gun, weapon or any firearm within the ~~hatchmarked~~ shaded areas shown on the ~~map attached hereto and made a part hereof and marked "Schedule 1."~~ No Discharge of Firearms Area Map. No person shall discharge a gun, weapon or any firearm on any property owned by the Township of Colts Neck, except on leased farmland.
- B. No person shall discharge a gun, weapon or any firearm across another individual's property line without written permission in possession.
- C. Subsection A shall not be applicable to:
 - (1) The discharge of a gun, weapon or any firearm upon a pistol, rifle or firearm range which is under the supervision of the Township Police Department.
 - (2) Members of the Township Police Department, any law enforcement officer of any municipal, county, state or federal government or any representative of the Division of Fish, Game and Wildlife, Department of Environmental Protection and Energy, State of New Jersey, while in the performance of their official duties.
 - (3) The owner, tenant or lessee (or their guests) or a person with their express written, dated permission when controlling woodchucks or other pests, as legally defined, authorized and allowed by the hunting regulations promulgated annually by the Division of Fish, Game and Wildlife, Department of Environmental Protection, State of New Jersey.
 - (4) ~~The discharge of a gun, weapon or firearm on parcels three acres or larger. For purposes of this provision, a parcel of three acres or larger shall include a parcel that is the aggregated contiguous acreage of more than one landowner.~~ Discharge on privately owned parcels in the shaded areas of the No Discharge of Firearms Area Map only. The discharge permitted by this section shall be limited to the hunting of white-tailed deer. Such discharge shall be further limited to bow and arrow/crossbow only and shall occur from an elevated location a minimum ten feet above the ground. Any hunting conducted as permitted in this section, shall require written and dated permission of the property owner, which shall be in the hunter's possession while hunting. ~~If a hunter is hunting on a parcel that is the aggregated contiguous acreage of more than one owner, the hunter must have the written and dated permission of all of the property owners, which shall be in the hunter's possession while hunting.~~ Nothing herein shall relieve a hunter from the Firearm Safety Zone and maintaining the required distances from any occupied building, school playground or the like established by the State of New Jersey (N.J.S.A. 23:4-16). ~~This amendment shall be reflected on the Township discharge map referenced at § 120-1A.~~ The terms of this provision shall apply to all persons, including, without limitation, any person who is farming the land of another pursuant to a written or oral agreement; in such instance, the person farming the land of another may hunt on that land, provided he or she has written and dated permission of the property owner or owners which shall be in the hunter's possession while hunting.

§ 120-2 Areas supplementary to No inconsistency with statutory provisions.

~~The prohibited areas affected by this chapter as shown in Schedule 1 are intended to be supplemental to those areas described in~~ Nothing in this Chapter shall be construed as permitting hunting practices where the discharge of firearms is authorized that contradict or violate N.J.S.A. 23:4-16, as amended, which reads in part as follows:

23:4-16. Hunting with motor vehicle or lights; shooting across highway or near occupied building or school playground; penalty.

- a. No person, either in or on a motor vehicle or vehicle of any kind whatsoever, or by the aid or use of a light carried on or attached to a motor vehicle or vehicle of any kind, shall hunt for, pursue, shoot, shoot at, kill, capture, injure or destroy wildlife.
- b. No person shall use any portable light or lights for the purpose of hunting for any wildlife excepting raccoon and opossum, or other species as provided by the State Game Code.
- c. No person shall, for the purpose of hunting, taking or killing any wildlife, cast an arrow or discharge any firearm from or across any state, county, municipal or publicly traveled road or highway.
- d. No person, except the owner or lessee of the building and persons specifically authorized by him or her, in writing, which writing shall be in the person's possession, shall, for the purpose of hunting, taking or killing any wildlife, have in his or her possession a loaded firearm within 450 feet or nocked arrow within 150 feet of any occupied building in this state. No firearm, including a nocked arrow, may be closer than 450 feet of any school property line. For the purposes of this section, "occupied building" means any building constructed or adopted for overnight accommodation of a person, or for operating a business or engaging in an activity therein, whether or not a person is actually present.
- e. A person who violates Subsection a, b, or c of this section shall be liable to a civil penalty of not less than \$100 nor more than \$200 for the first offense, and not less than \$200 nor more than \$500 for each subsequent offense. A person who violates Subsection d of this section shall be liable to a civil penalty of not less than \$100 nor more than \$300 for the first offense, and not less than \$300 nor more than \$1,500 and permanent revocation of all license certificates required, and all privileges to take or possess wildlife, for each subsequent offense.

§ 120-3 [Existing text to remain]

§ 120-4 [Existing text to remain]

§ 120-5 [Existing text to remain]

BE IT FURTHER ORDAINED, if any section, paragraph subsection, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, the remainder of all other sections and subsections of the afore mentioned ordinance not specifically amended by this ordinance shall remain in full force and effect.

BE IT FURTHER ORDAINED, all ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

BE IT FURTHER ORDAINED, this ordinance shall take effect immediately upon passage, publication and filing according to law.


Thomas Orgo, Mayor

RECORD OF VOTE										
	First Reading					Second Reading				
Committeeman	M S	Yes	No	NV	Ab	M S	Yes	No	NV	Ab
Mayor Orgo		X					X			
Deputy Mayor Rizzuto			X					X		
Viola	M	X				S	X			
Macnow	S	X					X			
Bartolomeo		X				M	X			
M - Moved	S - Seconded	X - indicates vote			NV - Not Voting		Ab - Absent			