

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON**

ORDINANCE NO. 2019-07

**AN ORDINANCE AMENDING CHAPTER 269 – PARKS AND PLAYGROUNDS
OF THE TOWNSHIP OF LEBANON,
COUNTY OF HUNTERDON, STATE OF NEW JERSEY,**

BE IT ORDAINED by the Township Committee of the Township of Lebanon, in the County of Hunterdon, State of New Jersey that Chapter 269, entitled “Parks and Playgrounds,” shall be amended to incorporate the management of white-tailed deer hunting.

WHEREAS, the Township Committee seeks to amend Chapter 269, Parks and Playgrounds, by adding Article 269-7, White-Tailed Deer Management on Township Park and Open Space Property, to the Code of the Township of Lebanon.

NOW THEREFORE, BE IT ORDAINED, by the governing body of the Township of Lebanon, County of Hunterdon, State of New Jersey, as follows:

SECTION 1. Article 269-7 of the Township code shall be amended to read as follows:

§269.7. White-tailed deer management on Township park and open space property.

The hunting, shooting, killing and removal of white-tailed deer 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 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 park or open space, or carry or possess firearms of any description in which loaded or blank cartridges may be used, or air guns, spring guns, 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. The permit shall be displayed on the dashboard of a parked vehicle and a copy carried in the hunting license holder of the individual engaged in deer management. Permittees shall clearly label their hunting stands with the permittees' name and permit number.
- B. *Dates, locations and procedures for hunting.* The number of permits issued each year, the properties for which the permits are issued, the dates on which those properties may be hunted and various procedures shall be determined annually by Resolution of the Township Committee. A press release and/or notice informing the public of said designated dates and locations shall be published on the Township's website and shall be submitted to the official newspaper(s) of Lebanon Township for publication.

C. *Application process.* A permit shall be obtained by application to the Lebanon Township Police Department, which application shall contain the following:

1. The name and address of the applicant.
2. The applicant's date of birth. Applicants must be eighteen (18) years of age or older to be eligible for the municipal deer management permit.
3. The applicant's Social Security number.
4. The applicant's license plate number(s).
5. A photocopy of applicant's current firearm or bow and arrow hunting license number.
6. A photocopy of any applicable state permits (for example, but not limited to, fall and winter bow, permit shotgun or muzzleloader rifle).
7. A signed certification that the applicant is not prohibited by law from possessing a firearm and has not been convicted of any felonies. 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 permit.
8. 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., and for violations of any local regulations pertaining to parks or to hunting. Any applicant who has violated any provision of the Fish and Game Code or 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.
9. A release allowing the Township of Lebanon to access the NJ State Fish and Wildlife reporting records for the prospective permit holder, including access to tag confirmation numbers for harvested deer in the State database.
10. The property for which a permit is sought.

Applications shall be available at the Lebanon Township Police Department. Prior to any permits being issued, all applications will be reviewed by the Lebanon Township Police Department for accuracy of information supplied and for compliance with the requirements set forth herein. All applications must be submitted in person by the applicant.

People who have been awarded a license must provide a copy of a 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 (\$1,000,000.00) per single occurrence and one million dollars (\$1,000,000.00) annual aggregate prior to being given the license.

D. *Eligibility for permit.* Permits shall be available to any resident of the State of New Jersey and Lebanon Township employees. Permits shall be issued through a lottery process to be specified by annual Resolution of the Township Committee with any remaining permits after the lottery to be issued on a first-come, first-served basis, subject to the following limitations:

Upon receipt of a completed application packet by an established deadline, permits shall be issued in the following order:

- a. Township residents and Township employees.
- b. Residents of Hunterdon County.
- c. Residents of the State of New Jersey.

E. *Rules and regulations.* The following rules and regulations shall apply to any permit issued to an individual subject to accommodations made under the ADA and any other applicable federal or state law:

- d. Individuals engaged in deer management shall produce a permit on demand to any law enforcement officer, or Township employee.
- e. Only deer may be hunted; the hunting, shooting, killing, pursuit or removal of any other wildlife is strictly prohibited.
- f. A minimum of one (1) antlerless deer must be taken prior to the taking of an antlered deer in each applicable season unless a higher number is established by annual Resolution.
- g. The permit shall be displayed on the dashboard of a parked vehicle and a copy carried in the hunting license holder of the individual engaged in deer management.
- h. No unauthorized motorized vehicles are permitted beyond the designated parking areas.
- i. All hunting must take place from an elevated stand, with ground-based discharge of any firearm or bow and arrow prohibited unless the individual requires accommodation under the Americans with Disability Act.
- j. The use and/or construction of permanent tree stands is prohibited. Hunters found using a permanent tree stand will be subject to prosecution whether they built it or not. Only portable stands that do not harm the trees shall be permitted but are used and left unattended at the user's risk. Only one (1) stand per hunter is

permitted. All stands shall be removed no later than fourteen (14) days following the expiration of the permit, hunters who fail to remove their tree stands during this period may be disqualified from the deer management program for two (2) years. Hunters shall label their hunting stands with the permittees' permit number, so that it is visible from the ground. Hunting stands not labeled will be confiscated by the Township.

- k. Hunters must wear a minimum of 200 square inches of blaze orange at all times while hunting by any method. This requirement will most commonly be met by wearing a blaze orange vest and cap while hunting.
- l. Baiting with mechanical feeders is prohibited, any mechanical feeders will be confiscated by the Township.
- m. All deer must be checked in as prescribed by the New Jersey Division of Fish and Wildlife. Hunters shall provide on their annual harvest questionnaire their state-issued harvest and confirmation number(s). A secluded, secure local site for field-dressing shall be used.
- n. 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.
- o. Deer drives shall be allowed, subject to the following limitations:
 - i. Only hunters that possess a Lebanon Township deer management permit for the property and/or those that possess a permit for other Lebanon Township properties may participate in the drive.
 - ii. No person shall carry a weapon of any kind while driving deer.
- p. Vehicles shall be restricted to public roads and designated parking areas.
- q. Hunting may begin one-half hour before sunrise and must end one-half hour after sunset.
- r. Target practice is strictly prohibited.
- s. Use or possession of alcoholic beverages or illegal substances while on the properties is prohibited.
- t. Littering is prohibited.
- u. All current New Jersey Division of Fish and Wildlife perimeter rules apply: four hundred fifty (450) feet for firearm and one hundred fifty (150) feet for bow.
- v. Discharging a firearm or a bow and arrow from private property to Township

property is prohibited. Discharging a firearm or a bow and arrow from Township property to private property is prohibited.

- w. Discharging a firearm or a bow and arrow on or across highways, roads or trails is prohibited.
- x. Discharging a firearm or a bow and arrow from a motor vehicle is prohibited.
- y. Transporting an uncased firearm or bow in a motor vehicle is prohibited.
- z. Possessing a loaded firearm in or upon a motor vehicle is considered proof of pursuing or taking of wildlife and is prohibited.
- aa. Applicant agrees to abide by any additional rules, regulations and/or restraints set forth by the Township and applicable county or state government.
- bb. Any applicant who is prohibited by law from possessing a firearm or bow, who has been convicted of a felony or who within three (3) years of the date of application has violated either the New Jersey Division of Fish and Game Code or any local regulation pertaining to parks or to hunting will not be eligible.
- cc. Possession of a permit does not give hunters permission to cross private property. Hunters are responsible for knowing the boundaries of Township park lands and open spaces open to hunting, as well as safety zones. When tracking a shot deer hunters must receive permission from private property owners prior to tracking the deer across private property.
- dd. Hunters in the deer management program who receive a summons for any violation committed on Township park land or open space, will have their permit revoked for two (2) years and will not be able to purchase a permit. Permits will be permanently revoked for a second offense.
- ee. Hunters must be aware that non-hunting visitors are allowed on park lands and open space open to hunting; non-hunting visitors are encouraged to wear brightly colored clothing. Non-hunting visitors must be treated courteously.
- ff. The permittee is not allowed to have any non-permitted person with him/her while engaged in active hunting.
- gg. Hunting is not permitted on Sundays.
- hh. 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 zone 8 shall apply.
- ii. The Township and applicable county and state government have the authority to

stop the hunt at any given time.

In addition, any permit issued by the Township to an individual may contain such additional conditions as the Chief of Police of the Township of Lebanon determines are reasonably required to ensure the safety of Lebanon's residents, including, but not limited to, limiting the days and times during which the permittees may hunt thereon and restricting the areas within the parks or open spaces on which the permittees may hunt.

- F. *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.
- G. *Permit fees.* In order to defray increased maintenance, materials, labor and administrative costs incurred by the Township in connection with its deer management program, a permit fee of twenty dollars (\$20.00) is herewith established for Lebanon residents and Lebanon employees, and a permit fee of twenty-five dollars (\$25.00) is herewith established for all others.
- H. *Revocation of permit.* The Chief of Police of the Township of Lebanon 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 Township of Lebanon, is threatened as a result of the activity authorized by the permit. Violations by any permittee of any applicable state or local rules and regulations pertaining to hunting or use of park land 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 park area immediately and take all steps necessary to eliminate the condition which endangers persons or personal property.
- I. *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 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 and will subject the hunter to any applicable penalties.
- J. *Enforcement.* The provisions of this section and provisions of any rules and regulations adopted by the Township committee shall be enforced by the Police Department of the Township of Lebanon.
- K. *Farmland depredation.* The provisions set forth above shall in no way interfere with nor take the place of farmland depredation permits or permits to kill wild deer issued and managed by the New Jersey Division of Fish and Wildlife, and/or the U.S. Fish and Wildlife Service for farmers who lease Township park land or open space.

SECTION 2. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 3. The Township Committee authorizes the Mayor, Township Clerk and Township Administrator to execute any and all necessary documents in order to implement the intent of this Ordinance.

This Ordinance shall take effect upon final passage and publication in accordance with New Jersey law.

INTRODUCTION:
PUBLIC HEARING:
ADOPTION:

RECORD OF COMMITTEE VOTE

I hereby certify that the above ordinance was adopted at a meeting of the Township Committee held on _____.

Karen Sandorse, Township Clerk

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on the first reading by the Township Committee of Lebanon, County of Hunterdon, State of New Jersey on _____, at the Lebanon Township Municipal Building located at 530 West Hill Rd., Glen Gardner, New Jersey. The Ordinance will be considered for second and final reading at a meeting of the Township Committee _____ or as soon thereafter as the matter may be reached and considered, at the Lebanon Township Municipal Building located at 530 West Hill Road, Glen Gardner, New Jersey. At that time the public is invited to ask questions, raise objections or provide public comment with regard to the proposed adoption of this Ordinance.

Karen Sandorse, RMC, Township Clerk