

ORDINANCE NO. 2016-17

**AN ORDINANCE AMENDING AND REVISING CHAPTER 120,
FIREARMS, OF THE CODE OF THE TOWNSHIP OF COLTS NECK**

BE IT ORDAINED by the Township Committee of the Township of Colts Neck that Chapter 120, entitled "Firearms", of the Code of the Township of Colts Neck, shall be amended and supplemented in the following respects (deletions are shown in ~~strikethrough~~; additions are **underlined and bolded**):

GENERAL REFERENCES

Peace and good order — See Ch. 164.

§120-1. Discharge prohibited; exceptions.

- A. No person shall discharge a gun, weapon or any firearm within the hatchmarked areas shown on the map attached hereto and made a part hereof and marked "Schedule 1." 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 ~~five (5) acres~~ **three (3) acres** or larger. **For purposes of this provision, a parcel of three (3) acres or larger shall include a parcel that is the aggregated contiguous acreage of more than one landowner.** The discharge permitted by this section shall be limited to the hunting of white tailed deer. 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 maintaining the required distances from any occupied building, school playground or the like.** **This amendment shall be reflected on the Township discharge map referenced at §120-1(A).** **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.**

1. § 120-2. Areas supplementary to statutory provisions.

The prohibited areas affected by this chapter as shown in Schedule 1 are intended to be supplemental to those areas described in N.J.S.A. 23:4-16, as amended, which reads 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 playground. 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.
- b. 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.

2. § 120-3. Notice of regulations; availability of copies.

On or before September 1 of each year, the Township Administrator shall arrange for the posting of appropriate signs on all major roads which provide access to this township advising the general public that there are zones within the Township of Colts Neck where guns, weapons or firearms shall not be discharged. The signs shall also indicate that it shall be necessary for any persons desiring to discharge guns, weapons or firearms in this township to obtain a copy of this chapter at the Colts Neck Police Headquarters. In addition, the Township Administrator shall prepare and arrange for distribution of copies of this chapter in any other appropriate manner so that any persons desiring to discharge firearms in this township shall be made aware of this chapter and the state statute which it supplements. Copies of this chapter shall be made available free of charge.

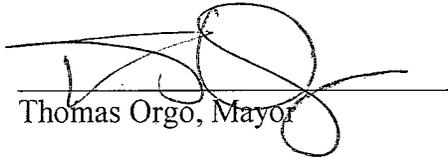
3. § 120-4. Amendment of Firearm Map.

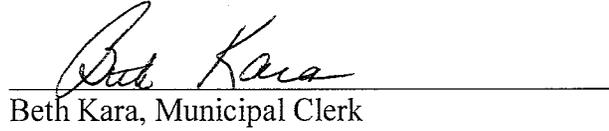
The Official Firearm Map referred to in § 120-1 shall be updated by the Township Engineer once per year to include lands which have obtained final site plan and/or subdivision approval upon which site work has commenced.

4. § 120-5. Violations and penalties.

A violation of any provision of this chapter shall be punishable as provided in § 1-9 of this Code. Notwithstanding the foregoing, should any person violate a provision of this chapter which incorporates or refers to the provisions of N.J.S.A. 23:4-1 et seq., then, upon conviction, he or she shall be subject to the fine(s) stated therein.

I, Beth Kara, Municipal Clerk of the Township of Colts Neck, in the County of Monmouth, New Jersey, hereby certify that annexed hereto is a true and complete copy of Ordinance No. 2016-17, was introduced at a duly convened meeting of the Township Committee on August 10, 2016, and adopted after public hearing at a duly convened meeting of the Township Committee on September 14, 2016.


 Thomas Orgo, Mayor


 Beth Kara, Municipal Clerk

RECORD OF VOTE												
	First Reading					Second Reading						
	August 10, 2016					September 14, 2016						
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Committeeman												
Mayor Orgo			X					X				
Deputy Mayor Fitzgerald			X									X
Macnow	M		X				M		X			
Bartolomeo		S	X						X			
Eastman			X				S		X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent												