

**MODEL ORDINANCE LANGUAGE  
TO PREVENT OR CONTROL WILDLIFE DAMAGE  
March 22, 2005**

*To assist farm operators in reducing damage from wild animals to their crops, municipal ordinances must include provisions in two places: a specific Wildlife Damage Control section and in the Weapons or Firearms chapter of the general ordinance. Municipalities should consult the NJ Division of Fish and Wildlife and the State Director of USDA Wildlife Services on the wording of these ordinances.*

*A community where there is reported serious wild animal damage to farm.crops often has reported harm to other vegetation and a high number of automobile accidents involving wild animals. The ordinance provisions could include planning for, and implementation of, a Community Deer Management Program or a Community Goose Management Program with the assistance of the responsible federal or state agency.. In this way the problem could be addressed over a larger area instead of driving it from one individual property to another.*

*For information about damage control strategies for 10 species of wildlife causing significant damage on New Jersey farms, consult the publication Wildlife Damage Control Strategies for New Jersey Farm Landowners available from the NJ Department of Agriculture or publications from the Rutgers Center for Wildlife Damage Control at 908-730-9419..*

**Wildlife Damage Control**

**Section 1. Purpose.**

The purpose of this ordinance is to support farm operators in their use of practices recommended by the USDA Wildlife Services, the NJ Division of Fish and Wildlife, and/or Rutgers Cooperative Extension to reduce and control damage to their crops from the white tailed deer, the black bear, the Canada goose and any other wild animal shown to produce crop losses. These practices must be conducted in accordance with responsibly drawn and enforced regulations developed by the agencies charged with management of the animal species in question. Activities conducted outside the legal hunting seasons are permitted by those agencies on a site-by-site basis.

Economic losses caused by wild animal depredation are a serious threat to agricultural viability. In the United States deer damage alone costs farmers nearly \$4.5 billion annually. A recent study by the Rutgers Center for Wildlife Damage Control showed that New Jersey respondents on a survey lost between \$5 and \$10 million a year from deer damage. While there have been no systematic studies of black bear or Canada goose damage in New Jersey, farm operators seek assistance to reduce the damage every season from the agencies listed above.

**Section 2. Scope.**

This ordinance shall govern the actions of an owner on a property in the Township of \_\_\_\_\_ that meets the qualifications for Farmland Assessment (N.J.S.A. 54:4-23.1 et. seq.) and where significant damage to crops from wildlife is documented by inspection by the USDA Wildlife Services( migratory birds) or the NJ Division of Fish and Wildlife (other wildlife). Its provisions

also shall cover actions on land owned by others farmed by said operator where permission is granted by the owner for the wildlife damage control.

**Section 3. Permitted Uses.**

*The New Jersey Game Code has long recognized that wildlife management through farm hunting or damage control activities is critical to maintaining healthy populations of these animals that belong to all citizens of the State. For this reason the Code each year includes many provisions designed to strike a balance between reduction of wildlife damage and maintenance of a healthy wildlife population. For more information about what each year's Game Code permits farmland owners to do, consult the Bureau of Wildlife Services, NJ. Division of Fish and Wildlife, 908-735-6938. For information about regulations governing the management of migratory bird species such as the Canada goose, snow geese, swans, etc, contact the State Director, USDA Wildlife Services at 908-735-5654.*

Farm operators meeting the requirements of Section 2 above shall be permitted to implement the recommendations of that agency charged with management of the animal species causing the damage. These shall include hunting with bow and arrow or shotgun in accordance with the NJ Game Code, harassment devices, repellents, and fencing in accordance with recommendations from Rutgers Cooperative Extension or the Wildlife Damage Control Fencing Agricultural Management Practice adopted by the State Agriculture Committee.

Hunting as a damage control action may occur during any legal hunting season provided that the farm operator and any agents possess all licenses, permits, and firearm identification required by the NJ Game Code. Hunting and/or the other recommended practices may occur at other times under the special Depredation Permits issued by the NJ Division of Fish and Wildlife.

Firearm or bow discharge shall not be allowed within 450 feet of a dwelling unless permission is granted by the owner.

**Section 4. Wildlife Damage Prevention.**

*The following 2 sections is taken from the miscellaneous ordinances of Princeton Township.*

No person shall purposely or knowingly, as said terms are defined in Title 2C of the New Jersey Revised Statutes, feed wild white-tailed deer, Canada geese, and/or the black bear in the Township of \_\_\_\_\_ on land either publicly or privately owned. It shall be presumed that the person is purposely or knowingly feeding said animals unless the feed is placed in such a way that would prevent these animals from accessing it. The management agency shall be consulted on the design of such feeders if necessary.

No person shall purposely or knowingly contaminate, destroy, or interfere with, or purposely or knowingly cause to be contaminated or destroyed, any ground-feeding station, salt lick or other established mechanism to bait white-tail deer in the township of \_\_\_\_\_, provided such bait station is created or used solely by:

An agent of the township authorized to implement an alternative control method set forth in any community – based deer management plan and possessing a special deer

management permit issued by the New Jersey Division of Fish and Wildlife in accordance with provisions of P.L. 2000 c.45, or

Any hunter engaging in baiting for the purpose of hunting pursuant to a valid hunting license issued in accordance with the provisions of Title 23 of the New Jersey Revised Statutes.

These provisions shall apply on all lands located within the township either publicly or privately owned.

*This section was suggested by the Agricultural Viability Subcommittee for inclusion in this model ordinance.*

No person shall purposely or knowingly release any animal whether domestic or wild on any property within \_\_\_\_\_Township without the prior knowledge of and permission from the landowner public or private.

## **WEAPONS DRAFT MODEL ORDINANCE March 19, 2005**

### **Section 1. Definitions.**

As used in this chapter:

“**Firearm**” includes, but is not limited to, any pistol, rifle, shotgun, machine gun, air pistol pellet bun or any other weapon or instrument designed to shoot, launch or propel any bullet, pellet, BB, shell, shot or projectile of any type, kind or nature whatsoever.

“**Fish and game laws**” shall refer to and include any laws of the United States, Title 23 of the Revised Statutes of New Jersey, as amended: N.J.S.A. 23:1-1 et seq., and all codes, rules and regulations promulgated thereunder.

### **Section 2. Unlawful Use of Firearms.**

It shall be unlawful for any person to shoot or discharge any firearm within the confines of the township, except as hereinafter provided.

### **Section 3. Permitted Uses.**

*The Game Code adopted each year by the New Jersey Fish and Game Council sets requirements for hunting licensing, seasons, and bag limits for each game species. The NJ Division of Fish and Wildlife through Conservation Officers enforces the Code and prosecutes those who violate it. It authorizes farm operators to use depredation hunting permits, various harassment devices and repellents after an inspection of the property and damage incurred. A municipality should consult with the Division before drafting these ordinances.*

The following acts shall not be deemed unlawful under the preceding section:

- A. Shooting or discharging of a firearm by a person having in his or her possession a validly issued and current hunting license, which firearm is actually aimed at legal game and during a legal open season recognized by the Fish and Game laws or under a depredation permit issued under the direction of the NJ Division of Fish and Wildlife or the US Fish and Wildlife Service; provided that the firearm so used must be a legal weapon allowed to be employed for the type of hunting or damage control being so conducted; and further provided that the firearm is being employed in the manner required by the Fish and Game Laws; and further provided that the person so engaged is not in violation of any statute or ordinance related to trespass or to the use of property.
- B. Shooting or discharging of a firearm by any duly authorized law enforcement officer of the United States, the State of New Jersey, the county of Hunterdon, or the township of \_\_\_\_\_, while in the performance of his or her duties;
- C. Shooting or discharging of a firearm at a legally established rifle or pistol range, or for target practice pursuant to the provisions of the New Jersey Laws of 1924, Chapter 137, as amended: N.J.S.A. 2A:151-42; provided that a permit shall first be obtained for such use from the chief of police on written application therefore, and after proof that said use will not endanger the safety, life or property of any person.

**Section 4. Violations – Penalties.**

Any person violating any provision of this chapter shall, upon conviction, be subject to penalty etc.