

BOROUGH OF NORTH CALDWELL  
ORDINANCE NO. O-10-13

AN ORDINANCE AMENDING THE CODE OF  
THE BOROUGH OF NORTH CALDWELL AND  
ESTABLISHING RULES AND REGULATIONS  
GOVERNING PUBLIC DEER HUNTING ON  
SELECTED BOROUGH PROPERTY

WHEREAS, the proliferation of the deer population in the Borough of North Caldwell has created a public health and safety nuisance within the Borough; and

WHEREAS, the proliferation of the deer population in the Borough of North Caldwell has led to the destruction of public and private property, most specifically vegetation; and

WHEREAS, the Governing Body of the Borough of North Caldwell finds it to be in the public interest of the citizens of the Borough to establish a mechanism by which the deer population within the Borough may be culled;

NOW, THEREFORE, BE IT ORDAINED By the Mayor and Council of the Borough of North Caldwell, County of Essex, State of New Jersey as follows:

The Code of the Borough of North Caldwell be and is hereby amended as follows:

1. Existing Chapter 36, Day Nurseries, be and is hereby repealed in its entirety as the subject matter of said Chapter has been pre-empted by New Jersey Statute 30:5B.
2. There shall be added to the Code of the Borough of North Caldwell as Chapter 36, Deer Management.

§ 36-1 Deer Management on Public and Private Property  
§ 36-2 Violations and penalties

**§ 36-1 Deer Management on Public and Private Property**

The following rules and regulations are hereby adopted as the Borough of North Caldwell Deer Management Program for the regulation, management and control of deer so as to promote the health and safety of the public and the health of vegetation on public and private property within the Borough. The Deer Management Program will be managed and administered by the North Caldwell Police Department.

**36-1(A). State game code:**

All New Jersey codes, rules, regulations, zones, license and permit requirements applicable to the hunting of deer by bow and arrow and administered by the New Jersey Division of Fish and Wildlife shall apply. Where Borough rules, regulations and procedure are more restrictive, they shall be enforced in addition to all applicable New Jersey codes, rules and regulations. In addition to state requirements for hunter orange, bow hunters shall be required to wear hunter orange to and from their tree stands.

**36-1(B) . Permit requirements:**

(1) An annual access permit for a fee of \$25 issued by the Borough of North Caldwell shall be required for any person wishing to hunt on designated property owned by the Borough of North Caldwell or on private property designated for hunting by the North Caldwell Police Department, hereafter collectively referred to as "designated property". The access permit shall indicate that hunting by bow and arrow only are permissible on property designated by the Borough of North Caldwell Police Department for hunting and that the Borough reserves the right to limit the property upon which the hunt shall be permitted. An individual shall not be issued more than one access permit per season.

(2) The Borough's annual access permit shall be carried on a permitted hunter's person while hunting on designated property. In addition, in accordance with state requirements, a current New Jersey state hunting license and/or current applicable New Jersey state deer hunting permits shall be displayed on a permitted hunter's person while hunting on the designated property.

(3) The Borough of North Caldwell shall not issue a permit to any person under the age of 18.

(4) A permitted hunter shall not be accompanied by a non-permitted person while hunting.

**36-1(C) . Permissible hunting:**

(1) Harvesting of deer shall be in accordance with the rules and regulations of the New Jersey Department of Fish and Wildlife. No other animals shall be injured or killed on the designated property at any time.

(2) Driving of deer by a hunter or any other individual shall be prohibited.

**36-1(D) . Safety zones:**

(1) A hunter shall be responsible for being aware of all boundaries, safety zones and restricted areas in and around the designated property.

(2) A hunter shall obey all posted signs. Hunting shall be prohibited in any safety zone or restricted area.

**36-1(E) . Hours:**

(1) A hunter shall not be on the designated property for more than 60 minutes before the legal hunting time, and for more than 60 minutes after the legal hunting time.

(2) A hunter who must remain on the designated property for more than 60 minutes after the end of permitted hunting in order to track a deer or find a lost person shall inform the Borough of North Caldwell Police Department directly by cell phone or in person, or shall leave a visible, legible note at his or her parked vehicle.

**36-1(F) . Handling of bows and arrows:**

(1) A bow and arrow shall not be discharged across maintained trails, service or access roads.

(2) A bow and arrow shall not be left unattended at any time.

**36-1(G) . Tree stand requirements:**

(1) Hunting shall be from elevated tree stands only, which shall be attached to the tree at least six feet above the ground.

(2) Only commercially manufactured hang-on, climbing, and ladder tree stands shall be permitted. Such stands shall be attached to the tree by use of a cable, chain or strap to minimize injury to the tree.

(3) A tree stand shall not be located within 50 feet of maintained service or access roads, marked trails or public roads.

(4) The hunter's Borough of North Caldwell access permit number for the current season shall be affixed to the platform of the tree stand in letters at least two inches in size, visible and legible from the ground, on rigid plastic, wood or metal backing.

(5) A hunter shall not use another hunter's stand, unless written permission has been given by the tree stand owner and is in the hunter's possession.

(6) A tree stand and access devices shall be permitted to remain in a tree for the duration of the designated hunting season. No stand or access devices shall be placed in a tree for more than two weeks before the season begins, nor shall any stand or access devices remain in a tree for more than two weeks after the last day of hunting on the designated property or after the revocation of a hunter's access permit.

(7) Access to and from a tree stand shall be limited to commercially manufactured screw-in steps, strap-on steps or climbing sticks. Tree gaff climbers, spikes and nail-on steps shall not be permitted. A hunter shall adhere to the manufacturers' safety recommendations when using a tree stand, access devices and safety equipment.

**36-1(H) . Vegetative clearing and marking:**

(1) Selective removal of vegetation shall be limited to flush hand pruning of brush and small limbs to gain access, improve line of sight or hang a stand. The live vegetation to be pruned shall be no more than 3/4 inch in diameter.

(2) Only reflective tacks, clips or twist ties may be selectively placed in trees to mark access routes and shall be removed within two weeks of the end of the Borough's hunting season. Colored flagging shall be prohibited.

**36-1(I) . Access and parking:**

(1) Trespassing on private property to gain access to Borough property for hunting shall be prohibited.

(2) The location for all parking and all access through designated parking lots shall be specified on the Borough's deer hunting map established by the North Caldwell Police Department or as posted.

(3) The vehicle identification tag that is issued with the Borough's access permit shall be displayed on the driver's side dashboard and shall be clearly visible when a hunter is on the designated property for the purpose of participating in the Deer Management Program.

**36-1(J) . Baiting and trail cameras:**

(1) The use of any type of container or feeder to dispense or hold bait shall be prohibited.

(2) The use of minerals and manufactured supplements shall be prohibited.

(3) A maximum of five gallons of nonmanufactured, natural baits, such as fruits, vegetables and shelled grains, may be used.

(4) Baiting shall be prohibited within all safety zones.

(5) Baiting shall be prohibited for more than two weeks before the Borough hunting season begins.

(6) Trail cameras shall be prohibited on Borough property.

**36-1(K) . Field dressing:**

Field dressing of harvested deer shall be restricted to the designated area specified on the Borough's deer hunting map or in the administrative procedures and must be removed from the property.

**§ 36-2. Violations and penalties:**

Any person(s) found to be in violation of the provisions of this Chapter shall be subject to the penalties as provided in Chapter 1, Article III General Penalty.

3. Chapter 43 of the Code of the Borough of North Caldwell, to wit; Firearms, shall remain in full force and effect. All other ordinances and parts of ordinances inconsistent herewith are hereby repealed.

4. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this ordinance shall be deemed to be valid and effective.

5. This Ordinance shall take effect immediately upon passage and publication in accordance with law.


INTRODUCED: August 20, 2013

APPROVED: September 11, 2013

ATTEST:

  
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NANCY PRAVATA, ACTING CLERK

APPROVED:

  
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JOSEPH H. ALESSI, MAYOR