

**HARDING TOWNSHIP
ORDINANCE # 13-2021**

**AN ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING CHAPTER 90, ARTICLE
V OF THE CODE OF THE TOWNSHIP OF HARDING ENTITLED “TRAPPING OF FOXES
AND COYOTES”**

WHEREAS, consistent with the objectives of its Master Plan, Harding Township is committed to promoting the health of its natural ecology as well as ensuring the safety of its residents; and

WHEREAS, certain studies have shown that so-called “keystone predators,” such as foxes and coyotes, play an essential, top-down role in maintaining a healthy balance in an ecology both by consuming herbivore or rodent prey and by altering prey behavior resulting in the beneficial control and distribution of large numbers of prey species; and

WHEREAS, ecologists from the Rutgers New Jersey Agricultural Experiment Station (“NJAES”) have determined that coyotes play an important ecological role in New Jersey by partially filling the niche created by the extirpation of gray wolves, formerly one of the keystone predators in New Jersey and that coyotes prey upon small mammals (i.e., rodents and rabbits), helping to suppress populations in both agricultural and residential settings;

WHEREAS, NJAES ecologists have determined that foxes also play an important ecological role in New Jersey by being a dispersal agent for many plants, and hunting small mammals that have been considered pests in agricultural and residential settings, and aiding in ecological recycling due to the consumption of carrion; and

WHEREAS, NJAES ecologists have also identified foxes as helpful in regulating populations of rodents aiding in the reduction of Lyme disease as certain rodents such as mice can be carriers of the bacteria that causes Lyme disease; and

WHEREAS, it is equally important for the Township to ensure its coyote and fox populations continue to successfully and safely coexist with Harding residents by actions such as the following: through its boards and commissions; promoting education for residents about coyote and fox ecological value, life cycle, behavior, and safe methods of interaction, subject to cost feasibility; collect available statistics about coyote/fox interaction with residents and Township professionals; monitor relevant ecological best practices; promote policies and education that ensure coyotes and fox continue to avoid contact with humans and maintain their healthy fear of human interaction; discourage property owners from unsafe practices such as the feeding of coyotes or foxes; provide a reasonable procedure for a property owner to remove individual coyote or fox that: (i) exhibit behavior that threatens the safety of persons on their property, or (ii) prey on pets or livestock on their property; and

WHEREAS, the Township Committee of the Township of Harding finds it necessary and in the public interest to amend Chapter 90, Article V of the Code of the Township of Harding entitled “Trapping of Foxes and Coyotes” to limit the trapping of foxes and coyotes within the Township of Harding.

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Harding, in the County of Morris, State of New Jersey, that Chapter 90, Article V of the Code of the Township of

Harding be and is hereby amended as follows (deletions have strike through; additions are bolded and underlined):

SECTION 1. **Article V: Trapping of Foxes and Coyotes**

§ 90-19 Prohibited Conduct.

The use of any trap other than live cage traps is prohibited unless such trap is installed and maintained by the New Jersey Department of Fish and Wildlife, or a New Jersey Animal Control Officer as designated by the Township of Harding.

- A. ~~Except as otherwise stated in paragraph B herein, the trapping of foxes is hereby strictly prohibited within the Township of Harding.~~
- B. ~~To the extent that it is determined that a situation arises such that a fox or coyote is a danger or nuisance or danger to any horse, cattle or other livestock owned, kept or sheltered within the Township of Harding or presents as a danger to persons or property within the Township including crops, poultry or domestic animals, belonging to any other person in the Township, the affected person shall notify the Township's Environmental Health Specialist, who shall in turn contact the Township's Animal Control Services, which shall be solely responsible for assessing and remedying the situation in accordance with the regulations/statutes governing the live trapping of foxes and coyotes as established by the State of New Jersey and/or Department of Environmental Protection Division of Fish, Game and Wildlife.~~
- C. ~~Any and all costs for the trapping and removal of any fox or coyote in accordance with Subsection B above shall be the responsibility of the person requesting the trapping and removal of such animal.~~

§ 90-20 Applicability of Title 23.

New Jersey Statutes Annotated, Title 23, entitled "Fish and Game, Wild Birds and Animals," shall remain in full force and effect, and if any provision contained therein or regulations promulgated pursuant thereto are in conflict with this article, said statutes and regulations shall be given precedence. Further, any conditions contained in said Title 23 and any and all regulations promulgated pursuant thereto must be complied with whether set forth in this article or otherwise.

§ 90-21 Violations and penalties.

Any person who violates or fails or refuses to comply with the provisions of this article shall be liable to a penalty as provided in § 1-3, General penalty, of the Code of the Township of Harding.

~~§ 90-22 Study and review.~~

~~This Article V shall be reviewed after a period of three years from the date of adoption of this article to permit the Township to review the effectiveness of this article and to determine whether it should continue to be in full force and effect. Unless the Township acts to extend this article within three years of the adoption of same, the article shall be null and void and of no further effect.~~

SECTION 2. At least three copies of said full Ordinance are on file in the Office of the Municipal Clerk for public examination and acquisition. Copies are available for inspection or acquisition during regular weekday working hours and arrangements have been made for the publication of said proposed Ordinance in pamphlet or other similar form which will be available for purchase from the Township Clerk.

SECTION 3. This ordinance shall take effect upon final passage and publication according to law.

SECTION 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

ATTEST

TOWNSHIP OF HARDING

Lisa A. Sharp
Municipal Clerk

Timothy D. Jones,
Mayor

INTRODUCED: November 8, 2021

ADVERTISED: November 11, 2021

PUBLIC HEARING: December 13, 2021

ADOPTED: Defeated

ADVERTISED:

Vote on Adoption:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN
Ms. Chipperson		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. DiTosto		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Platt		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>