

TOWNSHIP OF FRANKLIN

0-12-16

ORDINANCE AMENDING CHAPTER 287, PINELANDS PROTECTION AREA, FOR THE PURPOSE OF PROHIBITING HUNTING AND CERTAIN OTHER ACTIVITIES IN THE PINEY HOLLOW PARK PRESERVE

WHEREAS, it has been recommended by the Franklin Township Environmental Commission that Mayor and Township Committee investigate whether the Piney Hollow Park Preserve property in the Township of Franklin should be a property where hunting is prohibited based upon the grant by which the Township was able to acquire said property; and

WHEREAS, the Frank Stewart Land Trust provided certain funds to the Township in order to acquire the Piney Hollow Park Preserve lands; and

WHEREAS, the Mission Statement of the Trust indicates in part that the purpose of the Trust is to preserve land for game refuges, bird sanctuaries or for the protection and preservation of wildlife; and

WHEREAS, permitting hunting on said property would be contrary to the Mission Statement of the Trust and when the Township Committee adopted the Ordinances accepting said property O-1-82 (January 26, 1982) and R-53-92 (April 14, 1992), the Township agreed to also accept the requirements for use of said property; and

WHEREAS, the Mayor and Township Committee recognize that members of the public utilize the walking trails of the park and other spaces, which if hunting were to be permitted, would endanger the health, safety and welfare of those utilizing the park for those recreational purposes; and

WHEREAS, the Mayor and Township Committee also recognized that the use of cars, off-road vehicles, ATV's, dirt bikes, mini-bikes and other motorized vehicles in the park are contrary to the preservation of the park in its natural state and the use of enjoyment of the trails in the park as walking trails for families and children; and

WHEREAS, the Mayor and Township Committee also recognize the dumping of refuse, trash, debris as well as ordinary littering causes degradation of the natural beauty of the park, and is harmful to wildlife, people using the park and the environment in general;

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Township Committee of the Township of Franklin, County of Gloucester, State of New Jersey that Chapter 287 is hereby amended to add a new Section 287-10 and Section 287-11 as follows:

SECTION 287-10 PROHIBITION OF HUNTING, USE OF MOTORIZED VEHICLES AND LITTERING IN THE PINEY HOLLOW PARK PRESERVE AREA

- A. The Piney Hollow Park Preserve is comprised of two (2) lots, Block 6602, Lot 3 which is comprised of 132.94 acres and Block 6602, Lot 4 comprised of 88.98 acres (each according to the Gloucester County Tax Assessor's Office).
- B. Hunting, Trapping, Discharging Firearms and Weapons Prohibited. No person or persons shall fire or discharge any revolver, pistol, firearm, gun, air gun, bow and air, crossbow, sling shot or other device or article upon the property described in Paragraph A above, the Piney Hollow Park Preserve, for the purposes of hunting, taking or killing any bird or animal. Trapping of wildlife, by any means, is also prohibited in the property described in Paragraph A above. This provision shall not apply to any law enforcement officers, local, county, state or federal, during the proper execution of their duties.

- C. Littering and Dumping of Refuse Prohibited. No person or persons shall deposit any litter, refuse or garbage, nor shall any person or persons abandon any personal property on the grounds of the Piney Hollow Park Preserve.
- D. Use of Motorized Vehicles Prohibited. No person or persons shall utilize any motor vehicle, motorcycle, dirt-bike, mini-bike, ATV, motorized bicycle, snowmobile, or any other motorized equipment upon the property described in Paragraph A above, the Piney Hollow Park Preserve. This provision shall not apply to any police or other law enforcement officer or any local, county, state or federal official during the proper execution of their duties, or to any Franklin Township Public Works employee or other employee engaged in the performance of their duties. Notwithstanding the prohibitions set forth in this paragraph, nothing shall prohibit the use of a motorized wheelchair by a handicapped or disabled person, or individual by reason of age or infirmity requires the use of a mobilized wheelchair, scooter or similar device. This paragraph is to be read as an amendment to, and in harmony with Franklin Township Code, Chapter 377, Sections 377-1 through 377-12 [Ordinance Nos. 1972-2; O-28-2002] except that the provisions of this Ordinance, to the extent that they are different or contrary to any Section in Chapter 377, shall specifically govern the activities in the Piney Hollow Park Preserve.
- E. Posting of Signs Prohibiting Certain Activities. The Township of Franklin hereby authorizes the Franklin Township Department of Public Works and/or the Franklin Township Environmental Commission to post appropriate signage reflecting the prohibition of hunting, use of motorized vehicles and littering on the grounds of the Piney Hollow Park Preserve, which signs may include the penalties for a violation of this Ordinance.

SECTION 287-11 VIOLATIONS AND PENALTIES

Any person violating any provisions of this Chapter shall be subject to a fine not exceeding \$500.00 or imprisonment of thirty (30) days or both, in the discretion of the Judge of the Municipal Court of the Township of Franklin.

BE IT FURTHER ORDAINED, that if any section, sentence, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not effect or impair any other section, sentence, clause, provision or portion of this Ordinance.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon its final passage, adoption and publication provided by law.

Attest:

Township of Franklin

Barbara Freijomil, Clerk

Sheryl Neely, Mayor

CERTIFICATION

I, Barbara Freijomil, Clerk of the Township of Franklin, County of Gloucester, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the Township Committee of the Township of Franklin, County of Gloucester, State of New Jersey, held on July 12, 2016 and thereafter duly advertises in the legal newspaper of the Township at least ten (10)

days prior to it being considered for final passage and adoption at a subsequent meeting to be held on August 9, 2016, at which time any person interest therein will be given an opportunity to be heard.

BARBARA FREIJOMIL, CLERK

Introduced July 12, 2016:

Name	Yes	No	Abstain	Absent
Mr. Leopardi	X			
Mr. Gonzalez	X			
Ms. Vassallo	X			
Mr. Krevetski	X			
Mayor Neely	X			

Introduced August 9, 2016:

Name	Yes	No	Abstain	Absent
Mr. Leopardi				
Mr. Gonzalez				
Ms. Vassallo				
Mr. Krevetski				
Mayor Neely				