

**BOROUGH OF OAKLAND
ORDINANCE NO. 18-CODE-773**

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 3, SECTION 9 OF THE CODE OF THE
BOROUGH OF OAKLAND, ENTITLED "HUNTING AND
DISCHARGE OF FIREARMS"**

BE IT ORDAINED by the Mayor and Council of the Borough of Oakland as follows:

Section 1. Chapter 3, Section 9 of the Borough of Oakland Code, entitled "Hunting and Discharge of Firearms," be and the same is hereby amended and supplemented by the addition thereto of the following, so that the same will hereinafter read as follows:

3-9.1 Possession or Discharge of Firearms Restricted.

- a. No person shall discharge any firearm, as defined under N.J.S.A. 2C:39-1, across any State, County or Borough road or highway or have in his possession a loaded gun or weapon while within four hundred fifty (450') feet of any structure in the Borough or within four hundred fifty (450') feet of a school or school playground in the Borough. No person shall discharge any bow and/or crossbow across any State, County or Borough road or highway or have in his possession a loaded bow and/or crossbow while within one hundred fifty (150') feet of any structure in the Borough or within four hundred fifty (450') feet of a school or school playground in the Borough.
- b. No person shall discharge any firearm, as defined under N.J.S.A. 2C:39-1, or cast any arrow within four hundred fifty (450') feet of the boundary line of any property in the Borough, provided that same has been conspicuously posted with intervisible signs bearing the owner, occupant, lessee or licensee thereof and prohibiting persons from trespassing and/or discharging firearms or hunting unless specifically authorized by the owner, occupant, lessee or licensee in writing. The posted signs shall be displayed, not fewer than ten (10) per mile, along the exterior boundaries and along all roads, trails and rights-of-way entering such land.

- c. No person shall discharge any firearm, as defined under N.J.S.A. 2C:39-1, or cast any arrow or have possession of a loaded gun or weapon within the boundaries of the Borough in areas other than those set forth in Paragraph 3-9.1a, unless he is either exempted pursuant to Subsection 3-9.4, if applicable.
- d. Notwithstanding the provisions of Subsections 3-9.1a, b and c, no person, except the owner or lessee of the building and persons specifically authorized by him in writing, which writing shall be in the person's possession, shall, for the purpose of hunting, taking or killing any wildlife, or target practice have in his possession a nocked arrow while within one hundred fifty (150') feet of any structure in the Borough or within four hundred fifty (450') feet of any school playground, and a nocked arrow shall only be cast when a person is in an elevated position so that any arrow is aimed in a downward angle.

3-9.2 Specific Prohibition.

The discharge, firing or use of any gun, pistol, firearm or weapon of any description whatsoever at any place whatsoever in the Borough is hereby specifically prohibited except as hereinafter set forth.

3-9.3 Posting of Prohibited Area.

Residents of the Borough who own property abutting, adjoining or within the prohibited area described in Subsection 3-9.1 may post a notice on their property, without being deemed to have violated any provisions in this code relating to the control and regulation of signs, provided they state as follows:

“No Hunting or Discharge of Guns Permitted, Oakland Code,
Section 3-9.”

However, no such sign shall be larger than two (2') feet square.

3-9.4 Exceptions.

Nothing contained in this section shall be construed to prevent any person:

- a. From keeping or carrying about his place of business, dwelling house, premises, or upon lands possessed by him, any firearm, or from carrying the same from any place of purchase to his dwelling house or place of business; or to or from any place where repairing is done to have the same repaired; nor to prevent any person from carrying a firearm in the woods or fields or upon the waters of the Borough for the purpose of hunting or target practice in an area where the same is not prohibited, including State or other government owned lands, provided that

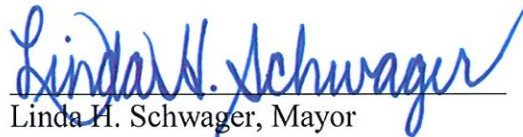
applicable laws of the State of New Jersey or the applicable government have been complied with.

- b. Discharge of firearms by a certified animal control officer in the performance of his duties consistent with applicable law and regulations.
- c. Discharge of firearms by law enforcement officers in the performance of their duties to destroy injured animals consistent with applicable law and regulations.

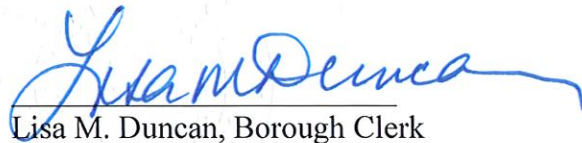
Section 2. Should any part, portion or provision of this ordinance be held unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any other part thereof.

Section 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 4. This ordinance shall take effect immediately upon publication and final passage according to law.


Linda H. Schwager, Mayor

ATTEST:


Lisa M. Duncan, Borough Clerk

This is to certify that this is a true copy
as adopted by the Mayor and Council
of the Borough of Oakland at a meeting
held on September 12, 2018

Borough Clerk 