

P.L. 2019, CHAPTER 19, *approved January 31, 2019*
Assembly, No. 2732

1 **AN ACT** concerning non-lethal wildlife control on agricultural lands
2 and amending P.L.1964, c.37.

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4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. Section 1 of P.L.1964, c.37 (C.23:4-63.5) is amended to read
8 as follows:

9 1. Any provision of law or municipal ordinance to the contrary
10 notwithstanding, any owner of lands used for agricultural purposes,
11 shall pursuant to rules and regulations promulgated by the Division
12 of Fish and **【Game】 Wildlife**, have the right to use certain noise
13 making and other mechanical devices, including non-lethal
14 propane-powered noise making devices, intended to scare or repel
15 marauding birds or other wildlife so as to prevent the damage and
16 destruction of crops and other property.
17 (cf: P.L.1964, c.37, s.1)

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19 2. Section 2 of P.L.1964, c.37 (C.23:4-63.6) is amended to read
20 as follows:

21 2. The Division of Fish **【Game】** and **【Shell Fisheries】 Wildlife**
22 is authorized to issue permits to the owners of lands used for
23 agricultural purposes for the use of **【said】 such** devices and no such
24 device shall be used by any person without first obtaining such
25 permit. Any person who violates this section shall be liable to a
26 penalty of **【\$20.00】 \$20** for each such offense. Whenever the
27 governing body of any municipality adopts a resolution pointing to
28 undue hardship on nearby residents as a result of the use of any
29 such device, and requests that the division deny or cancel the right
30 to use such device, the Director of the Division of Fish**【, Game】**
31 and **【Shell Fisheries】 Wildlife**, after review of all available
32 evidence, may deny or cancel a permit to use such **【devise】 device**
33 when he determines that the use thereof creates an undue hardship
34 on nearby residents. In arriving at any such decision, the director
35 may consult with any county or Statewide advisory group **【he】 the**
36 director may designate to advise **【him】 the director** on such matters.
37 The division shall promulgate rules and regulations governing the
38 types and use of such devices as will insure the safety of the public.
39 (cf: P.L.1979, c.385, s.6)

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 3. This act shall take effect immediately.

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STATEMENT

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6 This bill clarifies existing law by specifically allowing the use of
7 propane-powered noise making devices as a non-lethal method to
8 control bird and other wild animal populations on agricultural land.

9 Currently, the use of a propane-powered noise making device as a
10 non-lethal method of wildlife control on agricultural land is not
11 explicitly authorized by statute or in the State Fish and Game Code.

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16 Clarifies that use of propane-powered noise making device is
17 allowed as non-lethal method of wildlife control on farmland.