

CITY OF PASSAIC

ORDINANCE NO. 2519-26

**ORDINANCE AMENDING CHAPTER 203
“PARKS AND PLAYGROUNDS” TO AMEND SECTION 203-4
“THIRD WARD PARK” REGARDING FISHING AT HUGHES
LAKE IN ORDER TO CONFORM WITH NEW JERSEY FISH AND
GAME LAW AND FACILITATE PARTICIPATION IN NEW
JERSEY DEP FISH AND WILDLIFE’S SPRING TROUT
STOCKING PROGRAM**

WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, pursuant to N.J.S.A. 40:48-1, the governing body of every municipality may make, amend, repeal and enforce ordinances to manage, regulate and control the finances and property, real and personal, of the municipality, including municipal parks and recreation areas; and

WHEREAS, the City of Passaic’s Code currently regulates fishing at Hughes Lake in Third Ward Park, including, among other things, a City-issued fishing permit requirement; and

WHEREAS, New Jersey’s Fish and Game laws and regulations, including N.J.S.A. Title 23 and the Fish Code at N.J.A.C. 7:25, establish statewide requirements for freshwater fishing, including licensing, lawful methods, and seasons, size limits, and creel limits for trout and other species; and

WHEREAS, the New Jersey Department of Environmental Protection (“NJDEP”), Division of Fish and Wildlife, Bureau of Freshwater Fisheries has selected Hughes Lake for inclusion in NJDEP Fish and Wildlife’s Spring Trout Stocking Program beginning in 2026; and

WHEREAS, NJDEP Fish and Wildlife has advised the City that participation in the Spring Trout Stocking Program requires that harvest of stocked trout be permitted consistent with applicable State law and regulation, and that municipal rules and regulations should not impose additional restrictions that would prevent such participation; and

WHEREAS, the City Council finds it to be in the best interests of the City of Passaic and the public to amend Chapter 203 to clarify that fishing at Hughes Lake is subject to and governed by applicable State law and regulation, to ensure that trout harvest is permitted as allowed by State law, and to facilitate continued participation in NJDEP Fish and Wildlife’s Spring Trout Stocking Program;

NOW, THEREFORE BE IT ORDAINED by the City of Passaic that Chapter 203 is amended as follows:

CHAPTER 203 PARKS AND PLAYGROUNDS

SECTION I

Section 203-4 of the City Code is hereby amended to delete the existing provisions in their entirety and replace them with the following:

203-4 Third Ward Park (Hughes Lake).

A. Permit; applicability of State law.

- (1) No person shall fish in Hughes Lake or waters flowing in Third Ward Park without a permit issued by the New Jersey Division of Fish and Wildlife. Any person fishing without a permit or fishing in violation of this section shall be deemed to be a trespasser.
- (2) All persons fishing at Hughes Lake shall comply with all applicable State laws and regulations governing freshwater fishing, including (as applicable) licensure, lawful methods, seasons, size limits, and creel limits, as may be amended from time to time, including N.J.S.A. Title 23 and N.J.A.C. 7:25.
- (3) Nothing in this section shall be construed to authorize fishing during hours when the park is closed to the public pursuant to § 203-2 or any other applicable law, rule, or regulation.

B. Permit eligibility; fees; possession.

- (1) A permit shall be issued to any applicant, resident or nonresident, in accordance with procedures established by the New Jersey Division of Fish and Wildlife, provided that nothing herein shall be construed to waive any applicable State licensing requirement.
- (2) Children under 16 years of age: no fee or license required.
- (3) Each person fishing shall have in his or her possession a valid and subsisting permit issued by the New Jersey Division of Fish and Wildlife and shall exhibit such permit for inspection upon request by any law enforcement officer, park official, or other person authorized by law to request same.

C. Hours; methods.

- (1) Fishing is permitted only between 6:00 a.m. and sunset, except that during the months of May through September, fishing is permitted only between 6:00 a.m. and 10:00 p.m., consistent with § 203-2.
- (2) All fishing, except by hook and line, is specifically prohibited.

D. Trout harvest permitted; no inconsistent local restrictions.

- (1) The taking, killing, and possession of trout at Hughes Lake is permitted to the extent allowed by applicable State law and regulation, including N.J.S.A. Title 23 and N.J.A.C. 7:25, as may be amended from time to time.
- (2) Any rule, regulation, policy, posted notice, or directive that requires trout to be released immediately and unharmed at Hughes Lake, or that otherwise prohibits lawful harvest of trout at Hughes Lake, is hereby repealed to the extent inconsistent with this subsection.

E. Additional rules and regulations.

- (1) All persons shall comply with such additional reasonable rules and regulations as the Director may, from time to time, promulgate in the interests of public safety and the protection of City property. Such rules and regulations shall become effective when posted on or in the shelter house located lakeside in Third Ward Park.
- (2) No rule or regulation promulgated by the Director under this subsection shall (a) be inconsistent with applicable State laws or regulations governing freshwater fishing, or (b) impose a closure of Hughes Lake to fishing during any NJDEP-established preseason trout stocking period, except as required by State law or as reasonably necessary to address an emergency condition affecting public safety.

SECTION II

If any section or provision of this ordinance shall be invalid in any court the same shall not affect the other sections or provisions of this ordinance except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION III

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION IV

A copy of this Ordinance shall be transmitted upon adoption to the New Jersey Department of Environmental Protection, Division of Fish and Wildlife, Bureau of Freshwater Fisheries, and to any other agency as may be required by law.

SECTION V

This ordinance shall take effect upon publication as provided by law.

THE ABOVE ORDINANCE WAS INTRODUCED AND PASSED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PASSAIC, N.J. HELD MARCH 5, 2026 THE SAME WILL BE FURTHER CONSIDERED FOR FINAL PASSAGE BY THE CITY COUNCIL AT THE COUNCIL CHAMBERS LOCATED AT 330 PASSAIC STREET, PASSAIC, NJ, AT THE MEETING OF MARCH 17, 2026 AT 7:00 P.M. ALL PERSONS INTERESTED WILL BE GIVEN THE OPPORTUNITY TO BE HEARD CONCERNING THIS ORDINANCE.

By Order of the City Council

Dated: MARCH 6, 2026

Weatherly Frias, City Clerk