RECREATION, LIBRARIES AND AUTHORITIES COMMITTEE

11-025-O

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 6-77 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO HUNTING DEER BY BOW AND ARROW.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Section 6-77 of the Duluth City Code, 1959, as amended, be amended to read as follows:

Sec. 6-77. Hunting deer by bow and arrow.

(a) Findings and policy. The city council finds that the peace and safety of the community, and the health of the forest, are threatened by the overabundance of wild deer within the city. Therefore, the population of wild deer must be regulated and managed. The method for the regulation shall be an annual harvesting of wild deer by use of bow and arrow;

(b) State laws. The conduct of any authorized deer hunting within the city must be in compliance with all applicable laws and regulations of the state of Minnesota. This Section is supplemental to the laws of Minnesota, as they may be amended or changed from time to time;

(c) Enforcement officers. The conduct of any authorized deer hunting within the city shall be regulated by the chief administrative officer or his or her designee or his or her agents, and any state or federal agents with jurisdiction. The council has authority to, by contract approved by resolution, designate the chief administrative officer or his or her designee's agent for the purpose of managing the hunt;

(d) Allowed hunting areas. Deer harvesting will be prohibited in all areas of the city except the following:

(1) Any area designated by the council, by resolution,

as a designated hunting area (DHA) or an area determined by the hunt agent to be in special need of deer removal (hot spot) and approved by the chief administrative officer or his or her designee ~~council resolution~~ or council approved contract;

(2) Any privately-owned property within a DHA that is not owned by the hunter, but that is owned or controlled by a party from whom the hunter has obtained written permission, dated and signed within 12 months of the time of the hunting, to hunt deer on the property;

(A) In a duly designated hunting area, hunting will not be allowed:

1. Within 400 feet of any occupied dwelling or active commercial structure, or structure accessory thereto, without written permission from all property owners with said structure(s) located within 400 feet of the hunting location ~~or within 200 feet of said buildings with written permission of the landowner to hunt as close as 200 feet from such a building~~;

2. Any place posted "no hunting" in compliance with the laws of Minnesota;

(e) Authorized hunters. Any person hunting deer by bow and arrow within the city must meet all of the following criteria:

(1) Be qualified to hunt deer by bow and arrow under all the laws and regulations of the state of Minnesota and be licensed to do so by the state;

(2) Be certified to be qualified to harvest deer within the city by the chief administrative officer or his or her designee or the designated agent approved by council resolution. The council has authority to, by contract approved by resolution, designate the chief administrative officer or his or her designee's agent for the purpose of managing the hunt, regulating the hunters,

and collecting fees due to the city and giving such fees to the city. Application for a deer hunting qualification certificate shall be made to the chief administrative officer or his or her designee. The agent designated by the council may act for the chief administrative officer or his or her designee to collect the fee. The fee shall be set in accordance with Section 31-6(a) of this Code. The standards and requirements of the program shall be set by resolution of the council. The program shall include each hunter's agreement to behavior and ethical standards, proficiency standards, and a waiver of rights for any liability of the city, its contract agent or landowners;

(f) Conduct of the hunt.

(1) Harvesting of deer shall only be done in compliance with this ordinance, state law, any resolution passed by the council setting standards for conduct of the hunt or contracting for the services of the city's agent for that purpose, the city's hunt agent's rulebook for hunters, and any deer management plan for Duluth adopted by the city council;

(2) Carcasses and entrails must be removed from the site of the kill immediately and completely;

(3) Only hunting by bow and arrow is allowed, except for hunting by the disabled with crossbow, as it is allowed under state rules of the department of natural resources, provided that written proof of disability is provided to the city's hunt agent before hunting;

(4) No permanent stand is allowed on public property;

(5) No hunter may harvest more than one antlered deer. Party hunting, as defined by state law, is limited to antlerless deer only;

(6) No hunter may attempt to shoot or harvest a deer

that is beyond the effective range of the hunter;

(7) Each hunter must repair or pay for any damage to the property of another that arises out of the hunting activities;

(g) Violations. A violation of this Section is punishable as set out in Section 1-7, as it may be amended or changed from time to time. In addition, any person convicted of or administratively found to have violated this Section, or any other law, or the rules of the hunt set by the council or the hunt agent's rulebook, as a result of actions related to deer harvesting authorized by this Section, shall be disqualified, for a period determined to be appropriate by the hunt agent, but not greater than 40 years from the date of conviction, or violation, whichever is later, from being certified as qualified to harvest deer within the city. The city or the city's hunt agent may, by due process, determine the commission of a violation and impose an appropriate period of disqualification, which decision can, within 15 days, be appealed, by written notice, to the city's chief administrative officer;

(h) Each year, the chief administrative officer or his or her designee shall report to the city council about the conduct of the previous year's harvest, including the number of participants, the number of deer taken, any problems encountered and any recommendations.

Section 2. That this ordinance shall take effect 30 days after its passage and publication.

Approved for presentation to council:

Chief Administrative Officer

Approved as to form:

Attorney

Approved:

Auditor

ADM/ATTY GBJ:cjk 6/20/2011

STATEMENT OF PURPOSE: This ordinance eliminates distance limitations for hunting deer by bow and arrow in designated hunting areas as long as certain conditions are met.