BILL NO. 2128 (AMENDED)

ORDINANCE NO. 2128

AN ORDINANCE PROVIDING REGULATIONS FOR DEER HUNTING BY ARCHERY AND CROSSBOW METHODS WITHIN THE CITY OF LADUE.

WHEREAS, the City Council has determined that it is appropriate to allow deer hunting by archery and crossbow methods to control the deer population in the City of Ladue and to protect persons and property from damage caused by deer.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LADUE, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1: The Code of Ordinances of the City of Ladue shall be amended by adding a new Article III to Chapter 18 thereto, as follows:

CHAPTER 18, ARTICLE III – DEER CONTROL POLICY AND HUNTING REGULATIONS

SECTION 18-27: PURPOSE/SCOPE AND DEFINITIONS

A. After careful review of a recent deer survey estimating the deer population within the City of Ladue, the City Council has determined that it is appropriate to allow deer hunting by archery and crossbow methods to control the deer population in the City of Ladue and to protect persons and property from damage caused by deer, and, therefore, desires to enact this deer control policy to establish safety regulations for deer hunting within the City. The regulations contained within this Article shall not be applicable to Police Officers, military or other licensed security agents when engaging in the performance of their duties.

B. As used in this Chapter, the following terms shall have the following prescribed meanings:

ARCHERY DEVICE: Any longbow or compound bow.

CROSSBOW: A device for discharging quarrels, bolts or arrows, formed of a bow set crosswise on a stock, usually drawn by means of a mechanism and discharged by the release of a trigger.

FIREARM: Any rifle, shotgun, pistol, or any similar device or mechanism by whatever name known which is designed to expel a projectile or projectiles, including air rifles, air pistols and pellet guns. The term "firearm" shall not apply to devices designed and used exclusively for commercial or industrial purposes.

UNDER THE INFLUENCE: Under the influence shall be defined by the State regulation applied to motor vehicle operation.

SECTION 18-28: ESTABLISHING REGULATIONS OF DEER HUNTING WITHIN THE CORPORATE LIMITS OF THE CITY OF LADUE DURING DEER HUNTING SEASON SET BY THE DEPARTMENT OF CONSERVATION

A. The use of or discharge of firearms is prohibited in the City of Ladue.

B. Discharging or releasing arrows from archery devices or crossbows within the City limits is limited to deer hunting permitted under this Article.

C. Prior to any hunting activity occurring during each deer hunting season, as defined by the Missouri Department of Conservation, the property owner, lessee, or person in charge of the property or premises shall notify City Hall of his or her intent to hunt during the hunting season on his or her property and submit to the City a Notification of Intent to Hunt form provided by the City including submitting all required information, documentation, and certifications. The City Clerk is hereby authorized to develop such form in accordance with the requirements herein. At minimum, the notification form shall include the names of all property owners, the address of the proposed hunt property, the approximate dates of the proposed hunt, the names of all proposed hunters, certification of understanding and agreement to abide by all relevant rules and understanding, indemnification of the City, and documentation of proper permitting and training.

D. All current laws of the State of Missouri as regards to the regulations of hunting shall be obeyed within the corporate limits of Ladue.

E. The hunt shall conform to all State regulations as defined by the Missouri Department of Conservation.

F. Permission To Hunt.

1. It shall be unlawful for any person carrying an archery device of any type or crossbow to knowingly enter into the premises of another or to discharge any of the aforestated devices while on the premises or property of another without first having obtained permission in writing from the owner, lessee or person in charge of such premises or property. The duly obtained written permission shall be carried on the person of the hunter requesting and receiving such permission. This Subsection shall not apply to a person carrying or discharging such a device while in the immediate presence of the owner, lessee or person in charge of said premises or property.

2. In addition to the requirements set forth herein, it shall be at the discretion of the owner, lessee or person in charge of any premises or property to set the parameters under which any person may hunt upon any such premises or property under the control of the owner, lessee or person in charge.

3. The hunter on any property upon which the permission to hunt has been granted shall be held responsible for the actions of those persons to whom such permission has been granted by the landowner, lessee or person in charge.

4. No person without lawful authority or without the expressed or implied consent of the owner, lessee or his agent shall enter any building or enter upon any enclosed or improved real estate, lot or parcel of ground in the City of Ladue; or being upon the property of another, shall fail or refuse to leave such property when requested to do so by owner, lessee or person in charge of said property.

5. Contiguous neighbors must be notified in writing by the property owner on forms provided by the City of the approximate dates of the hunt and the property owner must be able to show with appropriate documentation receipt by the contiguous neighbors of the notification of the approximate dates of the hunt. The City Clerk is hereby authorized to develop forms for use in notification of contiguous neighbors in accordance with the requirements herein. For purposes of this Subsection, *"contiguous"* shall mean any adjoining property that shares a common property line (or point) with the lot on which the proposed hunt shall occur. Lots separated by streets, common areas or other public thoroughfares shall not be considered contiguous.

G. In addition to any requirements imposed by Missouri Department of Conservation regulations, any individual who successfully harvests a deer during a hunt must report the hunter's name, sex of the deer, and the location of the harvest within two (2) business days of such harvest by calling Ladue City Hall during normal business hours or by delivering written notification to City Hall.

H. Prior to discharging an archery device or crossbow intended to be used for hunting, it shall be the hunter's responsibility to permanently mark each arrow or other projectile with his or her Missouri Department of Conservation identification number.

I. Nothing in this deer control policy shall authorize the parking or standing of vehicles on private property without the consent of the property owner or to park a vehicle in any manner otherwise prohibited by the City Code. All hunters shall park their vehicles on the same property on which they are hunting and shall place on the vehicle's dashboard an "Archery or Crossbow Hunting in Progress" notice, on a form/placard provided by the City, during the hunting activity. The City Clerk is hereby authorized to develop forms/placards for use in notification of a hunt in progress in accordance with the requirements herein.

J. Prior to hunting within the City limits of Ladue, every individual seeking to hunt shall provide proof that each individual possess a current state permit to hunt from the Missouri Department of Conservation and a certificate of completion of an archery device hunter safety course as approved or provided by the Missouri Department of Conservation.

SECTION 18-29: SPECIFIC ACTIONS PROHIBITED AND REQUIRED

A. It shall be unlawful for any person to discharge any archery device or crossbow across any street, sidewalk, road, highway or playground.

B. It shall be unlawful for any person to discharge an archery or crossbow projectile at or in the direction of any person, vehicle, dwelling, house, church, school, playground or building.

C. It shall be unlawful for any person to discharge an archery device or crossbow within two hundred (200) yards of any church, school or playground. It shall be unlawful for any person to discharge an archery device or crossbow within thirty (30) yards of any dwelling, building, structure or vehicle unless the hunter has previously received express authority to discharge the archery device or crossbow within thirty (30) yards from the owner of the dwelling, building, structure or vehicle.

D. No arrow or other projectile used to hunt deer pursuant to this deer control policy may be discharged or projected at such an angle or distance as to land on public or private property other than the property on which the hunt has been authorized.

E. No arrow or other projectile used to hunt deer pursuant to this deer control policy may be discharged or projected at such an angle or distance as to land within seventy-five (75) feet of any front yard property line.

F. No arrow or other projectile used to hunt deer pursuant to this deer control policy may be discharged or projected at such an angle or distance as to land within fifty (50) feet of any street or public right-of-way.

G. All hunting shall be conducted from an elevated position that is at least ten (10) feet in height and faces the interior of the property. The elevated position (deer stand) shall be located in such a way as to direct arrows towards the interior of the property and to prevent any arrow from landing any closer than twenty-five (25) feet from any side or rear property line.

H. No hunting is authorized on tracts of land under two (2) acres in area, except that adjacent property owners may combine their parcels to satisfy the two (2) acre minimum requirement and the property line discharge restrictions contained in this Section 18-29 C., E. and G. All other provisions of the deer control policy shall apply to combined lots.

I. It shall be unlawful (1) for any person under the age of eighteen (18) years old to hunt within the City limits of Ladue, (2) to hunt within the City without a valid state permit to hunt from the Missouri Department of Conservation or (3) to hunt within the City without completing a hunter safety course provided by or approved by the Missouri Department of Conservation.

J. No person shall possess, consume or be under the influence of alcohol or any other controlled substance while engaged in hunting activities within the City limits of Ladue.

SECTION 18-30; DEER RETRIEVAL

A. Any person who kills or injures any deer while hunting shall make a reasonable search to retrieve the deer and take it into his or her possession.

B. Nothing in this Section or Article authorizes the act of trespass.

C. It shall be the hunter's responsibility to immediately notify any property owner other than the specific property owner who previously authorized the hunt of the fact that an injured or dead deer is located on his or her property.

D. It shall be the hunter's responsibility to obtain the permission of any property owner upon which an injured or dead deer is located prior to engaging in a reasonable search and retrieval of the deer.

E. In the event that a hunter cannot obtain the permission of a property owner to conduct a reasonable search and retrieval of an injured or dead deer, the hunter shall immediately notify the Ladue Police Department and the Missouri Department of Conservation.

SECTION 18-31: FIELD CLEANING

A. Any person who kills any deer while hunting shall follow all Missouri Department of Conservation guidelines regarding field dressing and processing the animal.

B. Any person who kills any deer while hunting shall take all precautionary measures to avoid field dressing the deer in a public or conspicuous location.

C. Any person who field dresses or otherwise processes a deer shall properly dispose of the discarded organs and/or body parts in plastic bags in private trash depositories or by other appropriate means. Nothing contained herein shall authorize the illegal dumping of solid waste or authorize the illegal dumping of biohazardous waste.

D. The transportation of a carcass along any public right-of-way is prohibited unless it is covered or hidden from public view.

SECTION 18-32: PENALTY FOR VIOLATION

A. Any person, entity or group of individuals who shall perform an act in violation of this Article or who shall fail to follow the rules and/or regulations contained in this Article shall be deemed to have committed a misdemeanor.

B. The penalty for violating any provision of this Article shall be the assessment of a fine, imprisonment or both as provided for and in accordance with Section 1-9, General penalty; continuing violations, of the Ladue Code.

Section 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

PASSED THIS 16TH DAY OF MAY, 2016.

PRESIDENT, CITY COUNCIL

ADOPTED AND APPROVED THIS 16TH DAY OF MAY, 2016.

NANCY SPEWAK, MAYOR

ATTEST:

CITY CLERK