

AN ORDINANCE AMENDING THE MUNICIPAL CODE RELATING TO A DEER CONTROL POLICY AND HUNTING REGULATIONS

WHEREAS, the members of the Board of Aldermen have received numerous reports of property damage due to the increase in the deer population within the Eureka City limits; and

WHEREAS, the Board of Aldermen finds that an increasing deer population within the City constitutes a threat to personal property within the City, and that the continued growth of the deer population within the City also creates a potential hazard to the physical safety of children, homeowners, residents, pedestrians and motorists; and

WHEREAS, to preserve the physical safety of children, homeowners, residents, pedestrians and motorists within the City, and to prevent additional property damage by deer within the City, the Board of Aldermen deems it necessary to enact Deer Control Policy and Hunting Regulations; and

WHEREAS, it is the intent of the Board of Aldermen in enacting the Deer Control Policy and Hunting Regulations to exercise reasonable police power over the growth of the deer population to safeguard the general welfare and safety of the community.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF EUREKA, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

SECTION 1:

The Eureka Municipal Code is hereby amended to enact a new Section 4-.1.4 to be known as *Deer Control Policy and Hunting Regulations*, which shall read as follows:

Section 4-1.4 Deer Control Policy and Hunting Regulations**(a) Definitions.**

As used in this Section, the following terms shall have these prescribed meanings:

ARCHERY DEVICE - Any longbow or compound bow or crossbow.

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, weapon or similar mechanism by whatever name known, which is designed to expel a projectile or projectiles through a gun barrel, tube, pipe, cylinder or similar device by the action of any explosive. The term "FIREARM" shall not apply to devices used exclusively for commercial, industrial or vocational purposes.

PROJECTILE WEAPON - Any bow, crossbow, pellet gun, slingshot or other weapon that is not a firearm, which is capable of expelling a projectile that could inflict serious physical injury or death by striking or piercing a person.

UNDER THE INFLUENCE - Shall be defined by the State regulation applied to motor vehicle operation.

(b) Hunting Regulations.

Following are hunting regulations within the corporate limits of the City of Eureka during deer hunting season set by the Department of Conservation or such other specific time authorized by the City of Eureka.

- (1) Discharging or releasing arrows from archery devices within the City limits is limited to hunting permitted under this Ordinance.

- (2) Prior to any hunting activity under this Section, the property owner and/or hunter shall obtain a permit from the Mayor, after review and recommendation by the Building Commissioner. The property owner and/or hunter shall complete an application on a form supplied by the City which shall include the names of all property owners, the address of the proposed hunt property, the dates and times of the proposed hunting, the names of all proposed hunters, and a copy of the Certificate of Insurance required herein below.
 - (3) Prior to the engagement of any hunting activity, the property owner shall provide to the City, a certificate of insurance or indemnity bond providing evidence of a policy of liability insurance and/or indemnity bond in an amount not less than \$1,000,000 per occurrence insuring or bonding the property owner or not less than \$2,000,000 per occurrence insuring or bonding the designated non-owner hunter. The insurance or indemnity bond of the property owner and the hunter may be combined to reach the minimum limits mandated by this sub-paragraph. Said liability insurance and/or indemnity bond shall provide insurance coverage and/or indemnity for all claims for damages resulting from any act of negligence of the designated hunter or by any agent, assign, employee, independent contractors or licensee of the designated hunter.
 - (4) All current laws of the State of Missouri regarding hunting shall be obeyed within the corporate limits of Eureka, including but not limited to all State regulations issued by the Missouri Department of Conservation.
- (c) Permission To Hunt.
- (1) It shall be unlawful for any person carrying an archery device of any type, to knowingly enter onto the premises of another, or to discharge any of the aforesaid devices while on the premises or property of another without first having obtained a Permit from the City and 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 Section 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) Each hunter on any property upon which the permission to hunt has been granted shall be held responsible for the actions of such other persons to whom such permission has been granted for the same time period 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 or her agent, shall enter any building or enter upon any enclosed or improved real estate, lot or parcel of ground in the City of Eureka; or being upon the property of another shall fail or refuse to leave such property when requested to do so by the owner, lessee, or person in charge of said property.
 - (5) Contiguous neighbors must be notified in writing by the property owner and the property owner must be able to show the appropriate documentation of receipt of the notification of the dates and time periods of the hunts. 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.
 - (6) 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 by calling City Hall during normal business hours or by delivering written notification to the Building Commissioner.

- (7) Prior to discharging an archery device 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.
 - (8) 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 the parking of a vehicle in any manner otherwise prohibited by the Municipal Code.
 - (9) Prior to hunting within the Eureka City limits, every individual seeking to hunt shall provide the Building Commissioner with a certificate of completion of an archery device hunter safety course as approved or provided by the Missouri Department of Conservation.
 - (10) It shall be unlawful for any person to discharge any archery device across any street, sidewalk, road, highway or playground.
- (d) Specific Actions Prohibited.
- (1) It shall be unlawful for any person to discharge an archery device at or in the direction of any person, vehicle, dwelling, house, church, school, playground or building.
 - (2) It shall be unlawful for any person to discharge an archery device within one hundred fifty (150) yards of the property line of any church, school, park, or playground unless the owner of such property has provided express written consent to such discharges of closer proximity at specified dates and time periods. It shall be unlawful for any person to discharge an archery device, within thirty (30) yards of any dwelling, building, structure, or vehicle, unless the owner of such property has provided express written consent to such discharges of closer proximity at specified dates and time periods. Any such consent may be revoked at any time in the discretion of the person providing same, whether verbally or in writing.
 - (3) No arrow or other projectile used to hunt deer pursuant to the 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.
 - (4) No arrow or other projectile used to hunt deer pursuant to the 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.
 - (5) No arrow or other projectile used to hunt deer pursuant to the 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.
 - (6) 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 to any side or rear property line.
 - (7) No hunting is authorized on tracts of land under one (1) acre in area, except that adjacent property owners may combine their parcels to satisfy the property line discharge restrictions set forth herein. All other provisions of the Deer Control Policy shall apply to combined lots.
 - (8) It shall be unlawful for any person under the age of eighteen (18) years old to hunt deer within the City limits of Eureka.

- (9) 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 Eureka.
- (e) Deer Retrieval.
- (1) 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.
 - (2) This Section does not authorize the act of trespass.
 - (3) 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.
 - (4) 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.
 - (5) 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 Missouri Department of Conservation and the Building Commissioner.
 - (6) Any person who kills any deer while hunting shall follow all Missouri Department of Conservation guidelines regarding field dressing and processing the animal.
- (f) Field Cleaning.
- (1) Any person who kills any deer while hunting shall follow all Missouri Department of Conservation guidelines regarding field dressing and processing the animal.
 - (2) 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.
 - (3) 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 bio-hazardous waste.
 - (4) The transportation of a carcass along any public right-of-way is prohibited, unless it is covered or hidden from public view.
- (g) Penalty for Violations.
- (1) Any person, entity, or group of individuals who shall perform an act in violation of this section, or who shall fail to follow the rules and/or regulations contained in this section, shall be deemed to have committed a misdemeanor.
 - (2) The penalty for violating any provision of this section shall be the assessment of a fine up to \$1,000.00 per violation. In addition to any fine imposed herein, the Municipal Court shall have authority to issue a sentence of confinement in jail up to a period of ninety (90) days per violation.

SECTION 2:

The provisions contained herein shall remain in full force and effect in the event the City or the third party Municipal Code codification company the City engages makes non-substantive changes to the language herein contained or section numbers herein referenced.

SECTION 3:

All ordinances, parts of ordinances or provisions of the Municipal Code of the City of Eureka in conflict with any provisions of this ordinance are hereby repealed.

SECTION 4:

This ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED AND APPROVED THIS 3RD DAY OF SEPTEMBER , 2019.

(Original with signature on file)

Sean M. Flower, Mayor

ATTEST:

(Original with signature on file)

Craig E. Sabo, City Clerk