

Date..... September 11, 2006

An Ordinance entitled "AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance No. 13,999 passed September 24, 2001, and Ordinance No. 14,131 passed August 5, 2002, and Ordinance No. 14,524 passed December 19, 2005 by amending Section 70-84 thereof, relating to bow hunting",

which was considered and voted upon under Roll Call No. 06-1688 of August 21, 2006; again presented.

Moved by _____ that this ordinance be considered and given second vote for passage.

(Second of three required readings)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
HENSLEY				
MAHAFFEY				
KIERNAN				
VLASSIS				
TOTAL				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED

APPROVED

.....Mayor

_____ City Clerk



**Council
Communication**
Office of the City Manager

Date

August 21, 2006

Agenda Item No. 41

Roll Call No.

06-1688

Communication No. 06-548

Submitted by: Donald M. Tripp, Park and Recreation Director

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AGENDA HEADING:

First Reading of the ordinance amending Chapter 70 of the Municipal Code to allow for expanded bow hunting for deer within the City of Des Moines.

SYNOPSIS:

Recommend approval of various ordinance changes in order to adopt the recommendations of the joint Deer Management Task Force regarding expanded bow hunting for deer within the City limits. This action is recommended in response to various complaints that were received last year by both staff and Council members regarding the urban deer population. The recommendations of the task force are outlined below.

FISCAL IMPACT: NONE

Amount:

Funding Source:

ADDITIONAL INFORMATION:

For the past several months a committee composed of City staff (Legal and Park), Iowa Department of Natural Resources, and Polk County Conservation Board have been meeting with the Polk County Deer Management Task Force to explore changes to the Municipal Code related to bow hunting in order to significantly impact the size of the deer herd. The recommendations of this group are as follows:

1. In section b subsection (3) the distance a hunter can carry an uncased bow is reduced from 200 feet to 100 feet. The reduction in distance eliminates the technicality of having an uncased bow within 200 feet of a residence when hunting from a deer stand that is under 200 feet from a residence. This amendment is not intended to allow persons to openly carry bows on City streets. It will, however, allow qualified hunters participating in the Polk County Deer Management Program to hunt in accordance with the City of Des Moines ordinances.
2. Subsection (4) is added so that the Park and Recreation Department Director is authorized to issue a waiver of the 100-foot distance requirement in subsection (b)(3). This can only be done after a thorough on-site inspection is made by an inspection team composed of two (2) City of Des Moines Parks & Recreation staff, one (1) City of Des Moines Animal Control staff, one (1) Iowa Department of Natural Resources staff, and (1) Polk County Conservation Board staff. The charge of this inspection team is to determine if a site requesting to participate in the Deer

Management program can safely be hunted, and if a favorable recommendation to the Park Director can be made. Ultimately, the Park Director will determine issuance of the waiver.

3. Section (b) subsections (5, 6, and 7) have only changed in their respective numerical order due to the addition of subsection (4).

PREVIOUS COUNCIL ACTION(S):

Date: December 19, 2005

Roll Call Number: 05-3018

Action: Amending Chapter 70 of the Municipal Code to allow the Park & Recreation Director to permit deer hunting in City Parks. (Council Communication No. 05-736) Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Brooks

Date: July 26, 1999

Roll Call Number: 99-2334

Action: Amending Chapter 17 of the Municipal Code regarding deer hunting. (Council Communication No. 99-330) Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Date:

Roll Call Number:

Action:

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Second and third readings of the ordinance.

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ORDINANCE NO. _____

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance No. 13,999 passed September 24, 2001, and Ordinance No. 14,131 passed August 5, 2002, and Ordinance No. 14,524 passed December 19, 2005 by amending Section 70-84 thereof, relating to bow hunting.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance No. 13,999 passed September 24, 2001, and Ordinance No. 14,131 passed August 5, 2002, and Ordinance No. 14,524 passed December 19, 2005 is hereby amended by amending Section 70-84 relating to bow hunting, as follows:

Sec. 70-84. Hunting.

- (a) No person shall pursue, hunt, kill, snare, net, search for, shoot at, stalk, or lie in wait for any game, animal, or bird with an airgun, BB gun, firearm, bow and arrow, or any other thrown or propelled device within the city limits except as provided in subsections (b), (c) and (d) of this section, and sections 70-81(d) and 22-101 of this code.
- (b) Licensed bow hunters meeting the requirements established by the state department of natural resources (DNR) may hunt antlerless deer within the areas designated as the "Des Moines Special Deer Management Zones" on public or private property, under all the following conditions:
 - (1) Hunting may occur only on dates designated by the DNR as bow hunting season in the Des Moines Special Deer Management Zone (zone) by persons who are at least 18 years of age and licensed for such hunting, and this license must be carried on his or her person;
 - (2) Hunters must have written permission from the property owner and must carry that written permission form on his or her person and the portion of the special deer management zone map which verifies that the property is within the zone;
 - (3) Hunters cannot carry an uncased bow within ~~200~~100 feet of any residence or within 75 feet of any trail, road or

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building;

- (4) Upon application of the property owner, the director of the park and recreation department may issue a permit which waives the 100 feet residency requirement as provided in subsection (b)(3) of this section and provide for a lesser distance. Such waiver permit may be issued only after an on-site inspection by the park and recreation department and a determination by the director that the hunt may be safely performed. Such waiver permit may include special hunt restrictions to ensure the safety of the hunt and must adhere to the distance requirements provided in subsection (b)(3) of this section from adjoining properties;
 - (45) Hunters must take all shots from an elevated stand and shoot no further than 25 yards;
 - (56) Hunters must comply with all rules of the state department of natural resources for hunting in such zone; and
 - (67) Hunters must take all deer meat to be processed or given to charity.
- (c) Hunting may occur in Des Moines Water Works Park according to the requirements of this Code if permitted by resolution of the city water works board of trustees, which resolution may impose greater restrictions than are provided in this Code. No hunting may occur in any other park owned by the city and operated by the park and recreation department except during the dates designated by the DNR as bow hunting season within the areas designated as the "Des Moines Special Deer Management Zones" only by written permit issued by the park and recreation director, which permit may limit the dates, time of day and area that hunting is allowed. No hunting may occur within 75 feet of any city-owned recreational trail or on any other property owned or leased by the city, other than the water works park, except as provided in section 22-101 of this code.
- (d) Licensed bow hunters meeting the requirements established by the state department of natural resources (DNR) may hunt antlered deer within the areas designated as the special deer management zones on public or private property, under all the following conditions:
- (1) All conditions listed in subsection (b) above must be met.
 - (2) A limited number of antlered deer may be taken according to an incentive program that may be adopted by the county deer task force and approved by the state department of natural resources (DNR).
- (e) Any violation of this section is punishable as provided in section 1-15 of this Code.

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Sec. 2. This ordinance shall be in full force and effect from
and after its passage and publication as provided by law.

FORM APPROVED:

Ann DiDonato
Ann DiDonato
Assistant City Attorney