

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF CHESTERFIELD, MISSOURI, BY ADDING A NEW CHAPTER RELATING TO A DEER CONTROL POLICY AND DEER HUNTING REGULATIONS.

WHEREAS, the City Council of the City of Chesterfield, Missouri, has received numerous reports of property damage due to the increase in the deer population within the corporate boundaries of Chesterfield and adjoining municipalities, and

WHEREAS, the City Council of the City of Chesterfield, Missouri, finds that an increasing deer population within the corporate boundaries of Chesterfield and adjoining municipalities constitutes a threat to personal property within the City and that the continued growth of the deer population within the corporate boundaries of Chesterfield and adjoining municipalities also creates potential hazard to the physical safety of children, homeowners, residents, pedestrians and motorists, and

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

WHEREAS, in order to preserve the physical safety of children, homeowners, residents, pedestrians and motorists within the City of Chesterfield, and in order to prevent additional property damage by deer to residences within the City of Chesterfield, the City Council hereby enacts the following Deer Control Policy and Hunting Regulations.

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

Section 1. Notwithstanding any other Ordinance relating to the discharge of firearms of the City of Chesterfield, the Municipal Code of the City of Chesterfield, Missouri, is hereby amended by adding a new CHAPTER: *DEER CONTROL POLICY AND HUNTING REGULATIONS*.

SECTION 1: DEFINITIONS. As used in this Section the following terms shall have these prescribed meanings:

ARCHERY DEVICE: Any longbow or compound bow.

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

FIREARM: (a) The term “firearm” as is used in this Ordinance means any rifle, shotgun, weapon or similar mechanism by whatever name known, which is designed to expel a projectile or projectiles through a gunbarrel, 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.

(b) The term “projectile weapon” means 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: Under the influence shall be defined by the state regulation applied to motor vehicle operation.

SECTION 2: ESTABLISHING REGULATIONS of hunting within the corporate limits of the City of Chesterfield during deer hunting season set by the Department of Conservation or such other specific time authorized by the City of Chesterfield.

- a. Discharging or releasing arrows from Archery Devices, or crossbows, within the city limits is limited to hunting permitted under this Ordinance.
- b. Prior to any hunting activity under this section, the property owner shall notify the Chesterfield Police Department of his or her intent to hunt on his or her property. The notification shall include the names of all property owners, the address of the proposed hunt property, the dates of the proposed hunt, and the names of all proposed hunters. In addition to the foregoing, the property owner shall complete a *Notification of Intent to Hunt* form and return said form to City Hall prior to engaging in or permitting any hunting activity on his or her property.
- c. 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 \$2,000,000 per occurrence insuring or bonding the property owner and/or the designated hunter. The indemnity 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.
- d. All current laws of the State of Missouri as regards to the regulations of hunting shall be obeyed within the corporate limits of Chesterfield.

- 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, or crossbow, of any type, to knowingly enter into the premises of another, or to discharge any of the aforesaid devices, or crossbows, 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 Section shall not apply to a person carrying, or discharging such a device, or crossbow, 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 Chesterfield; 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 and the property owner must be able to show the appropriate documentation of receipt of the notification of the approximate date and time period of the hunt. For purposes of this sub-section, 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 by calling Chesterfield 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.
- j. Prior to hunting within the city limits of Chesterfield, every individual seeking to hunt shall provide a certificate of completion of an archery device, or crossbow, hunter safety course as approved or provided by the Missouri Department of Conservation.

SECTION 3: SPECIFIC ACTIONS PROHIBITED/REQUIRED.

- a. It shall be unlawful for any person to discharge any archery device, or crossbow, from across any street, sidewalk, road, highway or playground.
- b. It shall be unlawful for any person to discharge an archery device or crossbow, at or in the direction of any person, vehicle, dwelling, house, church, school, playground or building.
- c. It shall be unlawful any person to discharge an archery device, or crossbow, within one hundred fifty (150) 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 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.

- e. 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.
- f. 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.
- 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 one (1) acre in area, except that adjacent property owners may combine their parcels to satisfy the property line discharge restrictions contained in Sections (e) and (g) herein. All other provisions of the Deer Control Policy shall apply to combined lots.
- i. It shall unlawful for any person under the age of eighteen (18) years old to hunt deer within the city limits of Chesterfield.
- 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 Chesterfield.

Section 4: 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. This section does not authorize 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 Missouri Department of Conservation.

Section 5: 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 bio-hazardous 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 6: PENALTY FOR VIOLATION

- a. 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.
- b. 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. Each individual violation may be punishable separately as determined by the Municipal Judge.

Section 2. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed and held for naught.

Section 3. Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any Court, or any right acquired or liability incurred, or any cause or causes of action acquired or existing under any act or Ordinance hereby amended.

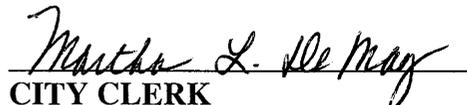
Section 4. Except as amended herein, Title II of the Municipal Code, City of Chesterfield, Missouri, shall be and will remain in full force and effect.

Section 5. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed and approved this 21st day of November, 2005.


MAYOR

ATTEST:


CITY CLERK

Suggested Actions for Property Owner Authorizing a Deer Hunt on Their Property

- 1) Contract an experienced archery hunter aged eighteen or older (as directed by City Ordinance).
- 2) Obtain a commitment from the hunter of his/her willingness to harvest does.
- 3) Verify the hunter's liability insurance.
- 4) Verify your liability insurance (as directed by City Ordinance, i.e. this insurance requirement of \$2 million can be a combination of \$1 million held by the hunter and \$1 million by the property owner.)
- 5) Review with hunter the tree stand location to ensure it kill provide for shooting down only (as directed by City Ordinance).
- 6) Determine how close the deer are to be before an arrow is released, i.e. suggested maximum distance 20 yards.
- 7) Have the hunter sign a liability release for any damage that might occur to him/her while on your property. Review with the hunter any hazards on your property, i.e. sink holes, etc. including walking path easements. A map with these areas indicated may be appropriate.
- 8) Notification of neighbors (as directed by City Ordinance).
- 9) Verify hunter has a state license.
- 10) Hunter is to wear identification at all times on your property.
- 11) Hunter's vehicle is to be parked on landowners' property (refer to City Ordinance for details).
- 12) It is suggested only one hunter on your property at any given time
- 13) Be sure the hunter knows and understands your boundary lines.
- 14) Reach understanding on what disposition of arrows will be made of any wayward arrows. Verify the hunter's arrows are identified with his/her 9-digit Missouri Department of Conservation identification number (refer to City Ordinance for details).
- 15) Get a commitment for disposition of harvested deer, i.e. will the hunter assume all responsibility including costs? (refer to City Ordinance for details)
- 16) Suggested questions to ask hunters:
 - Verify hunter has received a copy of the City Ordinance
 - How long have you been hunting deer?
 - Have you harvested deer in the past?
 - Have you completed a hunter safety course?
 - Do you possess the proper permits?
 - How many deer did you harvest last year? How many were does?
 - How many deer are you willing to take?
 - Are you willing to take antlerless deer?
 - When will you be hunting? What dates? Morning? Evening? Weekday? Weekend?
 - Are you going to call before hunting?
 - Will you be bringing anyone with you?
 - Who should I call in case of emergency?
 - What kind of car do you drive?

NOTIFICATION OF INTENT TO HUNT

The undersigned property owner(s), after having the opportunity to fully read and understand the City of Chesterfield Deer Control Policy, hereby notifies the City of Chesterfield Police Department of his/her intent to permit archery hunting on the following property:

Property Owner's Name(s) 1. _____ 2. _____ 3. _____

Address(es)) 1. _____ 2. _____ 3. _____

Address(es) of Property to be hunted _____

Hunter's Name(s) _____ D.O.B. _____

Dates of Proposed Hunt _____

The Property owner(s) further certifies the following

Yes

No

I (We) have provided a certificate of insurance in the aggregate amount of \$2,000,000.00 to the Police Department which provides liability coverage for the hunting activity.

I (We) have reviewed and understand the regulations of the Deer Control Policy.

I (We) have provided a certificate of completion of an archery device hunter safety course as approved or provided by the Missouri Department of Conservation.

I (We) have received a copy of "Suggested Actions for Property Owners".

All hunters on my property shall be at least 18 years of age.

The property on which the hunt shall occur consists of at least 1 acre or a combination of more than one property owner.

I (We) shall notify all contiguous property owners of the hunt.

I (We) or my designated agent (i.e. hunter), shall notify the Chesterfield Police Department within 2 business days of any deer harvested.

If more than one property is involved in a combined hunt, all property owners must sign the indemnity clause and waiver below.

INDEMNITY CLAUSE AND WAIVER

I/We, _____, in consideration of being authorized to hunt within the corporate limits of the City of Chesterfield, agree to abide by the terms and conditions of the Deer Control Policy, as well as all State regulations concerning deer hunting, and I further agree to indemnify and hold harmless the City of Chesterfield, for any and all claims which may arise from the hunting activity on my property, whether such claim is based on property damage or personal injury, or whether or not the claim is based on my activity, the activity of my agents or assigns, or if the claim arises on property other than my own, including acts of negligence, and I further agree that this indemnity clause includes the reimbursement to the City of Chesterfield for any and all costs of defense, including court costs and attorney fees, in the event that the City is named as a defendant.

Signature _____ Date _____

Signature _____ Date _____

Signature _____ Date _____

**PROCEDURAL LIST FOR
HUNTING SEASON
(For Police Department Use Only)**

- Accept from homeowner only - signed/dated *Notification of Intent to Hunt* form confirming that all questions asked were checked affirmatively.

- Ask the person submitting *Notification of Intent to Hunt* if the homeowner and/or they are familiar with all requirements of Ordinance 04-20?

- Confirm that included in the submittals or previous submittals is sufficient insurance coverage.

- Confirm that included in the submittals or previous submittals is information regarding the hunter, i.e. name; address; make, model and year of their automobile that might be parked at the authorizing party's home; bowhunter's certification. The certification number is not to be published. This information is to be provided to the Captain of Police Operations.

- If a request is made for information about the hunter, only the name and address will be provided.

- If someone calls to complain about someone hunting on property adjacent to their property and they were not notified of this intent to hunt, have them fill out the Deer Hunt Complaint Form. An investigation will be made regarding the complaint by the appropriate authority, i.e. police, City Attorney, Department of Conservation, etc.



NEIGHBORHOOD POLICY
DEER HUNTING

CONTIGUOUS NEIGHBOR NOTIFICATION

I have been notified in writing by:

(Name)

(Address)

That they plan to bow hunt on their property during archery season September 15-January 15, 2006.

The hunter(s) having permission to hunt in accordance with Chesterfield Ordinance 2217

May

May Not

Enter my property for the sole purpose of deer retrieval.

Name

Address

Date
