

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF CLARKSON VALLEY, MISSOURI, IN TITLE II: PUBLIC HEALTH, SAFETY AND WELFARE, BY ADDING A NEW CHAPTER 206: DEER CONTROL POLICY AND HUNTING REGULATIONS.**

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CLARKSON VALLEY, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

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

WHEREAS, the Board of Aldermen of the City of Clarkson Valley, Missouri, finds that an increasing deer population within the corporate boundaries of Clarkson Valley 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 Clarkson Valley and adjoining municipalities also creates potential hazard to the physical safety of children, homeowners, residents, pedestrians and motorists, and

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

FURTHERMORE, it is the intent of the Board of Aldermen of the City of Clarkson Valley, 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.

**SECTION 1:** The Municipal Code of the City of Clarkson Valley, Missouri, is hereby amended in TITLE II: PUBLIC HEALTH, SAFETY AND WELFARE, by adding a new **CHAPTER 206: DEER CONTROL POLICY AND HUNTING REGULATIONS.**

**SECTION 206.010: 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:** Any rifle, shotgun, pistol, crossbow 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. The regulations contained within this Section shall not be applicable to Police Officers, military or other licensed security agents as regards the performance of their duties.

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

**SECTION 206.020: ESTABLISHING REGULATIONS OF HUNTING** within the corporate limits of the City of Clarkson Valley during deer hunting season set by the Department of Conservation.

a. The use of or discharge of firearms is prohibited in the City of Clarkson Valley.

b. Discharging or releasing arrows from Archery Devices within the city limits is limited to hunting permitted under this Ordinance.

c. Prior to any hunting activity, the property owner shall notify City Hall 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.

d. 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.

e. All current laws of the State of Missouri as regards to the regulations of hunting shall be obeyed within the corporate limits of Clarkson Valley.

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

g. Permission to hunt

1. It shall be unlawful for any person carrying an archery device of any type, to knowingly enter into the premises of another, or to discharge any of the aforesaid 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 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. 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 upon any building or enter upon any enclosed or improved real estate, lot or parcel of ground in the City of Clarkson Valley; 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.

h. 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 Clarkson Valley City Hall during normal business hours or by delivering written notification to City Hall.

i. 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.

j. 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.

k. Prior to hunting within the city limits of Clarkson Valley, every individual seeking to hunt shall provide a certificate of completion of an archery device hunter safety course as approved or provided by the Missouri Department of Conservation.

**SECTION 206.030: SPECIFIC ACTIONS PROHIBITED/REQUIRED.**

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

b. It shall be unlawful for any person to discharge an archery 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 within two-hundred (200) yards of any church, school, or playground. 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 hunter has previously received express authority to discharge the archery device 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 Section 206.030(c) and (g). All other provisions of the Deer Control Policy shall apply to combined lots.

i. It shall be unlawful for any person under the age of eighteen (18) years old to hunt within the city limits of Clarkson Valley.

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 Clarkson Valley.

**Section 206.040 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 206.050 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 206.060 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.

**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 Clarkson Valley, 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.

**PRESENTED, APPROVED AND PASSED BY A MAJORITY OF THE BOARD OF ALDERMEN this 5th day of October 2004.**

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Scott Douglass  
Mayor  
City of Clarkson Valley

**PRESENTED BUT RETURNED this 5th day of October 2004.**

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Scott Douglass  
Mayor  
City of Clarkson Valley

ATTEST:

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City Clerk