

AN ORDINANCE AMENDING CHAPTER 17 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, BY ADOPTING A NEW SECTION 17-104 RELATING TO URBAN DEER HUNTING

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CAPE GIRARDEAU, MISSOURI, AS FOLLOWS:

ARTICLE 1. A new Section 17-104 of the Code of Ordinances of the City of Cape Girardeau, Missouri, is hereby enacted relating to Urban Deer Hunting, and the discharge of firearms, and shall read as follows:

Sec. 17-104. - Urban Deer Hunting and the Discharge of Firearms.

(a) Establishing Regulations.

This Section establishes regulations of hunting within the limits of the City of Cape Girardeau during Archery (deer only) hunting season as set annually by the Department of conservation or such other specific time authorized by the City of Cape Girardeau.

(b) General Provisions:

- (1) Discharging or releasing arrows from archery devices, or crossbows within the city limits is limited to hunting ~~and target shooting~~ permitted under this ordinance.
- (2) The use of or discharge of firearms is prohibited in the City of Cape Girardeau. Crossbows may only be discharged when compliance with rules set out by the Department of Conservation are met.
- (3) The archery hunt shall conform to all state regulations as defined by the Missouri Department of Conservation though limited to whitetail deer only.
- (4) It is the responsibility of the hunter to wear hunter orange during the managed hunt,

which includes a hat and shirt, vest, or coat. The hunter orange must be visible from all sides. Camouflage orange does not satisfy this requirement.

- (5) It shall be unlawful for any person to hunt without proper permits issued from the State of Missouri or to hunt in any location other than the land designated for the managed hunts.
- (6) In addition to any requirements imposed by the Missouri Department of Conservation regulation, any individual who successfully harvests a deer during the hunt must report the hunter's name, sex of the deer, and the location of the harvest within two (2) business days by calling the Cape Girardeau Police Department during normal business hours or by delivering written notification to the Cape Girardeau Police Department.
- (7) 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.
- (8) All properties involved in the managed hunt which are enumerated in subparagraph (b)(12) herein below shall have designated parking areas for use by the hunters permitted to hunt on that property. All hunters shall use the appropriate designated parking area while in the field.
- (9) 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. It is the responsibility of the hunter to mark each elevated stand with a tag that lists the hunter's Missouri Department of Conservation identification number. The tag must be located within five (5) feet from

the ground to ensure the ability to check from the ground position. Elevated stands are allowed to be placed on the first eligible day of hunting and must be removed from the property at the completion of the final eligible day of hunting.

- (10) Permits will be valid for the harvest of two (2) deer, one of which must be antlerless, and the other may be of either sex. Hunters are responsible to harvest an antlerless deer first, and then may harvest a second deer of either sex.

- (11) Permits will be issued by the Missouri Department of Conservation using a lottery system. Permits will be issued for five (5) periods of seven (7) consecutive days, beginning on November 1 and ending on December 5 of each year. The first period is November 1 to 7; the second period is November 8 to 14; the third period is November 15 to 21; the fourth period is November 22 to 28; and the fifth period is November 29 to December 5. Application schedules and other application requirements will be in accordance with the rules of the Missouri Department of Conservation. A maximum of eight (8) hunters will be selected by that process for each of those seven (7) day periods, unless otherwise required by Department rules.

- (12) Each of the hunters selected using the process set out in subparagraph (11) herein above is required to attend an orientation meeting hosted by the City of Cape Girardeau on a date determined by City staff. Failure to attend the orientation meeting will invalidate the permit issued. During the orientation meeting, each applicant will randomly draw a location for the property they are designated to hunt. The five (5) designated properties for the managed deer hunt are Twin Trees Area 1, Twin Trees Area 2, Cape Rock Area 1, Fountain Park Area 1, and Delaware Park Area 1. As a result of that random selection process at the City orientation meeting, three (3) hunters will

be placed in Twin Trees Area 1 each week, two (2) hunters will be placed in Twin Trees Area 2 each week, and one (1) hunter will be placed in each of the other three (3) areas each week, unless the rules of the Department of Conservation require otherwise.

- (13) All designated hunting properties will be closed to the public during the managed deer hunt and will be marked around the perimeter with no trespassing signs.

c) Specific Actions Prohibited

- (1) It shall be unlawful for any person to discharge any archery device, or crossbow, from across any street, sidewalk, road, highway or playground.
- (2) It shall be unlawful for any person to discharge an archery device or crossbow, at any person, vehicle, dwelling, house, church, school, playground or building.
- (3) No arrow or other projectile used to hunt deer within the city limits of Cape Girardeau 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 within the city limits of Cape Girardeau 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, or within seventy-five (75) feet of any residential property line.
- (5) It shall be unlawful for any person under the age of eighteen (18) years old to hunt deer within the city limits of Cape Girardeau. ~~, unless such person is in the immediate presence of a properly licensed adult hunter who is eighteen (18) years of age or older and has in his/her possession a valid hunter education certificate card, or who was born before January 1, 1967.~~

- (6) No person shall possess, consume or be under the influence of alcohol or any other controlled substance while engaged in the hunting activities within the city limits of Cape Girardeau.

(d) Hunting Permits

- (1) No person shall engage in hunting within the city limits of Cape Girardeau without obtaining a designated Missouri Archery Permit issued by the Missouri Department of Conservation for the authorized managed deer hunt and hunt areas.
- (2) Every person hunting pursuant to this section must attend a City of Cape Girardeau orientation class on the rules of the Cape Girardeau deer hunt and the rules of the Missouri Department of Conservation, and receive a designated hunting area from one of the five areas set out in subparagraph (b)(12) using the herein above random selection process.

(e) Deer Retrieval

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.

- (1) This section does not authorize the act of trespass.
- (2) It shall be the hunter's responsibility to immediately notify any property owner of the fact that an injured or dead deer is or might be located on his or her property.
- (3) It shall be the hunter's responsibility to obtain permission to enter the property of any property owner upon which an injured or dead deer is located prior to engaging in a reasonable search or retrieval of the deer.
- (4) In the event that the 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 ~~a City Nuisance Abatement Officer~~ the Cape Girardeau Police Department.

(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 not field dress the deer in a public or conspicuous location.

(g) Interference with lawful hunting; failure to obey police officer.

- (1) No person may intentionally interfere with the lawful hunting or taking of deer authorized by this section.
- (2) No person may intentionally harass, drive, or disturb any deer for the purpose of disrupting lawful hunting of deer authorized by this section.
- (3) No person may enter or remain in a hunting area where lawful hunting of deer may occur with the intent to interfere with the lawful hunting of deer authorized by this section.
- (4) A police officer who reasonably believes that a person has interfered with the lawful hunting authorized by this section may order the person to desist. Failure to obey the order from a police officer to desist from such interference is a violation punishable as set out in this section.
- (5) No person may intentionally interfere with a City or State sponsored official count of the deer population, or with any City approved control methods of the deer population

(h) Penalties

Any person violating any provision of this section shall upon conviction be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or by imprisonment for not more than ninety (90) days, or both, for each offense.

ARTICLE 2. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

ARTICLE 3. This Ordinance shall be in full force and effect ten (10) days after its passage and approval and shall expire December 31, 2021.

PASSED AND APPROVED this _____ day of _____, 2021.

Bob Fox, Mayor

ATTEST:

Bruce Taylor, Deputy City Clerk