

ORDINANCE 610

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF EVANSDALE, IOWA, BLACK HAWK COUNTY, BY AMENDING PROVISIONS PERTAINING TO HUNTING

BE IT ENACTED by the City Council of the City of Evansdale, Iowa:

SECTION 1. SECTION MODIFIED. Section 54.02 of the Code of Ordinances of the City of Evansdale, Iowa, Black Hawk County, is repealed and the following adopted in lieu thereof:

54.02. HUNTING ON PRIVATE PROPERTY. Hunting on private property which is zoned as agricultural land or open space and/or classified by the County Assessor of the county in which the land is located as agriculture land or forest preserve and with the permission of the landowner; and

1. Which is a minimum of twenty (20) contiguous acres or more in size and the hunting activity is for turkey and is done in accordance with the Code of Iowa and the administrative rules adopted by the Iowa Department of Natural Resources; and/or

2. Which is primarily agricultural land and the hunting activity is for deer and is done in accordance with the Code of Iowa and the administrative rules adopted by the Black Hawk County Deer Management Task Force; and/or

3. Which is a minimum of twenty (20) contiguous acres or more in size and the hunting activity is for all other small game animals other than deer, turkey, or migratory waterfowl and is done using a shotgun with shot ammunition and in accordance with the Code of Iowa and the administrative rules adopted by the Iowa Department of Natural Resources; and/or

4. Which is a minimum of twenty (20) contiguous acres or more in size and the hunting activity is for migratory waterfowl and is done using a shotgun with shot ammunition and in accordance with the Code of Iowa and the administrative rules adopted by the Iowa Department of Natural Resources; and

5. Which follows all rules and regulations imposed by the Code of Iowa and the Iowa Department of Natural Resources, including, but not limited to, all licensing provisions of the Iowa Department of Natural Resources; and

6. Which follows all rules and regulations imposed by the Code of Iowa and the Iowa Department of Natural Resources regarding the use of a firearm, bow and arrow or other legal instrument of hunting which relate to the use of such legal instruments of hunting at or near an occupied or unoccupied structure; and

7. Which follows all rules and regulations imposed by the Code of Iowa and the Iowa Department of Natural Resources regarding the use of firearm, bow and arrow, or other legal instrument of hunting which relate to the use of such legal instruments in respect to discharging of a weapon on or over any public waters, highways or railroad rights-of-way or from a road right-of-way.

SECTION 2. SECTION MODIFIED. Section 54.03 of the Code of Ordinances of the City of Evansdale, Iowa, Black Hawk County, is repealed and the following adopted in lieu thereof:

54.03 HUNTING ON PUBLIC PROPERTY. Hunting on public property which has been declared by special provision by the Iowa Department of Natural Resources and/or Black Hawk County Deer Management Zone Task Force and approved by the City Council, or by direct approval of the City Council designating a special animal management zone and/or otherwise mentioned herein; and

1. Which lies in a special hunting zone as declared by the Iowa Department of Natural Resources and/or Black Hawk County Deer Management Zone Task Force and approved by the City Council and whose boundaries are described elsewhere herein and/or delineated on a map on file in the office of the City Clerk; and
2. Which follows all rules and regulations imposed by the City Council, the Code of Iowa, and the Iowa Department of Natural Resources including, but not limited to, all licensing provisions of the Department of Natural Resources; and
3. Which follows all rules and regulations imposed by the City Council, the Code of Iowa and the Iowa Department of Natural Resources regarding the types of weapons and ammunition allowed for use in the declared special hunting zone; and
4. Which follows all rules and regulations imposed by the Code of Iowa and the Iowa Department of Natural Resources regarding the use of firearm, bow and arrow or other legal instrument of hunting which relate to the use of such instruments of hunting at or near an occupied or unoccupied structure; and
5. Which follows all rules and regulations imposed by the Code of Iowa and the Iowa Department of Natural Resources and/or Black Hawk County Deer Management Zone Task Force regarding the use of a firearm, bow and arrow or other legal instrument of hunting which relate to the use of such legal instruments of hunting in respect to discharging of a weapon on or over any public waters, highways or railroad rights-of-way or from a road right-of-way..
6. All hunters participating in this program must apply for and receive a City of Evansdale hunting permit from the Chief of Police. The City reserves the right to refuse to issue the permit due to any criminal convictions or permit denials, suspensions, or revocations by another government entity. In order to receive the permit, a hunter must present a valid State of Iowa hunting license and show proof of the following:
 - A. Successful completion of a one time bow hunter safety education course approved by the International Bowhunter Education Foundation (IBEF).
 - B. Successful completion of an authorized archery proficiency test using the bow with which the hunter will use to hunt. Testing must be taken at a National Field Archery Association approved indoor lane and administered by a certified IBEF instructor. Testing must be performed under rules approved by the City. The proficiency test must be successfully completed each hunting season.
 - C. Any other requirement imposed by the Black Hawk County Deer Management Zone Task Force and/or the Chief of Police.
7. All individuals hunting under a City of Evansdale permit shall follow all procedures and regulations established by the DNR and/or Black Hawk County Deer

Management Zone Task Force and applicable to deer hunting and special deer management zones. In addition, hunters shall abide by the following requirements:

- A. Hunters must meet with the City's Zone Manager to review the rules and boundaries prior to hunting.
 - B. All hunters must check in with the City prior to entering the approved area to hunt.
 - C. All shots must be made from an elevated stand and shall not be made in excess of twenty-five (25) yards from the hunter's location.
 - D. Elevated stands on public land shall be portable with no screw in steps allowed.
 - E. Elevated stands shall be located not less than two hundred feet (200') from a residence or building and shall be located not less than seventy-five feet (75') from a trail, road, or highway.
 - F. A hunter shall carry a bow in a case while traveling to and from the elevated stand site.
 - G. A hunter shall not dispose of deer entrails in a conspicuous place on public property.
 - H. All deer taken shall be processed for meat or the meat given to charity.
 - I. If a hunter wounds a deer and is unable to locate the deer, the hunter shall report this to the City animal control officer within twelve (12) hours of the wounding.
 - J. While engaged in hunting, the hunter shall carry all necessary State, County and City hunting licenses and permits.
 - K. A Black Hawk County Deer Management Zone Antlerless license shall be required for each deer harvested.
 - L. If necessary to cross private property to access an approved area, permission must be obtained by the hunter from the property owner who has agreed to allow access.
 - M. Hunters must remove themselves from any harassment situation and immediately report the incident to the City's zone manager.
 - N. The Mayor may promulgate additional regulations, not inconsistent with this section, to administer this program and/or ensure the safety of the public.
 - O. Failure to abide by the requirements of this section or any additional regulations promulgated by the Mayor may result in the suspension or revocation of the permit issued by the City.
8. Designation of a special zone within City park lands shall be first referred to the City Parks and Recreation Board for approval and then may be established by resolution of the City Council. Designation of a special zone on other City owned lands shall be by resolution of the City Council.
9. Designation of a special deer management zone on private property shall be considered if an application to create such a zone is approved by and complies with the regulations and standards promulgated by the City of Evansdale City Council and Black Hawk County Deer Management Task Force. Upon such an approval, a special zone may

be established by a resolution of the City Council, subject to the regulations provided herein and such additional conditions as the City Council provides by said resolution.

10. Harvesting of deer shall be allowed within this zone solely by bow and arrow during restricted time periods and under permitted conditions as established by the Black Hawk County Deer Management Task Force and in accordance with the Code of Iowa and the administrative rules adopted by the Iowa Department of Natural Resources, and pursuant to the guidelines set out in this section. The harvest periods and hours shall be fixed by the Black Hawk County Deer Management Task Force.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

PASSED AND APPROVED BY THE EVANSDALE CITY COUNCIL ON THIS 19th DAY OF OCTOBER, 2010 AND ADOPTED THIS 19th DAY OF OCTOBER, 2010.

First Reading: 10/05/2010
Second Reading: 10/19/2010
Third Reading: Waived

Chad Deutsch, Mayor

ATTEST:
Becky Walters, City Clerk