

ORDINANCE 605

AN ORDINANCE AMENDING THE CITY MUNICIPAL CODE OF THE CITY OF EVANSDALE, IOWA, 2009, ADDING CHAPTER 54 - "HUNTING"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSDALE, IOWA:

CHAPTER 54 - "HUNTING":

For the purposes of preserving ecological integrity by controlling animal populations within the city corporate boundaries and adjacent communities, providing recreational opportunities for residents, and the overall health, safety and welfare of the general population, this section hereby declares that it shall be unlawful for any person to engage in hunting activity within the corporate city limits using a rifle, shotgun, bow and arrow or any other means either on public or private property, on land or in the water, except as follows:

- A. 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 deer or 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 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
 3. 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
 4. 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
 5. 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 relates to the use of such legal instruments of hunting at or near an occupied or unoccupied structure; 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 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; or

- B. On public property which has been declared by special provision by the Iowa department of natural resources and approved by the city council of the city of Evansdale, or by direct approval of the city council of the city of Evansdale 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 approved by the city council of the city of Evansdale 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 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
4. All hunters participating in this program must apply for and receive a City of Evansdale hunting permit. The City of Evansdale 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 of Evansdale. The proficiency test must be successfully completed each hunting season.
5. All individuals hunting under a City of Evansdale permit shall follow all procedures and regulations established by the DNR 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 hunter coordinator 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 of Evansdale 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 state 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 hunting coordinator.
 - n. The mayor or designee 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 or designee may result in the suspension or revocation of the permit issued by the City of Evansdale.
6. Designation of a special zone within city park lands shall be first referred to the city of Evansdale park 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.
7. 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 Iowa DNR and Black Hawk County conservation board. Upon such an approval, a special zone may be established by a resolution of the city council, subject to the regulations and ordinances provided herein and such additional conditions as the city council provides by said resolution.
- C. 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 conservation board

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 subsection D as follows:

1. The harvest periods and hours shall be fixed by the Black Hawk County conservation board.

SECTION 2. REPEALER. All Ordinances or parts of Ordinances in conflict with the provision of this Ordinance are hereby repealed.

SECTION 3. SAVINGS CLAUSE. If any section, provisions, sentence, clause, phrase, 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 provision, section, subsection, sentence, clause, phrase, or part hereof not adjudged invalid or unconstitutional.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, adoption, and publication as required by law.

First Reading	10/06/09 Passed
Second Reading	10/20/09 Passed
Third Reading	11/04/09 Passed

PASSED AND APPROVED this 4th day of November, 2009.

Chad A. Deutsch, Mayor

ATTEST:
Teresa Adamson, MMC
City Clerk