



MAYOR AND COUNCIL COMMUNICATION

DATE: 8/2/2016

CONSENT

ITEM #: 3

AGENDA ITEM: Hunting Ordinance
SUBMITTED BY: Stephen Wensman, Planning Director
THROUGH: Kristina Handt, City Administrator
REVIEWED BY: Sarah Sonsalla, City Attorney
Washington County Sheriff's Department

BACKGROUND:

In fall of 2015, City staff received numerous complaint calls about illegal or perceived illegal hunting. In response, Planning Staff drafted an amendment to the Weapons Ordinance, Section 130.15 and held a public hearing at the January 11, 2016 Planning Commission meeting. No member of the public spoke at that public hearing, but the Planning Commission raised a number of issues including wanting to know how the changes related to the MN conceal and carry legislation. Because of the complexities of this Statute, Planning Staff had the City Attorney draft the Ordinance Amendment attached to this report.

The City Attorney has informed Planning Staff that the public hearing was not necessary because the Ordinance is not part of the City's zoning code.

On 7/16/16, the City Council directed staff to amend the Hunting Ordinance to reference Minnesota Statutes as they are amended from time to time. Staff has updated the amendment accordingly for the Council's approval

ISSUE BEFORE COUNCIL:

The Council should consider approval of the new hunting ordinance.

PROPOSAL DETAILS/ANALYSIS:

Ordinance

Hunting is presently addressed by the Weapons Ordinance, Section 130.15. Section 130.15 prohibits hunting as follows:

(B) *Unlawful acts.* Except as otherwise provided in this section, it shall be unlawful for any person:

(1) To fire, discharge, release, throw, or in any other manner propel a weapon within 500 feet of a residence, whether or not inhabited, or any other structure or building or within 500 feet of any platted area in the city and , except on an approved target range;

Residents do not necessarily understand what land is platted, so the new language referencing Minnesota Statutes will eliminate the 500 feet of any platted area restriction.

The Washington County Sheriff is in favor of the changes and believes it will make enforcement easier.

FISCAL IMPACT:

The proposed hunting ordinance will make enforcement easier

OPTIONS:

The City Council may approve or deny approval to the hunting ordinance.

RECOMMENDATION:

Staff respectfully requests, as part of tonight’s consent agenda, that the Council approve Ordinance 08-142 as it pertains to hunting in the City of Lake Elmo, Section 300.15; Resolution 2016-55, approving summary publishing of the ordinance. If removed from the Consent Agenda, the recommended action can be completed through the following motions:

1. *“Move to approve Ordinance 08-142 as it pertains to hunting in the City of Lake Elmo, Section 300.15.”*

ATTACHMENTS:

- 1) Ordinance 08-142.

**CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA**

ORDINANCE NO. 08-142

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
AMENDING SECTION 130.15 REGARDING THE USE OF FIREARMS AND
HUNTING**

SECTION 1. The City Council of the City of Lake Elmo hereby repeals Section 130.15 of the City Code and replaces it with the following:

§ 130.15 USE OF FIREARMS AND HUNTING.

The use of firearms and hunting in the City shall be in accordance with Minnesota Statutes Section 97B.001.

SECTION 2. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 5. Adoption Date. This Ordinance No. 08-142 was adopted on this 2nd day of August, 2016, by a vote of __ Ayes and __ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance _____ was published on the _____ day of _____, 2016.