



STAFF REPORT  
DATE: 2-2-2021  
REGULAR

ITEM: Hunting Ordinance  
SUBMITTED BY: Ben Prchal, City Planner  
REVIEWED BY: Marty Powers, Public Works Director  
Parks Commission

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#### **BACKGROUND:**

City Staff has been directed to review the reimplementation of hunting throughout Lake Elmo and more specifically on City owned land as well as add language to the City Code that makes it clear of when hunting is or is not allowed. The directive was specifically focused on deer hunting although it wouldn't have to be limited as the Code could be written to address any scenario of hunts. With that said, the City has not allowed deer hunting within the parks or on public land since 2013 but hunting on private land is allowed.

In the past when the City allowed for deer hunting the City selected hunters by a lottery system but also worked with the County to establish ground rules for the hunts. After the hunters were selected they were then required to attend a special "training" session at the Lake Elmo Park Reserve prior to the hunt (With Washington County selected hunters). Hunters were also required to provide proof that they had passed a hunters safety course, possessed a valid deer hunting license, and proof of address in the City prior to the hunt.

Currently the City relies on Minnesota Statute 97B.001 to provide standards of where a firearm (gun or bow) can or cannot be discharged (fired). Unless permission has been provided, hunters or users of a firearm cannot discharge the weapon within 500 ft. of a structure. Staff has not done a City wide review of where hunting would be permitted but this setback does remove large sections of land within the City for hunting. There are however, two properties that the City owns that are larger in size and could be adequate for hunting. These two properties are Sunfish Lake Park and the land currently referred to as "The 180 acres" next to the public works building.

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#### **ISSUE BEFORE THE CITY COUNCIL:**

Staff is asking the City Council to review the City's code language around hunting and decide how or if they would like to allow hunting on City property.

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#### **REVIEW AND ANALYSIS:**

Staff believes there are two aspects to consider when implementing the recommended language. Firstly Staff is recommending language that will allow the City Council to clarify the expectations at the appropriate time. Second, once the Council decides that a hunt is necessary, they will need to decide how the hunt shall be managed. Below is the recommended language for the City Code and it has been written so that any type of hunt may be allowed, when appropriate.

Section 130.15 currently has the language that Staff would refer to when hunting or firearm related questions come up. The section is relatively small and only refers to the State statute that regulates hunting. Although nothing in either section leads Staff to believe hunting would be allowed on City Land, adding a clarifying statement does have value.

Staff recommends the following language be for the City Code:

§ 130.15 USE OF FIREARMS; HUNTING.

(A) The use of firearms and hunting in the city shall be in accordance with M.S. 97B.001.

(B) *When the City council determines that hunting will be allowed on City owned property, the City Council shall pass a resolution outlining the expectations of the hunt and a map depicting the public property on which hunting may occur. On private property, it is the responsibility of the individual to understand where and when hunting can occur.*

Staff believes this language has value in that it does allow the City the opportunity at any time to establish a hunt within the City and because it takes a deliberate act of setting up expectations, map(s), and a resolution it should help protect the City from entering into anything that might not be desirable.

#### Other Cities:

Some Cities have a much more detailed or lengthy hunting code section than Lake Elmo. Staff believes this is neither good nor bad but Staff does not necessarily see the need for Lake Elmo to expand the code around hunting and weapon discharge. The City has been able to operate under the current language without any known or concerns.

#### Implementation:

When or if a resolution is passed for hunting there are multiple options for hunt management. The City Staff could help manage the hunt or a 3<sup>rd</sup> party could be used, such as the Metro Bow hunters.

#### Metro Bow Hunters (MBH):

Regardless if the City hunts when the County hunts, Staff believes it would be wise to consider working with Metro Bow Hunters to help manage the hunts (deer hunts only). This would remove some of the burden from Staff when it comes to selecting hunters and ensuring they are competent and capable. Because MBH would enter into a MOU with the City it should be expected that hunts to be more frequent. If the City partners with Metro Bow hunters Staff does believe there may be some involvement when it comes to opening and closing the park. With that said, Staff has not identified additional responsibilities at this time. It is also possible that a different 3<sup>rd</sup> party could be used.

- Would only manage deer hunts
- Expect hunts to occur more frequently
- The Minnesota Bow hunters do require hunters to pass a proficiency test prior to the hunt and require all selected hunters to attend an orientation meeting prior to the hunt. The City would enter into an agreement with them (Example of Birchwood attached) they will have liability insurance and name the City as one of their insurers.
- Hunters are selected randomly from a pool and there is no guarantee that a Lake Elmo resident would be selected.
- Only bow hunters are allowed.

#### City Managed Hunt:

The City of Lake Elmo could manage the deer hunts themselves and only allow hunting when the County opens their park(s) for hunting. Should this be the path Staff expects hunts to occur less frequently than with the Metro Bowhunters. However, if the process is followed as it had been in the past Staff would recommend requiring Lake Elmo hunters to attend the pre hunt meeting with the County selected hunters or follow the criteria that had been used in the past.

- Less likely to have a handle on hunter proficiency
- Could allow guns or bows.

#### DNR:

Staff did reach out to the DNR for additional insight. They will not manage the hunt(s) but they will provide support or input if we have questions about rules that would be established.

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#### **RECOMENDATION:**

**Parks Commission:** The Parks Commission did review the City Code and the following motion was provided, which passed 5-0.

*“That there be no hunting allowed in city parks or on city land with the exception of when it has been determined that a controlled hunt needs to be conducted and will be passed by City Council with a resolution to be posted in the parks stating that the parks are closed for a controlled hunt.”*

Staff recommends the addition of the following language:

§ 130.15 USE OF FIREARMS; HUNTING.

(C) The use of firearms and hunting in the city shall be in accordance with M.S. 97B.001.

(D) *When the City council determines that hunting will be allowed on City owned property, the City Council shall pass a resolution outlining the expectations of the hunt and a map depicting the public property on which hunting may occur. On private property, it is the responsibility of the individual to understand where and when hunting can occur.*

The language that is recommended allows Staff to point towards a specific section for hunting but then also requires the City to take specific steps. Leaving it as suggested does not lock a City into a commitment. Instead this language is recommended because it requires a specific action through a resolution that allows the City to adapt to the situation at that time.

Recommended Motion:

*"Motion to approve Ordinance 08-244 which established a procedure for allowing hunts on City owned property."*

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**FINANCIAL IMPACT**

The City insurance provider has not stated that hunting on City lands should not occur. It does not appear that coverage would need to change to allow hunting on public lands. The Metro Bowhunters do have liability insurance and will list the City as an insurer. The City is not expecting a financial impact at if hunting is allowed.

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**ATTACHMENTS:**

- Draft Ordinance Change
- Information on Metro Bowhunters
- Birchwood Example
- Other City Hunting Code

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

**ORDINANCE NO. 08-244**

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY AMENDING SECTION 130.15 TO ADD IN LANGUAGE THAT WOULD PROVIDE THE CITY COUNCIL THE ABILITY TO ALLOW HUNTING ON CITY OWNED PROPERTY, IF DEEMED NECESSARY.**

**SECTION 1.** The City Council of the City of Lake Elmo hereby amends Title XIII General Offenses: Chapter 130: General Offences; Section 130.15 Use of Firearms; Hunting; (Amended language is underlined to represent added language and ~~striketrough~~ represents deleted language):

**§ 130.15 USE OF FIREARMS; HUNTING.**

- A.** The use of firearms and hunting in the city shall be in accordance with M.S. 97B.001.
- B.** When the City council determines that hunting will be allowed on City owned property, the City Council shall pass a resolution outlining the expectations of the hunt and a map depicting the public property on which hunting may occur. On private property, it is the responsibility of the individual to understand where and when hunting can occur.

**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 3. Adoption Date.** This Ordinance 08-244 was adopted on this \_\_\_\_\_ day of \_\_\_\_ 2021, by a vote of \_\_\_\_ Ayes and \_\_\_\_ Nays.

**LAKE ELMO CITY COUNCIL**

\_\_\_\_\_  
Charles Cadenhead, Mayor

ATTEST:

\_\_\_\_\_  
Julie Johnson, City Clerk

This Ordinance \_\_\_\_ - \_\_\_\_ was published on the \_\_\_\_ day of \_\_\_\_\_, 2021.

## WEAPONS

### § 130.15 USE OF FIREARMS; HUNTING.

- A. The use of firearms and hunting in the city shall be in accordance with M.S.
- B. *When it has been determined that hunting will be allowed on City owned property the City Council shall pass a resolution outlining the expectations of the hunt and a map depicting the public property which hunting may occur. On private property, it is the responsibility of the individual to understand where and when hunting can occur.*

97B.001.(Ord. 08-142, passed 8-2-2016)



## **Metro Bowhunters Resource Base**

*"Specializing in Low-Cost Urban Deer Management"*

*Website:* [www.mbrb.org](http://www.mbrb.org)

The Metro Bowhunter Resource Base (MBRB) was established in 1995 to aid local municipalities in the Minnesota Twin Cities Metro area control deer numbers in a safe, efficient and cost-effective way.

This is accomplished by way of enlisting the services of qualified archery deer hunters managed by an experienced MBRB staff. The "staff" consists of the MBRB Board of Directors, who are the only permanent "members" of MBRB, along with a number of other experienced MBRB hunters who act in the role of hunt coordinators throughout the hunting season. Each hunt has at least one, and sometimes several (for a large hunt) coordinators, whose role is to ensure that the volunteer hunters follow all MBRB policies, along with organizing the hunt in a way that provides the most effective results. The Board members may also act as coordinators, but in addition. Each hunt has an assigned Board "supervisor" who is responsible for managing any issues that may be escalated by the hunt coordinator (Board members may not supervise hunts for which they are coordinators).

MBRB is a volunteer-based organization, except for some part-time staff costs incurred for maintaining our website and performing other administrative functions.

The MBRB program requirements for participant enrollment qualification include:

1. All MBRB hunters must receive certification through the Minnesota DNR Bowhunter Education Program (or other NBEF program); this is a one-time requirement.
2. All hunters must demonstrate ongoing proficiency with their equipment by passing an annual shooting test. The test has two levels of qualification:
  - a. Standard proficiency: 5 of 5 arrows in 7" target at 20 yards
  - b. Sharpshooter proficiency: 5 of 5 arrows in 4" target at 20 yards
3. The shooting proficiency tests are conducted by several local archery shops. MBRB provides a packet of testing materials early in the year, and hunters can stop by any time during the summer to take the test. The archery shop staff record the test results and fill out a form that the hunter must bring to the orientation meeting for any hunt for which they are drawn.
4. As part of the hunter's initial enrollment and for every subsequent annual renewal, the hunter must sign a pledge holding them to the highest level of hunting ethics. These requirements emphasize our commitment to both public and hunter safety.

We enroll over 750 volunteer hunters annually, and work to create and maintain hunt management standards and communication practices to be sure that all hunters are aware of, and abide by those hunt standards at all times.

We do not do any other special assessment of hunters for entry to the program. Since the organization has been in operation for over 20 years now, the objectives of the program are well understood among the local bowhunting community, so there is a bit of self-selection involved in those who choose to enroll with us. The key components to ensure that the hunters follow the program are:

1. All hunters must attend a mandatory orientation meeting for any hunt for which they are drawn. At the orientation meetings, Board members and/or other coordinators review the purpose for our hunts, all of the MBRB rules and policies and reiterate the importance of hunters maintaining the highest standard of conduct throughout the hunt. The landowner representative then provides any additional rules or requirements for the particular hunt covered in the orientation.

2. In conducting the hunts, all hunters must provide information to the coordinator regarding their stand location. Also, all hunters must sign in and sign out of a central location each time the hunter comes to or leaves from the hunt location.
3. MBRB maintains a strict “wounding” policy which places a hunter on probation if they have hit a deer which is not recovered, and if that hunter then has a second unrecovered deer, they are removed from the hunt. This policy is applied to all participants in the hunt, including Board members and coordinators themselves. If a coordinator is no longer able to hunt for this reason (a very rare situation), that coordinator is still required to staff that hunt and be onsite even though not hunting.
4. The coordinators are fully empowered by the Board to enact certain disciplinary actions directly with hunters, such as making a hunter sit out a day if found not using proper safety equipment. In addition, the coordinator can provide documentation to the supervising Board member regarding other infractions or lack of cooperation on the part of a hunter, and the Board member can then collaborate with the coordinator in applying more consequential disciplinary actions (removal from that hunt completely, removal for any hunt for that season, etc.). After the completion of the hunt season, the Board reviews appropriate disciplinary cases and may elect to inform a hunter that he/she can no longer participate in MBRB hunts.
5. However, the disciplinary issues are an infrequent part of the process. Far more common and helpful to the mission of MBRB is the role that the coordinators play during the hunt in providing guidance to the hunters by helping them to become better and safer bowhunters. There is a great spirit of camaraderie among the hunters and coordinators, and everyone pitches in to help identify good hunting locations, put up stands and track and recover deer. There is definitely a sense of common cause to make the hunts successful.

The results for MBRB are regarded to be generally successful:

1. For the past 10 years we have taken 250 to 300 deer each season, which represents about 10 deer per hunt, as we typically conducted about 25 hunts each season during that period. While not a huge number itself, if you are familiar with the population growth curve for deer, the hunts definitely help.
2. As a result of the success of the program over the years, most of the hunts we conduct have moved from a “doe before buck” requirement to an either-sex option. This is assessed by each landowner annually. However, the hunter base participating in MBRB is well in tune with the goals of deer management, and even in the either-sex hunts, there is still usually a 70% harvest of antlerless deer.

MBRB works with the Minnesota DNR, local police departments, and landowners to assure that the customer’s deer management needs are met. MBRB has successfully worked with many customers in the Metro area including:

City of Brooklyn Center	City of Shorewood
City of Burnsville	Dakota County Parks
City of Maplewood	Ramsey County Parks
City of Mendota Heights	Scott County Parks
City of Oakdale	Three Rivers Park District
City of St. Paul	City of Shoreview
City of Little Canada	Several private landowners
US Fish & Wildlife Service	

Finally, when we describe ourselves as a low-cost resource we mean that – there is no charge to the landowner for our services. The only expense that may be incurred is time for customer personnel in performing ancillary property management activities related to the conduct of the hunt. MBRB also carries liability insurance in the unlikely case that any damage would occur to customer property while a hunt is being conducted. Our record has no instances of property damage in any of our hunts.

## Urban Deer Management Options

As a general rule of thumb, native plant communities start showing signs of deer damage at 20 deer per 640 acres (square mile) of suitable habitat. This number can vary and be less as higher density housing/industrial/retail areas are not suitable habitat, but this gives a starting point for a population recommendation.

Below are options for cities to consider when it comes to deer management. The city can manage their situation as they see fit. Option 4 is the only one the DNR requires a few more steps to be completed prior to the issuance of special removal permits.

### Options:

- 1) Leave the situation alone and monitor citizen complaints.
- 2) Leave the situation alone, but implement a “no feeding of wildlife ordinance.” This is a good starting stage in the conversation of creating a deer management plan for the city. There are numerous variations of an ordinance, but one example “No person may place or permit to be placed on the ground, or within 5’ of the ground any grain, fruit, salt licks or edible materials which may reasonably be expected to intentionally result in deer feeding.” Feeding ordinances are hard to enforce, but is really good to have in place to work with citizen complaints and educating residents.
- 3) Allow hunting through the season structure already in place by the DNR. This option doesn’t need any approvals from the DNR or any special permits as the season structure is set-up. Metro hunting is typically archery hunting due to population levels and discharge ordinances. Many cities in the Twin Cities Metropolitan Area fall within the metro 701 deer management zone, which is unlimited antlerless harvest throughout the archery season which typically runs mid-September – the end of December. An archery hunter can harvest unlimited antlerless deer, but only 1 buck. The city’s ordinance should be reviewed to see if a change or update is needed to allow this activity.

This is a good and less costly option for the city to start controlling deer within city limits. This can be structured however the council feels appropriate as there are a number of options. One example, landowners with XX amount of acres can bow hunt on their property. Another option is the city can host hunts by selecting hunters, hunt locations, times, etc. There is also the option to enlist an organization to assist the city with archery hunts. Metro Bowhunters Resource Base is a non-profit organization that has been working with cities in the metro for a number of years on setting-up hunts in parks, public and private land. The participants are hunters from the general public who buy archery licenses through the current season structure, have completed the bowhunter education course and also pass an accuracy shooting exam annually.



- 4) Request a deer shooting/removal permit from the DNR outside of the normal season structure. This option allows for contractors or city staff to remove deer via sharpshooting or trap/kill methods. This option requires the following to be done prior to issuing a permit:
- A. Deer population estimate. This is done by aerial deer survey flights during the winter months once every 2 years. This will give the city a snap shot in time of the population within the city borders. This is an excellent data source for defending a hunt or for not hosting a hunt. The city covers the cost and the area DNR wildlife office can provide contacts of contractors or city staff.
  - B. Deer population goal. The city can make and set a population goal based off public input and management goals.
  - C. Public involvement: an open process to allow citizen discussion/input, such as public meetings, hearings or committees.
  - D. A written plan to achieve and maintain the population goal, including information on non-lethal damage abatement techniques.
  - E. Keep and maintain accurate records of deer-vehicle collisions.
  - F. Institute and maintain a standardized system to record citizen complaints.

Upon completion of a deer management plan, if deer removal outside of normal hunting is proposed, the LGU must apply in writing for a DNR deer removal permit annually to remove a specific number of deer. Population control methods which may be approved are shooting with firearms or archery equipment, including trapping deer and dispatching them in the trap. Trap and relocation of deer is not allowed.

The LGU must provide DNR with data on sex, age and location of deer taken, as well as number and sex of fetuses present in females.

All deer taken must be field dressed and donated to charitable organizations or otherwise needy individuals. The recommended disposition plan is to have all deer processed at an MDA certified facility and donated to food shelves. The costs are paid for by the city conducting the removal.

Feel free to contact the Forest Lake Area Wildlife office at 651-539-3324 if you want to discuss further.

## CONTRACT FOR GOODS/SERVICES

City of Birchwood Village (City), a political subdivision of the State of Minnesota is in need of services and/or goods (hereinafter "services") and Metro Bowhunters Resource Base, Inc., 7455 France Avenue South Box #409, Edina, MN 55435 (Contractor) desires to provide such services.

NOW, THEREFORE, in consideration of the mutual promises and agreements contained herein the parties enter in to this Contract and agree as follows:

1. TERM. The term of this Contract is from the date of execution by all parties through December 31, 2019, or until all work under this Contract is completed and payments made, which ever occurs first, unless earlier terminated by law or according to the provisions of this Contract.
2. SCOPE OF SERVICES. The City requests and the Contractor agree to provide the services that are attached and incorporated as Exhibit A. If there is a conflict between this Contract and Exhibit A, this Contract shall govern. Services provided under this Agreement will be conducted in a manner consistent with that level of care and skill ordinarily exercised by members of the Contractor's occupation performing services under similar conditions.
3. PAYMENT. The City agrees to pay for the services, including expenses in an amount not to exceed \$0.00 (Contract Maximum), and in accordance with payment rates or schedule set forth in the Exhibit(s). The City will reimburse MBRB for the cost to list the City as an additional insured party on its insurance policy for these services.
4. CUSTOMER LIAISON. Contractor shall work closely with the City's liaison, Tobin Lay, City Administrator, contact number 651-426-3403.
5. GENERAL CONDITIONS. The General Conditions of this Contract also known as 2019 Birchwood Village Special Archery Deer Hunt Rules are attached and incorporated as Exhibit B.
6. INDEMNIFICATION. Contractor agrees to indemnify and save harmless City of Birchwood Village from any and all losses, fines, suits, damages, expenses, claims, demands, and actions of any kind resulting from Contractor's negligence or alleged negligence.
7. ENTIRE AGREEMENT. This Contract is the final expression of the agreement of the parties and the complete and exclusive statement of the terms agreed upon.

IN WITNESS WHEREOF, the parties hereto have executed this Contract on the 9th day of October, 2019.

METRO BOWHUNTERS RESOURCE BASE

By: 

Print Name: Daniel G. Christensen

Title: President, MBRB

Telephone: 612-640-0906

CITY OF BIRCHWOOD VILLAGE

By: 

Mary Wingfield, Mayor

By: 

Tobin Lay, City Administrator

**RESOLUTION 2019-27****CITY OF BIRCHWOOD VILLAGE  
WASHINGTON COUNTY, MINNESOTA****A RESOLUTION SUSPENDING CITY ORDINANCE  
SECTION 609.020 FOR SPECIAL BOW HUNT**

**WHEREAS**, the City of Birchwood Village is a political subdivision, organized and existing under the laws of the State of Minnesota; and

**WHEREAS**, the deer herd in Birchwood Village is estimated to be three (3) times the recommended size by the Minnesota Department of Natural Resources (DNR) for the City; and

**WHEREAS**, a show-of-hands at a town hall meeting regarding deer management showed overwhelming support from Birchwood Village residents to thin the deer herd in Birchwood Village; and

**WHEREAS**, the Birchwood Village Parks and Natural Resources Committee recommends thinning the City's deer herd; and

**WHEREAS**, the City Council has approved a contract with Metro Bowhunters Resource Base (MBRB) to thin the deer herd in Birchwood Village; and

**WHEREAS**, City Ordinance Section 609.020 prohibits hunting within the City by any means.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Birchwood Village, Minnesota, as follows:

1. Section 609.020 of the Birchwood Village City Code be suspended between the dates of November 1-3 and 22-24 of 2019 for bow hunters from MBRB authorized by the City.
2. Hunting be confined to designated hunt zone only.

Voting in Favor:

Voting Against:

Resolution duly seconded and passed this 12<sup>th</sup> day of November, 2019.

Attest:

\_\_\_\_\_  
Mary Wingfield, Mayor

\_\_\_\_\_  
Tobin Lay, City Administrator-Clerk

## 609. FIREARMS

### 609.010. DEFINITIONS.

1. Firearms. Any device from which is propelled any projectile or bullet by means of explosions or gas and shall include but not be limited to B-B guns, air rifles, and air pistols.

609.020. SHOOTING RESTRICTED. No person shall discharge any firearm or engage in hunting of any game birds or animal by any means within the City of Birchwood Village except:

1. Unless discharged in lawful defense of person or property; or
2. By a duly authorized law enforcement officer in the performance of his duty.

## CHAPTER 4

### WEAPONS

#### SECTION:

#### 5-4-1: **DISCHARGE OF WEAPONS:**

- A. Definitions: The following definitions shall apply in the interpretation and enforcement of this section:

**BOW:** All bows used for target and hunting purposes as regulated and defined by Minnesota Statutes Chapter 97B. (Amended Ord. 394, 7-6-10)

**FIREARM:** Means a gun that discharges shot or a projectile by means of an explosive, a gas, or compressed air. (Amended Ord. 394, 7-6-10)

**HANDGUN:** A weapon designed to be fired by the use of a single hand and with an overall length less than 26 inches, or having a barrel or barrels of a length less than 18 inches in the case of a shotgun or having a barrel of a length less than 16 inches in the case of a rifle (1) from which may be fired or ejected one or more solid projectiles by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances; or (2) for which the propelling force is a spring, elastic band, carbon dioxide, air or other gas, or vapor. (Amended Ord. 394, 7-6-10)

**IMMEDIATE**

**FAMILY:** All persons related to the landowner which includes the children, siblings, grandchildren and their respective spouses. (Amended Ord. 394, 7-6-10)

**RIFLE:** A shoulder weapon with a long grooved barrel that uses the energy of the explosive in a fixed metallic cartridge to fire only a single projectile (bullet). (Amended Ord. 394, 7-6-10)

**SHOTGUN:** A shoulder weapon with a smooth bored barrel or barrels which utilizes gunpowder or any other burning propellant and discharges more than one projectile at a time, except when using ammunition containing a single slug or a combination

of both a single slug and shot in the same shotshell. For the purposes of this Ordinance, a muzzleloader, as regulated by the State of Minnesota, shall be considered a shotgun.

(Amended Ord. 240, 10-6-1998, eff. 1-1-1999; amd. 2003 Code; Amended Ord. 394, 7-6-10)

- B. For the purposes of this Ordinance, except Section D.2., “Firearms” and “Handguns” do not include a device firing or ejecting a shot measuring .18 of an inch or less in diameter, commonly known as a “BB gun,” a scuba gun, a stud gun or nail gun used in the construction industry or children’s pop guns or toys. Notwithstanding these exceptions, all other state laws and City Ordinances regarding the use of these items shall apply. (Ord. 394, 7-6-10)
- C. Compliance With Provisions: No person shall discharge at any time a firearm or bow upon or onto any land or property within the city except as provided by this section.
- D. Prohibited Discharges:
  - 1. No person shall discharge a firearm within five hundred feet (500') of any residence or a bow within one hundred fifty feet (150') of any residence except with the permission of the property owner. (Amended Ord. 394, 7-6-10)
  - 2. No person shall discharge a firearm or bow on public property owned or operated by the city, county, state or school district except as provided in City Code 5-4-1G. (Amended Ord. 410, 7-6-11)
  - 3. The discharge of a rifle or handgun utilizing a solid projectile shall not be allowed within the city.
- E. Permitted Discharges; Restrictions:
  - 1. Written permission by the property owner shall be given to any person prior to the discharge of a firearm or bow on his/her property.
  - 2. When recreational target shooting is conducted, the projectile shall be directed at a target with a backstop of sufficient size, strength and density to stop and control the projectile. (Amended Ord. 394, 7-6-10)
  - 3. When discharging a firearm or bow, the projectile shall not carry beyond the property line. (Amended Ord. 240, 10-6-1998, eff. 1-1-1999)

4. All hunting shall be conducted in compliance with the regulations of the State of Minnesota. (Ord. 394, 7-6-10)

- F. Hunting Restrictions and Zones Established: The City of Andover Hunting Map attached to this Ordinance and on file in the office of the City Clerk shall establish zones where the discharge of firearms or bows are permitted. Said map and language contained and stated on the map shall become part of this section. No discharge of firearms or bows for the purpose of hunting shall be permitted except in compliance with the regulations of the State of Minnesota, the designated areas established on the City of Andover Hunting Map, the restrictions of this section and the following (Ord. 394, 7-6-10):

1. Restricted Zone North:

a) A minimum property size of ten acres is required for the discharge of firearms for the purpose of hunting or target shooting. (Ord. 394, 7-6-10)

b) A minimum property size of 2.5 acres is required for the discharge of a bow for the purpose of hunting or target shooting. (Ord. 394, 7-6-10)

2. Restricted Zone South:

a) A minimum property size of forty acres is required for the discharge of firearms for the purpose of hunting deer. (Ord. 394, 7-6-10)

b) Permit To Hunt Deer:

1. Permit Required: An individual annual or seasonal permit is required by the city for the discharge of firearms for the purpose of hunting deer with a shotgun (slug only) in Restricted Zone South. Only landowners or immediate family members as defined in this Ordinance are eligible for this permit. (Amended Ord. 240, 10-6-1998, eff. 1-1-1999; amd. 2003 Code; Amended Ord. 394, 7-6-10)

2. Consent Of Property Owners: A request for such permit shall be accompanied by written permission from fifty percent (50%) or more of the adjacent landowners.

3. Time Limit On Acquiring Permit: Permits shall be obtained from the city thirty (30) days prior to the opening day of firearm deer season as established by the Minnesota Department of Natural Resources.

4. Conditions Of Issuance: Such permit shall only be issued under the terms consistent with this section and all applicable state and federal laws and regulations concerning the hunting of deer via firearm and discharge of firearms shall occur no closer than one-quarter (1/4) mile from any urban development, park or institutional use. (Amended Ord. 394, 7-6-10)

c) A minimum property size of ten acres is required for the discharge of firearms for the purpose of hunting geese during Early Goose Season and waterfowl during the Regular Waterfowl Season as regulated by the State of Minnesota. (Ord. 394, 7-6-10)

d) A minimum property size of 2.5 acres is required for the discharge of a bow for the purpose of hunting or target shooting. (Ord. 394, 7-6-10)

3. Prohibited Zone:

a) The discharge of firearms and bows are prohibited. (Ord. 394, 7-6-10)

G. Exemptions From Provisions:

1. The provisions of this section shall not apply to the discharge of firearms, rifles or handguns when done in the lawful defense of persons or property. No part of this section is intended to abridge the constitutional right to keep and bear arms.

2. The City Council may approve an exemption to this section, with reasonable conditions to protect public health, safety and welfare, to allow the discharge of firearms and bows for the following (Amended Ord. 410, 7-6-11):

a. For the purpose of managing and controlling wildlife populations, provided the hunt has received support from the Minnesota Department of Natural Resources. (Amended Ord. 410, 7-6-11)

b. For target shooting as an accessory use to a retail business or as a special event or competition. (Amended Ord. 410, 7-6-11)

c. For law enforcement training purposes. (Amended Ord. 410, 7-6-11)

H. Violation; Penalty: Any person who violates any provision of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished according to state law. (Amended Ord. 240, 10-6-1998, eff. 1-1-1999)

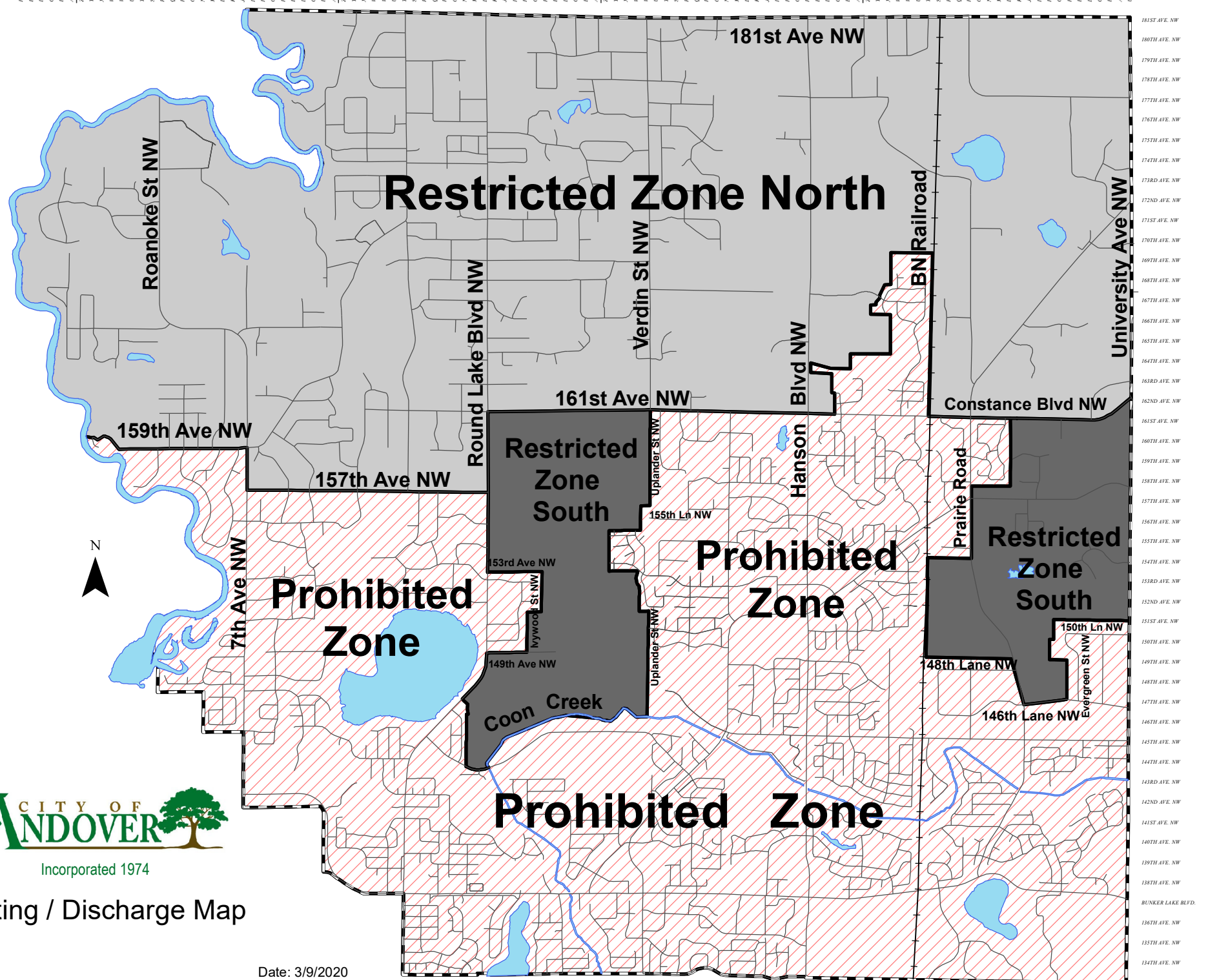


FLORENCE ST NW  
EKLUM ST NW  
DISPROUTUM ST N  
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YAKMA ST NW  
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CHAST ST NW  
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TUCAT ST NW  
XENH ST NW  
WOODBINE ST NW  
PINTAGE ST NW  
UNDERCLIFT ST N  
TULIP ST NW  
SILVERD ST NW  
ROSE ST NW  
QUA ST NW  
POPP ST NW  
ORCHID ST NW  
NARCISUS ST NW  
MARGOD ST NW  
LIT ST NW  
KEERT ST NW  
JONGUL ST NW  
FYPWOOD ST NW  
HEATH ST NW  
GLADOLAST NW  
FLOA ST NW  
EDLEWINS ST NW  
DALLA ST NW  
CRACUS ST NW  
BUTTERSWEET ST A  
AROPHAGLAST N  
ZON ST NW  
TUCON ST NW  
ADAST ST NW  
PRAIS ST NW  
PLANDER ST NW  
BROOK ST NW  
BROOK ST NW  
QUIN ST NW  
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PATRIDGE ST NW  
ORAGE ST NW  
NEIGHTINGALE ST  
MARTIN ST NW  
LUNET ST NW  
KELLIDER ST NW  
JOB ST NW  
IBIS ST NW  
HUMPHRID ST  
GRONCE ST NW  
FLAMINGO ST NW  
EAGLE ST NW  
DRAGE ST NW  
CRANE ST NW  
BLUBIRD ST NW  
BUCKET ST NW  
ZILL ST NW  
YELLOW PINK ST A  
ADON ST NW  
WINTERGREEN ST  
UNIT ST NW  
FALE ST NW  
TAMARACK ST NW  
STC MORE ST NW  
REDWOOD ST NW  
QUINCE ST NW  
PALM ST NW  
GLITE ST NW  
NORPAT ST NW  
MAGNOLIAST NW  
LARCH ST NW  
KUMQUIT ST NW  
JUNIPREST NW  
LLEX ST NW  
HOLLY ST NW  
GOLDENROD ST N  
PLANTWOOD ST N  
EVERGREEN ST NW  
DOORWOOD ST NW  
BUTTERNUT ST NW  
ALDER ST NW  
UNIVERSITY BL A



# Hunting / Discharge Map

Date: 3/9/2020



## **5-3-6: HUNTING:**

### **A. Use Of Weapons For Hunting:**

#### **1. Firearms:**

a. The landowner of land zoned AG-1 or AG-2, consisting of forty (40) contiguous acres or more, persons while accompanied by the landowner, or persons in possession of written permission from the landowner of land zoned AG-1 or AG-2 of forty (40) contiguous acres or more may discharge firearms in hunting wild game in accordance with Minnesota statutes chapter 97B upon the landowner's land.

b. Written permission from the landowner must be in the possession of the hunter at the time of hunting along with adequate identification.

c. No person shall take any wild game with any firearms on any land zoned AG-1 or AG-2 of forty (40) contiguous acres or more, or on any public right of way, under the following circumstances:

(1) In that portion of the city lying west of Keats Avenue, southerly of Military Road, and northerly of U.S. Highways 61 and 10.

(2) In that portion of the city lying south and west of U.S. Highways 61 and 10, except for the northwest and southwest halves of section 28.

(3) Within five hundred feet (500') of any building occupied by any human or livestock, except with the written permission of the landowner and occupant of such premises.

(4) Within five hundred feet (500') of any stockade or corral containing livestock.

(5) Within five hundred feet (500') of any highway or roadway.

d. All firearms used for the taking of wild game shall be limited to shotguns, .22 caliber rifles or long guns of less than .22 caliber.

e. Persons discharging firearms while hunting in accordance with Cottage Grove ordinances and state statute shall not let any projectiles pass beyond the boundary of the land they are permitted to hunt.

f. Persons discharging single projectiles from firearms while hunting in accordance with Cottage Grove ordinances and state statute must hunt from an elevated stand of at least six feet (6') or more.

#### **2. Archery Hunting:**

a. The landowner of land zoned AG-1 or AG-2 or R-1 consisting of a minimum of five (5) contiguous acres, or persons with written permission from the landowner of land zoned AG-1, AG-2 or R-1 consisting of a minimum of five (5) contiguous acres may, upon the land of the landowner, discharge a bow and arrow in hunting wild game in accordance with Minnesota statutes chapter 97B, and all subsequent amendments, and the ordinances of the city.

b. Written permission from the landowner must be in the possession of the hunter at the time of hunting along with adequate identification.

c. No person shall take any wild game with any bow and arrow on any land zoned AG-1, AG-2 or R-1 under the following circumstances:

(1) Within three hundred feet (300') of any property with a zoning classification other than AG-1, AG-2 or R-1.

(2) Within three hundred feet (300') of any public park land or public trail.

(3) Within three hundred feet (300') of any public right of way.

(4) Within three hundred feet (300') of any land or building not owned by the landowner.

(5) Any circumstance in which it is foreseeable that the safety of another person would be endangered.

d. Persons hunting in accordance with Cottage Grove ordinances and state statute shall not let any arrow pass beyond the boundary of the land they are permitted to hunt.

e. Persons hunting in accordance with Cottage Grove ordinances and state statute must hunt from an elevated stand of at least six feet (6') or more. (Ord. 777, 8-10-2005)

3. Rodent Control: The director of public safety or his/her designee, upon the showing of a need, may grant exceptions through a permit to this chapter for the purposes of rodent control on land zoned AG-1, AG-2 or R-1 and R-2. All weapons used in the control of rodents shall conform to regulations established in this chapter. (1971 Code § 27-15; amd. 2000 Code)

4. Responsibility Of Landowner: The landowner shall be responsible for the conduct of any hunter on land for which he/she has granted permission to hunt. (1971 Code § 27-15; amd. 2000 Code; Ord. 777, 8-10-2005)

#### **5. Enforcement**

a. Authority Of Peace Officers: A peace officer is hereby authorized and empowered to enforce all requirements of this subsection A and related state statutes.

b. Seizure, Confiscation And Disposal Of Game And Property: A peace officer is hereby authorized and empowered to seize and confiscate any wild game taken in violation of this subsection A and to seize, confiscate and dispose of all guns, firearms, bows

and arrows, boats or vehicles used by the owner or any other person with his/her knowledge in unlawfully taking or transporting such wild game in violation of this subsection A. Articles which have no lawful use may be summarily destroyed. Upon conclusion of the prosecution of any case, the guns, firearms, bows and arrows, boats or vehicles seized pursuant to this subsection shall be returned to the lawful owner thereof upon payment to the city of all costs incurred by the city in the seizure, to include towing fees and storage or impound fees. In the event the lawful owner cannot be determined or located, the property shall be disposed of in compliance with court order. (1971 Code § 27-15; amd. 2000 Code)

B. Excess Population; Special Hunting Areas:

1. Excess Population And Special Hunting Areas Determined: The department of public safety shall determine, after consultation with the department of natural resources, when there is an excess population of wild game or when herd control is required. Upon such determination, the department of public safety shall designate additional area(s) for hunting of wild game, which hunting shall be in accordance with Minnesota statutes chapter 97B. The resolution shall define the area(s) which may be hunted. Such resolution shall be effective for one season. (1971 Code § 27-16)

C. Designated Hunting Areas:

1. This chapter along with the boundaries will be reviewed annually by the public services committee. (Ord. 968, 9-7-2016)
2. Annually before the hunting season commences, the city council will cause to be published a map designating the areas within the city where hunting is allowed. (Ord. 777, 8-10-2005)

Notes

## CHAPTER 6

### WEAPONS

#### SECTION:

#### 5-6-1 Use Of Firearms And Bows And Arrows

#### 5-6-2 Regulation Of Firearms, Pistols And Weapons

#### 5-6-1: USE OF FIREARMS AND BOWS AND ARROWS:

A. Definitions: For purposes of this section, the terms defined in this subsection have the meanings given them:

AIR PISTOLS: Any hand weapon that propels a projectile by means of compressed air or carbon dioxide.

AIR RIFLES: Any shoulder weapon that propels a projectile by means of compressed air or carbon dioxide. Air rifles shall include BB guns.

FIXED AMMUNITION: Gun ammunition of the type comprising a cartridge case with primer, a propellant charge and a projectile or projectiles (fused or unfused), all of these components being assembled as a unit for one firing.

PISTOL: Any handgun capable of propelling fixed ammunition.

RIFLE: Any shoulder weapon designated as a rifle, capable of propelling fixed ammunition.

SHOTGUN: Any smooth bore weapon designated as a shotgun capable of propelling fixed ammunition. (1974 Code § 925.02)

B. Rifles, Pistols, Shotguns, Air Rifles And Air Pistols: The shooting or carrying of rifles, shotguns, pistols, air rifles and air pistols which are not encased or dismantled is prohibited in the city except in the following circumstances:

1. By law enforcement officers in the line of duty; or
2. By a person discharging any rifle, shotgun or pistol when in the lawful defense of person, property or family, or the necessary enforcement of the law; or
3. By any person discharging a rifle, shotgun or pistol on a licensed shooting range within the city; or
4. By a person shooting or carrying an unencased and undismantled .22 caliber rifle with CCI Quiet .22 caliber long rifle ammunition only when such shooting and carrying occurs while participating in a gun safety instructional program administered and sponsored by the Minnesota department of natural resources on land zoned E-1 where the zoning requirements for the program have been met and where the landowner has given written consent and only at specific locations on the land that have been approved and designated in writing by the city's chief of police. In granting approval of the specific locations, the city's chief of police may impose conditions, limitations and restrictions with respect to the number of participants, the number of instructional sessions, the times and dates of the instructional sessions, the number and placement of warning signs and the duration of the program. (Ord. 1257, 9-10-2012)
5. By employees of any government entity approved by the Chief of Police, when needed to harvest or reduce populations of animals within the city limits.

C. Restrictions On Use Of Bow And Arrow:

1. The shooting or discharge of any bow and arrow within the city is hereby prohibited except in any of the following circumstances:
  - a. While hunting or engaged in target practice in that geographic portion of the city designated on the map, effective September 17, 2016, on file with the city clerk as the area available for hunting or target practice, subject to the conditions hereafter set forth; the above identified map is hereby approved and hereby incorporated by reference and made a part of this section; or
  - b. While engaged in target practice within an enclosed structure; or
  - c. While engaged in target practice at a posted and designated archery range in a city park; or
  - d. While engaged in target practice on school or college grounds as part of an instructional course or supervised recreational activity and only with the permission of the school or college; or
  - e. While engaged in target practice at a licensed commercial archery range.
2. Provided, however, the shooting or discharge of a bow and arrow under the circumstances described in subsection C1 of this section relating to hunting or target practice in that geographic portion of the city designated on the map, effective September 17, 2016, on file with the city clerk shall only occur if the following conditions are met:
  - a. All persons who are hunting must register with the police department and must also provide a copy of their hunting license. Hunters who will be hunting on someone else's property will be required to show written permission from the property owner and must also provide proof of proficiency. Property owners/tenants, and all those related individuals as

hereafter defined by this section, who hunt on their own property will not need to provide proof of proficiency. Proof of proficiency may be obtained at a local or regional archery range or outdoor sporting goods store, the measure of which is the ability to shoot five (5) of five (5) arrows into a four inch (4") target at twenty (20) yards. The proficiency test must be completed every twenty four (24) months from the original certification date.

b. There shall be no shooting or discharge of any bow and arrow within three hundred feet (300') of any residential or commercial structure; provided, however, the prohibition contained in this subsection C2b shall not apply: 1) if the person shooting or discharging the bow and arrow owns the residential or commercial structure or 2) if the owner of the residential or commercial structure consents in writing to allow shooting or discharge of a bow and arrow within three hundred feet (300') of such residential or commercial structure and the written consent is filed with the city police department prior to the shooting or discharge.

c. There shall be no shooting or discharge of any bow and arrow within two hundred feet (200') of any driveway not owned by the person engaged in the shooting or discharge, unless the owner of the driveway consents in writing and files the written consent with the city police department prior to the shooting or discharge.

d. There shall be no shooting or discharge of any bow and arrow within two hundred feet (200') of any public street or private roadway.

e. On an individual parcel less than five (5) acres in size, no shooting or discharge of a bow and arrow shall occur unless allowed under subsections C2f and C2g of this section.

f. On an individual parcel of two and one-half (2.5) acres or more in size but less than five (5) acres in size, the owners of the parcel, the tenants of the parcel and the spouses, parents, children, grandparents, aunts, uncles, brothers and sisters of the owners or tenants may shoot or discharge a bow and arrow on such parcel for hunting or target purposes.

g. On contiguous parcels that are cumulatively five (5) acres or more in size when combined, the owners of the parcels, the tenants of the parcels and the spouses, parents, those receiving written permission from all the owners may shoot or discharge a bow and arrow on such parcels for hunting or target purposes if the owners of the contiguous parcels in writing consent to the use of the parcels for such purposes and the owners have filed the written consent with the city police department prior to the shooting or discharge.

h. On an individual parcel of five (5) acres or more in size, only the owners of the parcel, the tenants of the parcel and the spouses, parents, children, grandparents, aunts, uncles, brothers and sisters of the owners or tenants and those receiving written permission from the owner may shoot or discharge a bow and arrow on such parcel for hunting or target practice purposes.

i. In those instances stated above, where written permission from the owner is required, the following additional conditions must be met:

(1) Prior to any shooting or discharge of a bow and arrow, the person receiving the written permission shall file with the city police department the following information in writing: name, address and telephone number of the fee owner and of the persons receiving the permission; the beginning and end dates when hunting or target practice is to occur; a general description of the location of the subject parcel; a copy of the written permission received from the fee owner; as well as proof of proficiency to be obtained at a local or regional archery range or outdoor sporting goods store, the measure of which is the ability to shoot five (5) of five (5) arrows into a four inch (4") target at twenty (20) yards; the license plate number of the vehicle that the person will be driving to the subject parcel; evidence that the person has a valid Minnesota archery license; and emergency contact information.

(2) The written permission from the fee owner must specifically state the beginning and end dates for which permission has been granted. The person receiving such permission must have the written permission in possession at all times while hunting or target practicing on the subject parcel. Discharge of the bow and arrow on the subject parcel shall only occur on the dates stated on the written permission. No shooting or discharge of a bow and arrow and no hunting shall occur on the subject parcel if the fee owner revokes the written permission.

j. The person discharging the bow and arrow for hunting purposes must comply with all the laws and regulations of the state of Minnesota relating to hunting.

3. To facilitate inquiries with respect to which parcels of land are not available for hunting or target practice because the owners thereof decline to grant permission for such activities, the clerk shall maintain a list by owner name and address for such nonavailable parcels. In order for the owner name and parcel address to be placed on the list, the parcel owner must in writing notify the clerk that the owner wishes to be on the list and has decided not to grant permission for hunting or target practice. The name of the owner and the parcel address shall be removed from the list if the owner files a written request with the clerk to remove the owner name and parcel address. The creation of the list is a voluntary program. There is no requirement that an owner and parcel be on the list in order for the owner to decline permission to anyone for hunting or target practice. The purpose of the list is to present an opportunity for an owner to make known that the owner has decided not to grant permission with the result that contacts with the owner are reduced or eliminated.

4. The council, by resolution, may in its discretion on an annual basis add parcels to that geographic portion of the city available for hunting or target practice referenced in subsection C1a of this section. If the council adds additional parcels by resolution, the authorization granted by the resolution and the inclusion of such parcels within the above referenced geographic area shall expire on December 31 of the year when the resolution was passed. If an owner wishes the council to include the owner's parcel within the above referenced geographic area, the owner must make an application to the city no

later than August 15 of the year the owner wishes the parcel to be included.

D. Shooting Ranges: All owners of commercial rifle ranges, commercial trap ranges, commercial target ranges and commercial archery ranges at any place within the city shall, from and after the effective date hereof, be required to pay a license fee in the amount established by resolution of the city council. Such ranges shall be operated so as to result in maximum safety to the residents and property of the city, and the owners and operators of such ranges shall comply with all regulations for such ranges that the city may hereinafter enact. Violation of any of the terms of such regulations constitutes a violation of this section and is cause for revocation of the license granted under the terms of this section.

(1974 Code § 925.05) (Ord. 1162, 9-24-2007; amd. Ord. 1257, 9-10-2012; amd. Ord. 1320, 8-22-2016; amd. Ord. 1375, 11-12-2019)

#### **5-6-2: REGULATION OF FIREARMS, PISTOLS AND WEAPONS:**

A. Definitions: For purposes of this section, the terms defined in this subsection have the meanings given to them:

FIREARMS: Any weapon, other than a pistol, from which is propelled any missile, projectile or bullet by means of explosives or gas and shall include air and BB guns.

PISTOL: Shall have the meaning defined by Minnesota statutes section 624.712.

WEAPONS: Dagger, metal knuckles, switchblade, stiletto or other dangerous or deadly weapon. (1974 Code § 927.01)

B. Concealed Weapons Prohibited: No person shall carry or wear concealed about his person any dagger, metal knuckles, switchblade, stiletto or other dangerous or deadly weapon within the city. (1974 Code § 927.03)

C. Tampering With Firearm And Pistol Identification Marks: No person shall change, alter or obliterate the name of the make, model, manufacturer's number or other mark of identification, and no person shall keep in his possession or under his control any such firearm or pistol upon which the name of the make, model, manufacturer's number, or other mark of identification has been, to his knowledge, changed, altered, renewed, or obliterated. (1974 Code § 927.05)

D. Transporting Firearms, Pistols And Weapons:

1. A person not in possession of a valid permit as provided in Minnesota statutes section 624.714 shall not carry a firearm, pistol or weapon except unloaded and completely enclosed in a container. When said firearm, pistol or weapon is transported in a vehicle, it shall be stored in the trunk or the most inaccessible part of the vehicle.

2. No person, including all those who have been granted a permit to carry pistols, shall carry firearms, pistols or weapons on their person or in the passenger compartment of any motor vehicle while under the influence of alcohol, hallucinatory chemicals or narcotic drugs. (1974 Code § 927.07)

E. Penalties: Any person convicted of any violation of this section may be punishable as provided in section 1-4-1 of this code. In addition, any firearm, pistol or weapon in possession of such person at the time of such violation, and used therein, shall be confiscated. Conviction of any violation shall work automatic revocation of all registrations, permits and licenses held thereunder by the violator. (1974 Code § 927.09; amd. 2008 Code)

F. Disposition Of Confiscated Firearms, Pistols And Weapons: Any firearms, pistols or weapons confiscated for violation of this section shall be stored by the chief of police. All such confiscated firearms, pistols and weapons shall, from time to time, be destroyed or disposed of under the supervision of the chief of police or his agent. Destruction of such firearms, pistols and weapons shall be done in a manner which renders them incapable of being used for their intended purpose. (1974 Code § 927.11)





# City of Inver Grove Heights Bow Hunting Area Boundary

Effective  
September 17th, 2016

