



MAYOR AND COUNCIL COMMUNICATION

DATE: 7/5/2016

CONSENT

ITEM #: 7

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 receive 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.

ISSUE BEFORE COUNCIL:

The Council should consider approval of the new hunting ordinance and map.

PROPOSAL DETAILS/ANALYSIS:

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;

The average resident is not likely to know the differences between platted and unplatted property, making self-enforcement difficult.

The new Hunting Ordinance is an amendment of the Weapons Ordinance, Section 130.15. The ordinance allows hunting in areas designated on a hunting map established by Council Resolution each year. This allows the City to adjust allowed hunting areas as the City grows and develops. The ordinance references a hunting map which will be updated by City staff from time to time as needed. The hunting map will be posted on the City's website and at City Hall and will enable residents a greater ability to determine where hunting is allowed and prohibited.

In addition to hunting, the amendment also amends Section 130.15B to align with conceal and carry law, MN Statute 624.714. Since the enactment of this statute, the City Attorney believes it is unlawful for the City of Lake Elmo to require a person carrying a loaded weapon to obtain written permission from a property owner in order to carry the weapon on the property. The Statute does allow the city to require written permission from a property owner for another to hunting on the property.

FISCAL IMPACT:

The proposed hunting ordinance will likely lessen the number of complaints taken by City Staff pertaining to illegal hunting and may eliminate costs associated to enforcement.

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 the Ordinance 08-__ as it pertains to hunting in the City of Lake Elmo, Section 300.15, and Resolution 2016-__ 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-__ as it pertains to hunting in the City of Lake Elmo, Section 300.15."*
2. *"move to approve Resolution 2016-__ approving the summary publishing of Ordinance 08-__"*

ATTACHMENTS:

- 1) Ordinance 08-142.
- 2) Draft Hunting Map.
- 3) Resolution 2016-55 approving the summary publishing of ordinance 08-142.