

WHEREAS, the City of Rushford has been exploring methods of regulating the influx of white-tailed deer throughout the City limits, and

WHEREAS, the deer are determined to be a nuisance causing damage to crops and landscape plants and are a concern to the public health, safety and welfare of the community, and

WHEREAS, an Ordinance was adopted in August 2013 prohibiting the feeding of deer in the City of Rushford as one strategy to reduce the increasing deer population, and

WHEREAS, the City intends to develop a second strategy of a Deer Hunting Policy to allow for bow hunting within the City limits in specified areas and under specific rules and regulations, and

WHEREAS, ordinance language exists relating to weapons within the City of Rushford which is outdated and prohibitive as well as being non-compliant with current State statute,

NOW, THEREFORE, the following amendment will clarify definitions and establish standards for the use of weapons within the City that will allow for game hunting within the City as part of a comprehensive strategy to reduce or eliminate negative impacts of an increasing deer population in the City while still serving to protect, preserve and promote the health, safety and welfare of the citizens of the City of Rushford:

AMENDMENT TO CITY ORDINANCE

SECTION 1. The following sections of City ordinance dated March 1929 and amended in April 1965, entitled Article IX. Offenses and Nuisances Affecting Public Peace and Safety Section 16.100 Aiming Weapons Toward Human Beings and Section 16.97.5 Ordinance Relating to Weapons and the Carrying of the Same on a Person and Providing for a Permit to Wear or Conceal the Same, and Providing for Penalties for the Violation Thereof are both hereby repealed entirely and amended as set forth hereinafter:

**AN ORDINANCE RELATING TO THE DISCHARGE AND
TRANSPORTION OF WEAPONS**

CHAPTER 97: DISCHARGE AND TRANSPORTATION OF WEAPONS

- 97.01 Definitions
- 97.02 Prohibition
- 97.03 Exceptions
- 97.04 Violations & Penalty
- 97.05 Severability & Savings Clause

THE CITY OF RUSHFORD ORDAINS:

SECTION 97.01 DEFINITIONS

For the purpose of this section, the term "firearm" shall mean any weapon from which is propelled any dart, arrow, missile, projectile or bullet by means of explosive or gas, or by energy stored in a string or spring, notwithstanding the fact that such dart, arrow, missile or projectile remains attached to the weapon by wire.

SECTION 97.02 PROHIBITION

No person shall fire, discharge or transport any firearm within the City limits. A person may transport a firearm if it is in a closed case and not ready for immediate firing or discharge.

SECTION 97.03 EXCEPTIONS

This section does not apply to:

- A. Law enforcement or military personnel acting within the performance of their duty;
- B. Any person lawfully defending a person or property;
- C. The transportation by a person who has obtained a permit to possess or transport a pistol under the provision of MN Statute Section 624.714;
- D. A person discharging a firearm in an outdoor shooting or archery range which has been approved for that purpose by the Chief of Police;
- E. Except a person lawfully hunting on public or private lands within the City that have been approved for use of firearms by the Chief of Police
- F. A person whose firearm is using blank ammunition in conjunction with a sporting event or upon a ceremonial occasion; or
- G. A person firing or discharging a firearm which propels a single projectile which is a spherical steel shot of .177 caliber or less, commonly referred to as a "BB gun".

SECTION 97.04 VIOLATIONS & PENALTIES

Notwithstanding anything in City ordinances to the contrary, a person who violates any provisions of this Section shall be guilty of a misdemeanor punishable according to misdemeanor limits as established from time to time by the State of Minnesota.

SECTION 97.05 SEVERABILITY & SAVINGS CLAUSE

If any section or portion of this ordinance shall be found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that finding shall not serve as invalidation or affect the validity and enforceability of any other section or portion of this ordinance.

AN ORDINANCE RELATED TO GAME HUNTING WITHIN THE CITY

CHAPTER 98: GAME HUNTING WITHIN THE CITY

98.01 Prohibition

98.02 Exceptions

98.03 Violations & Penalty

98.04 Severability & Savings Clause

THE CITY OF RUSHFORD ORDAINS:

SECTION 98.01 PROHIBITION

No Person may use a firearm, bow or other dangerous weapon in hunting game within the City except as permitted herein.

SECTION 98.02 EXCEPTIONS

A person may hunt deer using a bow and pointed tip arrow under all of the following circumstances:

- A. The shooting occurs on property the person owns or on another person's property if the shooter has in his possession written permission of the property owner to engage in the activity;
- B. The arrow does not travel beyond the boundaries of that property;
- C. Unless otherwise specified by written permission of the property owner, any shooting must occur at least 100 feet from any building and from any land not owned by that landowner;
- D. The shooting does not endanger anyone else;
- E. The person has in his or her possession a valid State of Minnesota Deer Archery License;
- F. The person has completed a Bow Hunter Educational program and an Archery Proficiency Test, and is able to show proof of this proficiency as granted and administered by a certified Archery Instructor;
- G. A person archery hunting for deer must make use of a tree stand at least five feet from ground level unless a person engaged in hunting is physically unable;
- H. Compliance with all requirements of the Deer Hunting Policy for the City of Rushford then in effect.

SECTION 98.03 VIOLATIONS & PENALTIES

Notwithstanding anything in City ordinances to the contrary, a person who violates any provisions of this Section shall be guilty of a misdemeanor punishable according to misdemeanor limits as established from time to time by the State of Minnesota. The minimum penalty for a person's first offense under Section 98.02 is a fine of \$450.00 (3961, 3/15/10)

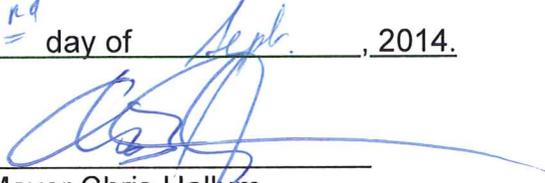
SECTION 98.04 SEVERABILITY & SAVINGS CLAUSE

If any section or portion of this ordinance shall be found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that finding shall not serve as invalidation or affect the validity and enforceability of any other section or portion of this ordinance.

SECTION 2. EFFECTIVE DATE

These ordinances shall be in full force and effect from and after passage and publication, as provided by law.

Adopted by the Rushford City Council this 22nd day of Sept., 2014.



Mayor Chris Hallum

Attest:



Kathy Zacher, City Clerk/Treas.

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