



Date: September 20, 2013

To: Mayor and City Council
From: Thomas J. Bonfield, City Manager
Subject: Deer Bow Hunting Ordinance

Executive Summary

This memorandum is provided as a supplement to the materials presented to City Council at its August 22, 2013 work session and to address specific questions raised at that work session.

Recommendation

Staff recommends that City Council amend the Durham City Code to permit bow hunting of deer within City limits in accordance with proposed City Code requirements and state law and regulations.

Background

City Council received numerous requests to permit deer hunting with bow and arrows within the city limits to address the over population of deer. The City's current ordinance prohibits shooting any wild game or squirrel with any gun, firearm, or bow and arrow. A committee was formed to evaluate options and a recommendation was presented to the City Council in August 2013. Based on the feedback received, additional analysis was conducted.

Issues and Analysis

At the August 22, 2013 work session the following issues were raised and referred back to staff for additional consideration and analysis:

1. Minimum tract or parcel size upon which deer archery should be permitted;
2. Regulation of deer feeding;
3. Restrictions on deer archery in proximity to structures and the edge of a parcel or tract;
4. Requiring the removal of harvested deer;
5. Inclusion of a sunset or review provision for deer archery; and
6. Restrictions on the types of arrows permitted.

1. Minimum Tract or Parcel Size

The draft Code revision presented to Council at the August 22, 2013 work session limited deer archery to parcels or tracts of at least two acres in size. The concern was raised that this would permit archery on relatively small tracts of land. The proposed revisions to Code § 6-3 have been changed to introduce the concept of "areas of consent". An area of consent is defined as one or more contiguous

tracts that are either owned by a hunter or on which a hunter has written permission to hunt.

A review of Peer City (Wake Forest, Raleigh, Greenville, Chapel Hill, Concord, and Kannapolis) ordinances indicates that three of them restrict deer archery to parcels of a certain area. They are:

Raleigh: 2 acres or larger
Wake Forest: 5 acres or larger
Kannapolis: 10 acres or larger

The proposed revision to Code § 6-3 presented with this memorandum limits deer archery to areas of consent that are **5 acres or larger**.

2. Deer Feeding

Rules regarding deer feeding associated with hunting are included in the regulations established by the North Carolina Wildlife Resources Commission. The Peer City ordinances that were reviewed did not include additional restrictions on deer feeding. The proposed revision to Code § 6-3 presented with this memorandum does not include restrictions on deer feeding beyond those already established by the Wildlife Resources Commission.

3. Distance from structures and the boundary of the “area of consent”

The original proposed revisions to Code § 6-3 did not restrict shooting arrows in proximity to structures or the boundary of areas of consent. A review of the Peer City ordinances indicated the following restrictions of this type:

Wake Forest: 150 feet
Raleigh: 250 feet
Kannapolis: 500 feet

It has been reported that the average bow range is 60 to 90 feet. The proposed revision to Code § 6-3 presented with this memorandum prohibits the discharge of any arrow within **250 feet** of any residential dwelling, school, church, commercial building, governmental property, occupied structure, street, park, or other recreational area, and it prohibits the discharge of any arrow within **250 feet** of the boundary of the area of consent.

4. Removal of Harvested Deer

Of the Peer City ordinances reviewed, only Wake Forest included a requirement for hunters to use best efforts to complete the harvest of deer. The proposed revision to code § 6-3 presented with this memorandum includes a requirement that hunters use reasonable efforts to track wounded deer, complete the harvest, and recover the carcass.

5. Sunset or Review Provision

At the August 22, 2013 work session some Council members asked if the deer archery code change should include a sunset provision or if the success of deer archery within the City should be subject to periodic review. The proposed revision to code § 6-3 presented with this memorandum includes a requirement that the Manager’s office prepare a report to Council every two years regarding deer archery within the City. The Manager’s report may contain

recommendations regarding proposed changes to deer archery within the City based upon the success or failure of the program as implemented.

6. Arrow Restrictions

At the August 22, 2013 work session there was some discussion regarding whether the proposed code revisions should include restrictions on the types of arrows used to hunt deer. This is unnecessary as the North Carolina Wildlife Resources Commission regulations governing deer hunting include explicit restrictions on the types of arrows permitted in taking deer.

Alternatives

The City Council could maintain its prohibition on shooting wild game.

Financial Impact

This recommendation has no financial impact on the City.

SDBE Summary

Not Applicable

Attachments

Ordinance – *“An Ordinance to Amend Applicable Durham City Code Provisions Regulating Deer Bow Hunting Within the City”*