

**AN ORDINANCE TO AMEND APPLICABLE DURHAM CITY CODE PROVISIONS REGULATING DEER
BOW HUNTING WITHIN THE CITY**

WHEREAS, Durham City Code Sections 6-3 and 46-21 as currently drafted prohibit deer bow hunting within the City of Durham; and

WHEREAS, deer interference (vehicle crashes, Lyme disease, and crop damage) have negative impacts on the lives of Durham residents; and

WHEREAS, deer bow hunting has been found to be a cost effective, quiet, and discreet method to control the deer population; now, therefore,

BE IT ORDAINED BY THE DURHAM CITY COUNCIL:

SECTION 1. The Durham City Code Chapter 6, Sec. 6-3, Shooting or poisoning wild game or squirrels is hereby amended by deleting existing Sec. 6-3 in its entirety and by enacting the following new Sec. 6-3, Shooting or poisoning wild game or squirrels, and deer bow hunting:

Sec. 6-3. - Shooting or poisoning wild game or squirrels, and deer bow hunting

It shall be unlawful for any person to shoot any wild game or any squirrel, whether wild or tame, with a gun or, firearm or to willfully poison any wild game or squirrel.

However, deer hunting by bow and arrow or crossbow ("collectively archery"), as defined by the North Carolina Wildlife Resources Commission, is permitted on private property during the Central North Carolina deer archery season as established by the North Carolina Wildlife Resources Commission. A person may engage in deer archery on his or her own property if he or she has on his or her person a valid North Carolina hunting license (or qualifies for an exemption from licensing by the North Carolina Wildlife Resources Commission) , or on the property of another in their absence if he or she has on his or her person both a valid North Carolina hunting license (or qualifies for an exemption from licensing by the North Carolina Wildlife Resources Commission) and written permission from the property owner or the property owner's authorized agent or manager and meets the following requirements:

- a) Hunts from a permanent or portable elevated platform of at least ten (10) feet above the ground; and
- b) The parcel or tract of land which the hunter owns or has permission to hunt is greater than two (2) acres in area; and
- c) There is a valid hunting season in effect for which the hunting license applies at the time the bow or crossbow is discharged; and
- d) The hunter adheres to all applicable State and Local regulations; and

- e) The person discharging the bow or crossbow exercises reasonable regard for the safety and property of other persons.

SECTION 2. The Durham City Code Chapter 62, Article II, Sec. 46-21, Discharging weapons-- Generally is hereby amended by deleting existing Sec. 46-21 in its entirety and by enacting the following new Sec. 46-21, Discharging weapons--Generally:

Sec. 46-21. Discharging weapons—Generally.

(a)

It shall be unlawful for any person other than an officer authorized by law, or upon a range legally permitted by the chief of police, to discharge or shoot any firearm, pump gun, air rifle, air pistol, BB gun, crossbow, bow and arrow, slingshot, or any other weapon of like kind within the city.

(b)

Subsection (a) shall not apply when the weapon is discharged or shot:

(1)

In defense of person or property;

(2)

Pursuant to the lawful directions of a law enforcement officer;

(3)

In a city park for ceremonial or recreational purposes, provided that such person has first obtained, in writing, permission from the director of parks and recreation or his or her designee. In no event shall permission be given for the discharge of live ammunition;

(4)

In a cemetery for the purpose of conducting a military or law enforcement funeral or commemorative exercise provided that such person has first obtained, in writing, permission from the city manager or his or her designee. In no event shall permission be given for the discharge of live ammunition;

(5)

On state-designated game lands; or

(6)

Pursuant to Code section 6-3, which permits deer archery within the City limits under specified circumstances.

SECTION 3. This Ordinance shall be effective upon passage by the Durham City Council.