

AN ORDINANCE

AMENDING Chapter 22, “OFFENSES – MISCELLANEOUS,” of the Moline Code of Ordinances, by repealing Section 22-4103, “DISCHARGE OF WEAPONS,” in its entirety and enacting in lieu thereof one new Section 22-4103 relating to the same subject matter.

WHEREAS, it is in the City’s best interest to control the population of deer within City limits to ensure public safety, most especially as it relates to the high number of deer-related traffic accidents; and

WHEREAS, to further this interest, the City Council desires to permit bow and arrow hunting of deer within City limits.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOLINE, ILLINOIS, as follows:

Section 1 – That Chapter 22, OFFENSES – MISCELLANEOUS,” of the Moline Code of Ordinances, is hereby amended by repealing Section 22-4103, “DISCHARGE OF WEAPONS,” in its entirety and enacting in lieu thereof one new Section 22-4103 relating to the same subject matter, which shall read as follows:

“SEC. 22-4103. DISCHARGE OF WEAPONS.

- (a) It shall be unlawful for any person to discharge any firearm in the City.
- (b) It shall be unlawful for any person to discharge a bow and arrow, spring-loaded gun, sling, slingshot, air gun or any other weapon on public property or public right of way in the City.
- (c) The provisions of subsections (a) and (b) shall not apply to the following:
 - (1) To a peace officer in the performance of an official duty;
 - (2) To law enforcement personnel and other individuals receiving training, practicing or in competition on a firearms range, either public or private, approved by the City Council;
 - (3) To a person using a paintball marker, also known as a paintball gun, at a public field or facility specifically designed for holding paintball events and approved by the City.
- (d) It shall be unlawful for any person to discharge any bow and arrow, spring-loaded gun, sling, slingshot, air gun or any other weapons on any private parcel of land or residence in such a manner that the pellet, paintball, dart, slingshot, BB shot, rock, missile, or other projectile may reasonably be expected to traverse any ground or space beyond the lot lines of such private parcel of land or in such a manner that persons or property may be endangered.
- (e) The provisions of subsection (d) shall not apply to archery hunting on private property within the City as long as it is performed in compliance with the following requirements:
 - (1) A person may discharge a long, recurve, or compound bow as permitted by regulations of the Illinois Department of Natural Resources and the laws of the State of Illinois, on private property within the corporate limits of the City if the following requirements are met:

- a. The person must possess a valid deer archery permit issued by the State of Illinois and must comply with all of the conditions of the permit and all applicable laws and regulations of the Illinois Department of Natural Resources relating to archery deer hunting.
- b. The person must possess a deer hunting permit issued by the City. The cost for this permit shall be fifty dollars (\$50.00). The application procedure necessary for obtaining a permit shall be according to the City of Moline deer management rules and restrictions for deer hunting in subsection (e)(3) of this section.
- c. There shall be no more than eight (8) sites permitted for deer hunting. All sites must be located on private property. The size of each site must have a minimum of three (3) contiguous acres. City staff shall review and approve, if warranted, all sites on an annual basis.
- d. Each hunter shall be authorized to hunt from an approved stand located on the permitted hunting sites. Each stand located on an approved site shall have a minimum platform height of six feet (6'). No person shall knowingly direct an arrow across the boundary of or off the designated site. Only one hunter per stand at any one time will be allowed. If multiple stands are to be located on a site, each stand shall have a density of no less than five (5) acres.
- e. Locating appropriate hunting sites will be the responsibility of the hunter. The hunter shall provide site information to the City's account's and finance department to determine if the site information complies with this section and the rules and procedures for deer hunting in subsection (e)(3). The site information submitted by the hunter shall include a description and address(es) of the proposed hunting site.
- f. Archery hunting will only be allowed on those specific days designated as deer bow season by the Illinois Department of Natural Resources and the City of Moline, Illinois.

(2) Deer Management Rules and Restrictions. The City of Moline permits an archery hunting program for deer in an effort to better control the deer population within the boundaries of the City, contingent, however, upon annual review by the City Council. The intent is to give control of hunting to the property owners, yet enable archery hunters to harvest the deer for their use or to provide meat for social agencies. Hunting sites will be selected based on criteria including deer concentration, safety, and overall impact. There are stipulations required of hunters in an effort to make the program as safe as possible, yet achieve the goal of thinning the number of deer within the City limits.

- a. Hunters.
 1. Obtaining a Permit. Hunters must obtain a permit in order to participate in the Moline deer management program. In order to obtain a permit, hunters will need to provide the following:
 - a) Written permission from the property owner(s) of the site(s) they desire to hunt;
 - b) Hunters are encouraged to obtain permission from owners who are adjacent and abutting the hunting site;
 - c) Hunters must obtain approval from any owner or tenant of an inhabited dwelling that is 100 yards from a hunting site;
 - d) Archery proficiency certification from an approved provider;
 - e) Copy of a current Illinois hunting license;
 - f) Completed Moline deer management permit application form.
 2. Hunting Rules and Regulations:
 - a) Hunters must adhere to all State of Illinois and Department of Natural Resources guidelines, rules, and restrictions;
 - b) Hunters must obtain appropriate state permits and tags;
 - c) Hunters must have a valid City of Moline permit;

- d) All deer harvested as part of the deer management program must be reported to the Moline Police non-emergency number of (309) 797-0401 with date, time and location of harvest of deer;
- e) All remains must be removed from the hunting site;
- f) Hunters will obtain permission from property owners before tracking or retrieving a deer that travels out of the approved hunting area. Illinois is not a right to retrieve state.

b. Hunting Sites. Sites will be approved by the City based upon criteria including deer concentration, safety, and overall impact.

1. Restrictions and Requirements:

- a) Consist of no less than three (3) contiguous acres;
- b) One hundred (100) yards from a school, park, or church, unless approved;
- c) Situated in a manner that all shots are taken at a downward angle;
- d) Shots must not be taken in a way they may carry into an open or occupied area;
- e) Only one hunter active per site at any time;
- f) Certain sites may have a time restriction when hunting is allowed;
- g) Hunters must set up their stands at least 100 feet from buildings, roads and sidewalks.

2. Multiple Hunters:

- a) Additional hunters may be allowed when using a separate stand at a density of no less than one hunter per five (5) acres;
- b) Property owners may coordinate with multiple hunters to utilize a site, but only one hunter may actively use a stand at any one time.

3. Property Owners:

- a) Property owners reserve the right to deny hunting on their property;
- b) Property owners wishing to hunt or allow hunting on their property must submit their site for approval to the City's accounts and finance department;
- c) The City will notify property owners that are adjacent to and abutting an approved hunting site in advance via letter;
- d) Property owners with objections or concerns regarding hunting in their vicinity should state their concern in writing or contact the Finance Department.

4. Unpermitted Hunting:

- a) Any hunting which takes place without appropriate permits will be considered poaching and treated as such;
- b) Any hunting on property which is not approved by the City will be considered poaching and treated as such;
- c) Hunting on property without the property owner's explicit permission is impermissible.

c. Any violation of the deer management program rules and guidelines will result in the permanent revocation of City hunting privileges and subject the hunter to a possible fine for said violation.

(f) **Penalty.** Any person violating this section as a first offense shall be subject to a mandatory fine of not less than one hundred dollars (\$100.00) plus court costs nor more than seven hundred fifty dollars (\$750.00) plus court costs."

Section 2 – That this ordinance shall be in full force and effect from and after passage, approval and, if required by law, publication in the manner provided for by law.

CITY OF MOLINE, ILLINOIS

Mayor

Date

Passed: _____

Approved: _____

Attest: _____

Deputy City Clerk

Approved as to Form:

City Attorney