

General Hunting Ordinance and Urban Archery Deer Season

WHEREAS, there has been a significant increase in the white-tailed deer population in the Town of Jamestown and, as a result, there has been an increase in motor vehicle accidents and damage to property caused by deer; and

WHEREAS, bow hunting has been found to be a cost effective, quiet, and discreet method to control deer and turkey populations; and

WHEREAS, in an effort to control the deer and turkey population in the Town of Jamestown, the Town Council has determined that deer hunting by bow and arrow should be allowed under the conditions set forth in this ordinance and that an ordinance should be enacted as follows:

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Jamestown, that the General Ordinances of the Town of Jamestown be amended by adding this ordinance as follows:

General:

This ordinance shall permit the hunting of white-tailed deer and wild turkey only. All other game, large or small, as defined by the State of North Carolina Wildlife Commission, may not be legally hunted, trapped, or harvested within the town limits of the Town of Jamestown. In addition, hunters may only use longbows, recurved bows, or compound bows to harvest said game. The use of crossbows is prohibited within the Town of Jamestown town limits. The use of firearms or any other method of harvesting is expressly prohibited.

The Town of Jamestown also intends to participate in the Urban Archery Season, which is an extension of the general season for white-tailed deer. However, participation in this program must be renewed each year and the Town may elect not to participate at any future date. Hunters must check with the NC Wildlife Commission to ensure they are in compliance with the law.

Hunters must also comply with the following requirements.

Requirements:

- A. Hunters shall follow all state and local laws, rules and ordinances when hunting deer or turkey within the town limits. The start and conclusion of any game season will be determined by the most current North Carolina Wildlife Resources Commission Regulations Digest.
- B. Hunters must have in their possession a valid North Carolina Hunting License showing completion of a hunting safety course.
- C. Hunters are prohibited from using firearms to hunt. Only archery is permitted.
- D. Only hunting on private property is allowed. Hunters must have written permission in their possession dated within one year from landowners to hunt on their property or must own the property themselves.

- E. No hunting is allowed on Town of Jamestown property or on, from or across the right-of-way of any road.
- F. Hunting is not permitted within 250 ft. of any residential dwelling, governmental property, school, church, commercial building, occupied structure, street, park, or other recreational area. In addition, no arrow shall be discharged within 250 feet of the boundary line of any property where hunting is permitted.
- G. Hunting is only allowed on a tract or parcels of land which are greater than five (5) acres.
- H. A violation of any of the provisions of this section shall subject the offender to any of the penalties contained in this ordinance.
- I. Should a hunter wound an animal while hunting on an approved parcel and the animal crosses onto another property where hunting is not permitted, the hunter may follow the animal or any trail left by the injured game and recover it only with the permission of the property owner(s).
- J. Hunters may not use any type of animal, including but not limited to dogs, to track or hunt any game within the town limits. "Still hunting" is the only permitted type of hunting. Hunters are not required to be elevated, but may choose to use elevated stands.

Penalty:

(A) Unless otherwise provided herein, each violation of this Ordinance shall constitute a misdemeanor, except as otherwise provided by state statute, and violations of such provisions of this Ordinance shall be punished by fine or imprisonment as by law provided. Citations may be issued by the Town Manager, or his designee, or any local law enforcement agent or State of NC Wildlife Resources agent.

(B) Violations of this Ordinance shall constitute either a misdemeanor or, at the election of the town, shall subject the offender to a civil penalty upon the issuance of a citation for said violation as hereinafter provided. The civil penalty, if not paid to the town within 15 days of the issuance of a citation, may be recovered by the town in a civil action in the nature of debt. Unless otherwise provided by a specific provision of this Ordinance, such civil penalties shall be in the amount of \$50 for each violation, and each day any single violation continues shall be a separate violation.

(C) In addition to the civil penalties set out above, any provision of this Ordinance or any other town ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the general court of justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the town for equitable relief that there is an adequate remedy at law.

(D) In addition to the civil penalties set out above, any provision of the Ordinance or any other town ordinance that makes unlawful a condition existing upon or use made of real property may be enforced by injunction and order of abatement by the general court of justice. When a violation of such a provision occurs, the town may apply to the appropriate division of the general court of justice for a mandatory or prohibitory injunction and/or order of abatement commanding the defendant to correct

the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular.

(E) The provisions of this Ordinance and any other town ordinances may be enforced by one, all, or a combination of the remedies authorized and prescribed by this section. Any ordinances adopted by the Town Council, the violation of which shall incur a penalty, shall be construed to incur the criminal penal provisions of this section, unless a civil penalty is specified in the ordinance.

(F) (1) Upon determination of a violation of any section of this Ordinance, the penalty for which is or may be a civil penalty, the town may but is not required to cause a warning citation to be issued to the violator. Such citation shall set out the nature of the violation, the section violated, and the date of the violation and shall contain an order to cease the violation immediately. If the violation is in the nature of an infraction for which an order of abatement would be appropriate in a civil proceeding, a reasonable period of time may be stated within which the violation must be abated. The warning citation may specify that a second citation shall incur a civil penalty, together with costs and attorney fees.

(2) Upon failure of the violator to obey the warning citation, a civil citation shall be issued by the appropriate official of the town and either served directly on the violator, his duly designated agent, or the registered agent if a corporation, either in person or posted in the United States mail service by first class mail addressed to the last known address of the violator as contained in the records of the town or obtained from the violator at the time of issuance of the warning citation. The violator shall be deemed to have been served upon the mailing of such citation. The citation shall direct the violator to appear before the Town Council or its designee within 15 days of the date of the citation or, alternatively, to pay the citation by mail. The violation for which the citation is issued must have been corrected by the time the citation is paid; otherwise, further citations shall be issued. Citations may be issued for each day the offense continues until the prohibited activity is ceased or abated.

(G) If the violator fails to respond to a citation within 15 days of its issuance and pay the penalty prescribed therein, the town may institute a civil action in the nature of debt in the appropriate division of the general court of justice for the collection of the penalty, costs, attorney fees, and such other relief as permitted by law. All fees shall be paid at the Town Hall.

ADOPTED THIS _____ DAY OF _____, 20____, BY THE TOWN COUNCIL OF THE TOWN OF JAMESTOWN.

MAYOR KEITH L. VOLZ

MARTHA S. WOLFE, CMC, TOWN CLERK

(SEAL)