

ORDINANCE NO. 14,903

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by repealing and replacing subsection (b) of Section 70-81, subsection (b) of Section 70-82, Section 70-84, subsection (a) of Section 70-86, Section 70-87, Section 70-88, Section 70-89 and Section 70-90, regarding hunting and the use of firearms, BB guns, and bows and arrows.

BE IT ORDAINED by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance No. 13,999 passed September 24, 2001, and by Ordinance No. 14,131 passed August 5, 2002, and by Ordinance No. 14,524 passed December 19, 2005, and by Ordinance No. 14,587 passed September 25, 2006, and by Ordinance No. 14,710 passed October 8, 2007, and by Ordinance No. 14,878 passed August 10, 2009, be and is hereby amended by repealing and replacing subsection (b) of Section 70-81, subsection (b) of Section 70-82, Section 70-84, subsection (a) of Section 70-86, Section 70-87, Section 70-88, Section 70-89 and Section 70-90, regarding hunting and the use of firearms, BB guns, and bows and arrows, as follows:

Sec. 70-81. Airguns and BB guns.

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- (b) No person shall shoot, fire, or discharge any airgun or BB gun, except pursuant to sections 70-82 and 70-84 of this article and section 22-101 of this code, within the city or within a city-owned park without written permission of the chief of police. Such permission shall limit the time and place of shooting and may be revoked by the chief of police.

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Sec. 70-82. Use of airguns and BB guns.

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- (b) No person shall shoot, fire or discharge any airgun or BB gun under authority of this section in such fashion that the discharged pellet, projectile or BB travels beyond the building in which such airgun or BB gun is fired or, for outdoor shooting, beyond the boundaries of the designated shooting area in which the person is shooting.

Sec. 70-84. Hunting.

- (a) No person shall pursue, hunt, kill, snare, net, search for, shoot at, stalk, or lie in wait for any game, animal, or bird with an airgun, BB gun, firearm, bow and arrow, or any other thrown or propelled device within the city limits except as provided in subsections (b), (c), (d) and (e) of this section, and sections 70-81(d) and 22-101 of this code.
- (b) Licensed bow hunters meeting the requirements established by the state department of natural resources (DNR) may hunt antlerless deer within the areas designated as the "Des Moines Special Deer Management Zones" on public or private property, under all the following conditions:
 - (1) Hunting may occur only on dates designated by the DNR as bow hunting season in the Des Moines Special Deer Management Zone (zone) by persons who are at least 18 years of age and licensed for such hunting, and this license must be carried on his or her person;
 - (2) Hunters must have written permission from the property owner and must carry that written permission form on his or her person and the portion of the special deer management zone map which verifies that the property is within the zone;
 - (3) Hunters cannot carry an uncased bow within 100 feet of any residence or within 75 feet of any trail, road or building;
 - (4) Hunters must have a permit issued by the director of the park and recreation department and comply with the terms and conditions of such permit.
 - (5) Upon application of the property owner, the director of the park and recreation department may issue a permit which waives the 100 feet residency requirement as provided in subsection (b)(3) of this section and provide for a lesser distance. Such waiver permit may be issued only after an on-site inspection by the park and recreation department and a determination by the director that the hunt may be safely performed. Such waiver permit may include special hunt restrictions to ensure the safety of the hunt and must adhere to the distance requirements provided in subsection (b)(3) of this section from adjoining properties;
 - (6) Hunters must take all shots from an elevated stand and shoot no further than 25 yards;
 - (7) Hunters must comply with all rules of the state department of natural resources for hunting in such zone; and
 - (8) Hunters must take all deer meat to be processed or given to charity.
- (c) Bow hunting for deer may occur in Des Moines Water Works Park according to the requirements of this Code if permitted by resolution of the city water works board of trustees, which resolution may impose greater restrictions than are provided in this Code. No hunting may occur in any other park owned by the city and operated by the park and recreation department except bow hunting for deer during the dates designated by the DNR as bow hunting season within the areas designated as the "Des Moines Special Deer Management Zones" with written permit issued by the park and recreation director, which permit may limit the dates, time of day and area that hunting is allowed. No hunting may occur within

75 feet of any city-owned recreational trail or on any other property owned or leased by the city, other than the water works park, except as provided in section 22-101 of this code.

- (d) Licensed bow hunters meeting the requirements established by the state department of natural resources (DNR) may hunt antlered deer within the areas designated as the special deer management zones on public or private property, under all the following conditions:
 - (1) All conditions listed in subsection (b) above must be met.
 - (2) A limited number of antlered deer may be taken according to an incentive program that may be adopted by the county deer task force and approved by the state department of natural resources (DNR).
- (e) Hunting, including but not limited to hunting for deer and waterfowl, may occur on private property subject to compliance with each of the following limitations:
 - 1. All such hunting activities must be conducted in compliance with all rules and regulations imposed by the code of Iowa and the Iowa department of natural resources, including, but not limited to, all licensing provisions of the Iowa department of natural resources.
 - 2. No firearm may be used for any such hunting activity except a shotgun, muzzle loading rifle, or BB gun rifle. Pistols shall not be used for hunting.
 - 3. The property must be a minimum of twenty (20) contiguous acres or more in size, located within the A-1 agricultural district, and assessed as agricultural property for property tax purposes.
 - 4. The hunters must either be under the direct supervision of a record titleholder of the property, or have in their possession written permission from a record titleholder of the property to hunt on such property.
 - 5. No person shall hunt with a bow or BB gun rifle within 100 feet of a public park or public street, highway or recreational trail; and no person shall hunt with a firearm within 200 yards of a public park or public street, highway or recreational trail.
 - 6. A person shall not hunt with a bow or BB gun rifle within 100 feet of a building inhabited by people or domestic livestock or within 100 feet of a feedlot as defined in I.C. §481A.123, and no person shall hunt with a firearm within 200 yards of a building inhabited by people or domestic livestock or within 200 yards of a feedlot, unless the owner or tenant of such building or feedlot has given consent.
 - 7. A person shall not shoot any firearm, BB gun or arrow on or over any public waters, highways, streets, alleys or recreational trail, or any railroad right-of-way.
 - 8. No person shall hunt with a shotgun using slugs or with a muzzle loading rifle except for deer hunting from an elevated stand or platform at least 10 feet above the ground, and without the aid of other persons used to drive or concentrate the deer in the vicinity of the hunter.
- (f) Any violation of this section is punishable as provided in section 1-15 of this Code.

Sec. 70-86. Discharging firearms.

- (a) No person shall fire or discharge any cannon, gun, pistol or other firearm within the city, except as provided in this section or for hunting as permitted by section 70-84.

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Sec. 70-87. Use of bows and arrows generally.

Except as provided in section 70-84 of this article, no person shall shoot a bow and arrow within the city, except pursuant to sections 70-88, 70-89, and 70-90 of this article, without permission from the chief of police, which permission shall limit the time and place of shooting and may be revoked by the chief of police. In this section and in sections 70-88, 70-89 and 70-90 of this article, the term "shoot a bow and arrow" means to place the nock of the arrow in the string of a bow or of any other object and to release the arrow in such fashion that, when the string is pulled and released, the arrow thrusts forward.

Sec. 70-88. Restrictions on use of bows and arrows.

No person shall shoot a bow and arrow within the city limits except as follows:

- (1) Any person may participate in a supervised program of physical education or competitive sports in a public or private school.
- (2) Any person may shoot a bow and arrow at a public or private lane or range that has been certified by the Archery Range and Retailers Organization or the National Field Archery Association.
- (3) Any participant may shoot a bow and arrow in a tournament which either has been approved by the city manager or his or her designee at least one week prior to the time of the tournament and for which tournament rules have been submitted to the city manager or his or her designee or which is conducted at a licensed lane or range.
- (4) Any person may shoot a bow and arrow on private or school property, provided the requirements of section 70-89 of this article are met.
- (5) A properly licensed qualified person may shoot a bow and arrow for hunting as provided in section 70-84 of this article.

Sec. 70-89. Use of bows and arrows on private or school property.

No person shall shoot a bow and arrow in such fashion that it travels beyond the boundaries of the private or school property on which the person is shooting. Except as provided in section 70-84 of this article, any person shooting a bow and arrow on private or school property shall direct the arrow toward a backdrop composed of a substance which will not allow the arrow to pass through, and such backdrop must extend at least five feet beyond the target on the top and both sides and must extend from the bottom of the target to the ground. The target shall be constructed and installed so that the target face cannot move more than two inches in any direction.

Sec. 70-90. Use of bows and arrows for hunts.

No person shall shoot a bow and arrow within the city limits at any living being such as an animal, bird, fish, or fowl, except as provided in section 70-84 of this article.

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

T. M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 09-1953), passed by the City Council of said City at a meeting held October 26, 2009 signed by the Mayor on October 26, 2009 and published as provided by law in the Business Record on November 9, 2009. Authorized by Publication Order No. 6864.

Diane Rauh, City Clerk