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# MEMORANDUM

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**To:** Mayor and Members of the City Council

**From:** Rich Olson, City Manager  
Eddie Buffaloe Jr., Chief of Police

**Date:** February 6, 2019

**Subject:** Consideration – Call for a Public Hearing to Amend City Ordinance to Allow Bow Hunting of Deer on City- Owned Property

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***BACKGROUND:***

During November and December of 2018, City staff conferred with the North Carolina Wildlife Resources Commission regarding the deer population in the wooded land area owned by the City of Elizabeth City. The land in question is located off Wellfield and Thunder Road (map attached). Following these discussions, Commission representatives concluded that deer hunting in this area would be beneficial to the ecosystem of Pasquotank County, North Carolina.

Section 90.11 of the City's current ordinance prohibits the shooting of any animal within the City Limits of Elizabeth City except "by police and in cases of rabid dogs or any other animal, which poses an imminent danger to any person." Staff is proposing that if hunting is allowed, it be limited to only archery/bow hunting, and only be permitted for the purpose of hunting deer in this particular area. To accomplish this, creation of Section § 90.32, entitled "Hunting of Animals" is recommended. Additionally, a revision Section § 130.10 "Discharging Firearms or Other Projectiles", which references that no shooting of any weapons, including that of a bow, is allowed on City property. Staff proposes rewriting this section to provide for allowance of archery on grounds that have specifically determined and designated by the City Manager or an official of his designation.

The proposed revisions are consistent with state laws governing deer hunting as established by the North Carolina Wildlife Resources Commission and would aid in remedying the areas of concerns as brought to staff's attention by representatives of the Wildlife Commission.

***ANALYSIS:***

The following modifications to the existing City Ordinance are being recommended:

- 1) An addition of a section be added to City Code Title IX: General Regulations; Chapter 90, "Animals", to be entitled "Section § 90.32, "Hunting of Animals" and to read as follows:

▪ **Section § 90.32 HUNTING OF ANIMALS** –

(A) The hunting of deer only, by means of archery/bow hunting only, on the wooded land area owned by the City of Elizabeth City and physically located off of Wellfield/Thunder Roads (specially, Parcel 7994-905981) shall be permitted if all of the following conditions are met:

- 1) A permit is obtained from the City of Elizabeth City and approved by the Chief of Police or his designee. Prior to applying with the City, the applicant (as a pre-requisite) must possess and produce a valid State hunting license from the North Carolina Wildlife Resources Commission; failure to have in possession and produce said hunting permit will result in an automatic denial of City permit. The cost of the City hunting permit issued shall not exceed \$15.00. It shall remain valid during the period of time as established by, and run concurrent with, the North Carolina Wildlife Resources Commission for "archery/bow hunting" in Pasquotank County, as defined by the North Carolina Inland Fishing, Hunting, and Trapping Regulations digest published by the Commission each year and located at <http://www.eregulations.com/northcarolina/hunting-fishing/deer-seasons>.
- 2) The archery/bow hunter must be at least 18 years of age and must notify a designated official from the Elizabeth City for approval prior to hunting on City-owned property (Parcel 7994-905981);
- 3) The archery/bow hunter shall not be permitted to use dogs while hunting on City-owned property (Parcel 7994-905981);
- 4) The archery/bow hunter must give at least 24-hours advanced notice to either E911/Pasquotank-Camden Central Communications or the Elizabeth City Police Department prior to engaging in each event of hunting on City-owned property (Parcel 7994-905981);
- 5) There shall not be more than two (2) archery/bow hunters located on City-owned property (Parcel 7994-905981) at the same time;
- 6) All laws, guidelines, policies, and rules in place by the North Carolina Wildlife Resources Commission are strictly followed. Failure to follow all laws, guidelines, policies, and rules established by the North Carolina Wildlife Resources Commission, as it relates to archery/bow hunting of deer,

will result in automatic revocation of the hunter's City permit.

(B) The City Council shall have power and it shall be its duty to order a certain permit issued or to refuse to issue a certain permit sought. The City Council may attach to the exercise of the rights granted by such license such terms and conditions as, in its judgment, the public convenience and necessity may require.

(C) The Elizabeth City Police Department shall keep on record and maintain a schedule of archery/bow hunters that have met all requirements and have been approved to hunt on City-owned property (Parcel 7994-905981).

2) A modification to City Code Title XIII: General Offenses, Chapter 130, "General Provisions", Section § 130.10 "Discharging Firearms or Other Projectiles", under Sub-Section (B) to read as follows:

- **Section § 130.10 (B)** – No person shall shoot or project any stone, rock, shot or other hard substance by means of a slingshot, bean shooter, shot shooter, air rifle, popgun, bow or other similar contrivance; provided that archery shooting may be engaged in on such grounds as may be set aside and approved therefore by the City Manager and officially designated by him or her as archery ranges; **and unless otherwise exempt pursuant to City Code Section § 90.32 "Hunting of Animals."**

Additionally, there is potential conflict posed under the guidelines given in City Code Section § 90.31, "Cruelty to Animals" due to the recommendation given to staff by the North Carolina Wildlife Resources Commission, who have expressed a need for this action.

***FINANCIAL:***

The Finance Committee discussed this matter during their February 7, 2019 meeting. Upon motion made by Councilwoman Young, seconded by Councilwoman Hummer, the Committee unanimously recommended approval by the City Council.

***STAFF RECOMMENDATION:***

By motion, call for a Public Hearing to be held on February 25, 2019, directly following the public comment period, for the purpose of gathering citizen input on adopting amendments to the City's Code of Ordinances Chapter 90-Animals and Section 130.10 – Discharging Firearms or Other Projectiles, as presented herein.



7994 905981

7994 905981

Legend

Parcels

Road

Union  
Sources: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID,  
IGN, and the GIS User Community