

ORDINANCE NO ____

AN ORDINANCE OF THE CITY OF DALTON GARDENS, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING TITLE 7, CHAPTER 1, SECTION 2 OF DALTON GARDENS MUNICIPAL CODE TO ADD AN EXEMPTION FOR ARCHERY (BOW) HUNTING; REPEALING AND REPLACING TITLE 7, CHAPTER 1, SECTION 3 OF DALTON GARDENS MUNICIPAL CODE TO ADD REQUIREMENTS FOR HUNTING WITHIN CITY LIMITS; PROVIDING FOR SEVERABILITY; PROVIDING REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Mayor and City Council of the City of Dalton Gardens, Kootenai County, Idaho, that Title 7, Chapter 1, Section 2: Discharge of Firearms is amended, and that Title 7, Chapter 1, Section 3: Hunting Prohibited; is hereby repealed and replaced as follows:

Section 1. Dalton Gardens Municipal Code Title 7, Chapter 1, Section 7-1-2 is hereby amended as follows:

7-1-2: DISCHARGE OF FIREARMS:

- A. Definition: Whenever the term "firearms" is used in this section, said term shall mean any instrument used in the propulsion of shot, pellets, bullets or other harmful objects by the action of gunpowder exploded within it, or by the action of compressed air within it, or by the power of springs, excluding what are commonly known as air rifles and BB guns.
- B. Discharge Of Firearms Prohibited: It shall be unlawful for any person to discharge firearms within the limits of the municipality.
- C. Exceptions: This section shall not apply to:
 - 1. Peace officers in the discharge of their duties;
 - 2. A person lawfully archery hunting for deer, as provided in 7-1-3 below.
 - 23. A person may discharge a firearm on properties that are zoned to allow agricultural use if discharge of the firearm is for the purpose of slaughtering animals raised on the property for the purpose of human consumption and the person discharging the firearm complies with the following conditions:
 - a. The discharge of the firearm is aimed away from persons, vehicles, roadways, buildings constructed for human occupancy, and other animals; and
 - b. The person discharging the firearm provides prior notice to the applicable law enforcement agency for the city (Kootenai County sheriff).
 - 3. A person discharging a firearm in the lawful defense of person or persons or property.

Section 2. Dalton Gardens Municipal Code Title 7, Chapter 1, Section 7-1-3 is hereby repealed and replaced as follows:

7-1-3: HUNTING PROHIBITED:

~~It is prohibited and shall be a misdemeanor for any person to hunt wildlife in Dalton Gardens. "Hunting" as defined by Idaho fish and game means chasing, driving, flushing, attracting, pursuing, worrying, following or on the trail of, shooting at, stalking, or lying in wait for any wildlife whether or not such wildlife is then subsequently captured, killed, taken or wounded. Nothing herein shall prohibit the stalking, attracting, searching for or lying in wait for any wildlife by an unarmed person solely for the purpose of observing or photographing that wildlife.~~

7-1-3: HUNTING:

- A. No person shall hunt any fur-bearing animal or bird within the city limits except as otherwise expressly permitted by the City of Dalton Gardens.
- B. The prohibition of subsection A. above shall not apply to archery hunting of deer for proper game management. Archery hunting of deer, provided that archery hunting is expressly permitted by state law, Idaho Fish and Game, and otherwise consistent with state hunting regulations, and that the proposed hunt is consistent with this Ordinance.
- C. The City of Dalton Gardens shall regulate all archery hunts, in accordance with state law and Idaho Fish and Game, within city limits. The City of Dalton Gardens shall establish a list of all property owners within the city limits who would permit hunting to occur on their property. The City of Dalton Gardens shall establish a permit for those individuals who would like to archery hunt in city limits, and shall charge an administrative fee for the permit in accordance with the adopted fee resolution.
- D. Archery hunting must meet all of the following requirements and conditions:
 1. It shall be unlawful for any person to discharge a bow and arrow or crossbow within a distance of fifty (50) feet from any building located on another person's land. This restriction shall not apply if the person who owns the land on which the building is located allows and gives prior written consent to the person to use or discharge an arrow or crossbow within the specified distance of the building.
 2. Archery hunting shall not occur across or within any public right-of-way or within fifty (50) feet of the nearest border of a right-of-way.
 3. A bow and arrow or crossbow must be discharged from an elevated stand and discharged downward towards the ground, or from a ground blind.
 4. Arrows or other projectiles shall not enter, occupy, or traverse any land owned or occupied by another person without that person's prior written consent.
 5. No wildlife bait or feed may be utilized to attract deer.
 6. A bow and arrow or crossbow shall not be discharged on or across any portion of land owned or occupied by the City of Dalton Gardens.

7. Archery hunters must act in conformance with the laws of the State of Idaho, adhering to all hunting regulations and safe hunting practices.
8. Archery hunters must use best efforts to promptly dispatch a deer on a permitted property with a safe and effective shot. If a wounded deer is not recovered on the hunter's property, or property being used for hunting with prior written permission, then entry on to another's property is permitted only with the prior permission of the landowner.
9. Archery hunters shall take all reasonable steps to immediately and properly dispose of any portion of an animal killed or injured during a bow hunt, including immediately field dressing any animal killed or injured at the site of the bow hunt, and promptly processing the meat and disposing of the by-products from the hunt.
10. After field dressing any deer taken while archery hunting, all internal organs are to be immediately bagged and removed from the property by the hunter or by his or her designee.

Section 3. Severability. This ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

Section 4. Repeal of Conflicting Provisions. All provisions of the current Dalton Gardens Municipal Code, or ordinances of the city of Dalton Gardens, which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 5. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED by the City Council as an Ordinance of the city of Dalton Gardens upon roll call vote on the ____ day of December, 2020.

APPROVED by the Mayor on this ____ day of December, 2020.

CITY OF DALTON GARDENS, IDAHO

By: _____
Dan Edwards, Mayor

ATTEST:

Valerie Anderson, City Clerk