

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING THE MUNICIPAL CODE OF THE CITY OF OSAGE BEACH, MISSOURI BY REPEALING SECTION 207, AND ENACTING A NEW SECTION 207 IN ITS PLACE ESTABLISHING A DEER CONTROL POLICY AND DEER HUNTING REGULATIONS.

WHEREAS, it is the intent of the Board of Aldermen of the City of Osage Beach, Missouri in enacting the following Deer Control Policy and Hunting Regulations to exercise reasonable police power over the growth of the deer population in order to safeguard the general welfare and safety of the community; and

WHEREAS, to preserve the physical safety of children, homeowners, residents, pedestrians and motorists within the City of Osage Beach, and to prevent property damage by deer within the City of Osage Beach, the Board of Aldermen hereby enacts the following Deer Control Policy and Hunting Regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF OSAGE BEACH, MISSOURI, AS FOLLOWS:

Section 1. That Section 207 to the Osage Beach Code of Ordinances is hereby repealed in its entirety and a new Section 207 is enacted in its place to read as follows:

Section 207.005. DEER CONTROL AND HUNTING REGULATIONS.

DEFINITIONS. As used in this section the following terms shall have these prescribed meanings:

ARCHERY DEVICE: Any longbow or compound bow.

CROSSBOW: A device for discharging quarrels, bolts, or arrows, formed of a bow set cross-wise on a stock, usually drawn by means of a mechanism and discharged by the release of a trigger.

FIREARM: The term "firearm" as is used in the ordinance means any rifle, shotgun, weapon or similar mechanism by whatever name known, which is designed to expel a projectile or projectiles through a gun barrel, tube, pipe, cylinder or similar device by the action of any explosive.

PROJECTILE WEAPON: The term "projectile weapon" means any pellet gun, slingshot or other weapon that is not a firearm, which is capable of expelling a projectile that could inflict serious physical injury or death by striking or piercing a person.

UNDER THE INFLUENCE: Under the influence means any person under the influence of intoxicating liquor as defined by Section 342.030 of the Osage Beach Code of Ordinances.

Section 2. That Section 207.010 is hereby added to the Osage Beach Code of Ordinances to read as follows:

Section 207.010. A Managed Deer Hunt within the corporate limits of Osage Beach to be held during the State of Missouri deer hunting season is hereby established under the following terms and conditions:

- a. Discharging or releasing arrows from archery devices within the City limits is prohibited except where the hunter is acting under a permit issued under this ordinance.
- b. No hunting with firearms is allowed within the City.
- c. No hunting is allowed on any private property within the City without the prior consent of the owner.
- d. No hunting is allowed on any private property within the City without prior notice of the hunt given to the Osage Beach Public Works Department at least twenty-four (24) hours in advance of the commencement of the hunt. The notice shall include the location, date, times and names of all hunters.
- e. All current laws and regulations of the State of Missouri governing hunting shall be obeyed by all hunters within the corporate limits of Osage Beach.
- f. Each person hunting pursuant to this section must be approved by the City of Osage Beach. Each hunter who is permitted to hunt within the City shall carry and display at all times while on the hunt, a permit card displayed in the hunter's vehicle and carried on each hunter's person. Such card shall be displayed upon request of any police officer, conservation agent or appropriate City enforcement officer.
- g. Each owner, lessee, or person in charge of any private property may require any such additional restrictions for the hunt upon such premises or property as they deem reasonable or necessary.
- h. No hunting is authorized on tracts of land less than three-quarters (3/4) acres in area. Adjoining tracts of land less than three-quarters (3/4) acres may be combined to meet this requirement with permission from both property owners.
- i. Each hunter shall hunt only during the times and dates specified on the permit.
- j. All hunters shall park their vehicles on the same property on which they are hunting.
- k. The City Park is closed to hunting after 10:00 a.m. and hunting will be allowed on specific dates only.
- l. The Osage Beach Public Works Director or his designee shall impose reasonable restrictions on the number of hunters hunting on the same site at the same time.
- m. Prior to discharging an archery device intended to be used for hunting, it shall be the hunter's responsibility to permanently mark each arrow with his or her Missouri Department of Conservation number.

Section 3. That Section 207.015 is hereby added to the Osage Beach Code of Ordinances to read as follows:

Section 207.015. HUNTING PERMITS

Each person who participates in the Managed Deer Hunt within the corporate limits of Osage Beach shall hold a permit issued by the City after having met the following conditions:

- a. Be over the age of ten (10) years. For hunters under the age of 18, they must be accompanied with a licensed hunter.
- b. Complete an Osage Beach Orientation on the rules of the Osage Beach Managed Deer Hunt.
- c. Complete and submit an application for an Osage Beach Managed Deer Hunt permit on a form to be approved by the City Administrator.
- d. The City Administrator or his/her designee may revoke the permit issued hereunder at any time for any violation of the rules and regulations of the Osage Beach Managed Deer Hunt.

Section 4. That Section 207.020 is hereby added to the Osage Beach Code of Ordinances to read as follows:

Section 207.020. SPECIFIC ACTIONS PROHIBITED

- a. It shall be unlawful for any person to discharge any archery device from across any street, sidewalk, road, highway or playground.
- b. It shall be unlawful for any person to discharge any firearm or projectile weapon within the City of Osage Beach.
- c. It shall be unlawful for any person hunting under the Osage Beach Managed Deer Hunt to knowingly enter the premises of another or discharge any device on the premises of another without the permission of that owner or person in charge of said property.
- d. It shall be unlawful for any person hunting under this section to fail or refuse to leave any private property when requested to do so by owner, lessee, or person in charge of said property.
- e. It shall be unlawful for any person to discharge an archery device at or in the direction of any person, vehicle, dwelling, house, church, school or building.
- f. It shall be unlawful for any person to discharge an archery device within one hundred fifty (150) feet of any church or school.
- g. No arrow used to hunt deer may be discharged or projected at such an angle or distance as to land on public or private property other than the property on which the hunt has been authorized.
- h. It shall be unlawful for any person to field dress a deer in a public or conspicuous location.
- i. No arrow used to hunt deer may be discharged or projected at such an angle or distance as to land within fifty (50) feet of any street or public right of way.

- j. It shall be unlawful for any person under the age of ten (10) years to hunt deer within the City limits of Osage Beach.
- k. It shall be unlawful for any person to possess, consume or be under the influence of alcohol or any other controlled substance while engaged in hunting activities within the City limits of Osage Beach.
- l. No four wheelers shall be used in connection with hunting on City property.
- m. Deer stands may only be in place for the period beginning fifteen (15) days before archery deer season and ending fifteen (15) days after archery deer season.
- n. It shall be unlawful for anyone to participate in the Osage Beach Managed Deer Hunt without a current valid Missouri Department of Conservation issued Archer's Hunting and/or Archery Antlerless Deer Hunting Permit.

Section 5. That Section 207.025 is hereby added to the Osage Beach Code of Ordinances to read as follows:

Section 207.025. DEER RETRIEVAL

- a. Any person who kills or injures any deer while hunting shall make a reasonable search to retrieve the deer and take it into his or her possession.
- b. This section does not authorize the act of trespass.
- c. It shall be the hunter's responsibility to immediately notify any property owner, other than the specific property owner who previously authorized the hunt, of the fact that an injured or dead deer is or might be located on his or her property.
- d. It shall be the hunter's responsibility to obtain permission to enter the property of any property owner upon which an injured or dead deer is located prior to engaging in a reasonable search and retrieval of the deer.
- e. In the event that a hunter cannot obtain the permission of a property owner to conduct a reasonable search and retrieval of an injured or dead deer, the hunter shall immediately notify the Missouri Department of Conservation and the City of Osage Beach.

Section 6. That Section 207.030 is hereby added to the Osage Beach Code of Ordinances to read as follows:

207.030. FIELD CLEANING

- a. Any person who field dresses or otherwise processes a deer shall properly dispose of the discarded organs and or body parts in plastic bags in private trash depositories, or by other appropriate means. Nothing contained herein shall authorize the illegal dumping of solid waste or authorize the illegal dumping of bio-hazardous waste.
- b. The transportation of a carcass along any public right of way is prohibited, unless it is covered or hidden from public view.

Section 7. That Section 207.035 is hereby added to the Osage Beach Code of Ordinances to read as follows:

207.035. PENALTY FOR VIOLATION

- a. Any person who shall perform an act in violation of this section or shall fail to follow the rules and or regulations contained in this section, shall be deemed to have committed a misdemeanor and shall loose his or her City hunting permit issued under this section.
- b. Any violation of this ordinance is punishable under the general penalty section for City offenses in Section 100.190 of the Osage Beach Code of Ordinances.

Section 8. Severability.

The chapters, sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any Court of any competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance since the same would have been enacted by the Board of Aldermen without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Section 9. Repeal of ordinances not to affect liabilities, etc.

Whenever any part of this ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, that part of the ordinance thus repealed or modified shall continue in force until the subsequent ordinance repealing or modifying the ordinance shall go into effect unless therein otherwise expressly provided; but no suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under this ordinance previous to its repeal shall not be affected, released or discharged but may be prosecuted, enjoined and recovered as fully as if this ordinance or provisions had continued in force, unless it shall be therein otherwise expressly provided.

Section 10. That this ordinance shall be in full force and effect from and after the date of passage and approval by the Mayor.

READ FIRST TIME: September 5, 2019

READ SECOND TIME: September 5, 2019

I hereby certify that Ordinance No. 19.59 was duly passed on September 5, 2019 by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes: 4

Nays: 2

Abstain: 0

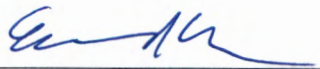
Absent: 0

Ordinance No. 19.59 is hereby transmitted to the Mayor for his signature.

September 5, 2019
Date


Tara Berreth, City Clerk

Approved as to form:



Edward B. Rucker, City Attorney

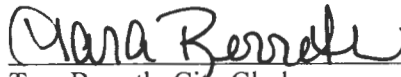
I hereby APPROVE Ordinance No. 19.59.



John Olivarri, Mayor

September 5, 2019
Date

ATTEST:



Tara Berreth, City Clerk