

**AN ORDINANCE REGULATING THE HUNTING OF DEER WITHIN THE TOWN LIMITS
OF THE TOWN OF JAMESTOWN, NORTH CAROLINA**

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 the deer population; and

WHEREAS, in an effort to control the deer 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 Purpose:

This ordinance shall permit the hunting of white-tailed deer within the town limits of the Town of Jamestown only on private property using a bow and arrows during the Archery and Urban Archery Seasons established annually by the North Carolina Wildlife Resources Commission. 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.

Participation by the Town in the Urban Archery Season as established by the North Carolina Wildlife Resources Commission must be renewed annually by the Town. The Town may elect not to participate in any given year; therefore, it is a requirement of this ordinance that each hunter must verify the Town's participation in the Urban Archery Season with the North Carolina Wildlife Commission each year.

Bow Hunting Within Town Limits: Hunters may fire a manual bow and arrows for the sole purpose of hunting deer within the Town limits only as permitted by this Section:

- A. Hunters shall follow all federal, state and local laws, including all rules and regulations promulgated by the North Carolina Wildlife Resources Commission.
- B. Hunters must have in their possession while hunting a valid North Carolina Hunting License issued by the North Carolina Wildlife Resources Commission.
- C. Hunters may hunt deer only with manual bow and arrows, including longbows, recurved bows or compound bows; the use of cross-bows, firearms (as defined in the Town of Jamestown's Discharge of Firearms Ordinance) or any other method of harvesting deer is expressly prohibited.

- D. Hunting as allowed by this Ordinance may take place only during the Archery and Urban Archery Seasons as defined annually by the North Carolina Wildlife Resources Commission.
- E. Hunting is allowed only on a tract or parcel of land that is greater than five (5) acres in size. Common ownership of contiguous tracts or parcels of land less than five (5) acres in size may be combined to satisfy the tract/parcel size required herein as long as such combination equals at least five (5) acres in size.
- 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. Landowners may hunt on their own property subject to the provisions of this Ordinance. Persons may hunt on another's property subject to the provisions of this Ordinance only when possessing written permission from the property owner dated within the prior twelve (12) months. A copy of said written permission shall be in the possession of the hunter at all times while hunting.
- H. Hunters shall make every reasonable effort to track wounded deer for the purpose of completing the harvest and recovering the carcass, and must at all times exercise reasonable regard for the safety and property of other persons.

PENALTIES AND ENFORCEMENT:

A. Each violation of the Ordinance set forth above shall result in a fixed civil penalty charge in the amount of \$250.00. Any such violation shall not constitute a misdemeanor or infraction punishable under North Carolina General Statutes Section 14-4, but instead shall be subject to the civil penalties stated herein and the civil remedies provided by North Carolina General Statutes Section 160A-175. The Town Manager, or his designee, is authorized to take legal action in the nature of a civil suit for the collection of a debt when the civil penalty, including any additional civil penalty due to delinquency, has not been paid. Citations may be issued by the Town Manager, or his designee, or any local law enforcement agent or North Carolina Wildlife Resources Commission agent.

B. The civil penalties imposed herein and the proceeds therefrom, as collected by payment, civil action or otherwise, shall belong to the Town of Jamestown and shall be paid into the general fund of the Town of Jamestown under such conditions, if any, as prescribed in the annual budget of the Town of Jamestown.

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 this 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.

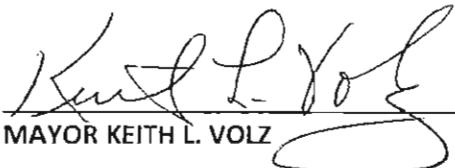
E. The provisions of this Ordinance and any other Town ordinances may be enforced by one, all, or a combination of the remedies authorized and prescribed by this section.

F. 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.

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 pay the amount stated on the citation within fifteen (15) days of the date of the citation.

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.

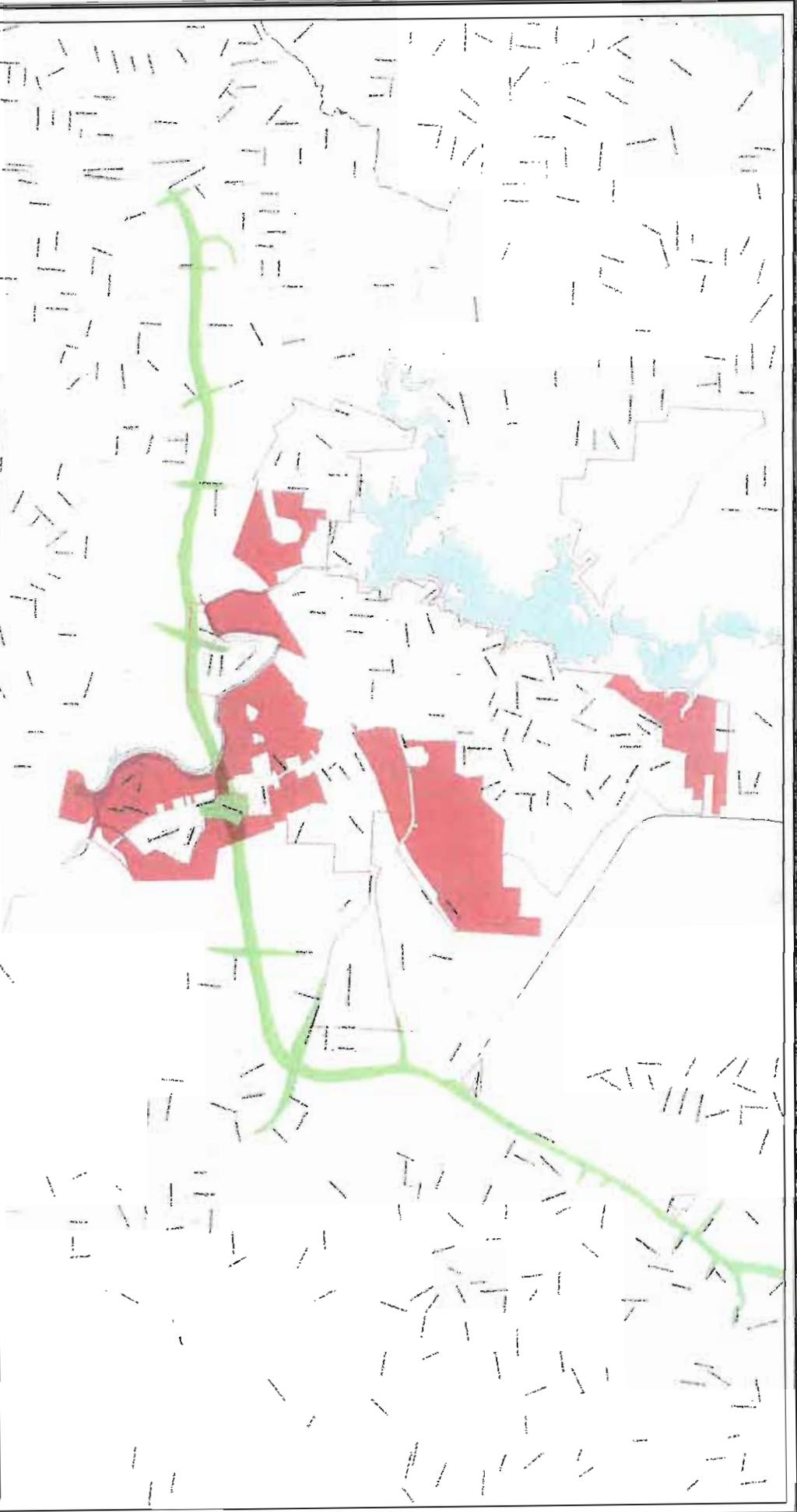
ADOPTED THIS 20th DAY OF January, 2015, BY THE TOWN COUNCIL OF THE TOWN OF JAMESTOWN.


MAYOR KEITH L. VOLZ


MARTHA S. WOLFE, CMC, TOWN CLERK



(SEAL)



Parcels 5+ Acres Where Hunting May Be Permitted

- Legend**
-  Advertisable Town Limits
 -  Parks Open to the Public
 -  Hunting May Be Permitted
 -  Lakes
 -  Stream




Map Prepared by: Robert Turner, Zionsville, IN
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