

**AN ORDINANCE BY THE CITY OF MORGANTOWN CREATING A NEW SECTION 505.18 WITHIN ITS GENERAL OFFENSES CODE, AUTHORIZING URBAN DEER MANAGEMENT WITHIN THE CITY OF MORGANTOWN, AS AUTHORIZED BY LEGISLATIVE RULE OF THE WEST VIRGINIA DEPARTMENT OF NATURAL RESOURCES.**

The City of Morgantown hereby ordains that a new Section 505.18 is created within its General Offenses Code which reads as follows:

**505.18 URBAN DEER MANAGEMENT**

- (a) Purpose. It is the purpose of this section to establish urban deer management within the City of Morgantown by means of an urban archery season(s), as authorized by Title 58, Series 45, Legislative Rules of the West Virginia Department of Natural Resources. It is also the intent of the City of Morgantown that the first such urban deer management hunt take place in the year 2011.
- (b) Urban Archery Hunting of Deer. The urban archery hunting of deer shall be subject to the following procedures:
1. The City Manager or his/her designee shall be the individual who oversees each such yearly hunt.
  2. The City Manager or his/her designee shall establish rules for the conduct of each such urban archery deer hunting season within the City. The rules shall address the manner in which archery hunters shall be selected by the City Manager's Office to participate in any such hunt; the number of hunters to be selected for any such hunt; the designation of specific areas within the City in which archery hunting for deer will be allowed; the assignment of selected archer hunters to designated deer hunting areas; and specific City Manager imposed hunting regulations to be observed by each selected archery hunter. A written copy of the rules and regulations shall be posted on the City's website and presented to City Council in advance of such urban deer archery seasons.
  3. The specific dates for each such urban archery deer season shall be as set by the West Virginia Department of Natural Resources.
  4. The maximum number of deer that may be taken by an archery hunter during an urban archery season shall be set by the West Virginia Department of Natural Resources.
  5. The West Virginia Department of Natural Resources shall be given yearly advance notice by the City Manager of the City of Morgantown's intention to hold an urban deer archery season/hunt.

6. In addition to the requirements of this Section, and any rules/regulations established by the City Manager pursuant to this Section, all such hunters shall be required to comply with applicable West Virginia law and Division of Natural Resources Rules and Regulations.
- (c) City Manager's Rules and Regulations. All such written rules and regulations enacted by the City Manager under authority of this Section shall be considered a part of this Section, and any violation of any such rule or regulation by any individual will be considered a violation of this Section.
- (d) Interference With Hunters: A person shall not willfully obstruct or impede the participation of any individual in the lawful activity of archery deer hunting pursuant to this Section. Any person willfully obstructing or impeding any such archery deer hunter shall be guilty of a misdemeanor and upon conviction thereof, shall be fined as set forth in subsection (e) hereafter.
- (e) Violations. In addition to any penalties for violations of State of West Virginia hunting laws or regulations, any person violating this Section or the rules and regulations created pursuant to this Section, shall be guilty of a misdemeanor and subject to a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00). A separate offense shall be deemed committed for each such day that a violation continues.
- (f) Severability. If any subsection, paragraph, sentence, clause or phrase of this Section shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Section which shall remain in full force and effect and, for this purpose, the provisions of this Section are hereby declared to be severable.

This Ordinance shall be effective upon date of adoption.

FIRST READING: July 19, 2011

ADOPTED: August 2, 2011

FILED: August 3, 2011

RECORDED: August 3, 2011

  
MAYOR

  
CITY CLERK