

11-12-13/01

Town of Emerald Isle

Mayor
Arthur B. Schools, Jr.

Mayor Pro-Tem
Floyd Messer, Jr.

Board of Commissioners
Nita Hedreen
Tom Hoover, Jr.
John Wootten
Maripat Wright



Visit our web site at www.emeraldisle-nc.org !

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REVISED DRAFT – December 13, 2011 – 12 noon

ORDINANCE AMENDING CHAPTER 12 – OFFENSES AND MISCELLANEOUS PROVISIONS – OF THE CODE OF ORDINANCES TO AUTHORIZE CONTROLLED DEER-HUNTING ACTIVITIES IN THE TOWN

WHEREAS, the Town has a long-standing Town ordinance that prohibits hunting and the discharge of firearms within the Town, and

WHEREAS, the Town has experienced a significant increase in the deer population in Emerald Isle in recent years, and

WHEREAS, the Town seeks to reduce the deer population by implementing a controlled deer hunt in early 2012, and the Town plans to utilize the services of carefully selected volunteer bow hunters to reduce the deer population, and

WHEREAS, the Town ordinance should be amended to specifically authorize controlled deer hunting activities of this nature,

NOW THEREFORE BE IT ORDAINED by the Emerald Isle Board of Commissioners that:

1. Chapter 12 – Offenses and Miscellaneous Provisions - of the Emerald Isle Code of Ordinances, Section 12-3, is hereby amended as follows:

ARTICLE XII. OFFENSES AND MISCELLANEOUS PROVISIONS

Sec. 12-3. Firearms. Use of firearms and hunting prohibited.

~~(a) Definition.~~ For the purpose of this section the following definition shall apply unless the context clearly indicates or requires a different meaning:

~~Firearms.~~ As used in this section the term "firearms" shall not include pellet guns, air rifles, BB guns, or similar guns having or using a mechanism or device to project a missile by compressed air or mechanical action with less than deadly force.

~~(b) Use of weapons prohibited, exception.~~ It shall be unlawful to use, hunt with, or discharge within the corporate limits of the town any shotgun, rifle, pistol, pellet gun, air pistol, air rifle, bow and arrow, or other firearms, except for the purposes and in the manner set forth in this section:

- 1) ~~the use or discharge of a shotgun, rifle, pistol, bow and arrow, or other firearm, weapon, or device described herein shall not be unlawful when used in the defense of person or property;~~
- 2) when used or discharged pursuant to lawful directions of law enforcement officers; or
- 3) when possessed, used, or discharged by law enforcement officers pursuant to their duties;
- 4) when using the use of a bow and arrow, pellet gun, air pistol, or air rifle exclusively for target practice; shall not be unlawful; however, the term "target practice" specifically forbids the hunting or shooting at animals by means of a bow and arrow, pellet gun, air pistol, or air rifle, or
- 5) when used by approved bowhunters selected, authorized, and directed by the Town solely for the purpose of reducing the deer population within the town; approved bowhunters selected by the Town for these activities shall be properly licensed, shall be required to demonstrate sufficient knowledge of safe and ethical bowhunting practices in an urban environment, and shall be required to demonstrate shooting proficiency to the Town.

~~(c) Discharge of firearms and other weapons generally. It shall be unlawful for any person to fire or discharge any rifle, gun, pistol, pellet gun, air pistol, or air rifle within the town, on or off his premises, in sport or amusement.~~

~~(d) Minors. Any person who shall knowingly and willfully permit his minor child under eighteen (18) years of age to discharge, fire, shoot, or operate within the corporate limits of the town any such air rifle, BB gun, or pellet gun shall be guilty of a misdemeanor, punishable as provided in section 1-6~~

2. The Town Clerk is authorized to amend the sections as set forth above.
3. This ordinance shall become effective immediately upon its adoption. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Adopted this the 13th day of December, 2011, by a vote of

Commissioner(s) Hedeen, Hoover, Messer, Wooten, Wright voting for,

Commissioner(s) _____ voting against, and

Commissioner(s) _____ absent.

Arthur B. Schools, Jr.
Arthur B. Schools, Jr., Mayor

ATTEST:

Rhonda Ferebee
Rhonda Ferebee, CMC, Town Clerk