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COUNTY DEPARTMENT AGENDA REQUEST

Department/Division: BOARD OF COMMISSIONERS

Department Head: CAROL CHANDLER

Presenter, if needed: Commissioner Maxwell/Ed Collins

Preferred Meeting Date: Wednesday, February 6, 2008

Wording for the Agenda:

Further discussion of archery and bow hunting regulations in Fayette County.

Background/History/Details:

Mr. Dan Foster of the Department of Natural Resources will be present to provide more input into the issue of archery and bow hunting in Fayette County.

[redacted], who brought this issue up initially, and [redacted], the hunting advocate who has also spoken to the Board of Commissioners publicly, have both been invited to this meeting and have indicated they will be here to hear Mr. Foster's comments.

What action are you seeking from the Board of Commissioners?

Hear update from Mr. Foster of DNR.

If this item requires funding, please describe:

Has this issue come before the Commissioners in the past? Yes

If so, when? Thursday, December 13, 2007

Do you need audio-visual for the presentation? No

Back-up Material Submitted? Yes

STAFF USE ONLY

- (●) Finance Review Complete
- (●) Purchasing Review Complete
- ( ) Legal Review Complete
- (●) Administrative Staff Review Complete

Administrator's Approval Yes

Confirmed Meeting Date Wednesday, February 6, 2008

( ) Recognition/ Presentation ( ) Public Hearing (●) Old Business ( ) New Business ( ) Consent ( ) Report ( ) Other

OLD BUSINESS:

A. FURTHER DISCUSSION OF REGULATIONS FOR ARCHERY AND BOW HUNTING IN FAYETTE COUNTY:

Commissioner Maxwell remarked that Counties and Cities could not regulate hunting and the purpose of this discussion was not to regulate hunting but to regulate the discharge of firearms and archery equipment.

County Attorney Scott Bennett discussed the amended ordinance that he had drawn up. He said the changes keep the firearms discharge relatively the same as what the County already had but this was in a simpler form. He said the size of the lots for the discharge of shotguns in A-R zoning and the discharge of pistols, shotguns and rifles in residential zonings remained the same. He said it was very clear in the proposed ordinance that the discharge of firearms in a commercial, industrial or office area would not be allowed unless someone was defending life and property or it was an officer discharging in the line of duty. He said he and Chief Collins had spent a lot of time working on regulations dealing with bow and arrows, compound bows and cross bows. He said there were no noise issues involved with archery as opposed to the discharge of guns but there were some hazards associated with archery such as a projectile traveling at a high rate of speed and the proximity to property lines.

Chairman Smith questioned item 3A in the proposed ordinance regarding occupants to the adjoining property owner and the requirement to obtain the permission of the occupants of the adjoining property owner.

County Attorney Bennett remarked that he would be deleting the word "owner" and inserting the word "occupant."

Chairman Smith questioned item 3D in the proposed ordinance stating that within 200 yards of the dwelling house of another without the consent of the owner. He asked if owner should also read as occupant.

County Attorney Bennett remarked that the words owner/agent might be more appropriate.

Chairman Smith questioned item 5 in the proposed ordinance discussing the discharge of bow and arrow, compound bow, or cross bow. He said it appeared to him that a couple of conditions had been omitted under item 5 that were listed as a, b, c, and d under item 3. He felt item 5 should be consistent with item 3.

Chairman Smith asked if anyone in the audience wished to speak on this issue.

Ray Schmeck: Ray Schmeck commented on the proposed regulations for archery and bow hunting.

Kathleen Mann: Kathleen Mann commented on the proposed regulations for archery and bow hunting.

Chairman Smith commented on the ordinance being proposed which should address only the discharge of firearms and archery equipment in Fayette County. He added that since the County can not regulate hunting, the County Attorney had recommended eliminating references to the County's ordinance which would suggest the County was imposing regulations on hunting. He added further, that the County needed to bring its ordinances into compliance with State law

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Commissioner Maxwell made a motion and Commissioner Frady seconded the motion to adopt the proposed ordinance regarding firearms and discharge of archery equipment with the changes that were discussed, discussion followed.

Commissioner Pfeifer said he would prefer to wait before taking a vote. He said he would like to have more input before voting.

Commissioner Horgan said he would agree with Commissioner Pfeifer on this issue. He said he had some questions about the distance requirements.

Chairman Smith said he had no problem with the ordinance and the way it was written but he felt the Board might be a little hasty in proceeding with this tonight. He said he would like to have the benefit of the comments from Ray Schmeck before making this ordinance final. He called the question on the motion.

Commissioner Frady requested that his second to the motion be withdrawn and Commissioner Maxwell withdrew his motion.

Chairman Smith noted that the motion and the second to the motion were withdrawn and the Board would defer this item to January, 2008. He asked Mr. Schmeck to review the proposed ordinance, meet with Chief Collins and see if there were any objections that he might have to any part of it.