



CITY OF CHARLESTON WEST VIRGINIA



Council Member – Ward 5

Jeanine Faegre
1105 Highland Road
Charleston, WV 25302
Telephone: 304-545-8018
jfaegre@hotmail.com

Ordinance and Rules Committee, Chair
Parks and Recreation Committee

TO: Ordinance and Rules Committee
FROM: Jeanine Faegre, Chair
RE: Committee Meeting

**UNTIL FURTHER NOTICE, MEETINGS WILL BE MADE AVAILABLE TO THE
PUBLIC VIA ZOOM**

There will be a Committee meeting of Ordinance and Rules on April 26, 2021 at 5:30 PM

***Join via internet:**

<https://us02web.zoom.us/j/89799563384?pwd=MWdITnNuYnRVbXl1ckVUeHBLSHRmUT09>

Passcode: 608722

***Join via Telephone: (312) 626-6799 or (929) 436-2866**

Webinar ID: 897 9956 3384

Agenda

APPROVAL OF PREVIOUS MINUTES

1. 2-11-2021

BILLS

1. Bill No. 7897 - A BILL to amend the Municipal Code of the City of Charleston related to updating the urban deer management to be consistent with state law as it pertains to crossbows.

ADJOURN

JF/ns

MINUTES

ORDINANCE AND RULES COMMITTEE MEETING

5:30 P. M., FEBRUARY 11, 2021

*IN RESPONSE TO THE COVID-19 PANDEMIC, THE MEETING OF THE ORDINANCE AND RULES COMMITTEE WAS CONDUCTED ELECTRONICALLY. THE MEETING WAS MADE AVAILABLE TO THE PUBLIC AS A LIVE STREAM VIA ZOOM (PER THE AGENDA).

Jeanine Faegre, Chairperson, called the meeting of the Charleston City Council Committee on Ordinance and Rules to order at 5:30p.m., FEBRUARY 11, 2021.

Committee Members Present:

Jeanine Faegre, Chair

Bobby Reishman, Vice Chair

John Kennedy Bailey (arrived after approval of the minutes)

Bobby Haas

Keeley Steele

Absent:

Courtney Persinger

Robert Sheets

1. Approval of Previous Minutes – Councilmember Reishman moved to approve the minutes of the previous meeting on 1-13-2021. Councilmember Haas seconded. There was no objection and the minutes were approved.

2. Resolution No. 425-21 – Authorizing the filing with the City Clerk of the 2021 Charleston Fire Department Policies and Procedures Manual, and approving said Manual along with a process for future amendments.

City Attorney, Kevin Baker, added that this process had been going on for some time, since around 2013. He has been working on this with the Fire Department since his appointment, particularly with Trevor Dysart and Chad Jones. The procedures have been updated to reflect how the CFD utilizes TeleStaff Software as well as new positions and title changes and updates to antiquated language. Similar to the CPD's procedures, changes can now be approved by the Fire Chief, City Attorney, and Mayor and will be filed with the City Clerk. Councilmember Steele confirmed with Baker that this is generally how the CPD operates.

With no further discussion, Councilmember Reishman made a motion to approve the bill. Councilmember Steele seconded. With the yeas being unanimous, Resolution No. 425-21 was approved.

3. Bill No. 7895 – - A BILL to amend and reenact Section 54-41 of the Municipal Code of the City of Charleston, as amended, relating to updating the names of the fire department's divisions.

Baker added that the bill came out of the same process of going through all of the CFD policies and procedures. They noticed that the City Code still referred to the Fire Suppression Division and the Emergency Medical Services Division which is now the Fire and EMS and Rescue Operations Division. The bill will update the Code to make it consistent with the current practice.

With no further discussion, Councilmember Reishman made a motion to approve the bill. Councilmember Haas seconded. With the yeas being unanimous, Bill No. 7895 was approved.

Councilmember Reishman motioned to adjourn the meeting. Councilmember Haas seconded. Meeting adjourned.

Bill No. 7897

Introduced in Council:

February 16, 2021

Introduced by:

Joseph Jenkins

Adopted by Council:

Referred to:

**Ordinance and Rules
Committee**

Bill No. 7897 - A BILL to amend and reenact Section 10-171 of the Municipal Code of the City of Charleston, as amended, relating to updating the urban deer management to be consistent with state law.

Now, therefore, be it ordained by the Council of the City of Charleston:

That Section 10-171 of the Municipal Code of the City of Charleston, as amended, be amended and reenacted to read as follows:

ARTICLE IV. – URBAN DEER MANAGEMENT.

Sec. 10-171 – Urban deer management.

(a) *Urban hunting conditions.* An urban deer hunt shall be lawful in the City of Charleston only under the following conditions:

(1) Hunting shall be by permit only issued under the terms of this chapter.

(2) The hunt shall be for deer only.

~~(3) Subject to the limited exemption in section (a)(17) herein, only~~ Only bows, crossbows, and arrows and bolts that comply with applicable state statutes, rules and regulations may be used.

(4) Hunting may occur only on property with the written permission of the property owner and on city-owned property which has been designated as available for hunting by the city manager.

(5) All deer harvested must be legally checked at an official game checking station and reported to the city.

(6) No hunting may take place within 150 feet of a dwelling or other occupied building.

(7) No hunting shall take place closer than 500 feet from the property boundary of school property which contains a school building. For purposes of this section "school" means a public school or private school during periods when students are in attendance or participating in school activities.

(8) Persons shall at all times when hunting pursuant to a city permit carry valid photo identification, a copy of their city permit and their West Virginia state hunting license and any applicable state permit.

35 (9) The transportation of a deer carcass along any public right-of-way is prohibited
36 unless it is covered or hidden from public view.

37 (10) All West Virginia hunting rules and regulations apply to hunting within the city.

38 (11) Any hunting activity including but not limited to field dressing or other handling
39 of a carcass, must occur on the property specified in the city permit.

40 (12) All hunting shall be conducted from an elevated portable tree stand that is at
41 least ten feet in height and faces the interior of the property. The stands and shooting
42 lanes will be located in such a way as to direct arrows or, if applicable, bolts to the interior
43 of the property.

44 (13) Hunting may take place on tracts of five contiguous acres or more and within
45 a sufficient distance from the boundary that an arrow or bolt cannot reasonably travel
46 outside the permitted tract. Each tract must be approved by the city manager.

47 (14) A property owner can designate and limit other persons allowed to hunt his or
48 her land with a permit.

49 (15) The city will be responsible to dispose of any wounded deer or deer carcass
50 found on non-permitted property.

51 (16) Hunting shall be allowed during the maximum time period permitted under
52 state law and regulations promulgated by the West Virginia Division of Natural Resources
53 for an urban deer hunt.

54 ~~(17) Persons possessing a valid Class Y Crossbow Permit in compliance with state~~
55 ~~law, including, but not limited to, the requirements of W. Va. Code § 20-2-42w, and any~~
56 ~~amendments thereto, may use a crossbow to participate in the urban deer hunt so long~~
57 ~~as the Class Y Permit holder complies with all other requirements of this section 10-171,~~
58 ~~and any regulations adopted hereunder.~~

59 (b) *Permits.*

60 (1) In order to obtain a permit, the applicant must meet and have evidence of
61 compliance with all applicable state statutes, regulations and rules applicable to deer
62 hunting with a bow and arrow or a crossbow and arrow or bolt. ~~and, if applicable, all~~
63 ~~additional statutes, regulations and rules for use of a crossbow by a person with a valid~~
64 ~~Class Y Permit.~~ The city may impose additional requirements for a hunting permit and
65 may limit the number of permits to be issued.

66 (2) The city may charge an administrative fee for permits not to exceed \$25.00 per
67 permit.

68 (3) The city manager is hereby authorized to promulgate reasonable rules and
69 regulations including, but not limited to: (i) setting license fees to regulate ~~bow~~ hunting;
70 (ii) selecting the tracts to be authorized for hunting as permitted herein; and (iii) promoting
71 safety and facilitating the goals of urban deer management.

72 (4) The city shall post the location of tracts approved for hunting on its website.

73 (c) *Donated meat.* Hunters are and shall be encouraged but are not required to
74 donate the harvest to programs or organizations that will provide the meat to needy
75 persons.

76 (d) *Violations.* In addition to any penalties for violations of state hunting laws or
77 regulations, any person violating this section, or the rules and regulations promulgated
78 pursuant to this section, shall be guilty of a misdemeanor and subject to the general
79 penalties as provided in section 1-8 of this Code.