



CITY OF WEST ST. PAUL

1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118-3972

MUNICIPAL CENTER 651-552-4100
PARKS/RECREATION 651-552-4150
FAX 651-552-4190

POLICE 651-552-4200
FIRE 651-552-4176
TDD 651-552-4222

May 24, 2012

TO: Mayor Williams and Council Members

FROM: Chief Manila Shaver

SUBJECT: Calls for Service – April 20, 2012 through May 19, 2012

Below is a summary of the calls for service during the month of April 20, through May 19, 2012.

911 Hangup	1
Fraud	2
Animal Call	4
Medical	1
Fire Alarm	1
Suspicious Person	1
Burglar Alarm	1
Extra Patrol	1

Respectfully,

Chief Shaver

ks

2012 ALARM CALLS

	Current	2012 YTD	2011 YTD
January	1	1	2
February	8	9	4
March	0	9	7
April	1	10	10
May			11
June			16
July			19
August			21
September			23
October			24
November			27
December			28

Numbers indicate burglar alarms received regardless if a cancellation was received prior to officer arrival.

May 31, 2012

**LEVANDER,
GILLEN &
MILLER, P.A.**

ATTORNEYS AT LAW

TIMOTHY J. KUNTZ
DANIEL J. BEESON
*KENNETH J. ROHLF
◊STEPHEN H. FOCHLER
◊JAY P. KARLOVICH
ANGELA M. LUTZ AMANN
*KORINE L. LAND
ANN C. O'REILLY
◊*DONALD L. HOEFT
DARCY M. ERICKSON
DAVID S. KENDALL
BRIDGET McCAULEY NASON
DAVID B. GATES
•
HAROLD LEVANDER
1910-1992
•
ARTHUR GILLEN
1919-2005
•
• ROGER C. MILLER
1924-2009

MEMO

*ALSO ADMITTED IN WISCONSIN
◊ALSO ADMITTED IN NORTH DAKOTA
◊ALSO ADMITTED IN MASSACHUSETTS
◊ALSO ADMITTED IN OKLAHOMA

TO: Sunfish Lake Mayor and Councilmembers
FROM: Timothy J. Kuntz, City Attorney
DATE: May 31, 2012
RE: Discussion Regarding 2012 Deer Hunt
June 5, 2012 City Council Meeting; Agenda Item 8(d)

Section 1. Background. On June 5, 2012, the Council will again discuss the City Deer Management Program. Section 601 of the City Code is the base line ordinance that regulates the discharge of a firearm in the City for the purpose of hunting deer. By various ordinance amendments, the Council has determined that a City sponsored Deer Management Program on private or public property is not subject to the requirements of the base line ordinance. This is why the Council is discussing what criteria and restrictions should be in place for a City sponsored Deer Management Program. Section 601.04, Subd. 3 is the provision that identifies that a City sponsored program is an exception to the restrictions otherwise contained in Section 601.

Attached as background material, please find copies of the following:

1. Ordinance No. 2010-02 Amending Section 601.04, Subd. 3 of the Sunfish Lake City Code Relating to Firearms and Deer Management; and
2. Chapter 601 of the Sunfish Lake City Code, as amended.

Section 2. Council Action. There is no formal action to be taken by the Council at the June 5, 2012 City Council meeting. This agenda item is for discussion purposes only.

Attachments

**CITY OF SUNFISH LAKE
DAKOTA COUNTY, MINNESOTA**

ORDINANCE NO. 2010- 02

**AN ORDINANCE AMENDING SECTION 601.04, SUBD. 3
OF THE SUNFISH LAKE CITY CODE RELATING TO
FIREARMS AND DEER MANAGEMENT**

The City Council of the City of Sunfish Lake does hereby ordain as follows:

Section 1. Amendment of City Code Section 601.04, Subd. 3. Section 601.04, Subd. 3 of the Sunfish Lake City Code is hereby amended to read as follows:

Subd. 3 Discharge pursuant to City sponsored Deer Management Program on City Property or on Private Lands Where the City Has Been Authorized to Hunt. Section 601.02 Subd. 1 shall not apply to any individual who discharges a firearm on City owned property pursuant to a City approved Deer Management Program or on any private land where the City has been authorized by the owner to hunt and conduct a City approved Deer Management Program when the individual is a participant in discharging the firearm pursuant to a the City approved Deer Management Program ~~on that City property~~. If the City approved Deer Management Program requires the approval or a permit from the Minnesota Department of Natural Resources (DNR) then the authorized discharge must also comply with the conditions imposed by the Minnesota Department of Natural Resources.

Section 2. Effective Date. This ordinance shall be in full force and effect from and after its passage and publication according to law.

Adopted by the City Council of Sunfish Lake this 7th day of September, 2010.

Molly Park, Mayor

ATTEST:

Catherine Iago, City Clerk

ARTICLE VI
POLICE REGULATIONS

CHAPTER 601
FIREARMS

SECTION 601.01 DEFINITIONS:

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

Subd. 1 Firearm: A firearm is any mechanical device or weapon from which a missile or object is discharged by use of gunpowder, compressed air, or string bow (i.e., rifle, pistol, air rifle, bow and arrow, etc.).

Subd. 2 Discharge of Firearm: The operation or use of any firearm by which any object or missile is discharged including the use of blanks.

SECTION 601.02 VIOLATION:

Subd. 1 Discharge: Any discharge of any firearm in the City of Sunfish Lake is prohibited, except as provided in Section 601.04 subparagraphs 1, 2, 3 and 4 below.

Subd. 2 Firearms to Minor: No person shall sell, give, loan or in any way furnish any firearm or ammunition to a minor under the age of eighteen (18) years without the express written consent of his or her parents or guardian, police officer or magistrate.

SECTION 601.03 PENALTY:

Any person found guilty of violating the provisions of this Chapter 601 shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine, or imprisonment, or both, but in either case including the costs of prosecution thereof.

SECTION 601.04 EXCEPTIONS:

Subd. 1 Persons required to discharge firearms: Section 601.02 Subd. 1 shall not apply to those representatives of the City, County, State and or Federal government who may, in the course of their duties, be required to discharge their firearms.

Subd. 2 Discharge for defense or enforcement: Section 601.02 Subd. 1 shall not apply to any individual who discharges a firearm when done in the lawful defense of person, property, or family, or the necessary enforcement of the law.

Subd. 3 Discharge pursuant to City sponsored Deer Management Program on City Property or on Private Lands Where the City Has Been Authorized to Hunt: Section 601.02 Subd. 1 shall not apply to any individual who discharges a firearm on City owned property pursuant to a City approved Deer Management Program or on any private land where the City has been authorized by the owner to hunt and conduct a City approved Deer Management Program when the individual is a participant in discharging the firearm pursuant to the City approved Deer Management Program. If the City approved Deer Management Program requires the approval or a permit from the Minnesota Department of Natural Resources (DNR) then the authorized discharge must also comply with the conditions imposed by the Minnesota Department of Natural Resources.

Subd. 4 In the following areas of the City only:

a.) any parcel of ten (10) acres or more of contiguous land under single ownership; or

b.) any parcel of less than ten (10) acres in size where all adjoining owners have consented in writing to the discharge of a firearm for the purpose of shooting deer.

The fee owner of the parcel and those persons that have received written permission from the fee owner may discharge a firearm for the purpose of hunting only deer on the parcel subject to the following conditions:

i.) The only firearm allowed shall be bow and arrow unless the Council by resolution approves use of other firearms on a specific parcel under conditions specified by the Council in the resolution; all such conditions must be met.

ii.) If the firearm discharge occurs pursuant to a Deer Management Program approved by the Minnesota Department of Natural Resources (DNR) and by the City, then all conditions imposed by the DNR and the City must be met. The Council by resolution shall specify the parcels where firearm discharge shall be allowed under the deer management program and the Council may impose conditions. Discharge shall only occur on such parcels.

iii.) Discharge of the firearm must be only for the purpose of hunting deer.

iv.) The person discharging the firearm must have passed a safety training course by the Minnesota Bow Hunters Association or a firearm safety training course of similar scope and purpose.

v.) No discharge shall be made within 200 feet of driveways on the subject parcel and no discharge shall be made within 200 feet of any public or private roadways on or abutting the subject parcel unless the owner of the land closest to the driveway or adjoining the public or private road and the City Council consent in writing to a lesser restriction.

vi.) No discharge shall be made within 200 feet of the boundaries of the subject parcel unless the owner of the land adjoining the boundary and the City Council consent in writing to a lesser restriction.

vii.) No discharge shall be made within 200 feet of any residence or other building on the subject parcel unless the owner of the subject parcel and the City Council consent in writing to a lesser restriction.

viii.) The person discharging the arrow must have a valid State of Minnesota deer hunting license and the license must be in possession of the person at all times while hunting on the subject parcel.

ix.) The person discharging the firearm must comply with all the laws and regulations of the State of Minnesota relating to deer hunting.

x.) If the discharge is to occur by the fee owner, then prior to any discharge the fee owner shall file with the City Clerk the following information in writing: name, address and telephone number of the fee owner; the dates and times when hunting is to occur; a general description of the location of the subject parcel; evidence that the person has passed an archery safety training course.

xi.) If the discharge is to occur by a person who has received written permission from the fee owner, then prior to any discharge that person shall file with the City Clerk the following information in writing: name, address and telephone number of the fee owner and of the persons receiving the permission; the dates and times when hunting is to occur; a general description of the location of the subject parcel; a copy of the written permission received from the fee owner; the license plate number of the vehicle that the person will be driving to the subject parcel; evidence that the person has passed a safety training course.

xii.) The written permission from the fee owner must specifically state the names of the individuals that have the permission and must state the dates and times for which permission has been granted. The person receiving such permission must have the written permission in possession at all times while hunting on the subject parcel. Discharge of the firearm and hunting on the subject parcel shall only occur on the dates and at those times stated on the written

permission. No discharge of a firearm and no hunting shall occur on the subject parcel if the fee owner revokes the written permission.

xiii.) No discharge shall occur except during the following times:

- one-half hour before sunrise to two hours after sunrise
- from two hours before sunset to sunset

xiv.) No discharge of a firearm shall occur prior to September 15 or such earlier date as approved by the Minnesota Department of Natural Resources (DNR) for a specific parcel. In each hunting season no discharge shall occur after either of the following events, whichever comes first:

- December 31 or in lieu thereof that later date set by the DNR as part of an approved DNR deer management program;
- when the number of deer killed in that hunting season equals the respective deer kill limits by gender set by the City Council for that hunting season.

xv.) Any person killing a deer on any of the eligible parcels shall report the deer killing to the City Clerk and to the fee owner within twenty-four (24) hours after the killing has occurred. The gender of the deer shall also be reported.

xvi.) No discharge of firearms shall occur on October 31.

When the Clerk receives notice that the limits stated in paragraph (xiv) above have been reached, the Clerk shall notify the fee owners of the eligible parcels and those that have received permission from the fee owners that no further discharge of arrows can occur. Violation of this Chapter 601 shall be a misdemeanor. Notwithstanding anything to the contrary herein contained, any person that violates this Ordinance shall not be allowed to discharge a firearm.

Each year at the August regular Council meeting, the Council, by written resolution, shall set the deer kill limits for each gender of deer for the eligible parcels. In setting such limits, the Council shall consider the density and location of the deer in the City as shown by surveys either from the Department of Natural Resources or from other organizations. The Council shall consider all other relevant factors in setting the deer limits. After passage, the Council's written resolution shall be sent by mail to the owners of all the eligible parcels and the written resolution shall be on file with the City Clerk.

(Ord. 1993-1, 9/7/93) (Ord. 94-5, 8/10/94) (Ord. 1995-5, 8/1/95) (Ord. 1997-12, 12/2/97) (Ord. 2009-01, 10/6/09) (Ord. 2010-02, 9/7/10)