

Ordinance No. 733

“Deer Management Program”

AN ORDINANCE OF THE CITY OF GRANITE SHOALS, TEXAS, ADOPTING A PROGRAM FOR WILDLIFE MANAGEMENT HARVESTING; AMENDING SECTION 24-19 OF THE CITY OF GRANITE SHOALS CODE OF ORDINANCES TO PERMIT BOW HUNTING BY AUTHORIZED PARTICIPANTS IN THE PROGRAM; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, SAVINGS, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Granite Shoals, Burnet County, Texas ("Council") seeks to provide for the public health, safety and welfare of its citizens; and

WHEREAS, on or about March 11, 2015, the Council established a Wildlife Committee to study the desirability and feasibility of managing the wildlife populations, with emphasis on white-tailed deer, within the City consistent with the laws and regulations of the State of Texas; and

WHEREAS, the Wildlife Committee has worked diligently and continues to work diligently to accomplish its purposes; and

WHEREAS, the Wildlife Committee has conducted surveys, held town hall meetings, reviewed data, worked closely with the Texas Parks and Wildlife Department to formulate recommendations regarding wildlife management within the City, ~~and~~ conducted a ‘Pilot Program’ during 2016-2017 Deer Season, as authorized by City Council in Ord. 685 Pilot Program for Deer Management, and a Year Two Deer Management Program authorized by City Council for 2017-2018 as Ordinance 710; and

WHEREAS, the Wildlife Committee has recommended that the Council continue this program as an ongoing wildlife management harvesting program to help control the deer population in the city limits; and

WHEREAS, the Council has reviewed the reports from the Committee related to the pilot program last two years of the deer management program and has carefully considered the public comments and the recommendations of the Wildlife Committee; and

WHEREAS, the Council finds that it is in the best interest of the public health, safety, and welfare to approve the program another year (through March 2018); the continuation of this program on an ongoing basis with certain modifications as recommended by the Wildlife Advisory Committee; and

WHEREAS, at the conclusion of the pilot program second year of the program,

the Council reviewed the effectiveness of the techniques used, the recommendations of the Wildlife Committee and the public, and other relevant information, in deciding to continue ~~or~~and expand the program;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRANITE SHOALS, TEXAS:

SECTION I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION II. MANAGEMENT HARVESTING PROGRAM

The guidelines and schedule for the ~~2017-2018~~ Wildlife Management Harvesting Program are attached as Exhibit "A" and incorporated for all purposes. The Council hereby adopts and approves Exhibit "A" as an official wildlife management program for the City of Granite Shoals.

SECTION III. AMENDMENT

Chapter 24 (Offenses and Miscellaneous Provisions), Article II (Firearms), Section 24-19 (Unlawful discharge), paragraph (b) is hereby amended as follows:

"Sec. 24-19. Unlawful discharge.

(b) This Ordinance shall not apply to the following:

....

(8) The discharge of a bow and arrow or crossbow by a person who is an authorized participant in an official Wildlife Management Harvesting Program adopted by city ordinance and who acts in strict compliance with the requirements of the program.

(9) As otherwise permitted by state law."

SECTION IV. SAVINGS

The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this Ordinance.

SECTION V. SEVERABILITY

Should any sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjusted or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance in whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

SECTION VI. REPEALER

The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act that is prohibited by any other ordinance.

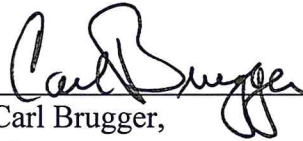
SECTION VII. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and publication as may be required by law.

SECTION VIII. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED this ~~28th~~24th day of ~~March, 2017~~April, 2018



Carl Brugger,
Mayor

ATTEST:



Elaine Simpson,
City Secretary

APPROVED AS TO FORM:

Brad Young,
City Attorney

Exhibit "A"

CITY OF GRANITE SHOALS, TEXAS

ANNUAL- WILDLIFE MANAGEMENT HARVESTING PROGRAM

WILDLIFE HARVESTING TEAM REQUIREMENTS AND TESTING

TEAM MEMBERS:

1. 10-15 MEMBERS ON THE TEAM WITH 2-3 ALTERNATES
2. PREFERRED LOCAL RESIDENCE

REQUIREMENTS FOR TEAM MEMBERSHIP:

1. MINIMUM 21 YEARS OF AGE
2. POSSESS CROSSBOW WITH MINIMUM 120 POUNDS OF DRAW WEIGHT
3. POSSESS A TEXAS HUNTING LICENSE
4. POSSESS A TEXAS BOWHUNTER EDUCATION CERTIFICATE
5. POSSESS A CELL/SMART PHONE WITH CAMERA AND TEXTING OR EMAIL ABILITY
6. POSSESS A VALID TEXAS DRIVERS LICENCE AND THEIR OWN TRANSPORTATION
7. ATTEND AN OVERVIEW OF THE OVERALL WILDLIFE MANAGEMENT PROGRAM GOALS, REQUIREMENTS, AND THE LAW
 - a. WHEN TO CALL FOR ASSISTANCE
 - b. WHEN TO SAY "NO" TO A SITUATION

PROFICIENCY TEST REQUIRMENTS:

1. 15 QUESTION EXAMINATION WILL BE ADMINISTERED WITH A 100% PASSING SCORE REQUIRED (MAXIMUM 1 ATTEMPT)

A. 2, 10 PHOTOS / PICTURES WITH 'SHOOT OR NO SHOOT' SITUATIONS EXAM WILL BE ADMINISTERED. A 100% SCORE IS REQUIRED TO PASS. (MAXIMUM 1 ATTEMPT).

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PROFICIENCY SHOOTING TEST REQUIREMENTS

1. SHOOT ~~OR~~ CROSSBOW WITH A MINIMUM 1-1/2" FIXED OR MECHANICAL BROADHEAD
2. SHOOT WITH GAME TRACKER MODEL 2500 PROF~~F~~ESIONAL UNIT STRING ATTACHED TO ~~ARROW~~BOLT
3. SHOOT FROM NO LESS THAN 8 FT. ELEVATED HUNTING TYPE PLATFORM

PROFICIENCY SHOOTING REQUIREMENTS:

1. SHOOT ONE ~~ARROW~~BOLT FULLY OUTFITTED WITH BROADHEAD AND GAME TRACKER STRING INTO A 4-INCH DIAMETER BULLSEYE. MAXIMUM OF TWO ATTEMPTS ALLOWED.
2. SHOOT AT A DISTANCE OF 20 YARDS.

REGULAR MONTHLY PROFICIENCY MAINTENANCE REQUIREMENTS:

1. MONTHLY, EACH TEAM MEMBER (INCLUDING ALTERNATES) WILL HAVE TO PASS THE PROFICIENCY SHOOTING REQUIREMENTS TO MAINTAIN HIS OR HER ABILITY TO PARTICIPATE. IF A MEMBER DOES NOT PASS, HE OR SHE CAN ATTEMPT TO BE AN ALTERNATE IN THE NEXT MONTH'S MONTHLY PROFICIENCY SHOOTING TEST

~~A.~~

2. ATTEND A MONTHLY OVERVIEW OF THE OVERALL WILDLIFE MANAGEMENT PROGRAM GOALS AND REQUIREMENTS AS PART OF THE MONTHLY REQUALIFICATION.

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The City of Granite Shoals urban deer management program guidelines

The city's program shall work within the Texas Parks and Wildlife Department's (TPWD's) Managed Land Deer ~~Permit (MLD) program.~~Program – Conservation Option. (MLDP)

The Wildlife Committee shall identify all proposed harvest locations within the City. The Committee shall submit a Wildlife Management Plan (WMP) for each selected harvest location to TPWD biologist. Any WMP submitted after August 15 would be reviewed as time allows with no guarantee that tags would be issued prior to season.

Any occupied dwelling within 75 yards of proposed harvest location to be contacted regarding retrieval of animals.

The following documentation must be completed for each harvest location prior to any hunting on that location:

1. Hunting Liability Release Form (completed by hunter)
2. Release, Hold Harmless, and Indemnification Form (completed by hunter)
3. GSPD Registration Form for Deer Management Program (completed by hunter)
4. City Of Granite Shoals Urban Deer Management Program Registration Form (completed by hunter)
5. Program Guidelines Acknowledgment (completed by hunter)
5. Land Use Permission Form (completed by property owner, unless harvest location is city-owned property)
6. Animal Retrieval Permission Form (completed by owner and primary occupant of any occupied dwelling within 75 yards of harvest location, unless occupied dwelling is city-owned property)
7. Any other documentation required by the City

The Wildlife Committee shall construct and secure all harvest locations.

All ~~MLDP – conservation option-level 1~~ permits shall be issued from TPWD to the individual property owners. It shall be the shared duty of the property owners and the Wildlife Committee to ensure that the ~~guest~~ harvester has registered with the City of Granite Shoals.

~~MLDP – conservation option level 1~~ permit hunting ~~starts~~ season is October – February, Sept. _____ thru Feb _____.

No hunting locations are to be active during the major Holidays (Thanksgiving, Christmas or, New Year's Day), ~~or any other official holiday on which city offices are closed).~~

Harvesting to be done by means of ~~MLDP – conservation option level 1~~ tags only. ~~It is unlawful to harvest any buck within the city limits.~~ Antlerless only deer to be harvested at this time. ~~NO antlered deer to be taken. Any hunters who harvest antlered deer will have their hunting privileges revoked immediately.~~

All hunt stations will be predetermined locations and may be monitored by Granite Shoals Police Department (GSPD)SPD, city staff, or members of the Wildlife Advisory Committee, either in person or by video surveillance. Hunting outside of one of these locations will be considered poaching, and appropriate action will be taken.

Stands will be no ~~more~~ less than 8' elevated, and no shot shall be more than 20 yards.

Archery Proficiency exam must be completed and passed prior to any harvesting and may be completed using any lawful archery means as described by TPWD.

Any hunter not hunting on his or her own property ~~must display a placard issued by the City on the dash of his or her vehicle, which~~ must be parked in a conspicuous location at or adjacent to the harvesting location when the hunting occurs.

If an animal expires on an occupied property, the hunter must make every attempt to notify owner prior to retrieval of the expired animal. In no event shall the hunter retrieve an expired animal from private property without express verbal or written permission from the property owner.

All hunters must sign liability waiver and other required documentation upon registration.

The Wildlife Committee shall at all times have discretion to revoke one's hunting privileges if the committee determines that such revocation is in the best interest of the city and/or the integrity of the program.

All hunters must provide proof of a valid hunting license.

All animals harvested must be cared for in accordance to state law. Anyone caught violating these requirements will be turned over to the appropriate law enforcement authority.

All hunters must dispose of ~~deer carcasses~~field dress waste appropriately – i.e., double bag and taken to local landfill or waste disposal company pick up.

All hunters must ~~keep complete records of every hunt, to satisfy the requirements of the tag and of the Deer Management Program statistics, of approximate yardage that the deer ran from shot location to its place of expiration.~~

The program is a “one shot” program: once you shoot a deer, that deer is to be recovered before another shot can be taken. Furthermore, the hunter must make every attempt to recover the ~~arrow~~/bolt.

Archers will adhere to rigorous time-lines for locating an animal, if animal is not found within 35 minutes of shot, archer must call for help from Hunt Director and nearby archers.

All hunters must be registered with the Granite Shoals Police department, even if harvesting is being done on private property.

A hunter discharging any archery equipment shall use reasonable care to ensure the arrow does not cross any property line and enter any other property on which the hunter does not have permission to hunt. The discharge of an arrow across or over the boundaries of other property for which no permission has been given by the property owner shall create a rebuttable presumption that the use of the bow and arrow was not conducted with reasonable care, and the hunter’s privileges will be revoked.

Hunters shall serve on a volunteer basis only and without financial compensation. The hunter will be responsible for lawful recovery and disposal of the harvested animal in the manner provided by state law.

Archery Equipment

All archery equipment and hunting apparel (i.e. camouflage) must be stored inside of vehicle or dwelling while recovery process is taking place. A hunter may carry a knife to dispatch deer if needed.

All hunters are required to use a string tracking device

All harvesters must provide their own safety harnesses, and a safety harness must be used at all times even if hunter is on private land. Any hunter caught not using a safety harness will be asked to leave the hunt location, and his or her hunting privileges will be revoked.

All hunters must shoot ~~expandable a B~~ broad-head with minimum 1.5" cutting width.

I _____ hereby agree to the terms of the program and understand that a violation of these terms could result in revocation of all hunting privileges under the program and/or legal charges.

Signature _____ Date _____

Program Schedule of events

Feb-March

Obtain Council -approval for any recommended modifications to the program. ~~to proceed with continued program~~

April

Continue gathering information regarding locations, and schedule Town Hall Meeting for education about the program, and meet with TPWD about program details. Start contacting harvesters. Plan ~~for May~~ Town Hall meeting(s) and Schedule Bowhunter Education ~~Trainer Program class(es).~~

May – June – July

Conduct Town Hall Meeting(s) and Bow Hunter Education class(es). ~~H, and have~~ all program related documents approved and ready ~~for public.~~ Contact harvesters. Conduct administrative work on-line with Texas Parks and Wildlife to register locations and personnel.

June

Contact TPWD about planning of deer census, start contacting residences and gaining proper documentation. ~~Contact harvesters~~

July

Begin/Conduct Deer Census. ~~Co, and continue~~ gathering documentation. Clear, clearing, and constructing backstops at hunt locations. ~~Contact harvesters~~

August

1st round of qualifying hunters, qualified hunters meeting, set up hunt stands and notify occupied property owners within 75 yards of hunt locations. WMP's submitted to TPWD for approval, weigh station set up.

September

Harvest location stands to be set up and secured. MLDP – conservation option tags issued. ~~Qualify hunters.~~

October

Qualify Hunters. ~~Hunting starts.~~

November

Qualify Hunters. H ~~h~~unting continues. ~~1st~~ 1st report to City Council with results.

December

Qualify Hunters. H ~~hu~~unting continues. N ~~no~~ report unless issues present

January

Qualify Hunters. Hunting continues. ~~hunting continues~~ 2nd report to City Council with results.

February

Qualify Hunters, hunting ends.

March

Final report to City Council with season results. ~~Results and documentation sent to TPWD.~~