

CITY OF MARTINSBURG
OFFICE OF THE CHIEF OF POLICE
URBAN DEER MANAGEMENT
RULES AND REGULATIONS

**For Special Archery Season September 7 – December 31, 2019 and
January 13 – January 31, 2020**

1. General.

- Scope. – These rules and regulations set forth the manner in which select tracts shall be designated as available for deer hunting in the City of Martinsburg, West Virginia, and the requirements, process, and place for acquiring a permit to bow or cross bow hunt on such designated tracts.
- Authority. – City Code § 505.05 as amended – and modifications approved by the West Virginia Natural Resources Commission on **Month, Day, Year**.
- Filing Date. – **Month, Day, Year**.

2. Definitions.

- “Urban Deer Hunt” means the hunting of deer by bow and arrow or cross bow within the city limits of the City of Martinsburg, West Virginia, as authorized by City Code § 505.05, as amended, during any year in which there is a designated season.
- “Urban Hunting Tract” means a tract of property of five (5) contiguous acres or more upon which it will be lawful to hunt deer as designated and approved by the Chief of Police.
- “City Permit” means an annual permit issued by the Chief of Police authorizing participation as a hunter in the Urban Deer Hunt for a designated year.

3. Designation of Urban Hunting Tract(s)

- A person or persons owning a tract or tracts of five (5) or more contiguous acres and desiring to have their property designated as an Urban Hunting Tract for an Urban Deer Hunt shall make application with the Chief of Police at the Martinsburg Police Department.
- An application for designation of property as an Urban Hunting Tract shall be on a form supplied by the Chief of Police and accompanied by the following:
 1. A plat, map, or other instrument identifying with sufficient particularity the boundary of the property to be designated;
 2. Documentation sufficient to verify all ownership interests in the property;
 3. Documentation sufficient to verify the ownership interest and authority of the applicant or applicants to submit the property for designation as an Urban Hunting Tract, and to grant permission, on behalf of those who have ownership interests in the property, to hunters desiring to participate in the activities contemplated by these rules and the enabling ordinance;
 4. For the purposes of this section, tax maps and other information maintained in the City Planning Department may be accepted as prima facie evidence of boundaries and ownership interests.
 5. At the Chief of Police's discretion and subject to applicant verification, documentation from a prior year's application may be incorporated by reference for purpose of meeting the requirements outlined herein; provided, there has been no material change in ownership interests or property boundaries since the initial submittal.
- Upon designation, the location of an Urban Hunting Tract shall be posted on the City's website.
- No one shall be authorized to hunt on a designated Urban Hunting Tract without a City Permit. City Permits shall be tract specific. No City Permits will be granted without written permission of an authorized property owner of a designated Urban Hunting Tract or his/her authorized designee on a form to be supplied by the Chief of Police.
- Notice is hereby given that the City of Martinsburg makes no warranties and assumes no liability for the actions of persons permitted to participate in an Urban Deer Hunt and/or permitted to hunt on any Urban Hunting Tract. Nothing herein shall prevent the voluntary or contractual shifting of any risk of loss by and between property owners and permitted hunters.
- Notwithstanding any other provision contained herein, the Chief of Police shall retain absolute discretion, subject to the enabling ordinance, to issue, deny, or revoke an Urban Hunting Tract designation with respect to any particular tract or tracts, or to limit or condition the same in any manner, for any reason or no reason.

4. City Permits.

- Persons desiring a City Permit to participate in an Urban Deer Hunt shall make application with the Chief of Police at the Martinsburg Police Department.
- An application for City Permit shall be by sworn affidavit on a form supplied by the Chief of Police and accompanied by the following:
 1. Presentation and copy of photo I.D.;
 2. Presentation and copy of valid and current West Virginia State Archery or Cross Bow Hunting License or proof of license exemption;
 3. Written permission, on a form designated by the Chief of Police, by an authorized property owner(s) who has or will make application for designation of property as an Urban Hunting Tract.
- Only those persons who are eighteen (18) years or older at the time of application shall be eligible to be Permitted.
- Each City Permit shall be site specific, and shall only permit hunting of deer within the Urban Hunting Tract identified therein.
- City Permits are non-transferable and shall only authorize the named Permittee to participate in an Urban Deer Hunt pursuant to any restrictions contained therein during the annual season designated on the Permit.
- City Permits shall only authorize hunting by means of archery bow and arrow or cross bow, and then only from a tree stand and in accordance to all other provisions of the enabling ordinance and applicable State laws, rules, and regulations. ***Hunting with any other instrument is strictly prohibited.***
- Each City Permit shall be subject to an administrative fee of Twenty-Five Dollars (\$25.00).
- Permittees are permitted to harvest up to 7 deer which shall not apply to the regular archery season bag limit as set by the West Virginia Division of Natural Resources; ***provided that only 2 of the 7 deer can be antlered, and Permittees are required to harvest at least 1 antlerless deer prior to harvesting an antlered deer. No more than 2 deer may be harvested in any one day.*** Any violation of these requirements shall result in permanent forfeiture of the City Permit and shall constitute a violation of both city and state laws and regulations.
- A Permittee shall report and certify the time, date, place and sex of any deer harvested by the Permittee in the Urban Deer Hunt to the Chief of Police within 72 hours.

- A Permittee shall also abide by State Law and additionally register their harvest electronically at www.wvdnr.gov. A hunter may harvest two deer per day, but only one antlered deer may be harvested per day. The first deer does not have to be legally checked by a Natural Resources Police Officer or at an official checking station prior to harvesting the second deer in the same day. However, all deer legally harvested must be checked by a Natural Resources Police Officer or at an official checking station prior to hunting the subsequent day at www.wvdnr.gov.
- A Permittee shall make every reasonable effort to track a wounded deer for the purpose of completing the harvest and recovering the carcass. In the event the deer is not recovered or leaves the permitted hunting tract, the Permittee shall immediately notify the Martinsburg Police Department and provide sufficient information to enable the City to find and retrieve the deer.
- A person exercising privileges granted pursuant to a City Permit shall thereby voluntarily assume full responsibility for any risks of loss, property damage or personal injury, including death, caused or incurred by the Permittee and shall indemnify, defend and hold the City of Martinsburg harmless from any such claims.
- A person exercising privileges granted pursuant to a City Permit on an Urban Hunting Tract which is owned or controlled, in whole or part, by the City of Martinsburg shall, without need for further evidence of assent, be deemed to have released, waived, discharged and to have covenanted not to sue the City for any loss, damage, or injury, including death, that may be sustained, whether caused by the negligence of the City, the condition of the property, or otherwise, while participating in such activities.
- Notwithstanding any other provision contained herein, the Chief of Police shall retain the absolute discretion, subject to the enabling ordinance, to issue, deny, or revoke a City Permit, or to limit or condition the same in any manner, for any reason or no reason.
- A person convicted of a violation of City Code Section 505.05, or these Rules and Regulations shall be punished by a fine of not less than \$100.00 and not more than \$500.00, imprisonment for a term not exceeding 30 days, or any combination. This penalty shall be in addition to any imposed by state agencies.