

ORDINANCE NO. 323

THE BOARD OF TRUSTEES OF THE TOWN OF SIMLA, ELBERT COUNTY, COLORADO, DOES HEREBY ORDAIN AND RESOLVE TO AMEND TITLE 4 OF THE TOWN CODE OF SIMLA, COLORADO, TO PROVIDE FOR THE CONTROL OF TURKEYS WITHIN THE TOWN BOUNDARIES BY ESTABLISHING BOW HUNTING REGULATIONS THAT ARE CONSISTENT WITH THE POLICIES OF COLORADO PARKS AND WILDLIFE

Whereas, the Town of Simla, hereinafter referred to as the "Town", in the County of Elbert and the State of Colorado, is the body corporate operating as a statutory town pursuant to the general statutes of the State of Colorado and

Whereas, the Board of Trustees of the Town, hereinafter referred to as the "Board" is aware through reports and observations that the turkey population within the Town boundaries has grown rapidly over the past few years, creating issues with turkey waste; and

Whereas, to prevent property damage or unsafe health conditions by turkeys within the Town, the Board deems it necessary to enact and / or allow bow hunting of turkeys within the Town limits in accordance with the policies set forth herein; and

Whereas, the Board has determined it is in the town's best interest to have certain requirements and limitations in place to protect the general public while yet providing a hunting opportunity to community members who own real property within the Town;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SIMLA, COLORADO:

SECTION 1 - AMENDMENT OF TITLE 4, ADDING CHAPTER 4. Upon the adoption of this Ordinance, Title 4 shall be amended to add new provisions under the heading of Town of Simla Turkey Control Policy and Hunting Regulations. New Title 4, Chapter 4, shall state as follows:

"4. Town of Simla Turkey Control Policy and Hunting Regulations.

A. Definitions

1. Archery Device. Any longbow or compound bow. Archery devise shall not include a crossbow, which is defined as a device for discharging quarrels, bolts, or arrows, formed of a bow set crosswise on a stock, usually drawn by means of a mechanism and discharged by the release of a trigger.

2. Colorado Parks & Wildlife. Also referred to herein as CP&W, is a State of Colorado agency tasked with setting the turkey season dates and fees, promulgating applications for turkey hunting, accepting or denying applications, and setting deadlines for the submission of applications. The CP&W also sets the fees for acquiring turkey hunting licenses and habitat stamps and the setting of all rules concerning the hunting of turkeys.

B. Archery Turkey Hunting Allowed on Private Property. A landowner may hunt turkeys, with an archery device, that are located on his or her property, and may also give permission to others to hunt turkeys, with an archery device, that are located on his or her property, provided that the hunter has a hunting license issued by the CP&W, that the turkey hunting is in season, and the hunter complies with all rules and regulations of the CP&W. Turkeys shall not be hunted on public property.

C. Feeding of Turkeys Prohibited. It shall be unlawful for any person to feed turkeys. It shall also be unlawful for any person to attempt to attract turkeys to his or her property by feeding the turkeys or otherwise attempting to attract turkeys to his or her property by artificial means. Calling turkeys, through sound effects, shall be allowed.

D. Permission Required. It shall be unlawful for any person carrying an archery device of any type, to knowingly enter onto the premises of another, or to enter onto public land, or to discharge any archery device while on the property of another without first having obtained written permission from the landowner. The duly obtained written permission shall be carried on the person of the hunter requesting and receiving such permission and shall be presented upon request to law enforcement officials. The written permission shall include any parameters of the hunt that may be required by the landowner. This section shall not apply to a person carrying or discharging such a device while in the immediate presence of the owner, lessee, or person in charge of the property.

E. Responsibility. Each landowner lessee, and person in charge of property where a hunt occurs, and each hunter on any property upon which the permission to hunt has been granted shall be held responsible for their actions and the actions of such other persons to whom such permission has been granted for the same time period by the landowner, lessee, or person in charge.

F. Contiguous Landowners. Landowners and residents of contiguous lands must be notified, in writing, by the landowner of the property where the hunt will occur prior to hunting taking place. The notification shall include the proposed dates and time periods for the hunt. The landowner of the property where the hunt will occur must be able to show by appropriate documentation proof of receipt of the notification by the landowners and residents of contiguous lands of the dates and time periods of the hunt.

G. Safety Course. Prior to hunting within the Town limits, every individual seeking to hunt shall obtain a certificate of completion of an archery device hunter safety course as approved or provided by the CP&W.

H. Shooting Prohibited. No arrow fired from an archery device may be discharged or projected at such an angle or distance as to land on public property or private property other than the property on which the hunt has been authorized.

I. Conduct Prohibited. No person shall possess, consume or be under the influence of alcohol or any other controlled substance while engaged in turkey hunting activities within the Town limits.

J. Retrieval of Turkey. Any person who kills or injures a turkey while hunting shall make a reasonable search to retrieve the turkey and take it into his or her possession. It shall be the hunter's responsibility to immediately notify any property owner, other than the specific property owner who previously authorized the hunt, of the fact that an injured or dead turkey is located on his or her property. It shall be the hunter's responsibility to obtain the permission of any property owner upon which an injured or dead turkey is located prior to engaging in a reasonable search and retrieval of the turkey.

K. Penalty for Violations. Any person, entity, or group of individuals who shall perform an act in violation of this section, or who shall fail to follow the rules and / or regulations contained in this section, shall be deemed to have committed a misdemeanor. The penalty for violating any provision of this section shall be the assessment of a fine up to Five Hundred Dollars per violation.

SECTION II - VALIDITY.

If any part or parts of this Ordinance are for any reason held to be invalid such decision shall not affect the validity of the remaining portions of this Ordinance. The board hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any part or parts be declared invalid.

SECTION III - REPEAL.

Existing or parts of any previous ordinance covering the same matter as embraced in this Ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

SECTION IV. - INTERPRETATION.

This Ordinance shall be so interpreted and construed as to effectuate its general purpose to conform with the rules and regulations of the Colorado Parks & Wildlife concerning the archery and other aspects of hunting turkeys in Colorado.

SECTION V. - EFFECTIVE PERIOD.

This Ordinance shall take effect thirty (30) days after the publication of the ordinance. The Clerk shall record the ordinance in the Book of Ordinances and shall publish the Ordinance at her first opportunity.

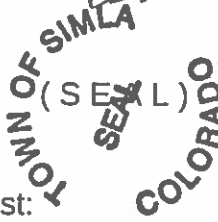
Adopted and Approved this 9th day of June, 2021.

Signed by




Mayor

Attest:



Town Clerk



Town Clerk