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MEMORANDUM

To: Mayor and City Council
From: Billy Grogan, Chief of Police
Date: November 30, 2020
Subject: Discussion Bow Hunting in Urban Areas

DESCRIPTION

Several citizens have expressed their concern recently about people bow hunting for deer in Dunwoody. In addition, there was an incident where an unknown subject shot a deer in a residential neighborhood early one morning.

BACKGROUND

The City of Dunwoody is a wooded community that attracts its fair share of deer. Each year, we field a few complaints related to people bow hunting for deer in the City. The complaints and concerns seem to have increased this year.

As a result, the Council directed our City Attorney to review the legal issues surrounding making changes to our ordinance related to bow hunting. On October 26, 2020, that legal review was prepared and it is attached.

Below is a review of how some cities in our area have addressed this issue:

Sandy Springs

Sec. 42-39. - Animals.

- (a) *Horses. Horses and other equines are prohibited within any city parks.*
- (b) *Killing wildlife. It is unlawful for any person to hunt, trap, shoot, maim or kill any animal or wildlife, or attempt to do any of the above to any animal or wildlife within any parks without the written permission of the city council.*



Brookhaven

Sec. 18-14. - Discharge of weapon.

It shall be unlawful for any person to fire a gun, rifle, pistol, revolver, cannon, air rifle, firearm of any type or shoot a slingshot or bow and arrow within the city, except in defense of a person or property. This section shall not apply to any law enforcement officer while in the discharge of official duties.

Roswell

Section 13.1.3 - Discharge of Weapons.

(a) It shall be unlawful to discharge any firearm, air gun, BB gun, bow, or crossbow projecting lead or any missile, except as authorized by permit secured from the city administrator or his designee. The city administrator or his/her designee shall issue permits for the discharge of firearms, air guns, BB guns, bows or crossbows as to ensure the safety of the public. This section shall not be construed to prohibit any officer of the law from discharging a firearm in the performance of his duty, nor any citizen from discharging a weapon when lawfully defending person or property.

Roswell also prohibits hunting on park property.

The State of Georgia prohibits hunting with a gun in DeKalb County and the City of Dunwoody, but does allow archery hunting. Hunting for deer is allowed 30 minutes before daylight until 30 minutes after dark on private property, as long as the hunter has permission of the owner of the property.

RECOMMENDATION

Staff has no recommendation for the Council.

MEMORANDUM

To: Mayor & Council
From: Bill Riley
Date: October 26, 2020
Subject: Question of Bow Hunting Ordinance

Pursuant to an inquiry from City Council I am distributing a copy of the relevant sections of state law that control the City's ability to limit or modify the Board of Natural Resources' Rules and Regulations concerning hunting in Dunwoody, DeKalb County, Georgia.

Universal Citation: [GA Code § 27-1-3 \(2019\)](#)

(h) Except as otherwise provided by general law, the power and duty to promulgate rules and regulations relating to hunting, trapping, and fishing rests solely with the board [Board of Natural Resources]. No political subdivision of the state may regulate hunting, trapping, or fishing by local ordinance; provided, however, that a local government shall not be prohibited from exercising its management rights over real property owned or leased by it for purposes of prohibiting hunting, fishing, or trapping upon the property or for purposes of setting times when access to the property for purposes of hunting, fishing, or trapping in accordance with this title may be permitted. Nothing contained in this Code section shall prohibit municipalities or counties, by ordinance, resolution, or other enactment, from reasonably limiting or prohibiting the discharge of firearms within the boundaries of the political subdivision for purposes of public safety.

While cities and counties may limit gun hunting, this section is inapplicable to Dunwoody, as the State has prohibited any gun hunting in the City's part of Dekalb County. In as much as the State preempted any activity concerning bow hunting, neither cities nor counties may pass ordinances that propose to amend or limit state law.

Any cities or counties that may have promulgated such ordinances may not enforce any of the offending portions therein. The only ordinance I have found that passes legal muster is the Sandy Springs ordinance, included below.

Sec. 42-39. - Animals.

(a)Horses. Horses and other equines are prohibited within any city parks.

(b)Killing wildlife. It is unlawful for any person to hunt, trap, shoot, maim or kill any animal or wildlife, or attempt to do any of the above to any animal or wildlife within any parks without the written permission of the city council.

(c) Pets. All pets must be on a leash, have current vaccination tags, and the owner is responsible for disposal of pet waste. All pets are prohibited on athletic fields, unless written permission for such has been authorized by the city manager or the director of recreation and parks.

(d) Exception. Service animals such as guide dogs for the blind may be allowed on athletic fields at any time while accompanying their owner.

(Ord. No. 2007-02-16, § 1(ch. 8, art. 2, § 4(i), (j), (l), (u)), 2-20-2007; Ord. No. 2007-08-47, 8-21-2007)