

Tract for an Urban Deer Hunt shall make application with the City Manager at City Hall.

- 3.2 An application for designation of property as an Urban Hunting Tract shall be on a form supplied by the City Manager and accompanied by the following:
 - a. A plat, map, or other instrument identifying with sufficient particularity the boundary of the property to be designated;
 - b. Documentation sufficient to verify all ownership interests in the property;
 - c. 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;
 - d. 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.
 - e. At the City Manager'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.
- 3.3 Upon designation, the location of an Urban Hunting Tract shall be posted on the City's website.
- 3.4 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 City Manager.
- 3.5 Notice is hereby given that the City of Charleston 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.
- 3.6 Notwithstanding any other provision contained herein, the City Manager 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.

- 4.1 Persons desiring a City Permit to participate in an Urban Deer Hunt shall make application with the City Manager at City Hall.
- 4.2 An application for City Permit shall be by sworn affidavit on a form supplied by the City Manager and accompanied by the following:
 - a. Presentation and copy of photo I.D.;
 - b. Presentation and copy of valid and current West Virginia State Archery Hunting License;
 - c. Written permission, on a form designated by the City Manager, by an authorized property owner(s) who has or will make application for designation of property as an Urban Hunting Tract.
- 4.3 Only those persons who are eighteen (18) years or older at the time of application shall be eligible to be Permitted.
- 4.4 Each City Permit shall be site specific, and shall only permit hunting of deer within the Urban Hunting Tract identified therein.
- 4.4. 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.
- 4.5 City Permits shall only authorize hunting by means of archery bow and arrow, 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 a cross-bow or any other instrument is strictly prohibited.
- 4.6 Each City Permit shall be subject to an administrative fee of Five Dollars (\$5.00).
- 4.7 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 City Manager within 72 hours.
- 4.8 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 City Manager or Charleston Police Department and provide sufficient information to enable the City to find and retrieve the deer.

- 4.9 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 and hold the City of Charleston harmless from any such claims.
- 4.10 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 Charleston 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.
- 4.11 Notwithstanding any other provision contained herein, the City Manager 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.