

## **CHAPTER 20.1-12 PRIVATE SHOOTING PRESERVES**

**20.1-12-01. General penalty.** Any person violating a provision of this chapter for which a penalty is not specifically provided is guilty of a class B misdemeanor.

**20.1-12-02. Operating permit for shooting preserve.** Any person who desires to establish a shooting preserve under this chapter may apply to the director for a shooting preserve operating permit. The application must be made by the applicant, the applicant's agent, or the applicant's attorney; must be in the form the director prescribes; and must be accompanied by the appropriate operating permit fee. Acreage [hectarage] amounts must include lands used for hatching, game production areas, or headquarters areas. Upon the receipt of the application, the director shall inspect the area described therein, including the facilities, and shall investigate the ability of the applicant to operate an area of this character, in accordance with section 20.1-12-03. The permit, if granted, must be issued for one year, and may be renewed annually by payment of the appropriate operating permit fee.

**20.1-12-03. Prerequisites for the issuance of permits - Bonds.** Before issuing any permit under this chapter, the director shall determine that:

1. The applicant is financially able to provide the necessary facilities and services to operate a shooting preserve.
2. The applicant proposes to comply with this chapter.
3. The operation of the preserve will not work a fraud upon persons permitted to hunt thereon.
4. The operation of the preserve is not designed to circumvent game laws or rules.
5. The issuance of the permit will be in the public interest.

Before any permit is issued to the applicant, that person must file a two thousand dollar bond to the state, executed by a surety company authorized to do business in the state, and conditioned that the applicant will comply with this chapter and the rules adopted by the director thereunder, and will pay any fine and costs upon conviction of the permittee for violation of this chapter and all reasonable costs arising from any hearing for revocation or suspension of the permit. The bond requirement of this section does not apply to any person who is both the record title owner and operator of a private shooting preserve.

**20.1-12-04. Types of game that may be hunted on shooting preserve - Identification of game.** Game birds that may be stocked on a shooting preserve and hunted under this chapter must be artificially propagated pheasants, quail, partridges, turkeys, prairie chickens, and any other species allowed by the director. The director shall determine the minimum stock of each species to be hunted and released on the permit area during the shooting preserve season. All game birds propagated, possessed, or released on a shooting preserve must have one front toe or one hind toe on either foot removed back to the first joint, including the nail, before becoming six weeks of age. An anti-pecking device affixed to the bird before it is six weeks old and worn by the bird until it is at least fifteen weeks old is acceptable in lieu of toe clipping if the anti-pecking device leaves a permanent, easily identifiable mark through the nares.

**20.1-12-05. Operation of shooting preserve - Season - Search of premises permitted.** Any guest of a shooting preserve operator may harvest any game bird within the defined limits of the shooting preserve, subject to this chapter. The shooting preserve operator may establish that person's own restrictions on the age, sex, and number of each game bird that may be taken by each guest, and the fee to be paid by each guest. The exterior boundaries of each shooting preserve must be clearly defined with signs around the extremity at intervals of three hundred yards [274.32 meters] or less. Each shooting preserve operator and that person's

guest shall comply with and be subject to chapter 20.1-01. Shooting preserve operators may restrict or set the hours during which game birds may be hunted, subject to gubernatorial proclamation. The season for shooting preserves may be all or part of the nine-month period beginning August first and ending April thirtieth of the following year. All permits must be issued upon the express condition that the permittee agrees that any law enforcement officer or any representative of the director may enter and search the premises or any part thereof at any reasonable time to ensure compliance with state laws and the director's rules.

**20.1-12-06. Game birds to be tagged.** Each shooting preserve operator shall tag all game birds harvested by guests before the birds are consumed or removed from the shooting preserve premises. The director shall provide tags to shooting preserve operators, at nominal cost to them. Once affixed, tags must remain attached until the game birds are prepared for consumption. If a wild upland bird of the same species hunted on the shooting preserve is taken accidentally by a client out of the regular hunting season proclaimed by the governor, or is taken by a client not in possession of a proper small game license, the client may keep the bird. At no time following release may a shooting preserve operator allow the number of wild and released birds harvested to exceed one hundred percent of the number of birds that have been released. All birds must be healthy when released. The total percent of harvested wild birds kept by clients may not exceed twenty-five percent of the birds harvested during the season. Other than those wild birds allowed to be retained by a client, the shooting preserve operator shall deliver to the department all wild birds harvested.

**20.1-12-06.1. Game birds harvested.** Repealed by S.L. 1997, ch. 220, § 4.

**20.1-12-07. Guest register and records to be maintained.** Each shooting preserve operator shall maintain a guest register listing the guest's name and address, the date on which the guest hunted, and the number of game birds and species taken, with wild birds and operator-released birds listed separately. A record must also be maintained by each shooting preserve operator of the source of game released in the operator's preserve, the date of release, and the number and kind of game bird or species released. The records required by this section must be open for inspection by the director, the director's representative, or any law enforcement officer at any reasonable time.

**20.1-12-08. Rules to be adopted by the director.** The director shall adopt rules reasonably necessary to implement this chapter.

**20.1-12-09. Revocation of permit.** The director, after due notice to the shooting preserve operator and a hearing thereon, may revoke or suspend the permit of any operator for any violation of this chapter or of the rules of the director.

**20.1-12-10. Administrative Agencies Practice Act to apply.** The provisions of chapter 28-32 apply to this chapter.