

PUBLIC SAFETY COMMITTEE MINUTES

DATE OF MEETING: November 10, 2016 at 7:00 a.m. – County Building

MEMBERS PRESENT: Cris Rogers – Chair, Sue Whitted, Christy Pruser and David Newberg.
Also present Dee Rentmeister, County Administrator.

Others present: Sheriff Shofner

Pruser and McFeeters left at 7:36 a.m.

MEMBERS ABSENT: Cole Ritter

SUMMARY OF DISCUSSION:

- Ron and Mary Beightel were present to discuss with the committee concerns that they have about a neighbor who shoots guns across his property lines. A package was presented to those present outlining activities and safety concerns that they have. Committee will ask the State's Attorney to research this issue and possibly address by a county ordinance. Sheriff Shofner indicated that he would revisit with the neighbor and ask him to stop shooting across the Beightels' property. Sheriff Shofner indicated that this is becoming more of an issue now that more people are purchasing smaller tracts of land in the county.
- Motion by Rogers, 2nd by Whitted to approve September's minutes. Voice vote, motion carried.
- Motion by Rogers, 2nd by Pruser to approve the claims. Voice vote, motion carried.
- Sheriff Shofner indicated that his department has more than 50 boxes of inmate jail records that need to be digitized. Approximate cost will be \$6000.00. He does have money in his budget for this expenditure. Motion by Rogers, 2nd by Pruser to recommend to the full board to spend up to \$6000 to digitize old jail records. Voice vote, motion carried.
- Motion by Rogers, 2nd by Pruser to purchase an additional software license for \$600.00. This will allow the animal control administrator to access rabies vaccination records at the shelter instead of having to call the treasurer's office for the information. Voice vote, motion carried.
- Review of the draft policy/procedure policy for animal control with additions/revisions. Motion by Rogers, 2nd by Whitted to approve the policy/procedure policy for animal control. Voice vote, motion carried.
- Rogers informed committee that the concrete for the storage facility has been poured. Will be pouring concrete for the handicap parking spaces, sidewalk area in front of the door at the ambulance building and up to the compressors in front of the animal shelter.
- Sheriff Shofner updated the committee on the jail operations. The change in the housing is working out well. Also informed the committee that he is losing two more deputies.
- Motion by Rogers, 2nd by Whitted to adjourn at 7:55 a.m. Voice vote, motion carried.

COMMITTEE ACTION:

Approve Septembers' minutes.

Approve all claims.

Recommend to the full board to spend up to \$6000 to digitize old jail records.

Purchase an additional software license for \$600.00.

Approve the policy/procedure policy for animal control.

RECOMMENDATIONS TO THE FULL BOARD:

Recommend to the full board to spend up to \$6000 to digitize old jail records.

DATE OF NEXT MEETING: December 8, 2016 at 7:00 a.m.

**AGENDA FOR THE
PUBLIC SAFETY COMMITTEE**

Date and Time of Meeting: November 10, 2016 at 7:00 a.m. County Board Room

1. Call Meeting to Order
2. Persons Wishing to Address the Committee (If requesting action, also list below in section three)
 - a.
3. Items for Discussion and Possible Action
 - a. Approve last month's minutes
 - b. Approve claims
 - c. Spend up to \$6000 for digitizing old jail records
 - d. Purchase additional license for animal control software - \$600
 - e. Adoption of animal shelter operations manual
 - f.
 - g.
 - h.
 - i.
4. Items for Discussion Only (No Action Requested)
 - a.
 - b.
5. Closed Session
 - a.
6. Motion to adjourn

Posted: November 7, 2016 at 2:30 p.m.

By: Dee Rentmeister

DEWITT COUNTY ANIMAL CONTROL

ANIMAL SHELTER REPORT

Month: September Year: 2016

ENDING MILEAGE: 069453 BEGINNING MILEAGE: 068805 MILES TRAVELED: 648

FUEL USED: _____ MILES PER GALLON: _____

ANIMAL IMPOUNDS

LOCATION:	DOGS:	PUPS:	CATS:	KITTENS:	OTHER:
CLINTON:	<u>5</u>	_____	<u>6</u>	<u>9</u>	<u>1 Guinea Pig</u>
RURAL:	_____	_____	_____	_____	_____
WAPPELLA:	_____	_____	_____	_____	_____
RURAL:	_____	_____	_____	_____	_____
WAYNESVILLE:	_____	_____	_____	_____	_____
RURAL:	<u>1</u>	_____	_____	_____	_____
HALLSVILLE:	_____	_____	_____	_____	_____
MIDLAND CITY:	_____	_____	_____	_____	_____
KENNEY:	_____	_____	_____	_____	_____
RURAL:	_____	_____	_____	_____	_____
LANE:	_____	_____	_____	_____	_____
WELDON:	_____	_____	<u>2</u>	<u>1</u>	_____
DEWITT:	_____	_____	_____	_____	_____
RURAL:	_____	_____	_____	_____	_____
FARMER CITY:	_____	_____	<u>1</u>	<u>4</u>	_____
RURAL:	_____	_____	_____	_____	_____
SUBTOTAL:	_____	_____	_____	_____	_____

30

TOTAL ANIMALS: _____

**ANIMALS RECLAIMED/ADOPTED/EUTHANIZED/
TRANSFERRED TO OTHER AGENCIES**

	DOGS:	PUPS:	CATS:	KITTENS:	OTHER:
Reclaimed:	<u>3</u>	_____	_____	_____	_____
Adopted:	<u>1</u>	<u>1</u>	_____	<u>5</u>	_____
Euthanized/ Died/Killed:	_____	_____	<u>1(E)</u>	_____	_____
Transferred to Second Chance:	_____	_____	_____	<u>1</u>	_____
Transferred to other Licensed Facilities:	<u>1</u>	_____	<u>2</u>	<u>3</u>	<u>Happy Tails Fetching Tails Covenant Animal Clinic Barn</u>
Held From Last Month:	<u>6</u>	<u>1</u>	<u>3</u>	<u>17</u>	_____
Held To Next Month:	<u>3</u>	_____	<u>10</u>	<u>25</u>	_____

ANIMAL RECLAIMED BY OWNERS

1. Dog Wiley Ayers Clinton, IL \$ 75.⁰⁰
2. Dog Lydia Kuehnel Clinton, IL \$ 80.⁰⁰
3. Dog Lydia Kuehnel Clinton, IL 115.²³
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

TOTAL: \$ 270.²³

ANIMALS ADOPTED/ADOPTERS

	ANIMAL:	ADOPTER:	CITY:	FEES PAID:
(M.C. only)	1. ^{dog} Traal Allen		Clinton, IL	\$ 15. ⁰⁰
	2. Kitten	Kimberly Powers	Champaign, IL	\$ 121. ⁰⁰
	3. Dog	Robert Armstrong	Decatur, IL	\$ 128. ⁰⁰
	4. Luppy	John Savage	Clinton, IL	\$ 99. ⁰⁰
(2)	5. Kitties	Amber Brinkley	Clinton, IL	\$ 101. ⁰⁰
(2)	6. Kittens	Lee Siefert	Bloomington, IL	\$ 101. ⁰⁰
7.				
8.				
9.				
10.				
TOTAL: \$				565. ⁰⁰

GIVE UP ANIMAL/ FOR ADOPTION

	ANIMAL:	CITY:	FEES PAID:
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
TOTAL: \$			NA

ANIMAL BITES

DOG: _____ CAT: 1 OTHER: _____

NUMBER OF DOGS VACCINATED AGAINST RABIES: _____

NUMBER OF DOGS NOT VACCINATED AGAINST RABIES: _____

NUMBER OF CATS VACCINATED AGAINST RABIES: _____

NUMBER OF CATS NOT VACCINATED AGAINST RABIES: _____

NUMBER OF DOGS CONFINED BY

OWNER: _____ VETERINARIAN: _____ ANIMAL SHELTER: _____

NUMBER OF DOG RABIES SUSPECTS SENT TO LAB: _____

NUMBER OF CATS CONFINED BY

OWNER: 1 VETERINARIAN: _____ AT ANIMAL SHELTER: _____

NUMBER OF CAT RABIES SUSPECTS SENT TO LAB: _____

NUMBER OF OTHER RABIES SUSPECTS SENT TO LAB: _____

NUMBER OF POSITIVE DOG RABIES: _____ NUMBER OF NEGATIVE DOG RABIES: _____

NUMBER OF POSITIVE CAT RABIES: _____ NUMBER OF NEGATIVE CAT RABIES: 1

NUMBER OF OTHER POSITIVE RABIES: _____ NUMBER OF OTHER NEGATIVE RABIES: _____

ADDITIONAL INFORMATION:

Donations: Animal Shelter Bldg Fund
Marty DeJaques/Eagles \$450.⁰⁰
Diane Ferguson \$100.⁰⁰

Memorials:

Edna Reynolds \$20.⁰⁰
Lloyd Mallett \$75.⁰⁰

Humane Investigator Sponsorship
Kristina Deemster of Clinton

Sept transport to Champaign (1 dog died during transport)

September citations

W. Ayers \$100.⁰⁰
L. Kuehnel \$200.⁰⁰

Measure for shelter > purchase = Animal Shelter Bldg funds

Tamara McFeeters
Animal Control Officer
Administrator

Date of Report: _____

DEWITT COUNTY VEHICLE
USAGE LOG

Year, Make/Model: 1996 Chevy S10

Department: DeWitt County Animal Control

Date	Start Mileage	Destination; Purpose	End Mileage	Initials
9/1/16	068805	Walmart, Super Lot, Nagans Bldg, 1314 E Washington St (report)	068866	TNF
		Dispatch (memo) Court House, 25 Lynn Wilson (cat co) Troops Rd (062 dogs re/UTD)	068895	TNF
9/2/16	068866	court house, Walmart (donations) home		
9/5/16		-Holiday-	069000	TNF
9/6/16	068895	Convent X2, Champaign (transport) Co. Pump (fuel) Court house X1	069007	TNF
9/7/16	069000	Court house	069033	TNF
9/8/16	069007	Walmart, 600 BIK E Main (PU shopping) Kwik/He-Man Rt 10 E (released)	069059	TNF
9/9/16	069033	H3E Crosby Highway (injured G. Noked Owl), Lincoln State Bank, Walmart	069076	TNF
9/12/16	069059	Convent X2, Court house,	069094	MM
9/13/16	069076	Convent X2, 714 E. Johnson (cat co)	069134	TNF
9/14/16	069094	1612 E. Main St (2 dogs)		
9/15/16	069134	30A Colonial Dr. (dog co) 1039 Kleener Dr. (dog co/citation/no tag)	069147	MM
		Court house (citations)	069159	MM
9/19/16	069471	Convent (3 cat test) X2 trips, dispatch Walmart (donations)		
9/20/16	069159	Dr. Mearns (3 cat spay) X2, Morris Ochsop (handy hawk to	069258	MM
		Capitol Center) Clinton High School (Proper's Hawk injured)	069282	MM
9/21/16	069258	Berama (oil change)		
9/22/16	069282	N. Center (Kickers) N. Moore (Cats) 1st Christian Church (parking		
		lot/Oldies (goose) 605 E. Main (Furry dog co/no assys) Thanks	069285	TNF
		Assessing dog on talked with girlfriend/leave dog	069299	TNF
		Convent (sick kitten)	069315	TNF
9/23/16	069285	FC 2 dogs BAH (unable to locate) 8188 Buck Rd (Lydia BALTOWREN		
9/26/16	069299	Picked up) Co. Pumps (fuel) Dispatch (Cat bite report/FC)	069401	TNF
9/27/16	069315	Dr. Korecki (PU injured cat) Convent (injured cat) N. Madison St		
9/28/16	069401	(Apt 1 D pit bull caught in drain pipe) 915 Bicycle repairables	069448	TNF
		Walmart (drop off bag/banquets)		
9/29/16	069448	Walmart (cleaning)	069453	TNF

DEWITT COUNTY ANIMAL CONTROL

ANIMAL SHELTER REPORT

Month: October Year: 2016

ENDING MILEAGE: _____ BEGINNING MILEAGE: _____ MILES TRAVELED: _____

FUEL USED: _____ MILES PER GALLON: _____

ANIMAL IMPOUNDS

LOCATION:	DOGS:	PUPS:	CATS:	KITTENS:	OTHER:
CLINTON:	<u>7</u>	<u>1</u>	<u>7</u>	<u>7</u>	_____
RURAL:	<u>1</u>	_____	_____	_____	_____
WAPELLA:	_____	_____	_____	_____	_____
RURAL:	_____	_____	_____	_____	_____
WAYNESVILLE:	_____	_____	_____	_____	_____
RURAL:	_____	_____	_____	_____	_____
HALLSVILLE:	_____	_____	_____	_____	_____
MIDLAND CITY:	_____	_____	_____	_____	_____
KENNEY:	_____	_____	<u>2</u>	<u>5</u>	_____
RURAL:	_____	_____	_____	_____	_____
LANE:	<u>1 (SC)</u>	_____	_____	_____	_____
WELDON:	_____	_____	_____	_____	_____
DEWITT:	_____	_____	_____	_____	_____
RURAL:	_____	_____	_____	_____	_____
FARMER CITY:	_____	_____	_____	_____	_____
RURAL:	_____	_____	_____	_____	_____
SUBTOTAL:	_____	_____	_____	_____	_____

30

TOTAL ANIMALS: _____

**ANIMALS RECLAIMED/ADOPTED/EUTHANIZED/
TRANSFERRED TO OTHER AGENCIES**

	DOGS:	PUPS:	CATS:	KITTENS:	OTHER:
Reclaimed:	<u>2</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Adopted:	<u>2</u>	<u> </u>	<u>3</u>	<u>4</u>	<u> </u>
Euthanized/ Died/Killed:	<u> </u>	<u> </u>	<u> </u>	<u>1 Died</u>	<u> </u>
Transferred to Second Chance:	<u>2</u>	<u>1</u>	<u> </u>	<u>4</u> <u>NAWS</u>	<u> </u>
Transferred to other Licensed Facilities:	<u> </u>	<u> </u>	<u>3</u>	<u>7</u> <u>I.A.R.</u> <u>1</u> <u>A Hear for Animals</u> <u>2</u> <u>Barn Cats</u> <u> </u> <u>Dr. Meunenga</u>	<u> </u>
Held From Last Month:	<u>3</u>	<u> </u>	<u>10</u>	<u>25</u>	<u> </u>
Held To Next Month:	<u>4</u>	<u> </u>	<u>14</u>	<u>22</u>	<u> </u>

ANIMAL RECLAIMED BY OWNERS

1. Dog Mike Thayer Clinton, IL
2. Dog Mack/Kaci Toka Clinton, IL
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

\$62.⁰⁰
\$12.⁰⁰

TOTAL: \$ 74.⁰⁰

ANIMALS ADOPTED/ADOPTERS

	ANIMAL:	ADOPTER:	CITY:	FEES PAID:
1.	Kitten	Elizabeth Stubbs	SAVOY, FL	\$ 79. ⁰⁰
(2) 2.	Kittens	Angela Blufelison	Winderlake, FL	\$116. ⁰⁰
3.	Kitten	Kristin Riddle	Clinton, FL	\$ 79. ⁰⁰
4.	CAT	Rebecca Atkins	Deland, FL	\$ 83. ⁰⁰
5.	Dog	Tom Lanpkin	Clinton, FL	\$128. ⁰⁰
6.	CAT	Donny Nelson	Clinton, FL	\$ 93. ⁰⁰
7.	CAT	Terry; Cathy Coarsen	Clinton, FL	\$ 93. ⁰⁰
8.	Dog	Mike/Diane Stevenson	Prince du Chien, WI	\$54. ⁰⁰
9.				
10.				

TOTAL: \$ 725.⁰⁰

GIVE UP ANIMAL/ FOR ADOPTION

	ANIMAL:	CITY:	FEES PAID:
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

TOTAL: \$ NA

ANIMAL BITES

DOG: 1 CAT: _____ OTHER: _____

NUMBER OF DOGS VACCINATED AGAINST RABIES: 1

NUMBER OF DOGS NOT VACCINATED AGAINST RABIES: _____

NUMBER OF CATS VACCINATED AGAINST RABIES: _____

NUMBER OF CATS NOT VACCINATED AGAINST RABIES: _____

NUMBER OF DOGS CONFINED BY

OWNER: 1 VETERINARIAN: _____ ANIMAL SHELTER: _____

NUMBER OF DOG RABIES SUSPECTS SENT TO LAB: _____

NUMBER OF CATS CONFINED BY

OWNER: _____ VETERINARIAN: _____ AT ANIMAL SHELTER: _____

NUMBER OF CAT RABIES SUSPECTS SENT TO LAB: _____

NUMBER OF OTHER RABIES SUSPECTS SENT TO LAB: _____

NUMBER OF POSITIVE DOG RABIES: _____ NUMBER OF NEGATIVE DOG RABIES: 1

NUMBER OF POSITIVE CAT RABIES: _____ NUMBER OF NEGATIVE CAT RABIES: _____

NUMBER OF OTHER POSITIVE RABIES: _____ NUMBER OF OTHER NEGATIVE RABIES: _____

ADDITIONAL INFORMATION:

Citations: 1 season \$100.⁰⁰ RAL

Trayer \$200.⁰⁰ RAL / not current on Rabies/Reg

Tamara McFeeters
Animal Control Officer
Administrator

Date of Report: _____

DEWITT COUNTY VEHICLE USAGE LOG
 October 2016

Date	Start Mileage	Destination; Purpose	End Mileage	Initials
10/2/16	069453	Convent (4 cat tests) X2, Count house X3, CPD x1, Dispatch x1, Nene x1, 416/2, Isabella X2, W. Mann/N. Walnut dog	069497	MK
10/4/16	069497	1001 N. Cain St (dog co.)	069554	TF
10/4/16	069497	Count house Walnut (Supplies)	069528	TF
10/5/16	069554	Convent (cat test) X2	069640	TF
10/6/16	069568	Convent (6 cat tests) X2, John/Mallet, F.C. (dog RAL/LITZ) warehouse, CPD (Mann)	069657	TF
10/11/16	069640	Count house, Walnut (Supplies)		
10/12/16	069657	Count house (4 out spays) Walnut (dog) Convent (cat spays), Subway Dr. Mann (stray dog) Sunset Dr (stray dog)	069721	TF
10/13/16	069721	911 S. Cain (stray dog) Convent, E. Melba St (dog co.)	069746	TF
10/17/16	069746	Convent (2 cat tests) Elizabeth St (2 dog RAL/UTL)	069779	TF
10/18/16	069779	Convent (2 cat tests) Elizabeth St (2 dog RAL/UTL)	069823	TF
10/19/16	069823	Dr. Mann (2 shelter cats) Convent (2 dogs)	069835	TF
10/20/16	069835	Convent (HW test/olive) 901 S. Cain (APL / 2 dogs) 2414 Hwy 10 (dog co) (RAL), 901 S. Cain (PI AM dogs) F.C. (dog dog RAL) CP Thump (Fidel)	069893	TF
10/21/16	069893	Count house	069902	TF
10/24/16	069902	Dr. Mann (2 cat spays) 915 Recycle (Shelter), Convent house (Doe Doe)	069944	TF
10/25/16	069944	Dr. Mann (2 out spay/PI 2 cats) 304 Elm St Napella (wild life problem)	069999	TF
10/26/16	069999	Count house (Treas office)	070062	TF
10/27/16	070062	Dr. Mann (30 cat spay / PI 2 cats), Convent (HW test paper), Napella PI Mann from ACO. Convent house (bills)	070082	TF
10/28/16	070082	9 AM Convent house (A.C. + Doe Doe + Chris + Newberg) AT 10 W (dog black lab RAL)	070089	TF
10/28/16	070082	Convent house (Doe Doe + Schedule)		
10/31/16	070089	Convent (3 cat test)		

Notes for Dewitt County Board Safety Committee Meeting 11/10/2016 7:00 a.m.

I am here to discuss the safety concerns of allowing firearm owners to shoot over the property lines of others without permission.

We are seeking local, state, and federal regulations to prevent firearm owners from putting the safety of others at risk and using their weapons to control the property of others.

Our encounter with the IDNR law and hunters:

Labor Day Weekend, Sept. 3rd. Matthew Bales had invited me over to his house to shoot doves over the 3/4 acre baited plot he had planted in his back yard, enjoy a cookout, and drink some beer. I declined as we had to attend the visitation services for John Polen that afternoon. There was no discussion of shooting over our property.

Upon return home, I observed Mr. Bales and two others shooting over our field. I had no concerns until we found our dog had gotten out of our electrified fenced in yard and my wife went out in the south end of our property (area of the shooting) to try to find him. I went over to the Bales' residence and told Mr. Bales 'don't shoot our dog' as he generally goes to the south end of our property first. We later found the dog, secured him on the back porch, as we had to leave to help intern Mr. Polen at a private cemetery.

I believe it was the following weekend, Sunday, Mr. Bales and another hunter were once again dove hunting and I did not complain, but once again our dog escaped (he is terrified of gun fire) while we were gone shopping and upon returning home, we had to go looking for him on the south end of our property, again. Mrs. Bales found the dog and brought him home. At that time I expressed my concern to her about Mr. Bales and his fellow shooters shooting over the property line as our dogs and friends may be in that area. Shortly after she returned home, I received a phone call from Mr. Bales and, in summary, he stated the IDNR laws allow him to shoot over the property line and he would continue to do so. I expressed my concern, and he replied the shot was traveling over our property and would land on the CPS Hunt Club property, then revised his statement to say they were shooting southwest over just the corner of our property, and finally revised it again to said they were shooting straight south and not over our property.

Still concerned that the hunting was putting our property, pets, and friends that frequent the woods in harms way, I spoke with an IDNR Conservation Police, I believe it was Matthew Viverito, who confirmed the IDNR hunting laws allow Mr. Bales to shoot across the property lines without permission.

I spoke with Sheriff Shofner and he agreed it was not a safe act and would send a deputy out to speak with Mr. Bales. He did so and the deputy stopped at our house after speaking to Mr. Bales and stated Mr. Bales would refrain from shooting over the property line and shoot south toward Mascoutin Camp Ground.

Some time thereafter I received a phone call from Mr. Bales who informed me he and another hunter would be shooting once again for the third weekend. He once again stated his right to shoot over the property lines per IDNR law. He also stated he would let me know when he would be shooting.

As Mr. Bales owns only 2 acres (247.29' x 352.30'), his hunting / shooting area is inadequate to reasonably expect the projectiles to be contained on his property. It is obvious he is proceeding to do so without concern for the safety of others, their property, or their rights. In addition, volleys of 30 to 50 projectile or more, from 2 or 3 dove hunters, over a matter of a few hours increases the likelihood of a shooting 'accident'. Mr. Bales is further more increasing the danger to others by inviting his fellow hunters to join in shooting activities on his property and shooting across the property lines. This appears to be an unregulated hunting club and firing range.

Mr. Bales' property is in close proximity of the Village of Dewitt, and thus the houses on the south edge of the village are well within the range of a projectile from a deer slug gun or rifle as there is not an engineered ballistic barrier erected on his property to stop those projectiles. The ricochet range of a deer slug and rifle projectiles are over 5,000 feet when fired horizontally. (Please refer to the data provided for shotgun and rifle projectiles).

Although we believe the matter is already governed by Federal, State, and County laws / regulations and Constitutional Rights, it seems the IDNR regulation is given precedence by law enforcement agencies over the rights of the landowners without justification nor compensation for loss of safe use of the property and landowner's safety.

When a hunting or shooting 'accident' occurs, will the shooter accept responsibility and submit himself to loss of gun privileges, financial responsibility, and possible incarceration for his negligent actions? Any defense attorney will tell you it was an 'accident', even if the shooter takes responsibility for the projectile. If the shooter chooses not to be responsible for his unsafe act, are not the regulators / lawmakers that failed to act to prevent the 'accident' responsible?

We, the landowners, are seeking Dewitt County regulation to protect not only our property, ourselves, and friends that utilize our small woods for recreation and hunting, but also the neighbors throughout the county from the unsafe acts of irresponsible hunters and recreational shooters who have no reasonable expectation they can or will control nor retain their projectiles on their hunting / shooting land and no have no respect for the rights and safety of others nor the property on the other side of the property line.

One of the law enforcement individuals I spoke to recommended that I try to get along with my neighbor, Mr. Bales. We had already made the following efforts to become neighbors:

After moving to their house on their two acres in 2015, Mrs. Bales came over to visit and asked if her husband could deer hunt on our property. We decided not to allow him to hunt as he is a member of the CPS Hunt Club and has more than a few hundreds of acres available to him for hunting. We had notice a drastic decline in the deer population and only had three small deer (all less than 80 pounds) frequenting our property that summer.

He later, in the fall, asked if he could cross our field to access the CPS Hunt Club property. I agreed it would be no problem. We have two other CPS hunters that we allow to do the same.

I offered to have him come to our property to shoot toward a creek bank (with 20 feet above the creek) to do his target shooting safely. He never accepted the offer and practiced shooting on his 2 acre property of flat ground. We did not complain although I was concerned.

Later in the 2015-2016 hunting season, Mr. Bales asked if he could put up a goose blind in our south 13 acres. We agreed he could. The blind remained there until the 2016 planting season.

We have tried to get along with our neighbor and respect his right for shooting! We support hunting. We support the right to bear arms. However, we do not support the efforts of any individual nor organization nor state to use weapons to invade and control our property that we worked for for over 50 years and enjoy for recreation activities as well as farming.

It has been suggested that I am over sensitive to random weapon's fire (projectiles) as I am a Viet Nam veteran. As a war zone veteran, I am extremely aware of the hazards of intentional hostile fire, random fire, friendly fire, and accidental fire. All firearm projectiles are deadly. There is no such thing as a shooting / hunting accident, only negligent use of a firearm and disregard for the safety of others and their property. We didn't have to tolerate hostile aggression in a war zone, why do we have to tolerate it here at home on property we own.

Shooting over land owner property lines:

Factual Example:

The hunter owns 2 acres of property on which his residence is located. He has invited fellow hunters to shoot from the approximate 1 acre behind his house for game birds over a plot of sunflowers used to bait the birds to his property. He does not have permission of the adjacent property owner to hunt the adjacent property. The hunters are not required to have permission to shoot across the adjacent property line per IDNR determination. The hunter also target practices to refine his hunting skills. The hunter has no facilities in place nor intention to prevent projectiles from entering the adjacent property.

The hunter and his friends shoot toward the property line from a distance of approximately 100 feet (33 yards) to facilitate their hunting. They are legal per IDNR law and may do so without consideration of the adjacent owner's safety concerns. They do not have permission to trespass on the adjacent property to retrieve game that falls outside of the hunter's property.

The hunter's property is 247.29' x 352.30' which is inadequate to retain projectiles from exiting onto the adjacent properties. He has no ballistic backstops. He insists he will exercise his right to shoot across the property lines and thus exhibits willful negligence of the landowner's use, safety, constitutional rights, and ownership of the property. He also has had 1 or 2 friends join him in his shooting activities, who's names, skills, and moral values are unknown to the adjacent landowners.

Impact upon the adjacent property owner and his family:

The owner of the adjacent property has family and friends that use the property year round for recreational use (wildlife observation, mushroom hunting, 4 wheeling, horse riding, walking, wood cutting, etc.). Thus for the term of the hunting seasons there is risk of injury, death, and or damage from the hunting projectiles with no way to establish liability to the specific hunter that fired the projectile(s).

Under the (745 ILCS 65/) Recreational Use of Land and Water Areas Act, the landowner is not protected from liability for injury or death if those that enter his property are struck with a projectile from the adjacent property, as the landowner is responsible to maintain a safe environment for their recreational use other than hunting.

Thus, the landowner, his family, and friends are deprived of the right to safely use their property during the Illinois hunting season (year round): from August 1 thru May 11 for birds and animals other than Coyote, and Coyote season which is allowed year round except for during firearm deer hunting seasons. Any type and caliber of handgun, any type of legal rifle including large capacity semi- automatic rifles, and shotguns using any type of shell may be used for Coyote hunting throughout the year.

Concerns:

Potential injury or death to persons or animals.

Potential damage to farm equipment, out buildings, vehicles, etc. from hunting projectiles.

Damage to farm equipment tires, pets' feet, and persons' feet from lost and abandoned archery projectiles.

Loss of safe use of adjacent land owner's property during hunting activities due to unknown activities of the hunters immediately adjacent to the land owner's property lines.

Land Owner is unable to monitor all hunting activities to determine the hunter responsible for the projectile that cause injury, death, or damage. Any adequate monitoring system would in most cases is prohibitive due to cost to the land owner.

The land owner has no evidence of adequate liability insurance held by the hunter(s) to cover any damages to the land owner's property, pets, live stock, and/or personal injury.

The land owner must carry excess liability insurance at his expense in the event a visitor on his property is injured or killed by the hunters shooting over the property line.

IDNR Regulations:

The Illinois Digest of Hunting and Trapping Regulations 2016 - 2017 establishes no safe distance the hunter must maintain to an adjacent land owner's property line. The only limitations are hunting within 100 yards of an inhabited dwelling if hunting with a bow and arrow device or a shotgun loaded with shot shells or 300 yards if using a rifle, handgun or deer slugs unless the hunter has the permission of the person who occupies that dwelling. No regulation was found within this document to restrict hunting if pets, livestock, or people may be present on adjacent property and are outside of the inhabited dwelling.

The IDNR regulation establishes a minimum hunting distance from an inhabited dwelling, but does not restrict shooting toward the dwelling if the "minimum distance specified" is maintained.

There is a restriction for commercial migratory waterfowl area permits where the primary use is to take wild geese, stating a blind or pit cannot be located less than 100 yards from the boundary of the property on which the blind or pit is located.

By contrast, IL 130/ 5. Firearm ranges; liability states:

c) An owner or operator of a firearm range placed in operation after January 1, 1994, is immune from any criminal liability and is not subject to any action for public or private nuisance or trespass arising out of or as a consequence of noise or sound emissions resulting from the normal use of the firearm range, if the firearm range conforms to any one of the following requirements:

1) All areas from which a firearm may be properly discharged are at least 1,000 yards from any occupied permanent dwelling on adjacent property.

The IDNR Conservation Police stated the hunter can shoot over an adjacent property line at will with no set distance established except the distance the hunter must be from an inhabited residence.

Illinois State Police District 6 determination:

A detective at the Illinois State Police District informed this writer via telephone that they could not intervene unless someone is shot and injured or killed by the hunters, then they could arrest them on Reckless Discharge of a Firearm.

Dewitt County Sheriff's Office:

The Dewitt County Sheriff indicated he agreed it is an unsafe act and pursued the matter with the hunter, but no determination was made as to a breach of a law. A deputy that visited the hunter, informed me there was an agreement he would no longer shoot across our property lines, but would shoot to the south over Exelon and County property toward Mascoutin Camp Ground.

The Dewitt County Sheriff responded: "It is frustrating that there does not seem to be a clear-cut solution provided by law, or by an agreement with your neighbor. As our rural areas become more populated, we see more conflicts like this. It would be nice if the legislators would address this."

Director, Constituent Services Illinois Attorney General:

“Changes in state law would be best addressed by contacting your state representative’s office or state’s senator’s office. They are the people who would need to introduce bills to change the law.

Technical Information:

IDNR has determined a safe distance of hunting beyond 100 yards of an inhabited dwelling if hunting with a bow and arrow device or a shotgun loaded with shot shells or 300 yards if using a rifle, handgun or deer slugs. The following information is provided for reference in determining safe shooting distances.

Shotgun Shot Projectiles:

A French ballistics expert, General Journee, years ago worked out a formula to the effect that the maximum range in yards equals 2200 times the shot diameter in inches. When the gun is held at a horizontal position or only slightly elevated, this formula gives the maximum range of shot sizes as shown below.

No. 2 - 330 yards (990 feet)

No. 4 - 286 yards (858 feet)

No. 6 - 242 yards (726 feet)

No. 7 1/2- 209 yards (627 feet)

No. 8 - 198 yards (594 feet)

Thus, the 100 yards (300 feet) established by the IDNR is less than one-half of the effective killing range of most shot projectiles used for hunting.

Shotgun slug and rifle projectiles:

A study performed for the state of Pennsylvania determined the following:

A deer slug from a 12 ga. shotgun fired with a muzzle elevation 3 feet above the ground and parallel to the ground will travel 840 feet before hitting the ground and then may ricochet up to 5202 feet (100% probability of ricochet).

A deer slug from a muzzleloader fired with a muzzle elevation 3 feet above the ground and parallel to the ground will travel 686 feet before hitting the ground and then may ricochet up to 4498 feet (100% probability of ricochet)

The projectile from a rifle (30-06) fired with a muzzle elevation 3 feet above the ground and parallel to the ground will travel 1,408 feet before hitting the ground and then may ricochet up to 4,835 feet (100% probability of ricochet).

Note: The average hunter will fire the weapon at shoulder height (average 5 feet above the ground) thus increasing the travel distance of the projectile when fired parallel to the ground.

When the firing elevation is 5 degrees above parallel to the ground:

A deer slug from a 12 ga. shotgun fired with a muzzle elevation 5 degrees above parallel to the ground will travel over 5,000 feet before hitting the ground and then may ricochet up to almost 7,000 feet (91% probability of ricochet)

A deer slug from a muzzleloader fired with a muzzle elevation 5 degrees above parallel to the ground will travel 4,000 feet before hitting the ground and then may ricochet up to 6,000 feet (91% probability of ricochet).

The projectile from a rifle (30-06) fired with a muzzle elevation 5 degrees above parallel to the ground will travel 7,500 feet before hitting the ground and then may ricochet up to 8,800 feet (91% probability of ricochet).

Reference: Computations by Armaments Engineering and Technology Center (AETC) of Picatinny, NJ.
http://www.ihea-usa.org/assets/documents/AFWA_Presentation_9-18-07.pdf

Thus, the 300 yards (900 feet) established by the IDNR is less than one-half of the effective killing range of most projectiles used for hunting.

Landowner's U.S. Constitution Rights violated by Illinois IDNR laws:

The 5th Amendment of the US Constitution states:

The 5th amendment states: nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

The 14th Amendment of the US Constitution states:

Section. 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. - See more at: <http://constitution.findlaw.com/amendment14.html#sthash.lx5QP107.dpuf>

Both the Fifth and the Fourteenth Amendments to the Constitution provide "due process" protections for "life, liberty and property."

The Supreme Court has held that, in certain circumstances, government regulation that deprives a property owner of all economic benefit of his or her property can count as a "taking."

Another provision related to property rights is the Constitution's prohibition against any state law "impairing the Obligation of Contracts." On its face, this provision – which appears in Article I of the Constitution's main text – would seem to prohibit any law that impairs a person's contractual right to acquire or use property.

Landowner's Illinois Constitution Bill of Rights violated by Illinois IDNR laws:

SECTION 1. INHERENT AND INALIENABLE RIGHTS

All men are by nature free and independent and have certain inherent and inalienable rights among which are life, liberty and the pursuit of happiness. To secure these rights and the protection of property, governments are instituted among men, deriving their just powers from the consent of the governed.

SECTION 2. DUE PROCESS AND EQUAL PROTECTION

No person shall be deprived of life, liberty or property without due process of law nor be denied the equal protection of the laws.

SECTION 15. RIGHT OF EMINENT DOMAIN

Private property shall not be taken or damaged for public use without just compensation as provided by law. Such compensation shall be determined by a jury as provided by law.

Illinois Laws violated by IDNR laws and the shooters / hunters:

(520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

Sec. 2.33. Prohibitions.

(x) It is unlawful for any person to wantonly or carelessly injure or destroy, in any manner whatsoever, any real or personal property on the land of another while engaged in hunting or trapping thereon.

Sec. 12-5. Reckless conduct. (720 ILCS 5/12-5)

(a) A person who causes bodily harm to or endangers the bodily safety of an individual by any means, commits reckless conduct if he or she performs recklessly the acts that cause the harm or endanger safety, whether they otherwise are lawful or unlawful.

720 ILCS 5/Tit. III Pt. C heading)

PART C. OFFENSES DIRECTED AGAINST PROPERTY

(720 ILCS 5/15-5) (from Ch. 38, par. 15-5)

Sec. 15-5. Threat.

As used in this Part C, "threat" means a menace, however communicated, to:

- (a) Inflict physical harm on the person threatened or any other person or on property; or
- (b) Subject any person to physical confinement or restraint

(720 ILCS 5/15-8) (from Ch. 38, par. 15-8)

Sec. 15-8. Obtains control. As used in this Part C, the phrase "obtains or exerts control" over property, includes but is not limited to the taking, carrying away, or the sale, conveyance, or transfer of title to, or interest in, or possession of property.

(720 ILCS 5/16-1) (from Ch. 38, par. 16-1)

Sec. 16-1. Theft.

(a) A person commits theft when he or she knowingly:

- (1) Obtains or exerts unauthorized control over property of the owner; or
- (2) Obtains by deception control over property of the owner; or
- (3) Obtains by threat control over property of the owner; or

(720 ILCS 5/24-1.6)

Sec. 24-1.6. Aggravated unlawful use of a weapon.

(a) A person commits the offense of aggravated unlawful use of a weapon when he or she knowingly:
(H) the person possessing the weapon was engaged in the commission or attempted commission of a misdemeanor involving the use or threat of violence against the person or property of another; or

720 ILCS 5/12-6) (from Ch. 38, par. 12-6)

Sec. 12-6. Intimidation.

(a) A person commits intimidation when, with intent to cause another to perform or to omit the performance of any act, he or she communicates to another, directly or indirectly by any means, a threat to perform without lawful authority any of the following acts:

- (1) Inflict physical harm on the person threatened or any other person or on property; or
- (2) Subject any person to physical confinement or restraint; or

(720 ILCS 5/16-3) (from Ch. 38, par. 16-3)

(Text of Section before amendment by P.A. 99-534)

Sec. 16-3. Theft of labor or services or use of property.

(a) A person commits theft when he or she knowingly obtains the temporary use of property, labor or services of another which are available only for hire, by means of threat or deception or knowing that such use is without the consent of the person providing the property, labor or services. For the purposes of this subsection, library material is available for hire .

Dewitt County Laws / Ordinance violated by the shooters / hunters:**§ 91.24 DECLARATION OF PUBLIC NUISANCE.**

The following are declared to be public nuisances prejudicial to the public health:

(O) All other acts, practices, conduct, businesses, occupations, callings, trades, uses of property and all other things detrimental or certain to be detrimental to the health of the inhabitants of the county.

Illinois Laws allowing Landowners to defend their property from shooters / hunters:**Public Act 096-0397**

HB2546 Enrolled

(720 ILCS 125/1) (from Ch. 61, par. 301)

Sec. 1. Definitions. As used in this Act:

"Interfere with" means to take any action that physically impedes, hinders, or obstructs the lawful taking of wildlife or aquatic life ~~a wild animal~~.

(720 ILCS 125/2) (from Ch. 61, par. 302)

Sec. 2. Any person who performs any of the following is guilty of a Class B misdemeanor:

(a) Wilfully obstructs or interferes with the lawful taking of wildlife or aquatic life ~~wild animals~~ by another person with the specific intent to prevent that lawful taking.

This Section does not apply to landowners, tenants, or lease holders exercising their legal rights to the enjoyment of land, including, but not limited to, farming and restricting trespass.

It is an affirmative defense to a prosecution for a violation of this Section that the defendant's conduct is protected by his or her right to freedom of speech under the constitution of this State or the United States.

Article 7. Justifiable Use Of Force; (720 ILCS 5/7-3) (from Ch. 38, par. 7-3)

Sec. 7-3. Use of force in defense of other property.

(a) A person is justified in the use of force against another when and to the extent that he reasonably believes that such conduct is necessary to prevent or terminate such other's trespass on or other tortious or criminal interference with either real property (other than a dwelling) or personal property, lawfully in his possession or in the possession of another who is a member of his immediate family or household or of a person whose property he has a legal duty to protect. However, he is justified in the use of force which is intended or likely to cause death or great bodily harm only if he reasonably believes that such force is necessary to prevent the commission of a forcible felony. State Fire arm Laws: 720 ILCS 5/24-1

Please note that I do not wish to enforce these rights myself, but wish the various law enforcement agencies to enforce the existing laws protecting us as landowners.

Comparison: Texas Law on hunting and protecting their landowners:

It is **unlawful** for any person, while hunting or engaging in recreational shooting, to knowingly discharge a firearm in such a fashion as to cause a projectile to cross a property line, unless the person owns the property on both sides of the property line or has obtained written permission from the owner of any land crossed by the projectile.

<http://tpwd.texas.gov/regulations/outdoor-annual/hunting/general-regulations/means-and-methods>

Sec. 62.0121. DISCHARGE OF FIREARM ACROSS PROPERTY LINE. (a) In this section, "firearm" has the meaning assigned by Section 62.014(a).

(b) A person commits an offense if:

- (1) the person, while hunting or engaging in recreational shooting, knowingly discharges a firearm; and
- (2) the projectile from the firearm travels across a property line.

(c) It is a defense to prosecution under this section that the person:

- (1) owns the property on both sides of each property line crossed by the projectile; or
- (2) has a written agreement with any person who owns property on either side of each property line crossed by the projectile that allows the person to discharge a firearm on, over, or across the property or property line.

(d) The written agreement required under Subsection (c)(2) must:

- (1) contain the name of the person allowed to hunt or engage in recreational shooting in a manner described by Subsection (b);
- (2) identify the property on either side of the property line crossed by the projectile; and
- (3) be signed by any person who owns the property on either side of the line crossed by the projectile.

(e) An offense under this section is a Class C Parks and Wildlife Code misdemeanor.

(f) If conduct constituting an offense under this section constitutes an offense under a section of the Penal Code, the person may be prosecuted under either section or both sections.

Added by Acts 2005, 79th Leg., Ch. 270 (H.B. 505), Sec. 1, eff. September 1, 2005.

Summary and Comment:

As shown in the Technical information provide, the "kill" range of most projectiles allowed for hunting in the state of Illinois is well beyond the limitations set forth in IDNR laws.

As the current regulations are understood, the adjacent land owner, family, friends and their pets are imprisoned in the inhabited dwelling to protect themselves from the the projectiles of the hunter(s) who choose to shoot over an adjacent property line. There is no law for a hunter to notify the adjacent landowners nor receive permission from the landowner when he will hunt and be shooting over the property line of others.

Landowners and others are prohibited by IDNR law from interfering with hunting activities. Illinois law has denied the landowner the right to defend his property. (Public Act 096-0397, HB2546 Enrolled, (720 ILCS 125/1) (from Ch. 61, par. 301)

The landowners are currently forced to rely upon the moral judgement and skill of the hunters to identify people and animals within the path of their projectiles. Furthermore, the hunter's are assumed to have the moral responsibility to accept responsibility should damage to property or injury or death to animals and people from their projectiles. The burden of proof lies on the landowner to determine the source of the projectiles.

Landowners have no recourse to collect damages from unknown hunters if the hunter does not admit to his acts or they are caught in the act with witnesses sufficient to support prosecution.

IDNR laws allowing hunters to utilize private lands of others for hunting via legalizing shooting across such lands which is a violation of both the US Constitution and Illinois Constitution Bill of Rights. Legislators and

the IDNR have taken our property for use by public hunters as a depository for their projectiles and thus for their hunting activities without due process of law and just compensation, and are violating the certain inherent and inalienable rights among which are life, liberty and the pursuit of happiness of the landowners guaranteed by the United States Federal and Illinois State Constitutions.

Like Texas, the Illinois hunter(s) should be restricted from shooting over the adjacent property lines without written permission and should be required to position his stand, blind, decoy(s), and / or food plot(s) to shoot away from the adjacent property line. Hunters should be aware of all property lines on all sides of the hunting area and assure none are violated by the projectiles in use.

Note that we are not a gun control supporters. We own guns for hunting, sport shooting, and self defense. Nor are we opposed to hunting, as we have allowed hunting on our property up until the last two years when we noticed a significant decline in wildlife population on our property.

We only want reasonable laws or enforcement of the existing laws to protect our rights as land owners to allow safe use of our property without the threat and liability of projectiles from adjacent properties no matter when and where on our property we chose to go and for whatever purpose we choose.

Thank You for your time and consideration,

Sincerely,

Ronald D. Beightel

8147 Friends Creek Road
Dewitt, Illinois 61735-0143

ronandmaryb@hotmail.com

ESTIMATED SHOTS FIRED:

Estimated shots fired by Bales and friends during dove hunting a minimum of one day each weekend:

Sept. 1-2: Three hunters x15 dove limit each = 45 shots

Sept. 8-9: Two hunters x 15 dove limit each = 30 shots

Sept. 15-16: Two hunters x 15 dove limit each = 30 shots

Total in 3 days = 105 shots just for dove hunting. Does not include missed shots, target shooting, individual hunting days, etc.. DNR could provide reported doves taken.

Current and Prior hunting and recreational use allowed:

Billy Miller, Chevy Miller, Ed Meyer, Travis Meyer, Michael Snow, Jason Gentry & his father - Deer hunting.

Dave Allen - Raccoon hunting and trapping, and UTV vehicle riding

Mathew Bales - goose hunting from a blind.

Dave Szyncavich, Johnathan Tedrick - Access for deer hunting on CPS Hunt Club ground

Jerry and Donna Driscoll - horseback riding

Jason Vandervort and family - wood cutting and UTV vehicle riding

Jeff Hunt - wood cutting

Beightel family members - UTV riding

Various people - wood cutting and mushroom hunting.

Homes within range of shooters projectiles:

Nelly Reeder

Denis Hish