

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2015 – 231

By: Mayor Perciak and All Members of Council

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF STRONGSVILLE, THE QUESTION OF COUNCIL AMENDING SECTION 618.12 (HUNTING OR TRAPPING PROHIBITED) OF CHAPTER 618 ANIMALS OF PART SIX-GENERAL OFFENSES CODE OF THE CODIFIED ORDINANCES OF THE CITY TO AUTHORIZE A NUISANCE ABATEMENT INITIATIVE FOR BOTH SHORT TERM AND LONG TERM CONTROL AND REDUCTION OF THE WHITE-TAILED DEER POPULATION, IN COORDINATION WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES AND CONTIGUOUS, ADJOINING, POLITICAL SUBDIVISIONS THAT OPT TO ADOPT A SIMILAR PLAN FOR NUISANCE ABATEMENT, ESTABLISHING AN ELECTION DATE THEREFOR, AND DECLARING AN EMERGENCY.

WHEREAS, the white-tailed deer population in urban areas has grown to unmanageable numbers; and

WHEREAS, as a consequence thereof great financial loss has been suffered by public and private property owners, in the destruction of plants, flowers, trees and other edible landscaping; and

WHEREAS, deer/vehicle accidents increase annually and threaten the lives and property of all those who travel by vehicle on our streets and highways; and

WHEREAS, while hunting within the City of Strongsville is prohibited, the exploding regional deer population urgently requires deer management efforts; and

WHEREAS, this Council finds that the existing circumstances constitute an ongoing and serious nuisance which must be abated for the public health, safety and welfare; and

WHEREAS, the Mayor and Administration, working in conjunction with the Ohio Department of Natural Resources (“ODNR”) and in coordination with other similarly situated municipalities, seek to establish a “nuisance abatement initiative” to allow for the liberal issuance of permits from both the ODNR and the municipal police department (deer damage control permits) with the consent of and upon the application of property owners seeking relief; and

WHEREAS, it therefore appears desirable to amend the Codified Ordinances of the City of Strongsville, Part Six General Offenses Code, Chapter 618 Animals, Section 618.12 (Hunting or Trapping Prohibited) to permit the limited hunting of white tailed deer by cross bow or long bow under terms and conditions established by the City if there is sufficient public support to do so; and

WHEREAS, this Council, therefore, has determined it desirable to submit to the voters of the municipality the question of their support for Council amending Section 618.12 (Hunting or Trapping Prohibited) of Chapter 618 Animals of Part Six-General Offenses Code of the Codified Ordinances of the City of Strongsville to authorize a nuisance abatement initiative for both short term and long term control and reduction of the white-tailed deer population, in coordination with the Ohio Department of Natural Resources and contiguous, adjoining, political subdivisions that opt to adopt a similar plan for nuisance abatement.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

Section 1. That this Council hereby authorizes and directs the submission to the electors of the City of Strongsville at an election to be held at the usual places of voting within the City on Tuesday, March 15, 2016, between the hours of 6:30 a.m. and 7:30 p.m. of that day, for an advisory election on the question of Council's amending Section 618.12 (Hunting or Trapping Prohibited) of Chapter 618 Animals of Part Six-General Offenses Code of the Codified Ordinances of the City of Strongsville authorizing a nuisance abatement initiative for both short term and long term control and reduction of the white-tailed deer population, in coordination with the Ohio Department of Natural Resources and contiguous, adjoining, political subdivisions that opt to adopt a similar plan for nuisance abatement, which proposed amendment is set forth in full in Section 2 hereof.

Section 2. That the proposed amendment evidencing the question to be submitted to the electors of the City under this Resolution shall be as follows:

618.12 HUNTING OR TRAPPING PROHIBITED.

(a) No person shall hunt or trap animals or fowl within the Municipality, except that law enforcement officers, health officials, persons possessing a nuisance trapping permit issued by the Division of Wildlife of the State of Ohio, and a resident using a live box trap trapping on property which he owns or permanently occupies may trap wildlife or animals constituting a nuisance; **and except as provided in division (c) of this Section.**

(b) A person holding a nuisance trapping permit issued by the Division of Wildlife of the State of Ohio shall:

- (1) Notify the Animal Control Officer or the Police Department of his name, the location and time of placement of each trap placed in the Municipality prior to setting any such trap;
- (2) Use a box trap or a trap approved by the Division of Wildlife of the State of Ohio; and
- (3) Release such animal outside the City limits within twenty-four hours of trapping or in accordance with State of Ohio, Division of Wildlife regulations.

(c) The limited hunting of white-tailed deer by crossbow or long bow may be permitted within the City under the following terms and conditions:

- (1) The Chief of Police or his designated representative may, in his sole discretion, issue a Municipal Deer Control Permit to a qualified archer applicant (engaged to assist property owners aggrieved by deer damage) only as a corollary to and following the issuance by the ODNR of its own Deer Damage Control Permit to allow only bow-hunting (long bow and crossbow) of white-tailed deer.
- (2) The permit is limited to areas of not less than five (5) contiguous acres by State-Licensed hunters proficient in the use of bow and arrow, on such forms and subject to such rules and regulations as the Chief of Police may prescribe.
- (3) Hunting shall be conducted from an elevated platform only.
- (4) Written permission from the property owner(s) must be obtained.
- (5) A qualified archer shall be defined as an individual having obtained an approval/certification from the South Cuyahoga Sportsmen's Association or other State approved archery proficiency test site, valid Ohio hunting license, and all other applicable State requirements.
- (6) Compliance with all laws, rules and regulations of the City and State is required.
- (7) All applicants shall agree, in writing, to defend, indemnify and hold harmless the City for any negligent acts committed by the applicant.
- (8) Any other requirements as deemed necessary to preserve and protect the health, safety and

welfare of the residents shall be determined solely by the Chief of Police.

- (9) The Chief of Police is hereby authorized to promulgate any and all rules and regulations necessary to carry out the provisions of this section, and all other rules and regulations necessary to insure public health and safety, all of which shall be published.
- (10) Nothing in this section shall be deemed to prohibit the killing of rats and other undesirable rodents authorized to be killed by the Chief of Police using means for such killing which are also authorized by the Chief of Police.

~~(e)(d)~~ Whoever violates any provision of ~~this section-divisions (a) or (b) of this Section~~ is guilty of a minor misdemeanor. ~~Whoever violates division (c) shall be guilty of a misdemeanor of the first degree.~~ Punishment shall be as provided in Section 698.02.
~~(Ord. 1992-175. Passed 11-2-92.)~~

Section 3. That it is the desire of this Council that the ballot language presented to the electors of the City of Strongsville shall be in substantially the following form:

ADVISORY ELECTION

CITY OF STRONGSVILLE

Shall the City Council amend Section 618.12 Hunting or Trapping Prohibited of the Codified Ordinances of the City of Strongsville to permit the limited hunting of white-tailed deer by crossbow or long bow by licensed individuals conducted from elevated platforms, under terms and conditions established by the State of Ohio and City of Strongsville, and under the supervision of the Chief of Police?

	Yes
	No

Section 4. That the Clerk of this Council is hereby directed to provide any required newspaper or other notice in accordance with the Ohio Revised Code, and to file a certified copy of this Resolution with the Cuyahoga County Board of Elections not later than December 16, 2015.

Section 5. That the Board of Elections of Cuyahoga County is requested to cause an appropriate notice to be duly given of the advisory election to be held on March 15, 2016, on the foregoing question and Ordinance of this City and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

Section 6. That there is hereby appropriated from the General Fund a sufficient sum of money to pay the costs, if any, of carrying out the authorizations and directions of this Resolution.

Section 7. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council; and that all deliberations of this Council, and any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 8. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that this Resolution is required to be immediately effective in order to place this question on the ballot at the March 15, 2016 regular primary election in accordance with law. Therefore, provided this Resolution receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

Michael Daymut
 President of Council

Approved: Thomas B. Ruiner
 Mayor

Date Passed: December 7, 2015

Date Approved: December 8, 2015

	<u>Yea</u>	<u>Nay</u>
Carbone	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Daymut	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DeMio	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dooner	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Maloney	<u>Absent</u>	<input type="checkbox"/>
Schonhut	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Southworth	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Attest: Aimee Pientka
 Clerk of Council

RES
 ORD. No. 2015-231 Amended: _____
 1st Rdg. 11-2-15 Ref: COW
 2nd Rdg. 11-16-15 Ref: COW
 3rd Rdg. 12-7-15 Ref: _____
Public Informational meeting held
11-16-15.
 Pub Hrg. _____ Ref: _____
 Adopted: 12-7-15 Defeated: _____