

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2016 – 101

By: Mayor Perciak and All Members of Council

AN ORDINANCE 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, 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, this Council in Resolution No. 2015-231, submitted to the Cuyahoga County Board of Elections for the consideration of the Electors of the City of Strongsville, an advisory election for the proposed amendment of Section 618.12 of the Codified Ordinances to permit limited hunting of white-tailed deer by crossbow or long bow by licensed individuals under terms and conditions established by the State of Ohio and the City, and under the supervision of the Chief of Police; and

WHEREAS, this advisory election took place on March 15, 2016 and the Electors of the City of Strongsville by a substantial margin voted in favor of amending Section 618.12 of the Codified Ordinances to permit limited hunting of white-tailed deer by crossbow or long bow by licensed individuals under terms and conditions established by the State of Ohio and the City, and under the supervision of the Chief of Police; and

WHEREAS, similar advisory elections on the same issue also took place on March 15, 2016 in the cities of Broadview Heights, North Royalton, Parma, Parma Heights and Seven Hills; with the Electors in each of these municipalities voting in favor to permit the limited hunting of white-tailed deer, as set forth above.

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

Section 1. That Section 618.12 of Chapter 618 of Part Six-General Offenses Code of the Codified Ordinances of the City of Strongsville, be and is hereby amended to read in its entirety 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 either its own Deer Damage Control Permit or hunting license for the applicable white-tailed deer hunting season to allow only bow-hunting (long bow and crossbow) of white-tailed deer.
- (2) The Municipal Deer Control Permit shall be limited to areas of not less than five (5) contiguous acres by a qualified archer(s), 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 an approved archery proficiency test site, valid Ohio hunting license, if applicable, 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 2. In order to defray the expenses incurred with the management of this program, a fee of \$150.00 per each qualified archer applicant is established and must accompany any application for the Municipal Deer Damage Control Permit.

Section 3. The City, in cooperation with ODNR and the Division of Wildlife, will explore and strive to adopt long-term, non-lethal options for deer population control, including but not limited to contraception, sterilization, relocation and/or such other methods as may provide the necessary relief in non-lethal methods and on a cost-effective basis.

Section 4. No other method for the control of the deer population is permitted other than such as is authorized herein; all other provisions of the Codified Ordinances of the City of Strongsville not specifically modified herein shall remain unaffected by these measures and fully enforceable.

Section 5. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance 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 6. That this Ordinance 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 Ordinance is required to be immediately effective in order to mitigate the ongoing nuisance of deer herds which must be abated, and to establish the parameters for the issuance of deer damage control permits. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately

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upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

[Signature]

 President of Council

Approved: [Signature]

 Mayor

Date Passed: June 6, 2016

Date Approved: June 7, 2016

	<u>Yea</u>	<u>Nay</u>
Carbone	<u>✓</u>	_____
Daymut	<u>✓</u>	_____
DeMio	<u>✓</u>	_____
Dooner	<u>✓</u>	_____
Schonhut	<u>✓</u>	_____
Short	<u>✓</u>	_____
Southworth	<u>✓</u>	_____

Attest: [Signature]

 Assistant Clerk of Council

ORD. No. 2016-101 Amended: _____
 1st Rdg. 05-02-16 Ref: 102
 2nd Rdg. 05-16-16 Ref: 102
 3rd Rdg. 06/06/16 Ref: _____

 Pub Hrg. _____ Ref: _____
 Adopted: 06/06/16 Defeated: _____