

ORDINANCE NO. 228-15

BY: **BRIAN DAY**
(By Request – Mayor)

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF PARMA, THE QUESTION OF COUNCIL AMENDING SECTIONS 618.11 “HUNTING OR TRAPPING PROHIBITED” AND 618.21 “HUNTING PROHIBITED” OF CHAPTER 618 “ANIMALS” OF PART SIX-GENERAL OFFENSES CODE AND SECTION 961.02 “PARK PROPERTY” OF CHAPTER 961 “PARKS AND RECREATION FACILITIES” OF PART NINE-STREETS AND PUBLIC SERVICES CODE OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA, 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, 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 Parma 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 Parma, Part Six General Offenses Code, Chapter 618 Animals, Sections 618.11 “Hunting or Trapping Prohibited” and 618.21 “Hunting Prohibited” and Part Nine-Streets and Public Services, Chapter 961 Parks and Recreation Facilities, Section 961.02 “Park Property”, to permit the limited hunting of white tailed deer by cross bow and long bow under terms and conditions established by the City if there is sufficient public support to do so; and,

WHEREAS, the Council of the City of Parma, therefore, has determined that it is desirable to submit to the voters of the municipality the question of their support for Council amending Sections 618.11 "Hunting or Trapping Prohibited" and 618.21 "Hunting Prohibited" of Chapter 618 Animals of Part Six-General Offenses Code and Section 961.02 "Park Property" of Chapter 961 Parks and Recreation Facilities of Part Nine-Streets and Public Services Code of the Codified Ordinances of the City of Parma 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 ORDAINED BY THE COUNCIL OF THE CITY OF PARMA, STATE OF OHIO:

Section 1. That this Council hereby authorizes and directs the submission to the electors of the City of Parma, Ohio, at an election to be held at the usual places of voting within the City of 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 618.11 "Hunting or Trapping Prohibited" and 618.21 "Hunting Prohibited" of Chapter 618 Animals of Part Six-General Offenses Code and Section 961.02 "Park Property" of Chapter 961 Parks and Recreation Facilities of Part Nine-Streets and Public Services Code of the Codified Ordinances of the City of Parma 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 Ordinance shall be as follows:

618.11 HUNTING OR TRAPPING PROHIBITED.

- (a) No person shall hunt or trap animals or fowl within the municipality, except **as follows:**
- (1) Animal control officers, health officials, persons possessing a nuisance trapping permit issued by the Division of Wildlife of the State of Ohio, and a resident using box trapping on property which he or she owns or permanently occupies may trap wildlife or animals constituting a nuisance;
 - (2) **The limited hunting of white-tailed deer by crossbow or long bow may be permitted within the City under the following terms and conditions:**
 - (a) **The Police Chief 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);**
 - (b) **As a corollary to and following the issuance by the Ohio Department of Natural Resources of its own Deer Damage Control Permit to allow only bow-hunting (long bow and crossbow) of white-tailed deer;**
 - (c) **In 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 may prescribe;**
 - (d) **Hunting shall be conducted from an elevated platform only;**
 - (e) **Written permission from the property owner(s) has been obtained;**

- (f) **Qualified archer shall be defined as an individual having obtained an approval/certification from South Cuyahoga Sportsmen's Association or other state approved archery proficiency test site, valid Ohio hunting license, and all other state requirements.**
- (g) **Compliance with all laws, rules and regulations of the City and State;**
- (h) **All applicants shall agree, in writing, to defend and indemnify the City for any negligent acts committed by the applicant.**
- (i) **Any other requirements as deemed necessary to preserve and protect the health, safety and welfare of the residents as determined solely by the Chief of Police.**
- (j) **Chief of Police is hereby authorized to promulgate any and all rules and regulations necessary to carry out the provision of this section and all other rules and regulation necessary to insure public health and safety.**

...
(c) Whoever violates any provision of this section is guilty of a misdemeanor of the **first** degree.

618.21 HUNTING PROHIBITED.

(a) The hunting of animals or fowl within the municipality is prohibited. No person shall hunt, kill or attempt to kill any animal or fowl by the use of firearms or any other means, except **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 Police Chief 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);**
- (2) **As a corollary to and following the issuance by the Ohio Department of Natural Resources of its own Deer Damage Control Permit to allow only bow-hunting (long bow and crossbow) of white-tailed deer;**
- (3) **In 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 may prescribe;**
- (4) **Hunting shall be conducted from an elevated platform only;**
- (5) **Written permission from the property owner(s) has been obtained;**
- (6) **Qualified archer shall be defined as an individual having obtained an approval/certification from South Cuyahoga Sportsmen's Association or other state approved archery proficiency test site, valid Ohio hunting license, and all other state requirements.**
- (7) **Compliance with all laws, rules and regulations of the City and State;**
- (8) **All applicants shall agree, in writing, to defend and indemnify the City for any negligent acts committed by the applicant.**
- (9) **Any other requirements as deemed necessary to preserve and protect the health, safety and welfare of the residents as determined solely by the Chief of Police.**

(10) Chief of Police is hereby authorized to promulgate any and all rules and regulations necessary to carry out the provision of this section and all other rules and regulation necessary to insure public health and safety.

(b) Whoever violates this section is guilty of a misdemeanor of the **first** and shall be subject to the penalty provided in section 698.02.

961.02 PARK PROPERTY.

...

(c) Wild Animals, Birds, Etc.

(1) Hunting. **Subject to the below exception**, no person shall hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal, reptile or bird, nor shall any person remove or have in his possession the young or any wild animal or the eggs, nest or young of any reptile or bird, nor shall any person collect, remove, have in his possession, give away, sell or buy or offer to sell or buy, or accept as a gift, any specimen, alive or dead, of any of the group of tree snails. However, snakes known to be deadly poisonous, such as rattlesnakes, moccasins, coral snakes or other deadly reptiles, may be killed on sight. **Exception: the limited hunting of white-tailed deer by crossbow or long bow may be permitted within the City under the following terms and conditions:**

- (a) **The Police Chief 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);**
- (b) **As a corollary to and following the issuance by the Ohio Department of Natural Resources of its own Deer Damage Control Permit to allow only bow-hunting (long bow and crossbow) of white-tailed deer;**
- (c) **In 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 may prescribe;**
- (d) **Hunting shall be conducted from an elevated platform only;**
- (e) **Written permission from the property owner(s) has been obtained;**
- (f) **Qualified archer shall be defined as an individual having obtained an approval/certification from South Cuyahoga Sportsmen's Association or other state approved archery proficiency test site, valid Ohio hunting license, and all other state requirements.**
- (g) **Compliance with all laws, rules and regulations of the City and State;**
- (h) **All applicants shall agree, in writing, to defend and indemnify the City for any negligent acts committed by the applicant.**
- (i) **Any other requirements as deemed necessary to preserve and protect the health, safety and welfare of the residents as determined solely by the Chief of Police.**
- (j) **Chief of Police is hereby authorized to promulgate any and all rules and regulations necessary to carry out the provision of this section and all other rules and regulation necessary to insure public health and safety.**
- (k) **Whoever violates this section is guilty of a misdemeanor of the first degree and shall be subject to the penalty provided in Section 698.02.**

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

Advisory Election
City of Parma

Shall the City Council amend Sections 618.11 Hunting or Trapping Prohibited; 618.21 Hunting Prohibited; and 961.02 Park Property of the Codified Ordinances of the City of Parma 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 Parma, and under the supervision of the Chief of Police?

	Yes
	No

Section 4. That the Clerk of 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 Ordinance 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 Ordinance.

Section 7. 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 8. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare of the City of Parma, and for the further reason that this measure is necessary in order to place this question on the ballot at the March 15, 2016, regular election in accordance with law, and this Ordinance shall become immediately effective upon receiving the affirmative vote of two-thirds of all members elected to Council and approval of the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____

CLERK OF COUNCIL

APPROVED: _____

FILED WITH
THE MAYOR: _____

MAYOR, CITY OF PARMA, OHIO