

ORDINANCE NO. 2016-17

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF PARMA HEIGHTS, PART SIX GENERAL OFFENSES CODE, CHAPTER 618 ANIMALS, SECTION 618.16 HUNTING PROHIBITED 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, 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 in the City of Parma Heights is prohibited, the exploding regional deer population 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 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 is therefore necessary to amend the Codified Ordinances of the City of Parma Heights, Part Six General Offenses Code, Chapter 618 Animals, Section 618.16 Hunting Prohibited to permit the limited hunting of white tailed deer by cross bow or long bow under terms and conditions established by the municipality.

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

Section 1. Notwithstanding any other provision of this code to the contrary, Section 618.16 of the Codified Ordinances of City of Parma Heights, is amended as follows:

618.16 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. However, 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.~~
- (b) ~~Whoever violates this section is guilty of a minor misdemeanor and shall be subject to the penalty provided in Section 698.02.~~

(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 as follows:

(1) 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;***
 - (b) As a corollary to and following the issuance by the ODNR of its own Deer Damage Control Permit or license 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 a qualified archer, 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 approved archery proficiency test site, a valid Ohio hunting license, if applicable, 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 or damages 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 regulations necessary to insure public health and safety.***
 - (k) 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.***
- (b) 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 2. In order to defray the expenses incurred with the management of this program, a fee of \$150.00 per qualified archer applicant is established and must accompany any application for the Municipal Deer 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 Parma Heights not specifically modified herein shall remain unaffected by these measures and fully enforceable.

Section 5. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Section 6. This Council declares this Ordinance to be an emergency measure for the immediate preservation of the public health, peace and safety of this municipality and for the further reason that it is necessary to provide for a definition for owner; wherefore, it shall be in full force and effect immediately after its passage by Council

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and approval by the Mayor.

PASSED: 6-27-2016

ATTEST: Florence A. Bohdan
CLERK OF COUNCIL

FILED WITH
THE MAYOR: 6-27-2016


PRESIDENT OF COUNCIL

6-27-2016
APPROVED


MAYOR