

RESOLUTION NO. 2015-12

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF PARMA HEIGHTS, THE QUESTION OF COUNCIL AMENDING SECTION 618.16 HUNTING PROHIBITED OF CHAPTER 618 ANIMALS OF PART SIX GENERAL OFFENSES CODE OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA HEIGHTS 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 Parma Heights 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 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 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 618.16 Hunting Prohibited of Chapter 618 Animals of Part Six General Offenses Code of the Codified Ordinances of the City of Parma Heights 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 PARMA HEIGHTS, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. Council hereby authorizes and directs the submission to the electors of the City of Parma Heights 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 618.16 Hunting Prohibited of Chapter 618 Animals of Part Six General Offenses Code of the Codified Ordinances of the City of Parma Heights 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. The proposed amendment evidencing the question to be submitted to the electors of the city under this Resolution shall be 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, *except as follows*: ~~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.~~

(b) 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.

(c) 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.

(d) Whoever violates any provision of this Section is guilty of a misdemeanor of the first degree. Punishment shall be as provided in Section 698.02.

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

ADVISORY ELECTION

CITY OF PARMA HEIGHTS

Shall the City Council amend Section 618.16 Hunting Prohibited of the Codified Ordinances of the City of Parma Heights 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 Heights, and under the supervision of the Chief of Police?

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| | Yes |
| | No |

Section 4. 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 Resolution with the Cuyahoga County Board of Elections not later than December 16, 2015.

Section 5. 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. 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. 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. 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 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.

PASSED: 11-23-2015


PRESIDENT OF COUNCIL

ATTEST: Florence A. Bohdan
CLERK OF COUNCIL

11-23-2015
APPROVED

FILED WITH
THE MAYOR: 11-23-2015


MAYOR