

ORDINANCE NO. 2022 - 25

AN ORDINANCE AMENDING SECTION 618.21 ENTITLED "HUNTING, POISONING AND TRAPPING PROHIBITED" OF THE PARMA HEIGHTS CODIFIED ORDINANCES

WHEREAS, the overpopulation of white-tailed deer within the City of Parma Heights negatively impacts public health and safety due to an excessive number of deer-related vehicular accidents, destruction of natural habitats and biodiversity, increased risk of disease transmission to humans from deer parasites, and damage to private and public property; and

WHEREAS, the Department of Public Safety considered the options to control the deer population, with the assistance and input from the Ohio Department of Natural Resources, and other municipalities; and

WHEREAS, the City believes that a city-sponsored approach to managing the deer population is the most effective strategy to manage deer; and

WHEREAS, City Council desires to provide the Mayor and the Director of Public Safety with an effective, flexible and feasible tool to address deer overpopulation.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Parma Heights, County of Cuyahoga, and State of Ohio:

Section 1: That Section 618.21 of the Codified Ordinances shall be amended and, as amended, shall henceforth read as shown by edits set forth in Exhibit A, which is attached hereto and incorporated by reference.

Section 2: 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 3: That this Ordinance shall take effect and be in force from and after the earliest date provided for by law.

PASSED: 8-15-22 _____ Thomas Rouns
PRESIDENT OF COUNCIL

ATTEST: Barbara S. Allen _____ 8-15-22
CLERK OF COUNCIL APPROVED

FILED WITH THE MAYOR: 8-15-22 _____ Marie S. Gallo
MAYOR MARIE S. GALLO

EXHIBIT A

618.21 HUNTING, POISONING AND TRAPPING PROHIBITED.

(a) Hunting Prohibited. The hunting of animals or birds within the Municipality is prohibited. No person shall hunt, kill or attempt to kill an animal by the use of firearms, bow hunting, trapping or any other method, 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 or her designated representative may, in his or her 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 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; and
- 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.

~~(2) 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.~~

~~(3) 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.~~

(2) The City may utilize firearms-trained personnel to cull white-tailed deer upon property owned or managed by the City or upon private property with permission, provided that:

- A. The Chief of Police or his designee has determined that such culling can be safely conducted on such property; and
- B. Such personnel are employed by or associated with a federal agency, state agency or local law enforcement agency; and
- C. Such culling has been approved by the Ohio Department of Natural Resources, Division of Wildlife.

(b) Trapping. The trapping of animals or birds within the municipality is prohibited by all persons except the animal control officer or wildlife removal and control services that resident's privately contract, providing that the wildlife removal and control service shall only use humane methods/traps, where possible, that are not dangerous to the life or limb of animals to be trapped, or any persons who have any possibility of coming into contact with such traps. Any use of firearms is strictly prohibited. Wildlife removal and control services comply with Section 618.19 and keep current records on animals destroyed and are required to produce said records on demand by any Police Officer, Humane Agent, or animal control officer.

(c) Trapshooting. Live birds or fowl shall not be used as targets in trapshooting.

(d) Poisoning. No poisoned meat or any poisonous substance shall be cast into any of the streets, public places, lots or buildings in the City for the purpose of harming, destroying or killing animals. Nuisance rodent traps are excluded.

~~(e) Whoever violates this section is guilty of a misdemeanor of the fourth degree. If the offender has been previously convicted of violating this section, any subsequent violation is a misdemeanor of the third degree.~~

(e) No person shall, for the purpose of hindering or preventing the lawful culling of white-tailed deer pursuant to divisions (a)(1) and (a)(2) hereof, knowingly engage in any of the following conduct:

- (1) Block, obstruct, impede, or attempt to block, obstruct, or impede a person lawfully engaged in such culling;
- (2) Erect a barrier with the intent to deny ingress or egress from the areas where such culling is lawfully being conducted;
- (3) Make or attempt to make unauthorized physical contact with or in any way interfere with a person lawfully engaged in such culling; or
- (4) Make or attempt to make loud noises or gestures, set out or attempt to set out or attempt to set out animal baits, scents, lures, or human scent, use any other natural or artificial visual, aural, olfactory, or physical stimuli, or engage in or attempt to engage in any other similar action or activity in order to interfere with such culling.

(f) The prohibition set forth in subsection (a) hereof shall not apply to deer culling population management programs sponsored by and conducted on land owned or managed by the City of Parma Heights or the Cleveland Metropolitan Park District.

(g) The prohibitions set forth in Section 618.13 "FEEDING ANIMALS AND WILDLIFE" of the Parma Heights Codified Ordinances shall not apply to deer culling population management programs conducted by the City of Parma Heights or the Cleveland Metropolitan Park District.

(h) 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.

(i) Whoever violates division (a)(1) of this section is guilty of a misdemeanor of the first degree and shall be subject to the penalty provided in Section 698.02. Whoever violates division (b), (c), (d), or (e) of this section is guilty of a misdemeanor of the fourth degree. If the offender has been previously convicted of violating this section, any subsequent violation of division (b), (c), (d), or (e) of this section is a misdemeanor of the third degree.