

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART SIX GENERAL OFFENSES CODE, CHAPTER 618 ANIMALS, SECTION 618.12 HUNTING PROHIBITED BY 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 BY CREATING A NEW SECTION 618.125 ENTITLED RULES AND REGULATIONS FOR THE ISSUANCE OF A MUNICIPAL DEER DAMAGE CONTROL PERMIT, 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 North Royalton 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 North Royalton, Part Six General Offenses Code, Chapter 618 Animals, Section 618.12 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, and by creating a new Section 618.125 entitled Rules and Regulations for the Issuance of a Municipal Deer Damage Control Permit.

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

Section 1. Chapter 618 Animals, Section 618.12 Hunting Prohibited of the Codified Ordinances of City of North Royalton, is hereby amended to hereinafter read as follow:

618.12 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 Chief of Police or his designated representative may, in his sole discretion, issue a Municipal Deer Damage 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. Chapter 618 of the Codified Ordinances of the City of North Royalton is amended by creating a new Section 618.125 entitled Rules and Regulations for the Issuance of a Municipal Deer Damage Control Permit and shall read as follows.

618.125 RULES AND REGULATIONS FOR THE ISSUANCE OF A MUNICIPAL DEER DAMAGE CONTROL PERMIT

Pursuant to NRO, 618.12, the Chief of Police hereby establishes the following Rules and Regulations for the issuance of a Municipal Deer Damage Control Permit.

(a) *Preapproval process.*

(1) *Application must be completed and submitted as follows:*

A. *Municipal Deer Damage Control Permit application shall be submitted within 15 days of receiving the ODNR Deer Damage Control Permit.*

B. *Municipal Deer Damage Control Permit application shall be submitted no later than August 15 for the state bow hunting season (September-February).*

(2) *Applicant must demonstrate to the satisfaction of the Chief of Police or his designated representative the following.*

A. *Applicant is a qualified archer*

B. *Applicant and/or landowner has been issued either a deer damage control permit and/or hunting license and deer permit as required by ODNR;*

C. *Applicant's acknowledgement of bow-hunting only (long bow and crossbow) of white-tailed deer;*

D. *Provide written permission (affidavit) from the property owners (minimum five (5) contiguous acres) for a limited period of time as set forth in the permit;*

(3) *Hunting shall be conducted from an elevated platform only. The platform and its location shall be inspected and approved by the Chief of Police or his designee prior to the permit issuance;*

(4) *Applicant shall provide a map, with boundaries outlined on the map of the property or properties and the global positioning system ("GPS") coordinates of the approved site/platform;*

(5) *Approval/certification from an approved archery proficiency test site, a valid Ohio hunting license, or successful completion of Ohio Hunter safety course, if applicable, and all other state requirements;*

(6) *Compliance with all laws, rules and regulations of the city and state of Ohio;*

(7) *All applicants shall agree, in writing, to defend and indemnify the city for any negligent or other acts committed by the applicant;*

(8) *Any person obtaining a permit under this chapter and any property owner giving written permission for deer hunting on the owner's property shall have consented to the entry upon the property by police officers and/or other persons designated by the Chief of Police to enforce the provisions of this chapter;*

(9) *Payment of the registration fee.*

(b) *Issuance of permit/post approval requirements.*

(1) *After the Chief of Police or his designee has visited the property and determined that hunting with archery equipment can be safely conducted on the property and that the applicant is a qualified archer, the Chief of Police may issue a permit or may impose any other requirements, conditions or restrictions as deemed necessary to preserve and protect the health, safety and welfare of the residents as determined solely by the Chief of Police.*

(2) *The Chief of Police's decision to grant or deny a permit application in a final decision which is not appealable.*

