

BY: Mr. Shondel

TEMP NO: 10365R2

ORDINANCE NO. 104-2014

AN ORDINANCE TO ALLOW THE CITY AND PRIVATE CITIZENS TO MANAGE THE WHITE-TAILED DEER POPULATION WITHIN THE CITY OF AVON LAKE, REPEALING CURRENT SECTION 618.12 OF THE CODIFIED ORDINANCES AND ORDINANCE NO. 4-2013, AND ENACTING NEW SECTION 618.12 OF THE CODIFIED ORDINANCES

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

WHEREAS, the Environmental Affairs Advisory Board considered and studied various options to control the deer population, with the assistance and input from the Ohio Department of Natural Resources, the Cleveland Museum of Natural History, the Cleveland Metroparks Zoo, and other municipalities, and conducted public meetings to assess public opinion on a deer management program; and,

WHEREAS, the Environmental Affairs Advisory Board recommended to the Environmental Committee of City Council to adopt a comprehensive deer management program; and,

WHEREAS, City Council has continued to study deer overpopulation through the Environmental Committee by soliciting professional assistance and input from the public; and,

WHEREAS, City Council believes a comprehensive and multi-faceted approach to managing the deer population is the most effective strategy and continues to study additional tools such as education, and traffic safety efforts; and,

WHEREAS, a deer culling program had been in effect in the City of Avon Lake that allowed the hunting of deer under certain circumstances, and,

WHEREAS, the City may find it necessary at some point in time to again conduct or allow to be conducted, a deer culling operation; and,

WHEREAS, City Council desires to provide the Mayor, as the Director of Public Safety, and the residents of the City with as

many safe, effective, flexible and feasible tools as possible to address deer overpopulation; now therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE,
STATE OF OHIO:

Section No. 1: That Section 618.12 of the Codified Ordinances of Avon Lake and Ordinance No. 4-2013 are repealed.

Section No. 2: That there is hereby enacted new Section 618.12 of the Codified Ordinances of Avon Lake, to read as follows:

618.12 HUNTING PROHIBITED; EXCEPTIONS.

(a) Except as provided in division (f) of this section, no person shall hunt with firearms or other weapons within the City, except for the taking of white-tailed deer with the use of archery equipment that is legal as described in ORC 1501:31-15-11 and in accordance with the terms, requirements, restrictions and conditions of a Municipal Deer Control Permit on:

(1) Property not owned or managed by the City of Avon Lake during Ohio's deer hunting seasons only after the following:

A. An application for a Municipal Deer Control Permit has been submitted to the Chief of Police during a designated application period containing:

1. A map, with boundaries outlined on the map, of the property or properties (collectively, the "Subject Property") on which the applicant(s) wishes to take deer and the approximate location(s) on the Subject Property where the shooter(s) will be stationed, and
2. The County Auditor's parcel numbers of the Subject Property and total acreage, and
3. Signatures of all owners of the Subject Property, and
4. A list of the names, current residence addresses and ages of all shooters that are applying to shoot on the Subject Property, and

5. Verification that each shooter identified in the application has a current Ohio Hunting License, and

6. Verification that each shooter identified in the application has satisfactorily completed the Ohio Hunter Education Course.

B. The Chief of Police or his designee has issued a Municipal Deer Control Permit to the applicant(s) after visiting the Subject Property and determining that shooting with archery equipment can be safely conducted on the Subject Property and approving the shooters identified in the application, taking into account the following factors:

1. Proximity of the proposed shooting locations to structures adjacent to the Subject Property, and

2. Characteristics of the Subject Property and neighboring properties.

(2) Property owned or managed by the City of Avon Lake (the "Subject City Property") during Ohio's deer hunting seasons only after the following:

A. An application for a Municipal Deer Control Permit to take deer on the Subject City Property has been submitted to the Chief of Police during a designated application period containing:

1. A list of the names, current residence addresses and ages of all shooters that are applying to take deer on the Subject City Property, and

2. Verification that each shooter identified in the application has a current Ohio Hunting License, and

3. Verification that each shooter identified in the application has satisfactori-

ly completed the Ohio Hunter Education Course.

B. The Chief of Police or his designee has Issued a Municipal Deer Control Permit to the applicant(s) after visiting the Subject Property and determining that shooting with archery equipment can be safely conducted on the Subject Property and approving the shooters identified in the application, taking into account the following factors:

1. Proximity of the proposed shooting locations to structures adjacent to the Subject Property, and
2. Characteristics of the Subject Property and neighboring properties.

(3) Property not owned or managed by the City for which a Deer Damage Control Permit (ODNR 9003) from the Ohio Division of Wildlife has been issued (the "Control Property") only after the following:

A. Not later than 15 days after the owner(s) of the Control Property has received a Deer Damage Control Permit from the Ohio Division of Wildlife, an application by the owner of the Control Property for a Municipal Deer Control Permit to shoot on the Control Property has been submitted to the Chief of Police containing:

1. A map, with boundaries outlined on the map, of the Control Property and the approximate location(s) on the Control Property where the shooter(s) will be stationed, and
2. The County Auditor's parcel numbers of the Control Property and total acreage, and
3. A list of the names, current residence addresses and ages of all shooters that will be permitted to take deer on the Control Property, and

4. A copy of the Deer Damage Control Permit issued by the Ohio Division of Wildlife, and
 5. Verification that each shooter identified in the application has a current Ohio Hunting License, and
 6. Verification that each shooter identified in the application has satisfactorily completed the Ohio Hunter Education Course.
- B. The Chief of Police or his designee has issued a Municipal Deer Control Permit to the applicant after visiting the Control Property and determining that shooting with archery equipment can be safely conducted on the Control Property and approving the shooters identified in the application, taking into account the following factors:
1. Proximity of the proposed shooting locations to structures adjacent to the Control Property, and
 2. Characteristics of the Control Property and neighboring properties.
- (4) Property owned or managed by the City for which a Deer Damage Control Permit from the Ohio Division of Wildlife has been issued (the "Control City Property") only after the following:
- A. An application for a Municipal Deer Control Permit to take deer on the Control City Property has been submitted to the Chief of Police containing:
1. A list of the names, current residence addresses and ages of all shooters that are applying to take deer on the Control City Property, and
 2. Verification that each shooter identified in the application has a current Ohio Hunting License, and
 3. Verification that each shooter identified in the application has satisfactorily completed the Ohio Hunter Education Course.

rily completed the Ohio Hunter Education Program.

B. The Chief of Police or his designee has issued a Municipal Deer Control Permit to the applicant(s) after determining that shooting with archery equipment can be safely conducted on the Control City Property and approving the shooters identified in the application, taking into account the following factors:

1. Proximity to structures adjacent to the Control City Property, and
2. Characteristics of the Control City Property and neighboring properties.

(b) A Municipal Deer Control Permit may be denied if:

- (1) Any of the applicants has violated any provision of this section on any prior occasion, or
- (2) The application is incomplete, or
- (3) False information has been provided on the application.

(c) The Chief of Police or his designee may attach to a Municipal Deer Control Permit any terms, requirements, restrictions or conditions that the Chief of Police or his designee may deem appropriate for the protection of the public or neighboring properties.

(d) Shooting may only be conducted from a fixed elevated position at least ten feet off the ground, unless the Chief of Police or his designee waives such requirement.

(e) Prior to the issuance of a Municipal Deer Control Permit, the Chief of Police or his designee shall personally notify or notify by ordinary mail the occupants of properties that share a common boundary with any portion of the Subject Property, Subject City Property, Control Property, or Control City Property, as the case may be, that an application for a Municipal Deer Control Permit for use on such Subject Property, Subject City Property, Control Property, or Control City Property has been received, unless the Chief of Police or his designee, in his discretion determines that such notification is unnecessary or impractical. The failure of the Chief of Police or his

designee to provide such notification shall not invalidate a Municipal Deer Control Permit.

(f) Except as otherwise provided by and excepting white-tailed deer, taking by the use of traps shall not be prohibited.

(g) 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 No. 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal actions, were in meetings open to the public, in accordance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 4: That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

1st reading: 06/23/14

2nd reading: 06/30/14

3rd reading:

PASSED: 7/14/14


Council President Pro Tem

POSTED: 7/18/14

7/17/14
Approved

ATTEST: Barbara Dapp
Clerk of Council

Gregory J. Zilka
Mayor