

**CITY OF NORTH OLMSTED  
ORDINANCE NO. 2014 – 64**

**BY:** Mayor Kennedy

***AN ORDINANCE AMENDING SECTION 505.10 OF THE GENERAL OFFENSES CODE OF THE CITY OF NORTH OLMSTED ENTITLED “HUNTING PROHIBITED” TO ALLOW THE CITY AND PRIVATE CITIZENS TO MANAGE THE WHITE-TAILED DEER POPULATION WITHIN THE CITY OF NORTH OLMSTED.***

**WHEREAS**, the overpopulation of white-tailed deer within the City of North Olmsted 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 Department of Public Safety considered options to control the deer population, with the assistance and input from the Ohio Department of Natural Resources, and other municipalities; and

**WHEREAS**, the Department of Public Safety recommends to the Public Safety, Health and Welfare Committee of City Council that the City adopt a comprehensive deer management program; and

**WHEREAS**, the City believes a comprehensive and multi-faceted approach to managing the deer population is the most effective strategy to manage deer and will continue to study additional tools such as education, contraception, and traffic safety efforts; 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, and 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 NORTH OLMSTED, CUYAHOGA COUNTY, AND STATE OF OHIO:***

**SECTION 1:** That Section 505.10 of the General Offenses Code entitled, “Hunting Prohibited” which presently reads in its entirety as follows:

505.10 HUNTING PROHIBITED.

(a) No person shall hunt, kill or attempt to kill any animal or fowl by the use of firearms, bow and arrow, air rifle or any other means within the corporate limits of the Municipality.

(b) Whoever violates this section is guilty of a minor misdemeanor.

**Shall be amended and as amended shall read as follows:**

**505.10 HUNTING PROHIBITED; EXCEPTIONS.**

(a) Except as provided in division (b) of this section, no person shall hunt, kill or attempt to kill any animal or fowl by the use of firearms, bow and arrow, air rifle or any other means within the corporate limits of the Municipality.

(b) 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, as permitted and as described in ORC 1501:31-15-11, and only after the issuance of a Municipal Deer Control Permit by the Chief of Police as follows for:

(1) Property not owned or managed by the City of North Olmsted 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;
2. The County Auditor's parcel numbers of the Subject Property and total acreage;
3. Signatures of all owners of the Subject Property;
4. A list of the names, current residence addresses and ages of all shooters that are applying to shoot on the Subject Property;
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;
  2. Characteristics of the Subject Property and neighboring properties; and
  3. Notification of the occupants of adjacent properties on a case by case basis.
- (2) Property owned or managed by the City of North Olmsted (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;
    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.
  - 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;
    2. Characteristics of the Subject Property and neighboring properties; and
    3. Notification of the occupants of adjacent properties on a case by case basis.
- (3) Property not owned or managed by the City for which a Deer Damage Control Permit (DNR 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,
    2. The County Auditor's parcel numbers of the Control Property and total acreage,
    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,
    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, and
    3. Notification of the occupants of the adjacent properties on a case by case basis.
- (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 Hunting 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,
  - 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 Program, and
  
- 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 of the proposed shooting locations to structures adjacent to the Control City Property, and
  - 2. Characteristics of the Control City Property and neighboring properties, and
  - 3. Notification of the occupants of the adjacent properties on a case by case basis.

(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, in his discretion, deem appropriate for the protection of the public or neighboring properties.

(d) A Municipal Deer Control Permit may be denied or revoked if:

- (1) Any of the applicants has violated any provision of this section on any prior occasion, or
- (2) Any of the applicants have a record of conviction for violation of state wildlife regulations or have been previously subject to denial or revocation of Ohio Hunting License, or
- (3) The application is incomplete or the application fails to satisfy prerequisite compliance with state wildlife regulations, or
- (4) False information has been provided on the application, or

- (5) Applicants fail to abide by terms, requirements, restrictions and conditions imposed by the Chief of Police upon Municipal Deer Control Permit, or
- (6) The Chief of Police, in evaluating a Municipal Deer Control Permit application, determines, in his discretion, that shooting with archery equipment cannot be safely conducted on the property identified in the Municipal Deer Control Permit Application, as that discretion is established in Sections (b)(1)(B); (b)(2)(B); (b)(3)(B) and / or (b)(4)(B) herein.

(e) When a Municipal Deer Control Permit application results in the denial of the issuance of a Municipal Deer Control Permit by the Chief of Police, or his designee, as set forth in section (d) herein, the applicant shall be notified by regular U.S. mail addressed to the address identified in the application, of the denial (hereinafter "Notice of Denial"). The Notice of Denial shall set forth the basis for denial and provide that the applicant may appeal the denial of the Municipal Deer Control Permit by filing with the Director of Public Safety, not later than ten (10) days after the date of mailing, an appeal. The appeal shall be filed in person in the Office of Director of Public Safety and shall set forth with particularity the basis for appeal. The Director of Public Safety shall, not later than ten (10) days after the receipt of the appeal from the Notice of Denial, determine whether the Chief of Police abused his discretion in denying the permit application. If the Director of Public Safety fails to act within ten (10) days after receipt of the appeal from the Notice of Denial, then the appeal shall be deemed denied. Any decision of the Director of Public Safety in evaluating whether the Chief of Police abused his discretion in denying an application for Municipal Deer Control Permit shall be final.

(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 505.10.

**SECTION 2:** That all ordinances and resolutions, and parts of ordinances or resolutions, inconsistent or in conflict with this Ordinance or any part of this Ordinance, are, to the extent of such inconsistency or conflict, repealed.

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

*PASSED:* \_\_\_\_\_

*First Reading:* \_\_\_\_\_

*Second Reading:* \_\_\_\_\_

*Third Reading:* \_\_\_\_\_

*Committee:* \_\_\_\_\_

*ATTEST:*

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*MARIE GALLO*  
*Clerk of Council*

\_\_\_\_\_  
*NICOLE DAILEY JONES*  
*President of Council*

APPROVED: \_\_\_\_\_

APPROVED AS TO LEGAL FORM:

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MAYOR KEVIN M. KENNEDY

*/s/ Michael R. Gareau, Jr.* \_\_\_\_\_  
MICHAEL R. GAREAU, JR.  
Director of Law