

# THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 16-83

INTRODUCED BY: Petrusky, Langshaw, Muller  
Co-Sponsor: Kasaris

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.*

(3) *Prior to the issuance of a permit, the applicant shall personally notify or notify by ordinary mail the occupants of the properties that share a common boundary with any portion of the shooting property, that an application for permits has been received, unless the Chief of Police determines that such notification is unnecessary or impractical.*

(4) *Permit holder shall post "caution archery hunting" signs if deemed necessary by the Chief of Police.*

(5) *Deer permit shall be used only by the named permit holder.*

(6) *Deer permit shall be valid only during the dates specified on the permit and only during daylight hours.*

(7) *Deer permit shall be an antlerless permit only; subsequent permit(s) may be issued for antler or antlerless, unless otherwise noted on the permit.*

(8) *Permit holder shall remove all deer carcasses and deer remains from the hunting site.*

(9) *All harvested deer must be timely reported to the ODNR, website at [wildlife.ohiodnr.gov](http://wildlife.ohiodnr.gov) or by calling 1-877-TAGITOH (1-877-824-4864).*

(10) *All hunters must complete and submit a North Royalton Check Form to the Police Department within 24 hours of harvesting.*

(11) *Chief may terminate/cancel the permit within his sole discretion and without the obligation to give any reason therefor.*

Section 3. In order to defray the expenses incurred with the management of this program, a fee of \$150.00 per qualified archer applicant is established and must accompany any application for the Municipal Deer Damage Control Permit.

Section 4. The city in cooperation with ODNR and the Division of Wildlife will explore and strive to adopt long term non-lethal options for deer population control including but not limited to contraception, sterilization, relocation and/or such other methods as may provide the necessary relief in non-lethal methods and on a cost-effective basis.

Section 5. No other method for the control of the deer population is permitted other than such as is authorized herein; all other provisions of the Codified Ordinances of the City of North Royalton not specifically modified herein shall remain unaffected by these measures and fully enforceable.

Section 6. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance 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 7. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that it is immediately necessary to reduce and control the over-population of white-tailed deer in the municipality.

THEREFORE, provided this Ordinance 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.

/s/ Larry Antoskiewicz  
PRESIDENT OF COUNCIL

APPROVED: /s/ Robert A. Stefanik  
MAYOR

DATE PASSED: June 7, 2016

DATE APPROVED: June 10, 2016

ATTEST: /s/ Laura J. Haller  
DIRECTOR OF LEGISLATIVE SERVICES

First reading May 3, 2016  
Second reading May 17, 2016  
Third reading June 7, 2016

YEAS: Antoskiewicz, Nickell, Petrusky, Langshaw,  
Marnecheck, Muller, Kasaris

NAYS: none