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ORDINANCE NO. 2023-041 AMENDED

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS, PART 5-GENERAL OFFENSES CODE, CHAPTER 505 ANIMALS AND FOWL, WITH THE ESTABLISHMENT OF CODIFIED ORDINANCE SECTION 505.021 CAPTIONED PERMITTED HUNTING OF DEER TO AUTHORIZE A NUISANCE ABATEMENT INITIATIVE FOR REDUCTION OF THE 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.

WHEREAS, the deer population in urban areas has grown to increasingly unmanageable numbers; and

WHEREAS, as a consequence thereof, a 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 City streets and highways; and

WHEREAS, while hunting in the City of Willoughby Hills 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, the Administration and Council working in conjunction with the Ohio Department of Natural Resources ("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 Willoughby Hills, Part 5, General Offenses Code, Chapter 505 Animals and Fowl, and thereby establish Section 505.021 captioned "Permitted Hunting of Deer" to allow the limited hunting of deer by bow and arrow, cross bow, compound bow or long bow under the terms and conditions established by the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, STATE OF OHIO THAT:

That Chapter 505 "Animals and Fowl" of the Codified Ordinances of the City of Willoughby Hills be and it is hereby amended to establish Codified Ordinance Section 505.021 "Permitted Hunting of Deer" to read as follows:

505.021 PERMITTED HUNTING OF WHITE-TAILED DEER.

(a) Deer hunting by crossbow, bow and arrow, compound bow, or long bow is permitted as an exception to the hunting prohibition established under Section 505.02 of the Codified Ordinances of the City of Willoughby Hills and only as provided in this Section.

(b) The limited hunting of deer by bow and arrow, cross bow, compound bow, or long bow may be permitted within the City under the following terms and conditions:

(1) The Chief of Police or his designated representative may, in his sole discretion, issue a Municipal Deer Control Permit each annual year to a qualified archer applicant engaged to assist property owners aggrieved by deer damage upon providing written proof of proficiency of the type of bow legally authorized to be to be utilized;

(2) As a corollary to and following the issuance by the Ohio Department of Natural Resources of its own Deer Damage Control Permit or License to allow only bow-hunting (bow and arrow, long bow, compound bow and cross bow) of deer;

(3) In areas of not less than three (3) contiguous acres and totaling a maximum of three (3) combined parcels, by a qualified archer, on such forms and subject to such rules and registrations as the Chief of Police or his designated representative may prescribe;

(4) No hunting shall be permitted within one hundred (100) feet of the perimeter line of the total allowed area, shall further be prohibited within one hundred (100) feet of any residence, or public and private street or drive, and shall further be prohibited when a targeted deer is within one hundred (100) feet of any building, structure, or motor vehicle outside the total allowed area;

(5) Unless hunting is conducted by any authorized applicant on the applicant's own property, written permission from the property owner has been obtained;

(6) Arrows shall **not** be shot within 150 feet in the direction of any dwelling or outbuilding.

(7) Qualified archer shall be defined as an individual having obtained an approval/certification from approved archery proficiency test site, valid Ohio hunting license, if applicable, and all other state requirements;

(8) Compliance with all laws, rules and regulations of the City and State;

(9) All applicants shall agree in writing to defend and indemnify the City for any negligent acts committed by the applicant;

(10) Any other requirements as deemed necessary to preserve and protect the health, safety and welfare of the residents as determined solely by the Safety Director or his designee;

(11) The Chief of Police or his designee is hereby authorized to promulgate any and all rules and regulations necessary to carry out the provisions of this Section and any and all other rules and regulations necessary for ensure public health and safety, and subject further that in the event there is a vacancy in the position of the Chief of Police or his designee under this Section that Council shall have the discretion to temporarily suspend the allowed hunting provisions hereunder until the vacancy in the position of the Chief of Police or his designee has been filled;

(12) All applicants exercising limited hunting as provided for by this Section shall be required to report any deer or other animal killed to the City Police Department within twenty-four (24) hours from the date of the killing.

(c) Whoever violates any provision of this Section, including the terms or conditions of a permit issued hereunder is guilty of a misdemeanor of the fourth degree and shall be subject to the penalty provided in Section 505.99.

(d) In order to ensure that the expenses incurred with the management of this program are self-sustaining and without additional expense to the City, a non-refundable fee per qualified archer applicant is established and must accompany any application for the Municipal Deer Control Permit.

(e) The City in cooperation with ODNR and the Division of Wildlife will explore and strive to adopt long-term options for deer population control including methods that may provide the necessary relief on a cost-effective basis.

SECTION 2. The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

PASSED: September 28, 2023


Christopher Hallum
President of Council

Submitted to the Mayor for his approval on this 28th day of September, 2023.

Approved by Mayor:

September 28, 2023

ATTEST:



Laura O'Donnell
Clerk of Council



G. Andrew Gardner
Mayor