

ORDINANCE NO. 162-22

AN ORDINANCE AMENDING SECTION 505.11 OF CHAPTER 505 OF THE CODIFIED ORDINANCES OF THE CITY OF MEDINA 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.

- WHEREAS:** White-tailed deer are considered a keystone species, known for affecting other organisms in an ecosystem. They are browser, meaning they eat all forms of plant material including seedlings, leaves, buds, flowers, fruit, bark, young trees and branches. Without the presence of keystone predators, like mountain lions, wolves, and black bears, the uncontrolled overpopulation of deer threatens the natural environment. Left unchecked, the forest and other property become over-browsed of favorite deer species, such as Oak trees, flowers, and other plants degrading yards for property owners and forests for park patrons to enjoy now and into the future. 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 Medina 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 an upon the application of property owners seeking relief; and

WHEREAS: It is therefore necessary to amend the Codified Ordinances of the City of Medina, Part Five General Offenses Code, Chapter 505 Animals, Section 505.11 Hunting Prohibited to permit the limited hunting of white-tailed deer by cross bow or long bow under terms and conditions established by the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:

SEC. 1: That notwithstanding any other provision of this code to the contrary, Section 505.11 of the Codified Ordinances of the City of Medina is amended as follows:

505.11 HUNTING PROHIBITED

~~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.~~

- (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 any other means, except as follows:
 - (1) The limited hunting of white-tailed deer by crossbow or longbow may be permitted within the City under the following terms and conditions:
 - (a) The Mayor or his designated representative may, in his sole discretion, issue a Municipal Deer Control Permit to an archer applicant to allow only bow-hunting (long bow and crossbow) of white-tailed deer;
 - (b) The permit is limited to areas deemed safe by the Mayor or is designated representative by State and licensed hunters or property owners who have provided proof of successfully passing a hunter education course, or other pre-approved equivalent type of safety training on such forms and subject to such rules and regulations as the Mayor or his designated representative may prescribe.
 - (c) Written permission from the property owner(s) has been obtained;
 - (d) Compliance with all laws, rules and regulations of the City and State is required;
 - (e) All applicants shall agree, in writing, to defend release and indemnify the City for any negligent acts committed by the applicant;
 - (f) Any other requirements as deemed necessary to preserve and protect the health, safety and welfare of the residents as determined solely by the Mayor or his designated representative.
 - (g) The Mayor or his designated representative 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.
 - ~~(h) Trapping of wild animals may be permitted only:
 - i ~~When done in accordance with the state laws and regulations for nuisance wild animals set forth by the Chief of the Division of Wildlife, or~~
 - ii ~~During the statewide trapping season when done in accordance with state laws and regulations as set forth by the Chief of the Division of Wildlife only after receiving a Municipal Wildlife Control Permit.~~~~
- (b) Whoever violates any provisions of this section is guilty of a misdemeanor of the first degree and shall be subject to the penalty provided in Section 501.99.

- SEC. 2:** That in order to defray the expenses incurred with the management of this program, a fee of \$ 75.00 for a new stand location and \$ 50.00 for a same stand location per archer applicant is established and must accompany any application for the Municipal Deer Control Permit.
- SEC. 3:** That 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 methods that may provide the necessary relief on a cost-effective basis.
- SEC. 4:** That 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 Medina not specifically modified herein shall remain unaffected by these measures and fully enforceable.
- SEC. 5:** That it is found and determined that all formal actions of this Council concerning and relating to the passage 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 the law.
- SEC. 6:** That this Ordinance shall be in full force and effect at the earliest period allowed by law.

PASSED: September 12, 2022

SIGNED: John M. Coyne, III
President of Council

ATTEST: Kathy Patton
Clerk of Council

APPROVED: September 14, 2022

SIGNED: Dennis Hanwell
Mayor