

ORDINANCE NO. 2014-01

**ORDINANCE AMENDING THE VILLAGE CODE PERTAINING TO HUNTING
AND DISCHARGE OF FIREARM WITHIN VILLAGE LIMITS**

WHEREAS, The Amberley Village Code sets forth certain regulations pertaining to hunting and discharging a firearm within the Village limits;

WHEREAS, the Village is a suburban community with a substantial amount of single-family residences and other dwellings in close proximity to each other;

WHEREAS, Council determines that hunting within the Village, and the discharge of firearms within the Village, should be reasonably limited so as to protect the health, safety, and welfare of Village residents and guests;

WHEREAS, it is in the best interest of the Village and its residents to revise and update regulations pertaining to hunting and the discharge of firearms

WHEREAS, The Law Committee met to consider changes to Village ordinances and recommends passage of this measure;

NOW, THEREFORE, BE IT ORDAINED BY THE Council of Amberley Village, State of Ohio, _____ members elected thereto concurring:

SECTION 1: That Section 90.23 of the Municipal Code of Ordinances, which is to be added to and amends the Municipal Code of Ordinances, reads as follows:

90.23 HUNTING AND TRAPPING.

~~No person shall hunt or trap upon any lands, ponds, lakes, or private water within the village or thereon shoot, catch, kill, shoot at, injure, or pursue a wild bird, wild water fowl or wild or domestic animal without obtaining a permit therefor from the Village Manager along with the approval of the Chief of Police, providing that nothing in this section shall be construed in a way as to prevent a property owner from controlling predatory birds or animals on his own property.~~

(A) *Definitions.*

Unless otherwise provided in this Chapter, the terms used in this Chapter have the same meaning as set forth in R.C. §§ 1531.01 and 1531.40, ~~including but not limited to hunting, trapping, and nuisance wild animal.~~

(B) *Hunting ~~and Trapping~~ Prohibited Without a License.*

(1) No person shall engage in hunting ~~or trapping~~ of any kind within the Village. This section does not apply to an individual who is hired or appointed by the Village and who performs nuisance wild animal removal or control services as part of the individual's

duties on public property, or on private property with the property owner's consent. This section does not apply to predatory animals which present an immediate danger to persons or pets to the extent permitted by federal and state law.

(2) "Predatory animal" means an animal of any kind or species that regularly preys on other animals, including but not limited to coyotes, wolves, bears, badgers, foxes, snakes, raccoons, and wild cats.

(3) Trapping animals is permitted in accordance with Ohio law, including but not limited to R.C. 1531.40 and Administrative Code 1501:31-15-03.

SECTION 2: That Section 137.05 of the Municipal Code of Ordinances, which is to be added to and amends the Municipal Code of Ordinances, reads as follows:

§ 137.05 DISCHARGING FIREARMS.

~~(A) Discharge of firearms on or near prohibited premises. No person shall do any of the following:~~

~~(1) Without permission from the proper officials and subject to division (B)(1) of this section, discharge a firearm upon or over a cemetery or within one hundred yards of a cemetery;~~

~~(2) Subject to division (B)(2) of this section, discharge a firearm on a lawn, park, pleasure ground, orchard, or other ground appurtenant to a schoolhouse, church, or inhabited dwelling, the property of another, or a charitable institution;~~

~~(3) Discharge a firearm upon or over a public road or highway.~~

~~(B) Application of division (A):~~

~~(1) Division (A)(1) of this section does not apply to a person who, while on the person's own land, discharges a firearm.~~

~~(2) Division (A)(2) of this section does not apply to a person who owns any type of property described in that division and who, while on the person's own enclosure, discharges a firearm.~~

~~(C) Penalty for violation of division (A). Whoever violates (A) of this section is guilty of discharge of a firearm on or near prohibited premises. A violation of division (A)(1) or (2) of this section is a misdemeanor of the fourth degree. A violation of division (A)(3) of this section shall be punished as follows:~~

~~(1) Except as otherwise provided in division (C)(2) of this section, a violation of division (A)(3) of this section is a misdemeanor of the first degree.~~

~~(2) If the violation created a substantial risk of physical harm to any person, caused serious physical harm to property, caused physical harm to any person, or caused serious physical harm to any person, a violation of division (A)(3) of this section is a felony to be prosecuted under appropriate state law.~~

(A) The definitions set forth in R.C. 2923.11 apply to this section.

(B) No person shall discharge any firearm or ordnance of any kind within the Village. This section shall not prohibit the firing of a military salute or the firing of weapons by persons of the nation's armed forces acting under military authority, and shall not apply to law enforcement officials in the proper enforcement of the law or authorized training, or to any person in the proper exercise of the right of self-defense of the person any activity conducted under Village Code § 90.23. This section shall not prohibit the discharge of a firearm or ordnance on firing or practice ranges approved by the Village Manager.

SECTION 3: If any section, paragraph, subsection, clause or provision of this ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this ordinance as a whole, or any other part hereof.

SECTION 4: This Ordinance is hereby declared an emergency measure necessary for the immediate preservation of the public peace, health and safety, and it shall go into effect forthwith. The reason for such emergency is to, as soon as possible, prevent the use of firearms, particularly in residential areas, which may result in injury to persons or property.

Passed this 13th day of January, 2014.

Mayor Thomas C. Muething

Attest:

Nicole Browder, Clerk of Council

Ordinance Vote:

Moved: Bardach Second: Conway

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| Muething | Aye |
| Wolf | Aye |
| Bardach | Aye |
| Conway | Aye |
| Doering | Aye |
| Hattenbach | Aye |
| Warren | Aye |

I, Clerk of Council of the Village of Amberley Village, Ohio, certify that on the ____ day of January 2014, the foregoing Ordinance was published pursuant to Article IX of the Home Rule Charter by posting true copies of said Ordinance at the Home Rule Charter by posting true copies of said Ordinance at all of the places of public notice as designated by Sec. 31.40 (B), Code of Ordinances.

Nicole Browder, Clerk of Council