

ORDINANCE NO. O-16-63

AMENDING SECTIONS OF CHAPTER 505 ANIMALS AND FOWL AND CHAPTER 549 WEAPONS AND EXPLOSIVES OF THE CODIFIED ORDINANCES OF THE CITY OF WILMINGTON AND DECLARING AN EMERGENCY

WHEREAS, in recent months, the City of Wilmington has seen an increase in air traffic as a result of economic growth at the Wilmington Air Park; and

WHEREAS, the Wilmington Air Park, with support from the Federal Aviation Administration, the U.S. Fish and Wildlife Services, and the Ohio Department of Natural Resources, is in the process of implementing a wildlife hazard mitigation plan in order to address increasing concerns and policy changes regarding wildlife strikes and aviation safety; and

WHEREAS, certain sections of the Wilmington Codified Ordinances disallow the implementation of portions of a wildlife hazard mitigation plan at the Air Park; and

WHEREAS, in order to support implementation of new safety procedures at the Air Park and thereby facilitate further economic development in the City, Council desires to amend certain sections of the Wilmington Codified Ordinances.

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

[Additions to the CODIFIED ORDINANCES are in **bold** and deletions are lined through or noted below]:

Section 1. That Section 505.11 Hunting Prohibited of the Codified Ordinances of the City of Wilmington be, and hereby is, amended to read in full as follows:

505.11 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.~~ **any wild animal, fowl or other game within the corporate limits of the city. The provisions of this section shall apply regardless of the weapon, instrument or other device used. This section does not apply where a local government agency has received authorization from the Ohio Department of Natural Resources to conduct a program for the purpose of managing wildlife populations where the Department has set the limits on the time, place and manner of the wildlife management program and designated agencies to supervise and conduct the wildlife management program.**

(a) Whoever violates this section is guilty of a ~~minor~~ **misdemeanor of the third degree.**

Section 2. That Section 549.08 Discharging Firearms of the Codified Ordinances of the City of Wilmington, be, and hereby is, amended to read in full as follows:

549.08 DISCHARGING FIREARMS.

(a) No person shall discharge any air gun, rifle, shotgun, revolver, pistol or other firearm within the corporate limits of the Municipality.

- (b) Subsection (a) hereof does not apply to law enforcement officers acting within the scope of their duties, or during training or practice involving the use of firearms sanctioned by the Chief of Police.
- (c) Subsection (a) hereof does not apply to situations involving the firing of blanks from a firearm during a funeral ceremony.
- (d) Subsection (a) hereof does not apply when the firearm is used in self-defense, in the discharge of an official duty, or when otherwise lawfully authorized.
- (e) **Subsection (a) hereof does not apply to the conduct of a wildlife management program authorized pursuant to §505.11 of this code.**
- (f) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

Section 3. That each and every section of Chapter 505 Animals and Fowls and Chapter 549 Weapons and Explosives of the Codified Ordinances, except those sections identified and amended in Section 1 and 2 of this ordinance, are hereby ratified and republished and incorporated herein by reference as though fully rewritten herein.

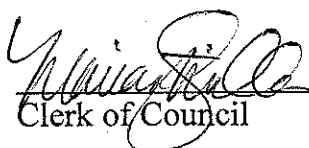
Section 4. That this Ordinance is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, safety and welfare of the City and its inhabitants due to deadlines for implementation of the wildlife mitigation program at the Wilmington Air Park, and accordingly, shall be in full force and effect immediately upon its passage.

Passed this 20th day of October, 2016.



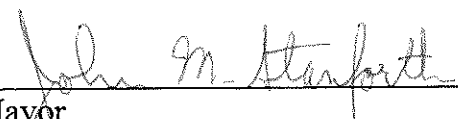
President of Council

ATTEST:



Clerk of Council

Approved by me this 20th day of October, 2016.



Mayor