

ORDINANCE NO. 01-2024

**AN ORDINANCE TO ADD A SECTION 90.17 TO THE ORDINANCES OF THE VILLAGE OF RIVERLEA
TO PROHIBIT THE FEEDING OF DEER**

Introduced by Dyter.

To Enact New Section 90.17 "Feeding of Deer Prohibited" of the Codified Ordinances of the Village of Riverlea.

WHEREAS, the Village of Riverlea, Ohio has observed that there is a significant and growing deer population; and,

WHEREAS, Village officials have received numerous community complaints,

WHEREAS, the deer population in the Village poses a hazard to motorists in the Village, causes a reduction in plant life, and causes damage to landscaping installed by residents and commercial landowners of the Village; and,

WHEREAS, the feeding of deer has been shown to increase the concentration of deer in the area of feeding, thereby increasing the likelihood of collisions between vehicles and deer, increasing tick-borne diseases in pets and other wildlife, and increasing damage to vegetation and landscaping in the area; and,

WHEREAS, the feeding of deer has been shown to encourage them to remain in urbanized areas and to become reliant on non-native food sources that may not be sustainable or healthy; and,

WHEREAS, the Riverlea Village Council finds that the adoption of an ordinance regulating the feeding of deer would promote the health, safety, and welfare of the citizens of the Village; and,

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Riverlea, County of Franklin, State of Ohio:

SECTION 1. That Chapter 90 of the Codified Ordinances of the Village of Riverlea, "Animals" be and the same is hereby amended to add new Section 90.17 "Feeding of Deer Prohibited" to read as follows:

90.17 FEEDING OF DEER PROHIBITED

(a) Feeding Deer Prohibited.

(1) No person shall purposely feed or make food available for consumption by deer on private or public property within the Village.

(2) No person shall recklessly feed or make food available for consumption by deer on private or public property within the Village.

(b) Definitions.

(1) For the purposes of this section, feeding or making food available for consumption shall include the act of placing or permitting to be placed on the ground, or within five feet of the ground, any device or any fruits, grains, minerals, plants, salt licks, vegetables, seeds, nuts, hay, or any other edible materials that may reasonably be expected to result in consumption by deer, unless such items are screened or otherwise protected from deer consumption.

(2) The presumption that the placement of any fruits, grains, minerals, plants, salt licks, vegetables, seeds, nuts, hay, or any other edible materials is for consumption by deer shall not apply to the following:

- A. Naturally growing materials, including but not limited to fruit, grain, nuts, seeds, hay, and vegetables.
- B. Planted materials growing in gardens and lawns, as ornamental plants, or shrubs, and standing crops.
- C. Residue from lawns, gardens and other vegetable materials maintained as a compost or mulch pile.
- D. Unmodified, commercially purchased bird or squirrel feeders or their equivalent.

(c) Removal Required. Each property owner or person having control of the property shall have the duty to remove any device or materials placed on the owner's property in violation of this section. Alternatively, a property owner or person having control of the property may modify such a device or make other changes to the property that prevent deer from having access to the materials or feeding from the device.

(d) Exceptions to Prohibitions.

(1) The prohibitions in this section shall not apply to any health department employee, law enforcement officer, or state or federal game official acting within the scope of his or her official duties.

(2) The prohibitions in this section shall not apply to feeding that is authorized in writing by the Mayor or Street Commissioner on an emergency basis, or authorized as part of a deer management program.

(f) Violations.

(1) Any person who violates subsection (a)(1) of this section is guilty of a minor misdemeanor for the first offense. For the second and subsequent violations of subsection (a)(1), the violator shall be deemed guilty of a misdemeanor of the fourth degree.

(2) Any person who violates subsection (a)(2) of this section is guilty of a minor misdemeanor.

(3) Each day that a violation continues shall be deemed a separate offense.

(4) It shall not be an element of the offense and the prosecution shall not be required to prove that any food was actually consumed by a deer.

(5) In addition to filing criminal charges, the Village may initiate a civil action in an appropriate court for injunctive and other relief for a violation of this section.

SECTION 2. The provisions of Section 90.17 may be enforced by the Worthington Division of Police, as well as by the Mayor.

SECTION 3. The provisions of Section 90.16 shall become effective on August 1, 2024. However, no fines or penalties shall be imposed for violations of Section 90.17 that occur on or before August 1, 2024.

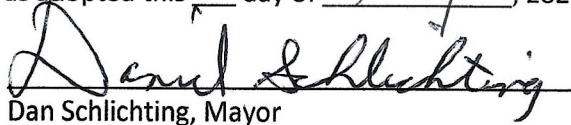
SECTION 4. OPEN MEETINGS. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 5. That pursuant to Sections 731.25, Ohio Revised Code, the Council of the Village of Riverlea hereby determines that publication of this Resolution in a newspaper is unnecessary and does hereby determine that this Resolution shall be published by posting copies hereof in the five following places which are determined to be the four most public places in the Village of Riverlea, Ohio:

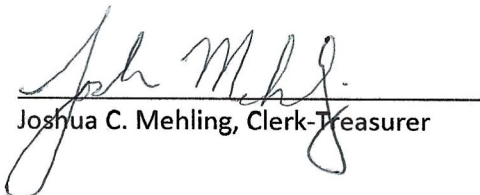
1. The Circle on West Riverglen Drive.
2. The Ravine Park on West Riverglen Drive.
3. Lot 194, 286 Beverly Place.
4. Lot 75 on West Riverglen Drive.
5. Lot 7 on West Southington Avenue.

Copies of this Resolution shall be posted continuously in the above-mentioned places for a period of fifteen (15) days and at the expiration thereof this Resolution shall become effective.

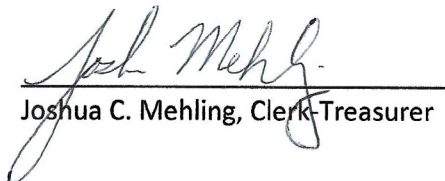
WHEREUPON, this Resolution was adopted this 20 day of May, 2024.


Dan Schlichting, Mayor

ATTEST:


Joshua C. Mehling, Clerk-Treasurer

I hereby certify that on the 21 day of May, 2024. I posted a copy of the above Resolution in each of the five places heretofore designated by Council as the most public places in the Village of Riverlea and that the same remained there posted continuously for fifteen (15) days.


Joshua C. Mehling, Clerk-Treasurer