

**BOARD OF TOWNSHIP TRUSTEES
PERRY TOWNSHIP
FRANKLIN COUNTY, OHIO**

The Board of Township Trustees (the "Board") of Perry Township (the "Township"), Franklin County, Ohio, met in regular session on November 20, 2023, at 6:00 p.m. at 7125 Sawmill Drive, Dublin, Ohio 43016, with the following members present:

Chet Chaney

Andy English

James Roper

Mr. Chet Chaney introduced the following resolution in writing:

PERRY TOWNSHIP LIMITED HOME RESOLUTION NO. 222-23

RESOLUTION PROHIBITING THE FEEDING OF DEER

WHEREAS, the Township adopted a limited home rule form of government pursuant to Ohio Revised Code Chapter 504; and

WHEREAS, the Board, pursuant to Ohio Revised Code 504.04, has the authority to exercise all powers of local self-government within the unincorporated area of the township; and

WHEREAS, the Township has observed that there is a significant and growing deer population; and,

WHEREAS, the Township has conducted extensive research into best practices and case studies for conducting effective deer management strategies; and,

WHEREAS, the deer population in the Township poses a hazard to motorists in the Township, causes a reduction in plant life, and causes damage to landscaping installed by residents and commercial landowners of the Township; 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 a) collisions between vehicles and deer, and b) 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 Board finds that the adoption of a resolution regulating the feeding of deer is in the best interest of the Township; and

WHEREAS, pursuant to the Township's limited home rule authority pursuant to Ohio Revised Code Chapter 504, a Board of Township Trustees is permitted to adopt regulations and orders that are necessary within the unincorporated territory of the Township for the general health, safety and welfare of the general public.

NOW, THEREFORE, BE IT RESOLVED by the Board of Township Trustees of Perry Township, Franklin County, Ohio, that:

The following regulations shall henceforth apply with regard to feeding of deer:

Section A. Deer Feeding Prohibition:

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

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

Section B. Definitions:

(1) For the purposes of this Resolution, 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:

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

Section 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 Resolution. 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.

Section D. Exceptions to Prohibitions.

(1) The prohibitions in this Resolution 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 Resolution shall not apply to feeding that is authorized in writing by the Township Administrator on an emergency basis, or authorized as part of a deer management program.

Section E. Penalty.

(1) Any violation of divisions (A) or (C) of this Resolution shall constitute an unclassified civil fine punishable according to the civil fine schedule as follows:

1 st Violation:	\$150.00
2 nd Violation:	\$200.00
3 rd and subsequent Violations:	\$350.00

(2) If a citation is warranted, an officer in the Township Police Department or other law enforcement serving pursuant to Section 504.16 of the Ohio Revised Code shall issue such citation to any person violating this Resolution. The officer shall complete the citation by identifying the violation charged and by indicating the date, time, and place of the violation charged. The officer shall sign the citation and without necessary delay file the original citation with the court having jurisdiction over the violation. A copy of a citation issued pursuant to this section shall be served pursuant to the Ohio Rules of Civil Procedure upon the person who violated this Resolution. The issuance of a citation shall not prohibit the issuance of additional citations, in the event such violation is continued or repeated. The citation shall be the limited home rule citation previously adopted by the Township and shall be in accordance with all of the following:

- a) Advise the person upon whom it is served that the person must answer in relation to the violation charged in the citation within fourteen days after the citation is served upon the person;
- b) Indicate the allowable answers that may be made and that the person will be afforded a court hearing if the person denies in the answer that the person committed the violation;
- c) Specify that the answer must be made in person or by mail with the Township Fiscal Officer;
- d) Indicate the amount of the fine that may be imposed for the violation.

(3) An answer to a citation shall be made within fourteen (14) days after the citation is served upon the person and shall be in one of the following forms:

- a) An admission that the person committed the violation, by payment of any fine arising from the violation. Payment of a fine shall be payable to the Fiscal Officer of the Township and deposited by the Fiscal Officer into the Township general fund.
- b) A denial that the person committed the violation.

Whenever a person pays a fine pursuant this section or whenever a person answers by denying the violation or does not submit payment of the fine within the time required under this section, the Township Fiscal Officer shall notify the court having jurisdiction over the violation. The court having jurisdiction over the matter shall proceed in accordance with the provisions of Section 504.07(B) of the Ohio Revised Code. All fines collected under this Resolution shall be deposited into the Township general fund.

(I) OTHER REMEDIES

Nothing herein shall be construed to impair any common law or statutory cause of actions, or legal remedies available under Ohio Revised Code Chapter 504 therefrom, of any person or the Township, for any injury or damage arising from other law.

(J) It is found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements including, without limitations, Section 121.22 of the Ohio Revised Code.

Following its introduction, the resolution was read by the Township Fiscal Officer by title only.

Mr. Chet Chaney moved to dispense with the requirement that this resolution be read on two separate days and hereby authorizes the adoption of this resolution upon its first reading and the motion was seconded by Mr. Jane Popper. Roll was called on the question of dispensing with the second reading and the results were:

Vote Record:	Yea	Nay
Mr. <u>[Signature]</u>	✓	—
Mr. <u>[Signature]</u>	✓	—
Mr. _____	—	—

Mr. _____ moved the adoption of the resolution and the motion was seconded by Mr. _____. Roll was called on the question of adoption and the results were:

Vote Record:	Yea	Nay
Mr. <u>[Signature]</u>	✓	—
Mr. <u>[Signature]</u>	✓	—
Mr. _____	—	—

Having received a majority vote of the Board, the resolution was adopted as a nonemergency measure to become effective thirty (30) days after filing with the Township Fiscal Officer.

First Reading: NOVEMBER 20, 2023
 Second Reading: Dispensed with
 Effective: DECEMBER 20, 2023

Adopted: November 20, 2023

**BOARD OF TOWNSHIP TRUSTEES
PERRY TOWNSHIP
FRANKLIN COUNTY, OHIO**

Attest: Michele Elliott
Michele Elliott, Fiscal Officer

Chet Chaney
Chet Chaney, Township Trustee

Andy English, Township Trustee

James Roper
James Roper, Township Trustee

APPROVED AS TO FORM:

Felix Dugg
Township Law Director

CERTIFICATION

The undersigned Fiscal Officer of the Board of Township Trustees of Perry Township, Franklin County, Ohio hereby certifies that the foregoing is a true and exact copy of a resolution duly passed by the Board of Township Trustees of said Township and filed with the Township Fiscal Officer on November 20, 2023.

Michele Elliott
Michele Elliott, Fiscal Officer
Perry Township, Franklin County, Ohio

CERTIFICATE OF PUBLICATION

I, Michele Elliott, Fiscal Officer of Perry Township, Ohio do hereby certify that a summary of this resolution was published in the newspapers listed below on the dates listed below:

Columbus Dispatch Feb 9th and Feb 16th, 2024
_____ and _____, 2023

Michele Elliott, Fiscal Officer
Perry Township, Franklin County, Ohio

LEGAL NOTICE

On December 20, 2023, the Perry Township Board of Trustees adopted the following limited home rule resolution: Resolution No. 222-23 RESOLUTION PROHIBITING THE FEEDING OF DEER. The purpose of the Resolution Prohibiting the Feeding of Deer is to protect the public health, safety, morals and general welfare by; 1) prohibiting the feeding of deer in the unincorporated area of Perry Township; 2) establishing conduct that is prohibited and considered a violation; 3) providing a list of activities and/or conduct exempt from the Resolution; and 4) providing for the administration, enforcement and civil penalties.

A complete copy of the Resolution Prohibiting the Feeding of Deer is on file for inspection at the office of the Perry Township Fiscal Officer, located at 7125 Sawmill Road, Dublin, Ohio 43016. The Perry Township Fiscal Officer has copies of the Resolution Prohibiting the Feeding of Deer available for distribution to the public at cost.

PERRY TOWNSHIP BOARD OF TRUSTEES
Michele Elliott, Township Fiscal Officer

Run one (1) time per week for two consecutive weeks on February 9, 2024 and February 16, 2024.

Please send bill and proof of publication to:

Beth Beatty, Township Administrator
Perry Township Board of Trustees
7125 Sawmill Road
Dublin, Ohio 43016-9018
