

VILLAGE OF BENTLEYVILLE

**ORDINANCE NO. 2010-16 (AS AMENDED)
INTRODUCED BY: BOURISSEAU**

**AN ORDINANCE TO AMEND SECTION 672.09 OF THE CODIFIED
ORDINANCES OF THE VILLAGE OF BENTLEYVILLE TO PERMIT
LIMITED HUNTING WITHIN THE VILLAGE, AND DECLARING AN
EMERGENCY**

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Bentleyville, County of Cuyahoga, State of Ohio, that;

Section 1. Section 672.09 of the Codified Ordinances of the Village of Bentleyville is and it is hereby amended so that it shall hereafter read as follows to-wit:

672.09 POINTING AND DISCHARGING FIREARMS AND OTHER
WEAPONS.

(a) No person shall discharge any air gun, rifle, shotgun, revolver, pistol or other firearm, or make use of any bow and arrow or sling, within the corporate limits of the municipality, except that limited hunting may be permitted upon the following terms and conditions:

(1) The Chief of Police or in his absence his designated representative within the Police Department shall have issued a limited hunting permit only after determining that the applicant has complied with all laws, rules and regulations of the State of Ohio and has the written permission of the owner of the property or properties involved. The permit shall be subject to such reasonable and necessary requirements deemed necessary to preserve and protect the health, safety and welfare of the residents of the Village and conditioned upon the applicant complying with all laws, rules and regulations of the State of Ohio, incorporated by reference herein, and "Wildlife Management Guidelines", contained herein as Attachment A and Hunting "Agreement", contained herein as Attachment B, both of which are also adopted as part of this Ordinance in its entirety and may not be changed unless by an Ordinance passed by Council.

(b) No person shall, intentionally and without malice, point or aim a firearm at or toward another or discharge a firearm so pointed or aimed.

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(c) This section does not extend to cases in which firearms, slings or arrows are used in self-defense, in the discharge of official duty or in justifiable homicide.

(d) This section does not extend to cases in which BB guns and other air guns, or slings or arrows, are used in the confines of dwellings, provided such use is under adult supervision and is approved by the Chief of Police.

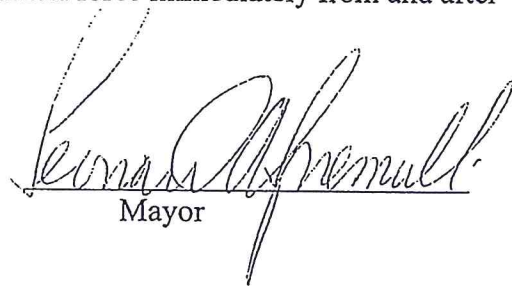
(e) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the fourth degree and shall be subject to the penalty provided in Section 698.02.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption 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 all legal requirements including the applicable sections of the Ohio Revised Code.

Section 3. Any prior Ordinances conflicting with the provisions herein are hereby superseded and repealed.

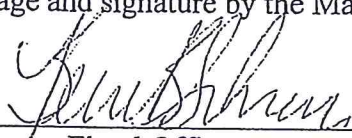
Section 4. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, or safety of the inhabitants of the Village and for the further reason set forth in the preamble hereof, and this Ordinance shall, therefore, take effect and be in full force immediately from and after the date of its passage and approval.

Passed: August 18, 2010


Mayor

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I, the undersigned, Fiscal Officer of the Village of Bentleyville, hereby certify that there is no newspaper published or having an office of publication in the same Village and that I published the foregoing Ordinance by posting the same in five (5) of the most public places of said Village, as defined by Ordinance of Council, for a period of fifteen (15) days, beginning the date following passage and signature by the Mayor.


Fiscal Officer

I, the undersigned, Fiscal Officer of the Village of Bentleyville, hereby certify that the foregoing is a true copy of Ordinance 2010-16 duly enacted by the Council of said Village on Aug 18, 2010.


Fiscal Officer

ORDINANCE 2010-16 – ATTACHMENT A

THE VILLAGE OF BENTLEYVILLE WILDLIFE MANAGEMENT GUIDELINES

The purpose of this attachment is to make available a wildlife management plan that will give guidelines and information to residents who wish to comply with the Bentleyville Wildlife Management Ordinance.

It shall be lawful to hunt deer, for the purpose of population management, only within the corporation limits of Bentleyville, subject to all of the following terms and conditions:

1. Hunting shall be confined to an area of at least (five) 5 acres. Owners of property less than (five) 5 acres may join together provided properties are contiguous and not separated by a road, and no more than three (3) residential dwellings exist on the five (5) acres and all such owners agree in writing that hunting will take place upon their combined properties.
2. No person shall hunt or take deer by any means except a crossbow and arrow or a longbow and arrow.
3. If the person is not the lawful owner of the land upon which deer shall be hunted or taken, then written permission of the landowner must be secured and carried with the person at all times while on the land to be hunted.
4. Any person who hunts or takes deer must first apply to the Chief of Police or designated representative for a hunting authorization permit. A permit shall be issued only after a determination that the applicant has secured all necessary state licenses and has obtained the written consent of the owner or owners of the land upon which deer shall be hunted.
5. Property owners must comply with all applicable laws and regulations to cull or take deer on their own property.
6. Any person who hunts deer shall comply with the following list of guidelines as listed with the Ohio Division of Wildlife.
7. The Chief may, at his discretion, deny hunting permits if for some reason he believes there are extenuating safety concerns. Furthermore, he need not explain or clarify his reasons.
8. All residents will be notified in writing and through the newsletter as to the dates of the bow hunting season in the Village prior to the onset of the season.
9. Homeowners Associations may further restrict or prohibit deer hunting within their boundaries.

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ATTACHMENT B

HUNTING AGREEMENT

THIS AGREEMENT, entered into this _____ day of _____ 2010, by and between _____ (Hereinafter referred to as "PROPERTY OWNER") AND _____ (Hereinafter referred to as "HUNTER").

WITNESSETH

WHEREAS, the PROPERTY OWNER wishes to permit the HUNTER to hunt on the below-referenced property in accordance with the rules of the Village of Bentleyville; and

WHEREAS, said property upon which said hunting shall be permitted is as follows:

A. PROPERTY OWNER'S ADDRESS

Bentleyville, OH 44022 / 44139

B. Size of lot _____ acres

WHEREAS, the PROPERTY OWNER and HUNTER wish to set forth herein the terms and conditions under which the hunting shall take place.

NOW, THEREFORE, in consideration of (\$25.00) DOLLARS payable to the Village of Bentleyville, the PROPERTY OWNER and HUNTER AGREE, as follows:

1. The PROPERTY OWNER hereby grants permission to the HUNTER to hunt the above-referenced PROPERTY OWNER'S land during the State of Ohio Division of Wildlife Archery Season, provided that the terms and conditions set forth herein below are satisfied.
 - A. The HUNTER shall provide proof of completion of an Ohio Division of Wildlife Hunter Safety Course.
 - B. The HUNTER shall provide proof of passing an archery proficiency test.
 - C. The HUNTER shall have a valid hunting license and special permit as required by the State of Ohio Division of Wildlife regulations.

D. The HUNTER shall execute this agreement and have in the HUNTER'S possession a copy of this agreement providing permission to hunt the above referenced land.

2. Additionally, the PROPERTY OWNER and HUNTER agree to the following provisions.

- A. The HUNTER agrees to hunt from a tree stand, which shall be a minimum of ten (10) feet off the ground.
- B. The HUNTER agrees to hunt and take two (2) doe's before one (1) buck is taken.
- C. The PROPERTY OWNER agrees to serve written notice on all adjacent property owners that the above-reference land will be hunted at the beginning of the hunting season.
- D. If an adjacent property owner requests, a flag will be placed at a mutually designated point determined by the property owners and chief of police to signify when hunting is taking place.
- E. The PROPERTY OWNER shall require that the HUNTER register with the Village of Bentleyville Police Department prior to the hunting season.
- F. The HUNTER shall remove entrails from the OWNER'S PROPERTY unless the PROPERTY OWNER agrees to burial on OWNER'S PROPERTY. Said disposal must be approved by the Village of Bentleyville.
- G. The PROPERTY OWNER and HUNTER shall preview the property boundaries.
- H. The PROPERTY OWNER shall limit the number of HUNTER'S to one (1) HUNTER at any one time on his/her property.
- I. The HUNTER shall notify the chief of Police or designee in-person or by phone and register the amount of deer taken the next normal business day.

- J. The HUNTER shall notify the Chief of Police or in his absence his designee immediately if a deer is wounded but not killed or retrieved. The HUNTER and police officer may only retrieve the deer after obtaining property owner's approval. If the homeowner is not home, he/she must be accompanied by a Bentleyville Police Officer.
- K. The HUNTER agrees to hunt only within the Deer Management Zone Designated by the Village of Bentleyville, for which the PROPERTY OWNER'S land is located.
- L. The HUNTER agrees to park his/her motor vehicle in areas designated by the PROPERTY OWNER and place notification and ID on the windshield of the vehicle while hunting.
- M. As a responsible HUNTER, the HUNTER agrees to conduct himself/herself in a legal and ethical manner as a guest on the PROPERTY OWNER'S land. The HUNTER agrees to respect the PROPERTY OWNER'S land as if it were his or her own; not to litter; to leave property in the condition as the HUNTER found it.
- N. The HUNTER shall not hunt within 250 feet of an occupied building or residence/home without the written permission of the Village of Bentleyville, and the affected PROPERTY OWNER or lessee of said PROPERTY and the OWNER of the PROPERTY where hunting is taking place.
- O. **THE HUNTER FURTHER AGREES HE OR SHE SHALL NOT:**
- Shoot an arrow across a highway, roadway or beyond the approved area.
 - Shoot an arrow from a motor vehicle.
 - Hunt for any deer by aid of light or electronic calling device.
 - Hunt without his/her license in their possession and must show his/her license to any police officer, game official or any person requesting to see it as prescribed by the Division of Wildlife.
 - Hunt on Sunday.
 - Trespass on any property adjoining the above-referenced land.

P. The HUNTER agrees further:

- To assume responsibility for liability for any injury or damage to property or person while a guest on the PROPERTY OWNER'S land during the hunt.
- There will be no alcoholic beverages consumed by the HUNTER within eight hours prior to the start of the hunt on the PROPERTY OWNER'S land, or during the hunt.
- Transport deer so that it is not visible.

Q. The Chief of Police shall have the right to refuse or revoke any hunting permit he deems necessary to insure the safety of the Village.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals, the day of dates first written above.

I have read and understand all the above conditions.

PERMIT ISSUED: YES ____ NO ____

DATE ISSUED: _____

PERMIT NUMBER

PROPERTY OWNER PHONE NUMBER

HUNTER PHONE NUMBER

ADDRESS

CITY STATE ZIP

DATE OF BIRTH

SOCIAL SECURITY NUMBER

CHIEF OF POLICE SIGNATURE

DESIGNEE SIGNATURE

APPROVED BY ORDER OF CHIEF OF POLICE

**BENTLEYVILLE VILLAGE
ARCHERY PROFICIENCY TEST**

The following archery proficiency test was taken by the hunter listed below. The criteria for this test are ten (10) shots at NFAA 40-centimeter target at a distance of twenty (20) yards with no shots to exceed the 4 ring. There will also be no practice shots taken prior to this test.

NAME: _____

ADDRESS: _____

CITY: _____

STATE AND ZIP: _____

HUNTER SIGNATURE: _____

PERFECT SCORE: 50

MINIMAL ALLOWABLE SCORE: 45

PARTICIPANT'S SCORE: _____

TEST ADMINISTERED AT GEAUGA BOW OUTDOOR SPORTS, AT:
15622 WEST HIGH STREET
MIDDLEFIELD, OHIO 44062

PHONE: 440-632-1245

TEST WITNESSED BY THOMAS DELONG, OWNER

WITNESS SIGNATURE: _____

DATE: _____

TARGET USED IN PROFICIENCY TEST WILL BE RETURNED WITH THE TEST SCORE