

ORDINANCE NO. 11-2022 (As Amended)

To Enact New Section 505.16 “Feeding of Deer Prohibited” of the Codified Ordinances of the City of Worthington.

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

WHEREAS, City Staff has collected a listing of community complaints, and has conducted extensive research into best practices and case studies for conducting effective deer management strategies at the direction of the City Council; and,

WHEREAS, the deer population in the City poses a hazard to motorists in the City, causes a reduction in plant life, and causes damage to landscaping installed by residents and commercial landowners of the City; 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 Worthington City Council finds that the adoption of an ordinance regulating the feeding of deer promotes the health, safety, and welfare of the citizens of the City is necessary;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That Chapter 505 of the Codified Ordinances of the City of Worthington, “Animals and Fowl,” be and the same is hereby amended to add new Section 505.16 “Feeding of Deer Prohibited” to read as follows:

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

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(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, 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 City Manager on an emergency basis, or authorized as part of a deer management program.

(e) 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.

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- (5) In addition to filing criminal charges, the City 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 505.16 may be enforced by the Worthington Division of Police, as well as by any other Division or Department of the City designated by the City Manager.

SECTION 3. The provisions of Section 505.16 shall become effective on July 1, 2022. However, no fines or penalties shall be imposed for violations of Section 505.16 that occur on or before August 1, 2022.

SECTION 4. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center, and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington, Ohio.

Passed May 9, 2022

/s/ David Robinson
President of Council

Attest

/s/ Ethan C. Barnhardt
Management Assistant

Introduced May 2, 2022
P.H. May 9, 2022
Effective June 1, 2022