Passed 6-2-1
Volan Mayer
Granger
(note: Veto message and overtride note at end)

**ORDINANCE 14-04**

**TO AMEND TITLE 14 OF THE BLOOMINGTON MUNCIPAL CODE ENTITLED "PEACE AND SAFETY"**

**Re: Amending Chapter 14.20 (Firearms – Deadly Weapons) to allow for the discharge of firearms at the Griffy Lake Nature Preserve for the purpose of deer reduction via sharpshooting**

WHEREAS, Griffy Woods is a woodland area composed of approximately 1,200 acres owned by the City of Bloomington known as the "Griffy Lake Nature Preserve," a 185-acre research facility owned by Indiana University, known as the "Indiana University Research and Teaching Preserve" (IURTP), and adjacent private property;

WHEREAS, Larger than some Indiana State Parks, Griffy Woods is marked by extraordinary ecological diversity: it includes a 109-acre lake and at least ten distinct ecological communities, ranging from marsh and floodplain forest to dry mesic upland, conifer plantations, and old fields. Griffy is home to more than 500 terrestrial plant species (including 15 plant species identified as endangered, threatened, or rare), over 150 bird species, and numerous reptile, amphibian and mammal species;

WHEREAS, The existence of such a high-quality forest located so close to an urban core marks Griffy Woods as unique and provides Bloomington with an exceptional and significant natural amenity. Indeed, few cities the size of Bloomington have such a vast, biologically-rich resource in their municipal backyards. The proximity of this resource provides residents with ready access to nature, provides an outdoor classroom for students of all ages, attracts visitors and researchers to the community, and improves our collective quality of life;

WHEREAS, Griffy Woods is also home to an overabundant deer population. This overabundance is the direct result of human action: we have fragmented the landscape, providing deer with ideal "edge" habitat and we have eliminated all natural deer predators – wolves and mountain lions have been erased from the landscape and hunting by humans has long been prohibited at Griffy Woods;

WHEREAS, Based on pellet counts, research by scientists at the IURTP suggests that Griffy experiences 11-12 times more deer activity than other comparable area forests where hunting is permitted nearby;

WHEREAS, In forest ecosystems, deer are able to profoundly and negatively alter the structure and composition of ecological communities. High levels of deer browsing kills or reduces the size of plants, inhibits forest regeneration, redirects forest succession, facilitates invasive plant species, alters nutrient and carbon cycling, and reduces food resources and habitat for other wildlife;

WHEREAS, High levels of deer browsing can extirpate local plant species and ravage the forest understory. A well-developed understory has several different layers and contains many different species of young trees, shrubs, and wildflowers. A healthy understory provides food and critical habitat to many mammals and to birds and indicates a forest's ability to renew itself – a key indicator of forest health;

WHEREAS, Scientific research indicates that the density of deer in Griffy Woods is causing widespread negative ecosystem effects. Griffy Woods is characterized by a depauperate understory, an absence of native tree seedlings, markedly reduced size and abundance of wildflowers, and the predominance of exotic invasive species and plants deer do not eat;

WHEREAS, Since 2005, IURTP biologists have been using exclosure plots to study the effects of deer browsing at Griffy Woods. Exclosures are designed to keep deer out, but allow other plant-eaters in. IURTP scientists have found that deer herbivory is:

- Decreasing overall native vegetative diversity and density of both woody and herbaceous species;
- Severely compromising the regeneration of native trees. Since the study's inception, a significant number of native tree seedlings have been observed inside the deer exclosures; however, no native hardwood tree seedlings have been observed in unenclosed control plots;
- Encouraging the growth of invasive species such as garlic mustard and Japanese stiltgrass and native plants unpalatable to deer, such as spicebush and pawpaw;
- Causing soil compaction, which reduces water infiltration and causes erosion; and
- Reducing habitat for terrestrial species such as the white-footed mouse -- a food source relied upon by other animals such as snakes, owls, hawks, skunks, foxes, and coyotes;

WHEREAS, In Indiana, three plant species have been identified as indicators of the intensity of deer browsing in Indiana forests: white baneberry, sweet cicely, and jack-in-the-pulpit. IURTP scientists have found significant differences in the height and abundance of these species between exclosure and control plots at Griffy Woods;

WHEREAS, Left unchecked, a deer herd can grow rapidly and can quickly overwhelm the landscape;

WHEREAS, Left unchecked, deer overbrowsing poses the risk of producing an "alternate stable state" – a condition in which a forest would never return to its natural state, even if browsing pressure were diminished by a permanent reduction in deer densities;

WHEREAS, As deer overabundance is the result of human action, humans must assume responsibility for preventing deer from severely degrading the ecosystem and for keeping the deer herd in balance with the rest of the forest;

WHEREAS, Achieving a better balance between deer and the forest they inhabit is in the best interest of both the forest and the deer, allowing both to thrive;

WHEREAS, Deer overbrowsing can result in ecological simplification and a loss of biodiversity. We are experiencing a rapid loss of biodiversity on a global scale; working toward a better ecosystem balance at Griffy provides us with an opportunity to act locally to stem this loss;

WHEREAS, We have a responsibility to future generations to be good stewards of Griffy Woods;

WHEREAS, The Griffy Lake Nature Preserve Master Plan of 2008 observed that deer herbivory and trampling were having a particularly deleterious effect on the Griffy Lake Nature Preserve in the Mesic Upland Forest and Floodplain Forest; the Plan called for further study to determine the effects of deer browse using deer exclosure plots and advised that it may be necessary to introduce deer population controls to reduce the number of deer;

WHEREAS, The 2012 report of the Joint City of Bloomington-Monroe County Deer Task Force provided further documentation of the deleterious effects of deer overbrowsing at Griffy Woods and recommended the use of sharpshooting by wildlife professionals as the most effective and humane way of reducing the deer population;

WHEREAS, Deer management at Griffy Woods is supported by numerous community stakeholders;

WHEREAS, To be effective, deer management must be continually maintained and monitored;

WHEREAS, The need to manage deer in the interest of forest restoration is not new nor is it specific to Griffy -- the comparative experience of Indiana State Parks indicates that reducing the number of deer results in forest recovery. In Indiana State Parks, herbaceous percent cover, woody stem density, species richness, and species diversity have all increased markedly since hunting was implemented. Indeed, in 1995 the Indiana General Assembly passed legislation *requiring* IDNR to take action where a given species was causing measurable damage to the ecological balance within a State park;

WHEREAS, As articulated in the Humane Deer Management Policy Statement of the Joint City of Bloomington-Monroe County Deer Task Force, lethal deer management should be used only where it is determined that a problem exists, that is unlikely to be solved using non-lethal means. Where lethal means must be used, the most humane methods should be employed, as prescribed by the American Veterinary Medical Association. The most humane form of lethal action is one that makes death as painless and distress-free as possible;

WHEREAS, Non-lethal means would not effectively address the current level of deer abundance and deer herbivory at the Griffy Lake Nature Preserve;

WHEREAS, The most effective, safe, and humane way to reduce the deer population at Griffy Woods is sharpshooting by competent markspersons using firearms. The use of an accurately-delivered gunshot has been determined to be humane euthanasia by the American Veterinary Medical Association;

WHEREAS, The Indiana Department of Natural Resources (IDNR) exercises exclusive jurisdiction over deer management in Indiana (I.C. §14-22-1-1). IDNR sets the boundaries within which deer management options can be selected, but leaves it up to communities to decide how and if management should occur;

WHEREAS, The City of Bloomington Board of Park Commissioners exercises jurisdiction over the management of the Griffy Lake Nature Preserve;

WHEREAS, Members of the Board of Park Commissioners have made clear it that an overabundance of deer at the Griffy Lake Nature Preserve presents an imminent threat to the Griffy ecosystem; these members have asked the Council to take the necessary steps that will allow the Parks Board to move quickly to protect the Griffy Lake Nature Preserve ecosystem;

WHEREAS, In the interest of restoring ecosystem balance at Griffy Woods, the Common Council supports the reduction of the deer population at the Griffy Lake Nature Preserve through the use of sharpshooting;

WHEREAS, The Bloomington Municipal Code prohibits the discharge of firearms and hunting at the Griffy Lake and the Griffy Lake Nature Preserve, but provides that the Board of Park Commissioners may, at their discretion, grant permission to engage in select activities otherwise prohibited for "authorized management purposes" (BMC §11.08.040; *see also* BMC §11.08.300);

WHEREAS, For the Board of Park Commissioners to grant permission for sharpshooting at the Griffy Lake Nature Preserve, Bloomington Municipal Code §14.20.020, prohibiting the discharge of a firearm within the corporate boundaries of the City of Bloomington, must be amended;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. Section 14.20.020 of the Bloomington Municipal Code entitled "Discharging Firearms" shall be amended by deleting the existing provision and replacing it with the following:

14.20.020 Discharging firearms.

It is unlawful for any person to shoot any firearm within the limits of the city. However, this section shall not apply to:

(a) any legally appointed officer in the discharge of his or her duty;
(b) any person when acting in self-defense; nor
(c) any contractor of the City of Bloomington Board of Park Commissioners hired for the purpose of deer reduction via sharpshooting at the Griffy Lake Nature Preserve, provided that:
  (1) the contractor takes such actions in accordance with:
    (A) a currently valid contract executed by the City of Bloomington Board of Park Commissioners and such contractor; and
    (B) a currently valid State of Indiana, Department of Natural Resources permit for such actions; and
    (C) all applicable City of Bloomington laws and regulations; and
    (D) all applicable State of Indiana laws and regulations; and
  (2) the discharge of a firearm authorized under subsection (c) shall be limited to areas within the boundaries of the Griffy Lake Nature Preserve as defined by §11.08.010(7) of the Bloomington Municipal Code.

SECTION 2. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 9th day of April, 2014.

DARRYL NEHER, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 10th day of April, 2014.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 10th day of April, 2014.

Vetoed 4/11/14
message attached
y

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance is sponsored by Councilmembers Rollo and Ruff. The ordinance amends the Bloomington Municipal Code by adding an exception to the general prohibition against discharging a firearm within the City's corporate boundaries. This exception is limited to the Griffy Lake Nature Preserve for the limited purpose of deer reduction via sharpshooting. The ordinance documents the widespread ecosystem damage at Griffy caused by an overabundance of deer. The ordinance points out that the City of Bloomington Board of Park Commissioners exercises jurisdiction over the management of the Griffy Lake Nature Preserve and that members of the Parks Board have requested that the Common Council take the necessary steps to allow the Board to act quickly to protect the Preserve. The ordinance finds that sharpshooting is the most effective, safe, and humane means to reduce the deer population at Griffy in the interest of ecosystem restoration.

Signed copies to:
controller
legal
Parks & Rec
Parks board
IU (IURTP)
IDNR

CA/CA
clerk (2)
BMC (2)

Clerk's Notes:

The following is a chronology regarding Ordinance 14-04:

**April 2, 2014** – In a Common Council Committee of the Whole meeting the council voted a recommendation of Do Pass by a vote of 5-0-4.

**April 9, 2014** – In a Common Council Regular Session (Second Reading) the council took final action with a vote of 6-2-1.

**April 10, 2014 –** Adopted legislation presented to the mayor for signature.

**April 11, 2014** Mayor Mark Kruzan officially vetoed Ordinance 14-04. Veto statement (dated 4-11-14) filed with the ordinance.

**April 23, 2014** -- In a Common Council Regular Session, the council overrode the mayor's veto with a vote of Ayes: 7; Nays: 2 (Granger, Mayer).

Certify:

Darryl Neher, PRESIDENT
Bloomington Common Council

Attest:

Regina Moore, CLERK
City of Bloomington

**MARK KRUZAN**
**MAYOR**

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April 11, 2014

**VETO MESSAGE**

To Members of the Common Council:

I am returning ~~Resolution~~ ORDINANCE 14-04 without my signature.

The proposal's authors and proponents did excellent research and were unfairly characterized by some for their deep-rooted opinions. I respect the stance of every council member on this difficult issue.

As a matter of conscience, I cannot support the killing of deer in the community. Legalizing deer hunting in Bloomington will irreversibly change the nature of the community. I opposed hunting in State of Indiana forests when I served in the state legislature based on the same principle. I've never felt the same about our state parks since hunting was permitted and believe many people will likewise feel differently about the Griffy Nature Preserve once the killing of deer begins.

I understand the strongly held belief of individuals and organizations that deer create a problem. I simply see the problem created by the killing of animals as outweighing the problem being caused to plants. That admittedly oversimplified position is based more on emotion than reason, but emotion is a critical component in characterizing the nature of a community.

I fully understand a sufficient number of votes were cast to overturn a veto, but I cannot lend my name to the passage of a pro-hunting law.

Respectfully,

Mark Kruzan, Mayor
City of Bloomington

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