

ORDINANCE NO. 2017-O-21

**AN ORDINANCE REGULATING THE FEEDING OF NUISANCE ANIMALS,
DEFINING EXCEPTIONS; AND REQUIRING SECURE OUTDOOR
STORAGE OF REFUSE OR WASTE**

WHEREAS, the Ordinance Committee of Council has recommended that Council adopt an ordinance to regulate the feeding of nuisance animals and to require secure outdoor storage of refuse or waste; and

WHEREAS, this Council wishes to accept the recommendations of the Ordinance Committee in order to better control nuisance animals in the City.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Mentor-on-the-Lake, County of Lake and State of Ohio, as follows:

Section 1. That the following ordinance is adopted and as adopted reads as follows:

**FEEDING OF NUISANCE ANIMALS PROHIBITED; EXCEPTIONS;
SECURE OUTDOOR STORAGE OF REFUSE OR WASTE.**

(a) Prohibition. No person shall purposely place any edible item in an manner or position where such edible item shall be accessible to attract common pigeons, crows, blackbirds; other large, flocking, wild non-game birds; nuisance animals, including but not limited to Feral Cats, Stray Cats and dogs, squirrels, raccoons, groundhogs, and deer; wild animals; domestic pets; Abandoned Animals; Feral Cat Colonies; or vermin. This section shall not apply to animals owned by or in the continued possession of that person.

(b) Exceptions. The provisions of Section (a) above shall not apply to the following situations:

(1) The feeding of squirrels or small birds, with the exception of pigeons, from a commercial stationary squirrel or bird feeder or container for food. In no event shall any stationary feeder or container be less than five (5) feet from the boundary line of any adjacent property owner. The feeding of squirrels or small birds permitted under this exception shall occur in the rear yard of the home.

(2) Any Qualified Caregiver sponsored by and under the supervision of an Animal Welfare Organization registered with the City to promote a Trap-Neuter-Return ("TNR") Program in which Feral or Stray Cats are trapped, sterilized, vaccinated against rabies, ear tipped and returned to the Qualified Caregiver. Any feeding and/or housing that is provided by a Qualified Caregiver that is described above shall occur in the rear yard of the home.

(3) This section shall not apply to licensed trappers or permitted hunters actively baiting nuisance health risk animals in order to lawfully trap or harvest such animals.

(c) Secured Outdoor Storage. Any and all refuse or waste kept outdoors shall be stored in such a manner as to render the same inaccessible to any and all animals, birds, domestic pets, and vermin.

(d) Affirmative Defense. It shall be an affirmative defense to the feeding of a Feral Cat or a Stray Cat that the cat previously was spayed or neutered. Evidence that the cat was ear-tipped shall constitute proof of this affirmative defense.

(e) For the purposes of this Ordinance 618.19, the following words and phrases shall have the meanings respectively ascribed to them:

(1) "Abandoned Animal" means a domesticated cat that an owner has forsaken entirely or neglected or refused to provide care and support.

(2) "Animal Welfare Organization" means any charitable corporation whose purpose includes promotion of animal welfare and that has been granted 501(c)(3) nonprofit status by the Internal Revenue Service and which has registered with the City to operate within its boundaries.

(3) "Ear-tipping" means straight-line cutting of the tip of the left ear of a cat while the cat is anesthetized when done to evidence that the cat has been sterilized and vaccinated.

(4) "Feral cat" shall mean a member of the felis catus genus species that does not reside in a human occupied dwelling and that has never been tamed and socialized to humans.

(5) "Feral Cat Colony" means a group of cats that congregates, more or less, together as a unit. Although not every cat in a Colony may be feral, any non-feral cats that congregate with a colony shall be deemed to be a part of it.

(6) "Qualified Caregiver" means any person who takes responsibility for the care and management of a City registered stray feral cat's colony.

(7) "Registration" means annual completion of a form provided by the City that documents the 501(c)(3) status of an Animal Welfare Organization, that identifies the officers with their contact information, and that specifies the elements of its Trap Neuter and Return ("TNR") program and how the program will be conducted within the City boundaries.

(8) "Stray Cat" means a cat that is regularly off the property of the owner, is not under the physical control and restraint of the owner, and is not regularly provided with food by its owner.

(9) "TNR" means Trap, Neuter and Return.

(10) "TNR Program" means a program pursuant to which feral and stray cats are trapped, neutered or spayed, vaccinated against rabies, and returned to the location where they congregate, in accordance with this chapter.

(f) Penalty. Whoever violates this section is guilty of a minor misdemeanor for a first offense, a fourth degree misdemeanor for the second offense, and a third degree misdemeanor for a third or subsequent offense. The penalty shall be as provided in Section 698.02 and in Chapter 698. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

Section 2. That all formal actions of this Council concerning the passage of this Ordinance were adopted in an open meeting, and that all deliberations of this Council, or any of its Committees, which resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

WHEREFORE, this Ordinance shall be in full force and effect as provided by law after its passage by Council and approval by the Mayor.

DESIREA THOMPSON
PRESIDENT OF COUNCIL

DAVID R. EVA
MAYOR

Dated: _____

ADOPTED: _____

ATTEST: _____
Clerk of Council