

ORDINANCE NO. _____, 2018

**AN ORDINANCE REGULATING AT LARGE CATS
IN THE VILLAGE OF OAK HARBOR, OHIO**

WHEREAS, the Council has considered the public comments from citizens in the Village regarding cats creating unsanitary conditions and creating the risk of disease to the children and others in the Village; and

WHEREAS, Council has considered input from an outside group of concerned citizens and professionals who met to consider the problem and possible solutions to hazards caused by free roaming and unrestrained cats in the Village; and

WHEREAS, Council now determines that allowing cats to roam free and unrestrained in the Village is unsanitary, a nuisance and a health risk to those in the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF OAK HARBOR, OTTAWA COUNTY, OHIO:

Section 1. Definitions.

(A) “Owner” or “Keeper” shall mean any person who has or claims to have a property right in a cat, who has a cat in his or her control or custody, or who permits a cat to remain on or about any premises occupied by him or her.

(B) “Harborer” shall mean any person who regularly provides necessities of life to a cat, such as food, water or shelter, whether such necessities are provided on or about the harborer’s premises or elsewhere.

(C) “Run at-large” shall mean for a cat to travel in an uncontrolled manner beyond the limits of the property of the owner or keeper of the cat.

Section 2. Cats Running At-large Prohibited.

(A) No person who is the owner, keeper or harborer of any cat shall permit it to run at-large in any area within the Village limits

Section 3. Nuisances.

(A) In order to prevent the congregation of cats, no owner, keeper or harborer of a cat shall provide an outdoor feeding or watering area at which any cat may freely obtain food or water on a regular basis;

(B) The owner, keeper or harbinger of any cat is responsible for ensuring that the behavior of any cat he or she owns, keeps or harbors does not cause any nuisance, including, but not limited to an aural nuisance, an offensive odor or a public health threat within the Village limits. Examples of a nuisance shall include, but is not limited to:

- (i) habitual, consistent or persistent howling;
- (ii) defecating or urinating on public property, or private property not owned or controlled by the owner, keeper, or harbinger of the cat;
- (iii) causing damage to maintained vegetation;
- (iv) by repeated defecation and urination in an area causing noxious odors or conditions which may pose a threat to public health.

Section 4. Any person found in violation of Section 2 or 3 of this ordinance shall be guilty of an unclassified misdemeanor and subject to a fine up to \$1,000.00.

Section 5. Public Nuisance Prohibited; Cash Bond or Lien.

(A) No person shall cause, permit, allow, maintain or fail to abate a public nuisance on his or her property.

(B) For purposes of this Section, “Nuisance” shall mean any violation of any section of this ordinance.

(C) The Village may petition a Court of competent jurisdiction to order the property owner on which a nuisance is found to:

- (i) Abate the nuisance; and/or
- (ii) Post with the Court a cash bond totaling the estimated abatement cost after a preliminary hearing on the matter. The cash bond shall be paid to the Village if the Village abates the public nuisance or returned to the property owner on which the public nuisance is found if the property owner abates the public nuisance; and/or
- (iii) Allow the Village to proceed to take action to abate the public nuisance. Upon abatement of the public nuisance, the Village shall file a written statement of all costs and expenses incurred by the Village related to the abatement of the public nuisance with the Court and, submit a copy to the property owner. The property owner shall pay to the Village such amount of the costs and expenses of the written statement as approved by the Court within thirty (30) days after Court approval. If the property owner fails or refuses to pay the Village such amount as approved by the Court, then such amount shall be entered by the Village upon the tax duplicate and shall be a lien upon such property from the date of entry and shall be collected as other taxes and returned to the General Fund of the Village.

Section 6.

This Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of Council, and of its committees, which result in formal action, were taken in full compliance with the applicable legal requirements.

Section 7.

That this Ordinance shall take effect and be in full force and effect after the earliest date allowed by law.

Approved: _____, 2018

Donald A. Douglas, Mayor

Attest:

Henry R. Jarrett, Fiscal Officer

Dated: _____, 2018

First Reading: _____, 2018

Second Reading: _____, 2018

Third Reading: _____, 2018

Adopted: _____, 2018