

## **PUBLIC AFFAIRS COMMITTEE MINUTES**

**August 25, 2014**

The meeting was called to order by Mr. Taylor at 6:02 p.m.

**MEMBERS PRESENT:** Deborah Groat, Nevin Taylor, Henk Berbee

**OTHERS PRESENT:** Tim Aslaner, Terry Emery, Ryan Horns with Journal Tribune, Barb Taylor

**APPROVAL OF MINUTES:** The minutes for the meeting on July 28, 2014 were approved as presented.

### **AGENDA:**

- 1) Discuss Chapter 505.01 and 521.12
  - (a) Dogs Running At Large in the Cemetery
  - (b) Cats Running At Large

#### **Dogs Running At Large in the Cemetery:**

Mr. Emery stated that he has had concerns about dogs running at large in the Cemetery, in the next six months or so we will have an option for those people with the Dog Park.

Mr. Berbee went to the cemetery prior to the meeting to see what the concern was. It is a sacred place and should be treated like one. Dogs are welcome where they have the waste pick up bags. Mr. Taylor stated his concern is that dogs should not be running loose in the cemetery, by our ordinance, dogs should be on a leash.

Mr. Berbee stated that maybe at the entrance at the cemetery we make it known that there should be no free running animals and that you should clean up after your pet. He showed the Committee a sample sign.

Mr. Taylor asked Mr. Emery for an update on the dog park. Mr. Emery stated that we are doing a presentation for council on Thursday, and it should be opening by mid-late spring.

Mr. Horns asked for the code section for no animals running at large; Mr. Aslaner replied 505.01 is the section. Mr. Aslaner also stated that he agreed with Mr. Taylor and that 505.01 is an enforceable section. It applies to dogs running uptown as well as dogs running in the cemetery.

### **Cats Running at Large:**

Mr. Taylor stated that he has read the letters between Mrs. Taylor and Mrs. Groat . He is glad Mrs. Taylor started communications with Mrs. Groat because she is her ward representative.

Mrs. Taylor read the following statement:

"I want to make it clear I am here as a private citizen, this does not relate to my other job. I would also like to thank you for the opportunity to speak to you regarding the City's Ordinance 505.01. I am here because of continuing issues I have had. I am going to speak to you about my experiences and not my neighbors. I have neighbors that allow their cats to run loose in the neighborhood and daily use my yard as a litter box. I take a lot of pride in my yard, I work in it, I landscape, I have TruGreen, but this morning I went out to mow my grass and I cleaned up 11 piles of cat litter on the side, in the front and in the back.

There is an existing ordinance as I mentioned, I am just asking that this ordinance be enforced. In talking with Mrs. Groat and the City Law Director, they both have mentioned talking with Chief Golden, and told me Chief Golden is reluctant to enforce this ordinance because of difficulty in identifying the cat owner and what to do with the cat if the officer cannot find the owner. I understand this. In her position paper, Mrs. Groat says "cats by nature are roaming animals" and I maintain that when legislation was passed regarding leash laws and confining dogs, and making owners responsible for their actions; it could of been said at the time "dogs by nature are roaming animals." If most of you remember in the past and prior to leash laws being passed, dogs were allowed to roam the neighborhood. When we got up in the morning, we let our dogs out to do their business and they ran the neighborhood. They came back occasionally, we fed them and we put them back out. At bedtime, we went to the door called our dog(s) and our children to come in and we all went to bed. Somewhere in that time frame it was decided that dogs could no longer "roam" the neighborhood. We now have legislation that states our dogs have to be licensed, vaccinated, trained to walk on a leash, and we have to pick up their waste. Yes, dogs then became domesticated and came under the state, city, and county laws.

I am here to say in my opinion that in this Marysville City Ordinance 505.01 the phrase "other animals" can be interpreted to read cats. I have spoken with the owners of two of the four cats that litter my yard. One owner has begun to confine his cat, the other owner has not. Both owners were pleasant and apologized. I have not spoken with the other two owners. I have also tried many cat repellants, some were costly and others were not so costly. None of them work for any length of time. In my conversation with other residents of Marysville, some of them are bird watchers, and take great pride in feeding birds, so where I am complaining about the roaming cat population using my yard as a litter box other residents are concerned about the

roaming cats destroying the opportunities for these residents to enjoy mother nature. I am asking that cats and cat owners be treated equally as dog and dog owners, and that Marysville City Ordinance 505.01 be enforced. Thank you."

Mr. Taylor questioned Mrs. Taylor as to why she has not spoken to the other two neighbors? She stated she hasn't been able too. Mr. Taylor asked is she knew whether you know that the other two cats belong to these neighbors? She said yes. Mr. Taylor asked is there a governing group or association in your cul-de-sac? Mrs. Taylor replied no, we do not have an association.

Mr. Taylor asked whether two of the cats are out of the equation because you've talked to that owner. He asked whether the other owner(s) are responsible for the other cats? Mrs. Taylor replied yes, there are two owners she has not yet spoken too.

Mr. Taylor stated just for the record, you are at 1622 Millington Way. Mrs. Taylor replied yes. Mr. Taylor asked you have not talked to the other two neighbors? Mrs. Taylor stated that it is just because when they are home she is not and when she is home they are not. Mr. Taylor said it is just because the two schedules have not matched up? Mrs. Taylor replied yes, for the last three months, I have tried to catch them at home.

Mr. Aslaner stated he has given this some thought, and talked with Mrs. Taylor, Chief Golden, and Mr. Emery about the concerns being brought before this committee today. He would feel uncomfortable enforcing this ordinance against cats. Section (a) deals with farm animals. He has done some research and there are some municipalities that do have ordinances that deal with cats. It is not a difficult ordinance to draft but it would have to be up to council to approve it. The ordinance as it stands does not address cats; he would feel more comfortable if we specifically included cats in a provision. There are practical concerns about enforcing "cats at large ordinances." When he talked with Chief Golden, one of the first questions was what do we do with the cat when we recover one? There could also be proof issues in showing who the owner is. If the City Council wants to enforce a cats-at-large ordinance, let him know and he can draft it.

Mr. Taylor stated when he reads it, it says "or an animal", which tells him that cats are included already. Mr. Emery stated that Mr. Aslaner went to the topic, the concern is that our police officers involved in patrolling this type of activity could be time consuming. If an officer finds a cat and returns it to the owner, all the owner has to say is that is not my cat and how would we prove that? Mr. Taylor stated then it would end up at the humane society. Mr. Emery stated that there is a concern with the time our officers would spend with complaints about cats-at-large.

Mr. Taylor asked what is to stop us (the City) from sending a letter to the other property owners asking for help controlling their cat and keeping it out of their neighbor's yard without making accusation or blame. It is an issue that has been brought to this committee. Is this a viable solution?

Mr. Berbee asked current legislation whether we cover this? Mr. Aslaner stated that it is very unclear.

Mrs. Taylor questioned when they enacted the legislation for dogs, and commented that we had to teach our dogs to walk on a leash and so forth, why don't people now have to do the same with cats? Keep them confined to the backyard, what is the difference? Mr. Aslaner stated he is not sure there is a difference; and not objecting to Mrs. Taylor's comments and not necessarily objecting to the idea of creating a more enforceable ordinance.

Mr. Taylor stated that he needs to read more legislation before he can voice his opinion. He sees both sides of this issue. If the neighbors say they aren't their cats, then he wouldn't have a problem catching them and finding someone to take care of them.

Mr. Berbee stated that you (Mrs. Taylor) talked to one of the neighbors, and they were apologetic and they are going to keep the cat in. He agrees with Mr. Taylor that it should be neighbor to neighbor. Do we know for sure that they are those neighbors' cats? Mrs. Taylor stated they go to that house at the end of the day.

Mr. Berbee thinks we are a little ways off of changing the legislation.

Mr. Taylor asked Mr. Aslaner if it was possible to get through either him or Mr. Emery a copy, so the committee members can see what the other communities are doing. This will allow Mrs. Taylor to speak to her neighbors, and if she does not get a good response then comes back and starts moving up the chain. He also stated that he doesn't want to hear about where we use a kill trap to catch a cat. Give us a chance to work on this.

Mr. Aslaner asked if we are going to put it on the agenda for the next meeting? Mr. Taylor stated yes, it is a follow up. Mr. Aslaner stated that he will follow up with the Humane Society, and talk with Chief Golden to see if he will be able to come to the next meeting.

Mr. Taylor informed Mrs. Groat that the committee suggested Mrs. Taylor speak to her other two neighbors to see if they can work out a solution and that she has already spoken with two of her neighbors who have taken accountability for the cats and worked out a solution. We realize that her commitment to keep a clean yard needs to be honored, and we realize the responsibility of a pet owner to take care of their pet and clean up after them, but until we know who the other two cats belong too, we are going to bring it back to the next meeting to clear it up. Mr. Taylor stated that he is going to summarize some things: Mr. Aslaner feels that probably if we are going to address the cat issue from the City's side then we are going need to add an (E) section specifying the cats.

Mrs. Groat apologized for being late, and then stated that she did take Connie's research from September 2013 (she passed out a handout with the research on it), to look at what other communities have done. These are results of a collation of around Ohio. If you look at it there is a ratio of 7 no ordinances to 12 leashed ordinances. These are only the responders from Mrs. Patterson's research from a year ago. There are some types of leashed ordinances. What Mrs. Groat found interesting were the comments: "I don't know how and if they get

enforced." It is difficult to enforce. The Dog Warden does not want to handle this as animals at large. Mrs. Groat's biggest concern is how we enforce any ordinance.

Mr. Taylor stated that we give it a month and let Mrs. Taylor speak with the other two neighbors, and then put this back on agenda for next month, Mr. Aslaner is going to get us copies of the actual legislation that others use, to review.

Mrs. Groat stated is if we want to move forward we request Chief Golden to be here. If Mrs. Taylors experience has the Dog Warden does not want to handle it. Mr. Taylor stated that he would bring in the Dog Warden before he brought in Chief Golden.

Mr. Emery commented that is why he would like a little bit of time on this because from a police enforcement or code enforcement we could look at this a couple different ways.

Mr. Taylor stated that the next scheduled meeting is September 22, 2014 at 6:00pm.

Mr. Aslaner stated he will follow up with the Dog Warden, and the Humane Society, and will talk with Chief Golden to have him there.

The meeting adjourned at 6:51 p.m.