



12650 DETROIT AVENUE 44107 216-529-6055

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Lakewood City Council

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CINDY MARX, WARD 4

Noticed 10/01/24

PUBLIC NOTICE – PUBLIC SAFETY COMMITTEE

Public Safety Committee will meet Monday October 7, 2024 at 6:00 p.m. in the Auditorium of Lakewood City Hall at 12650 Detroit Avenue. The meeting is open to the public.

The meeting will be livestreamed on the City's website at the following link:

www.lakewoodoh.gov/councilvideos

PUBLIC COMMENT PROTOCOL (Updated 6/21)

The public is invited to comment on agenda items in person or by submitting a written comment in advance of the meeting using the eComment platform available [HERE](#). New users must create an eComment account.

The agenda is as follows:

Approval of the minutes of the April 29, 2024 Public Safety Committee

Communication from Councilmember Marx regarding LASWAB Trap and Release Program.
(referred to Public Safety Committee 9/3/24)

Cindy Strebis, Chair
Cindy Marx, Kyle Baker; Members
PUBLIC SAFETY COMMITTEE

Individuals with disabilities who require accommodations for participation in meetings must request accommodations at least 3 business days ahead of the scheduled meeting. Contact Michelle Nochta at (216) 529-5906 michelle.nochta@lakewoodoh.net.



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September 3, 2024

Lakewood City Council
Lakewood, Ohio

Re: LASWAB Recommendations for the Shelter's TNR Program

Dear Colleagues,

As Council Liaison to the Lakewood Animal Safety and Welfare Advisory Board (LASWAB), I would like to bring forth to Council for consideration the attached recommendations from LASWAB on how to improve Lakewood's community (stray) cat problem through a trap-neuter-return (TNR) program.

Community cat issues have been an on-going problem in certain neighborhoods of Lakewood for years now. TNR programs are a proven method to manage and reduce the stray cat population in a humane manner. LASWAB has been working closely with community stakeholders and the Animal Shelter over the past few months to implement a small TNR program. The goal of these recommendations is to further improve upon the program.

Please refer this communication and its attachments to a committee of Council's choosing for further discussion.

Respectfully,

Cindy Marx
Liaison to LASWAB
Ward 4 City Council



Lakewood Animal Safety and Welfare Advisory Board

Councilmember Advisor Cindy Marx
Shelter Supervisor Gary Crumley

Erin MacDonald - Chair	Nancy McDonnell	Scott MacDonald
Emily Christescu - Secretary	Phyllis Dykes	Emily Petro
Juleen Russell	Nancy Binder	Kate Coghlan

Mayor George and Members of City Council,

The Lakewood Animal Safety and Welfare Advisory Board (LASWAB) has been working closely with Animal Control, volunteer organizations, and community members on how best to improve Lakewood's community (stray) cat problem through a trap-neuter-return (TNR) program.

The board has spent a significant amount of time researching the issue and potential solutions while meeting with TNR organizations, Shelter Supervisor Crumley, concerned citizens, and experienced animal welfare advocates including the Citizens Committee for Lakewood's Animals & Shelter (CCLAS) leadership. For three months, we have had a small TNR program running in Lakewood that has been successful and has not disrupted shelter operations. At this time, we would like to make recommendations to further improve this program.

Attached please find a summary of the issues and our recommendations. Our board is available to meet with members of City Council or the Mayor's Office to discuss this report.

Thank you for your consideration.

Erin MacDonald

Lakewood Animal Safety & Welfare Advisory Board

Objectives:

- To improve the effectiveness and reach of the trap-neuter-return (TNR) program in Lakewood.
- To set clear parameters for current and future initiatives.
- To clean up outdated language regarding animals in the ordinance.
- To update the protocol for cats found running at large.
- To increase the penalty for abandoning an animal to be consistent with Ohio law.

Background:

LASWAB has been aware of community cat issues in certain areas of Lakewood for years. In Birdtown, for example, there are many “community cats” (unowned feral and stray cats) living on the street, having multiple litters, getting sick or injured, and causing problems for residents. We have heard from all sides: those who catch cats and take them to the animal shelter to be euthanized, those who provide food and/or shelter and veterinary care to vulnerable cats, those who trap cats in order to get them adopted or to get them vaccinated and spayed/neutered, and those who are frustrated by nuisance behaviors near their homes. All interested parties agree that action should be taken to control the cat population.

Our board has agreed that the most effective method for controlling the cat population is Trap-Neuter-Return (TNR), in which free-roaming cats are safely trapped using food in a humane trap, then transported to a veterinarian for spay or neuter surgery, essential vaccinations, and an ear tip (to identify the cat as sterilized). The cat is then kept in a crate to recover from surgery by the volunteer TNR provider, and released where it was found back into the care of the community cat caregivers. This decreases the number of unwanted litters as well as undesirable behaviors from unaltered cats in Lakewood neighborhoods. The cost to the city would be zero dollars as the volunteer TNR providers cover the costs of the surgeries and vaccinations for cats trapped in the field.

TNR is endorsed as an effective method for managing cat populations by many respected organizations including:

The National Animal Control Association

The Humane Society of the United States

The ASPCA

The American Association of Feline Practitioners

The American Animal Hospital Association

The Association of Shelter Veterinarians

Until recently, concerned citizens had been unable to address these problems using TNR because the ordinance states that certain necessary aspects of TNR (e.g., feeding cats outdoors) are illegal without the approval of the Director of Public Safety.

505.11 NUISANCE CONDITIONS PROHIBITED.

(d) No person shall feed, or cause to be fed, any animal outdoors except for a licensed dog while on the owner's premises or unless as provided for in Section 1779.01(f), or unless while operating under the guidelines of a program approved by the Director of Public Safety providing for the trapping, spaying, or neutering, and releasing of cats and dogs with the purpose of reducing the unwanted stray-animal population in the City.

505.02 DOGS AND OTHER ANIMALS RUNNING AT LARGE.

(a) No owner, keeper or harbinger of any animals or fowl of any kind in the City shall allow or permit such animals or fowl to run at large upon any public place, or upon any unenclosed lands, or upon the premises of another. This section shall not apply to persons operating under the guidelines of a program approved by the Director of Safety for providing for the trapping, spaying, or neutering, and releasing of cats and dogs with the purpose of reducing the unwanted stray-animal population in the City.

In early 2024, LASWAB collaborated with Shelter Supervisor Gary Crumley on a plan for trap-neuter-return in Lakewood. This agreement served as a temporary solution that allowed volunteers to safely practice TNR with the approval of animal control if they satisfied the listed requirements.

As anticipated, the program has been running well due to the hard work and cooperation of volunteers and animal control officers. However, the effectiveness has been limited because there are barriers to participation including:

- residents and experienced volunteer organizations are hesitant to participate when the law is unclear
- the current approval process is not conducive to a rapid response, which is required when trapping and securing an appointment for surgery
- the TNR training class is only available once per month and charges a

fee - this is a deterrent for residents who are unable to pay or unable to attend one specific time slot

In order to improve the effectiveness and increase the scope of this program, the LASWAB board recommends that the ordinance be updated to allow for responsible community cat management through TNR and to protect participating residents and volunteer groups from legal repercussions. Empowering residents to participate on their own properties is a much more sustainable approach than relying on a handful of volunteers to cover the entire city. Fewer hurdles and increased engagement will result in a successful program. These proposed changes would replace the current protocols and set clear standards for future initiatives. Please find the existing ordinance with recommended edits, attached.

Some notable changes include:

- Removal of the stipulation that the Director of Public Safety must approve each participant's trap-neuter-return activity
- Protections for people who choose to trap, neuter and return community cats, either as volunteers or as residents, and to recognize them as 'community cat caregivers'
- Update to the handling of cats found running at large: *cats that are not microchipped, ear tipped, or wearing an identification tag are presumed to be unowned or unharbored and may immediately be subject to a trap-neuter-return program, adopted to a person, transferred to an animal rescue or shelter, or otherwise disposed of in a humane manner as shall be determined by the animal control officer or shelter supervisor.*
- A change in the penalty for abandoning an animal, from a second degree misdemeanor to a first degree misdemeanor
- Clearly defining "Community Cat" and the associated definitions of the solutions to help curb the population in Lakewood

These recommendations are meant to increase effectiveness of TNR programs and provide clarity for Lakewood citizens, volunteers, and animal control officers.

Thank you for the opportunity to contribute to animal welfare in our community.

505.02 DOGS AND OTHER ANIMALS RUNNING AT LARGE.

~~—~~(a) No owner, keeper or harbinger of any ~~animals or fowl~~ domestic animal of any kind in the City shall allow or permit such animals ~~or fowl~~ to run at large upon any public place, or upon any unenclosed lands, or upon the premises of another. Unauthorized entry by such animal upon the premises of another or upon any public street or ground shall constitute "running at large" within the meaning of this section.

~~—~~(b) No owner, keeper or harbinger of any ~~dog or cat, dog or cat~~ whether wearing a registration tag or not, shall permit such dog or cat to run at large within the City. Unauthorized entry by such dog or cat, upon the premises of another or upon any public street or ground shall constitute "running at large" within the meaning of this section.

~~(e)~~ ~~(b)~~ ~~—~~(c) No owner, keeper or harbinger of any dog shall permit such dog to go or remain upon any public street or ground within the City except when accompanied by a responsible person, and upon a non-retractable leash of not more than six feet in length so as to prevent such dog from entering private property and from chasing or attacking any person, animal or vehicle; or shall fail to keep the dog under the reasonable control of some person. Any dog not properly on a leash will be considered "at large" and in violation of this section.

~~(d)~~ ~~(c)~~ ~~—~~(d) The owner, keeper or harbinger of a dog or other animal or fowl who permits it to run at large in violation of this section shall, in addition to the penalty provided in subsection (h) hereof, be liable for all damages caused by such dog or other animal or fowl upon the premises of another.

~~(e)~~ ~~(d)~~ ~~—~~(e) Every owner, keeper or harbinger of a female dog or cat shall, during all times when such female dog or cat is in heat, either confine such dog or cat indoors or treat her in such manner as not to attract other dogs or cats.

~~(f)~~ ~~(e)~~ ~~—~~(f) Any land which is enclosed with invisible fencing must have its boundary no less than six feet from public property and shall be clearly marked with flags.

~~—~~(g) ~~(f)~~ ~~(g)~~ This section shall not apply to persons operating under the guidelines of a program approved by the Director of Safety for providing for the trapping, spaying, or neutering, and releasing of cats and dogs with the purpose of reducing the unwanted stray animal population in the City. who are Community Cat Caregivers.

~~(h)~~ ~~(g)~~ ~~—~~(h) (1) Whoever violates any provision of this section is guilty of a misdemeanor of the fourth degree for a first offense.

~~—~~(2) Whoever violates any provision of this section in a second or subsequent offense shall be guilty of a misdemeanor of the third degree.

~~—~~(3) In addition to any penalty provided under law for a violation of this section, the court shall order the offender to neuter or spay the dog within 14 calendar days of the date of conviction unless a licensed veterinarian provides evidence to the court's satisfaction that neutering or spaying of the dog is medically contraindicated.

~~—~~(4) Notwithstanding the foregoing penalties, if a domestic animal or human is aggressively bitten by the dog without provocation as a result of a violation of this section, then whoever violates this section is guilty of a misdemeanor of the first degree. Additionally, the court shall order the offender to complete dog obedience training within a specified period of time and provide written proof thereof to the chief.

505.03 IMPOUNDING AND DISPOSITION; RECORDS.

~~—~~A police officer or the Animal Control Officer shall impound every dog and the Animal Control Officer shall impound every cat found in violation of Section 505.02, or shall impound such animals otherwise in accordance with this section.

~~—~~(a) If the impounded dog is not microchipped or wearing a valid registration tag, the dog shall forthwith be turned over to an officer charged by law with the custody and disposal of such

dogs. If the dog is microchipped or wearing a valid registration tag or the identity of the owner or harbinger is otherwise established, notice shall be given prior to or on the next working day to such owner or harbinger that the dog has been impounded. Notice may be by telephone or by residence service to the last known address of such owner or harbinger. The dog shall not be released except upon the payment of charges established by Council. Any dog not redeemed by the regular business day after notice, as herein provided, is given to the owner or harbinger, or the next regular business day following the date it is seized or impounded if the owner or harbinger cannot be found, may be ~~sold~~ adopted to a person, transferred to an animal rescue or shelter, or otherwise disposed of as provided in Ohio R.C. 955.16.

—(b) If the impounded cat is microchipped, eartipped, or wearing an identification tag or the identity of the owner or harbinger is otherwise established, notice shall be given on the next regular business day to such owner or harbinger that the cat has been impounded. Notice may be by telephone or by residence service to the last known address of such owner or harbinger. The cat shall not be released except upon the payment of charges established by Council. Any cat not redeemed by the next regular business day after notice is given to the owner or harbinger as provided herein, or the next regular business day following the date such cat is seized or impounded, if the owner or harbinger cannot be found, may be ~~sold~~ adopted to a person, transferred to an animal rescue or shelter, ~~or~~ otherwise disposed of in a humane manner as shall be determined by the Animal Control Officer or Animal Shelter ~~Coordinator~~ Supervisor. Cats found running at large that are not microchipped, eartipped, or wearing an identification tag are presumed to be unowned or unharbored and may immediately be subject to a Trap-Neuter-Return program, adopted to a person, transferred to an animal rescue or shelter, or otherwise disposed of in a humane manner as shall be determined by the Animal Control Officer or Animal Shelter Coordinator.

—(c) In the event an animal is removed from a residence by the City because its owner is incarcerated, evicted, deceased, not found or otherwise unable to care for the animal on a daily basis, the animal may be impounded by an officer charged by law with the custody and disposal of such animals for a period of at least 72 hours, in which period the owner may claim the animal. The animal shall not be released except upon the payment of charges established by Council. The City shall leave notice at the residence of the impounding of the animal and may make other reasonable attempts to provide such notice. If the owner or the owner's designee fails to claim the animal within the 72-hour period, the animal will be considered abandoned and the City ~~may sell or otherwise dispose of the animal in a humane manner as determined by an officer charged by law with the custody and disposal of such animal.~~ adopted to a person, transferred to an animal rescue or shelter, or otherwise disposed of as provided in Ohio R.C. 955.16

—(d) A record of all dogs and cats impounded, the disposition of the same, the owner's name and address, if known, and a statement of any costs or receipts involving such dog or cat shall be kept. ~~(Ord. 4-16. Passed 4-4-2016.)~~

(e) Any person who has found or trapped a dog or cat that is not wearing an identification tag, or is not an eartipped cat, shall ~~cause attempt that the animal to be scanned for a microchip.~~ If the person cannot promptly identify the owner or keeper of the dog or cat, they shall report such animal to Animal Control for impoundment. Cats found running at large that are not microchipped, eartipped, or wearing an identification tag are presumed to be unowned or unharbored and may immediately be subject to a Trap-Neuter-Return program without reporting or impoundment.

505.06 ABANDONING ANIMALS.

—(a) No owner or keeper of a dog, cat or other domestic animal shall abandon such animal.

—(b) Whoever violates this section is guilty of a misdemeanor of the ~~second~~ first degree ~~on a first offense and a misdemeanor of the first degree on each subsequent offense.~~

(Ord. 44-04. Passed 6-21-04.)

505.11 NUISANCE CONDITIONS PROHIBITED.

—(a) No person shall keep or harbor any animal ~~or fowl~~ in the Municipality so as to create noxious, or offensive odors or unsanitary conditions which are a menace to the health, comfort or safety of the public.

—(b) No owner or keeper or person having custody or control of any dog shall allow or permit such dog to commit a nuisance on any public property or upon any private property other than that of the owner or keeper or person who has accepted custody or control of such dog, provided that the foregoing shall not apply to street gutters. It shall be the duty of all persons having control of a dog to curb such dog in order to carry out the intent of this section. The word "nuisance" as used herein shall be deemed to mean urination and defecation.

—(c) No dog house, kennel or pen for the keeping of one or more dogs shall be maintained or suffered to exist or permitted nearer than thirty feet to any building used in whole or in part as a place of human habitation by persons other than the owner of such dog or dogs.

—(d) No person shall feed, or cause to be fed, any animal outdoors except for a licensed dog while on the owner's premises or unless as provided for in Section ~~1779.01~~1779.01(f), or unless ~~while operating under the guidelines of a program approved by the Director of Public Safety providing for the trapping, spaying, or neutering, and releasing of cats and dogs with the purpose of reducing the unwanted stray animal population in the City.~~ the person is a Community Cat Caregiver.

—(e) Whoever violates this section is guilty of a minor misdemeanor.

505.12 SPECIFIC ANIMAL NUISANCE CONDITIONS PROHIBITED.

—(a) No person shall keep or harbor any animal in the City so as to permit the commission or evidence of a nuisance as hereinafter defined.

—(b) Any animal which scratches or digs in or urinates or defecates upon any lawn, tree, shrub, plant, building or any other property, private or public, other than the property of the owner or person in charge or control of such animal is hereby declared to be a nuisance.

(c) This section does not apply to Community Cat Caregivers, or to a person who has a domestic animal under their reasonable control that urinates or defecates on public property when such defecation is immediately removed by the person in control of said animal.

~~—(c) In addition to the penalty provided in Sections ~~505.11~~505.11 and this section, the court may upon proper evidence, limit the number of animals in any single-family dwelling, or any separate suite in a two-family dwelling, multi-family dwelling or apartment within the City should the court deem that an excessive number of animals harbored within such an area constitutes a nuisance. The terms "dwelling" and "suite", as used in this section, include the lot or parcel of land on which the house or building containing the suite is located and also all out-buildings located on such lot or parcel.~~

~~—No owner or keeper of such dogs or other animals shall fail to abate such nuisance by the permanent removal of such animals beyond City limits within ten days after service of such notice.~~

—(d) On complaint of any person, police officer or the Animal Control Officer that an animal, harbored or kept in the City, damages property in the manner as specified above, notice therefor shall be given to the person harboring or keeping such animal. Failure to abate the nuisance complained of shall subject the person to penalty for violation of this section.

—(e) Whoever violates this section is guilty of a minor misdemeanor.

(Ord. 44-04. Passed 6-21-2004.)

505.XX MANAGEMENT OF CAT POPULATION; PERMITTED ACTS.

(a) Definitions. For purposes of this Chapter, the following terms shall have the following meanings:

(1) "Community Cat" is a member of the domestic species Felis Catus and shall mean a free-roaming cat who may be cared for by one or more residents of the immediate area who is/are known or unknown; a community cat may or may not be feral. Community cats are not wildlife.

(2) "Community Cat Caregiver" is a person who, in accordance with and pursuant to a Trap-Neuter-Return program as described herein, provides care, including, food, shelter or medical care to a community cat.

(3) "Eartipping" is the removal of the distal one-quarter of a community cat's left ear, which is approximately 3/8-inch, or 1 cm, in an adult and proportionally smaller in a kitten. This procedure is performed under sterile conditions while the cat is under anesthesia, in compliance with any applicable federal or state law, and under the supervision of a licensed veterinarian. Eartips are designed to identify a community cat as being sterilized and lawfully vaccinated for rabies.

(4) "Trap-Neuter-Return" is the process of humanely trapping, sterilizing, vaccinating for rabies, eartipping, and returning a community cat to their original location. It may also include trapping and providing medical care to a community cat.

(b) Permitted Acts. The following actions shall be permitted as part of Trap-Neuter-Return:

(1) Trapping, for the purpose of sterilizing, vaccinating for rabies, providing medical care to, and eartipping community cats, in compliance with any applicable federal or state law, and under the supervision of a licensed veterinarian, where applicable.

(2) An eartipped cat received by a shelter that is not microchipped or deemed adoptable will be returned to the location where trapped unless veterinary care is required. A trapped eartipped cat will be released on site if a microchip scan cannot be performed or unless veterinary care is required.

(3) Community cat caregivers are empowered to reclaim impounded community cats without proof of ownership solely for the purpose of carrying out Trap-Neuter-Return and/or returning eartipped community cats to their original locations.

(4) A Community Cat Caregiver who returns a community cat to its original location while conducting Trap-Neuter-Return is not deemed to have abandoned the cat.

(5) Trap-Neuter-Return shall be the preferred disposition for impounded community cats that cannot be placed or transferred for adoption due to a lack of socialization. Animal control is authorized and encouraged to conduct Trap-Neuter-Return or to direct impounded community cats to a Trap-Neuter-Return program.