

ORDINANCE NO.: 22 -2012
INTRODUCED BY: Henry

AN ORDINANCE ADOPTING NEW SECTION 505.21 OF THE GENERAL OFFENSES CODE RELATING TO THE FEEDING OF NUISANCE ANIMALS AND SECURING OUTDOOR STORAGE OF REFUSE OR WASTE; AND DECLARING AN EMERGENCY.

WHEREAS, the feeding of certain animals and birds and the failure to secure outdoor storage of refuse and waste has created a nuisance condition in some areas of the City;

NOW, THEREFORE, Be It Ordained by the Council of the City of Richmond Heights, State of Ohio; that:

Section 1. Chapter 505, Animals and Fowl, of Part Five, General Offenses Code, of the Codified Ordinances is amended to add a new Section 505.21 to read as follows:

“505.21 Feeding of Nuisance Animals Prohibited; Exemptions; Secure Outdoor Storage of Refuse or Waste

- (a) No person shall, with the intent to attract common pigeons; crows; blackbirds; other large flocking, wild birds; nuisance animals, including but not limited to, squirrels, raccoons, groundhogs, and deer; wild animals; domestic pets; or vermin; place any edible item in any manner or position where such edible item shall be accessible to attract such birds, animals and vermin.
- (b) The placing of any edible item in such a manner as to attract common pigeons; crows; blackbirds; other large, flocking, wild birds; nuisance animals, including, but not limited to, squirrels, raccoons, groundhogs, and deer; wild animals; domestic pets; or vermin; shall be deemed *prima-facie* evidence of the intent to attract such birds, animals and vermin.
- (c) Nothing herein shall be construed to in any manner limit or restrict the feeding of small birds, with the exception of common pigeons, crows, blackbirds, and other large, flocking wild birds from suitable containers for food, elevated at least 48 inches above the ground level and of such design and construction as to minimize any potential for food and/or seed from spilling and/or dropping to the ground.

- (d) No person maintaining a bird feeder in accordance with this section shall allow spilled food or seed to remain under and around the stationary feeder. Such feeding shall be allowed so long as it does not create a nuisance or interfere with another's property. Such activity shall include, but not be limited to: excessive animal noise; excessive amount of animal droppings or attracting animals that burden neighboring properties.
- (e) 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.
- (f) Whoever violates this section is guilty of a minor misdemeanor for a first offense. A second conviction under this section is a misdemeanor of the fourth degree. A third conviction under this section is a misdemeanor of the third degree. The penalties shall be provided in accordance with Section 501.99(a)(2)(b)(1). Each day that such violation continues shall be deemed a separate offense."

Section 2. It is found and determined that all formal actions of the Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 3. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and for the further reason that it is immediately necessary to have the enforcement capability to stem behaviors that have created nuisance conditions in the City at the earliest possible time; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____

Daniel J. Ursu, Mayor

APPROVED: _____

ATTEST: _____

Betsy Traben
Clerk of Council

David H. Roche
President of Council