

ORDINANCE NO. 062-19

**AN ORDINANCE ENACTING SECTION 505.17 – FEEDING OF STRAY
DOGS AND CATS; AND DECLARING AN EMERGENCY**

WHEREAS, stray and/or feral dogs and cats within the City of Napoleon are a public health and safety concern; and,

WHEREAS, the City of Napoleon seeks to combat the public health and safety issues brought about by stray dogs and cats by prohibiting the provision of food and water to said animals as described below. **Now Therefore**,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPOLEON, STATE
OF OHIO:**

Section 1. That, Chapter 505 – Animals and Fowl, is hereby amended by the enacting and addition of the following section to this Chapter:

505.17 – FEEDING OF STRAY DOGS AND CATS.

- (A) No person shall provide food or water for cats or dogs other than those owned by that person by setting such food or water out on the exterior portion of the person's home or residence.
- (B) In any proceeding or action brought under this Section, the burden of proving ownership of the dog or cat in question falls on the person claiming ownership.
- (C) The offense established under this code section is a strict liability offense.
- (D) Whoever violates this section is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense.

Section 2. That, this Ordinance is enacted pursuant to the home rule powers of the City of Napoleon as set forth at Article XVIII, Section 3, of the Ohio Constitution.

Section 3. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 4. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 5. That, this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health or safety of the City and its inhabitants, such necessity arising from the City's need to effectively manage and control the stray and/or feral dog and cat population, and therefore this Ordinance shall be effective upon passage.

Passed: _____

Joseph D. Bialorucki, Council President

Approved: _____

Jason P. Maassel, Mayor

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

Roxanne Dietrich, interim Clerk of Council

I, Roxanne Dietrich, interim Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 062-19 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Roxanne Dietrich, interim Clerk of Council