

ORDINANCE NO. 11, 2016

AMENDING CERTAIN SECTIONS OF CHAPTER 505 OF THE ST. BERNARD CODIFIED ORDINANCES RELATED TO FERAL CATS, AND DECLARING AN EMERGENCY

WHEREAS, the Council for the Village of St. Bernard intends to amend certain sections of Chapter 505 of the St. Bernard Code related to feral cats; now therefore

**BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF ST. BERNARD,
STATE OF OHIO:**

Section 1. Sections 505.01 and 505.02 of the St. Bernard Codified Ordinances, which currently reads:

505.01 DEFINITIONS.

For purpose of this chapter, the following terms shall have the meanings respectively ascribed to them:

- (a) "Dog" includes dogs of either sex more than six months of age.
- (b) "Inoculated" means the administration of an anti-rabic vaccine, the type, method and administration of which has been approved by the Board of Health.
- (c) "Veterinarian" means any person licensed to practice the profession of veterinary medicine in the state.
- (d) "Harboring", as applied in this chapter, means a person who permits any dog or cat or any other animal to remain and be lodged and/or fed within his home or property.
- (e) "Cat" includes cats of either sex more than six months of age.

505.02 DOGS AND OTHER ANIMALS RUNNING AT LARGE.

(a) No person being the owner or having charge of cattle, horses, swine, sheep, geese, ducks, goats, turkeys, chickens or other fowl or animals shall permit them to run at large upon any public place, or upon any unenclosed lands or upon the premises of another.

(ORC 951.02)

(b) No owner, keeper or harboring of any female dog shall permit it to go beyond the premises of the owner, keeper or harboring at any time the dog is in heat, unless the dog is properly in leash.

(ORC 955.22)

(c) No owner, keeper or harboring of any dog or cat shall fail at any time to keep it either physically confined or restrained upon the premises of the owner, keeper or harboring by a leash, tether, adequate fence, supervision or secure enclosure to prevent escape, or under reasonable control of some person.

(Ord. 21-2005. Passed 6-16-05.)

(d) The running at large of any such animal in or upon any of the places mentioned in this section is prima-facie evidence that it is running at large in violation of this section.

(ORC 951.02)

(e) Whoever violates this subsection (a) hereof is guilty of a misdemeanor of the fourth degree. (ORC 951.99)

(f) (1) Whoever violates subsection (b) or (c) hereof is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense.

(2) In addition to the penalties prescribed in subsection (f)(1) hereof, if the offender is guilty of a violation of subsection (b) or (c) hereof, the court may order the offender to personally supervise the dog that he owns, keeps or harbors, to cause that dog to complete dog obedience training, or to do both.

Shall now read as follows:

 ORIGINAL

505.01 DEFINITIONS.

For purpose of this chapter, the following terms shall have the meanings respectively ascribed to them:

- (a) "Dog" includes dogs of either sex more than six months of age.

(b) "Inoculated" means the administration of an anti-rabic vaccine, the type, method and administration of which has been approved by the Board of Health.

(c) "Veterinarian" means any person licensed to practice the profession of veterinary medicine in the state.

(d) "Harbored", as applied in this chapter, means a person who permits any dog or cat or any other animal to remain and be lodged and/or fed within his home or property.

(e) "Cat" includes cats of either sex more than six months of age.
(Ord. 21-2005. Passed 6-16-05.)

(f) "feral cat" means any homeless, wild, or untamed cat.

(g) "stray cat" means any cat whose owner, keeper, or harbored from time to time allows that cat to run free off of the property of the owner, keeper, or harbored.

505.02 DOGS AND OTHER ANIMALS RUNNING AT LARGE.

(a) No person being the owner or having charge of cattle, horses, swine, sheep, geese, ducks, goats, turkeys, chickens or other fowl or animals shall permit them to run at large upon any public place, or upon any unenclosed lands or upon the premises of another.

(ORC 951.02)

(b) No owner, keeper or harbored of any female dog shall permit it to go beyond the premises of the owner, keeper or harbored at any time the dog is in heat, unless the dog is properly in leash.

(ORC 955.22)

(c) No owner, keeper or harbored of any dog shall fail at any time to keep it either physically confined or restrained upon the premises of the owner, keeper or harbored by a leash, tether, adequate fence, supervision or secure enclosure to prevent escape, or under reasonable control of some person

(e) It shall be unlawful for any person to feed feral cats if such feeding of feral cats causes a nuisance to neighbors or creates a condition contrary to the health, safety and welfare of the community. Any person feeding stray or feral cats can only do so if said person is cooperating with any humane program sponsored by the Village or operating under the Village's auspices, that traps feral cats for the purpose of spaying/neutering cats, immunizing cats from rabies, "tipping" the cat's left ear and then returning the cat to its environment in the general vicinity in which it is trapped. Any feeding of a feral cat pursuant to a humane program sponsored by the Village must be done on the person's property and not on public property. It shall be unlawful for any person to destroy said traps or to release any cats which have been captured pursuant to the Village program.

(Ord. 21-2005. Passed 6-16-05.)

(f) The running at large of any such animal in or upon any of the places mentioned in this section is prima-facie evidence that it is running at large in violation of this section.

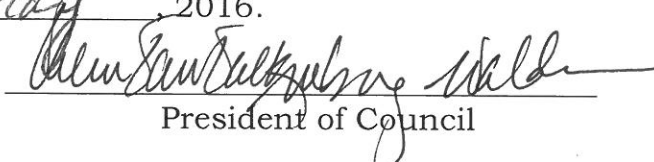
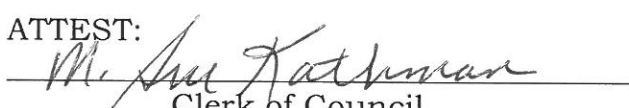
(ORC 951.02)

(g) Whoever violates this subsection (a) hereof is guilty of a misdemeanor of the fourth degree. (ORC 951.99)

(h) (1) Whoever violates subsection (b), (c), (d), or (e) hereof is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense.

(2) In addition to the penalties prescribed in subsection (f)(1) hereof, if the offender is guilty of a violation of subsection (b) or (c) hereof, the court may order the offender to personally supervise the dog that he owns, keeps or harbors, to cause that dog to complete dog obedience training, or to do both.
(ORC 955.99)

Section 2. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety. The reason for the emergency is the immediate need to update the Codified Ordinances of the City of St. Bernard. Therefore, this Ordinance shall take effect immediately by and upon its passage, and the approval of two-thirds of the members of said Council. However, this Ordinance shall take effect on the earliest date provided by law if approved by no more than a majority of the members of Council and in that event the emergency provisions herein are set at naught.

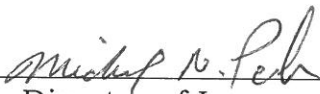
Passed this 19th day of May, 2016.

President of Council
ATTEST: 
Clerk of Council

Approved this 19th day of May, 2016.

Mayor

I, M. SUE KATHMAN, CLERK OF COUNCIL, VILLAGE OF ST. BERNARD, STATE OF OHIO, DO HEREBY testify that the publication of Ordinance No. 11, 2016, was made by posting true copies of the same in the most public places designated by Council: St. Bernard Square Bus Stop; Vine Street and Washington Avenue; Bertus Street Park; Greenlee Avenue and Johnson Alley; Park on Heger Drive; each for a period of fifteen (15) days or more commencing 5.19, 2016.

ATTEST:  DATE 5.19.16
Clerk of Council

Approved as to form  Date 5.19.16
Director of Law

