VOTING ORDER

D. Bucci
J. Fenderbosch
R. James
D. Kos
L. Meiners
M. O'Donnell
J. Shondel

CITY OF AVON LAKE
150 AVON BELDEN ROAD
AVON LAKE, OHIO

The following business is to be considered at the regular meeting of the Avon Lake City Council on September 28, 2015 at 7:30 P.M. in the Council Chamber.

Pledge of Allegiance

Roll Call: **Mr. Bucci, Mrs. Fenderbosch, Mr. James, Mr. Kos, Mr. Meiners, Mr. O'Donnell, Mr. Shondel, Mayor Zilka, Director of Law Lieberman, Director of Finance Presley, Public Works Director Reitz.**

Public Hearings

Upon an amendment to Planning & Zoning Code Section 1217.04 regarding conditional use permits.

Upon amendments to Planning & Zoning Code Section 121212.03, 1244.02, 1246.02, 1250.04, and 1250.04 regarding self-service storage facilities.

Proclamation for Ryan Sartoski

Correspondence

Reports
- Mayor
- Council President
- Public Works Director
- Director of Law
- Director of Finance
- Standing Committees
- Special Committees

Audience Participation

Motions

Authorizing the Mayor to enter into a contract with Jones & Henry Engineers, Ltd. to analyze the capacity within the CALDP sewer to determine the available storm water flow – Mrs. Fenderbosch.

Legislation

Third Reading:

Temporary Legislation #10549, amending Codified Ordinance Section 208.01 (e) (16), entitled Lake House.

Second Readings:

Temporary Legislation #10547, amending Planning & Zoning Code Section 1217.04, regarding conditional use permits.

Temporary Legislation #10548, amending Planning & Zoning Code Sections 1212.03, 1244,02, 1246.02 1250.03, and 1250.04 regarding self-service storage facilities.

Temporary Legislation #10551R, amending the Codified Ordinances with the additions of Sections 618.17, 618.18, 618.19, 618.20, 618.21, and 618.22 regarding nuisance, dangerous, and vicious dogs.

Temporary Legislation #10560, adopting a job description for the position of Secretary in the Fire Department.

Temporary Legislation #10561, adopting a job description for the positon of Secretary in the Police Department.

Temporary Legislation #10562, adjusting the wage rate of Suzanne Bliss, Fire Department Secretary.

Temporary Legislation #10563, adjusting the wage rate of Rachel Burson, Police Department Secretary.

Temporary Legislation #10565, adopting a fixed guideline for hiring new Firefighter/Paramedics.

First Readings:

Temporary Legislation #10568, designating the Anson Titus House located at 33350 Lake Road as a Historic Landmark.

→Suspension of the rule requiring three readings

Temporary Legislation #10569, amending appropriations for the current and other expenditures for the fiscal year 2015.→

Temporary Legislation #10570, amending the Codified Ordinances by amending Section 618.01, dogs and other animals running at large and with the addition of Sections 618.21, 618.22, 618.23, 618.24, 618.25, and 618.26.

Miscellaneous Business and Announcements

Public Input

Adjournment

→Suspension of the rule requiring three readings

BY: Mr. James TEMP NO: 10549

ORDINANCE NO. _____

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 208.01 (e) (16), ENTITLED LAKE HOUSE, AND REPEALING ORDINANCE NO. 90-2015, AND DECLARING AN EMERGENCY.

WHEREAS, the Recreation Director recommended amending Codified Ordinance Section 208.01 (e) (16), regarding Lake House rental fees and repealing Ordinance No. 90-2015, and

WHEREAS, said amended fee schedule will be compatible with the SportsMan on-line reservation program to allow for rental fees to be processed more efficiently, and

WHEREAS, Council coming now to consider said recommendation approves it in full, now therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That Codified Ordinance Section 208.01 (e) (16) is hereby amended as follows:

(16) Lake House Rental

~~A security deposit of $100.00 is required for each rental and will be refunded by the Recreation Director or his or her designee upon satisfactory inspection of the rooms uses. Usage fees can be waived upon recommendation iof the Recreation Director or his or her designee.~~

~~Resident: 150.00 for the first three hours *plus 25.00 each additional hour~~

~~Nonresident 250.00 for the first three hours *plus 50.00 for each additional hour~~

~~Nonprofit organization 50.00 for the first three hours*plus 15.00 each additional hour~~

~~*There will be a three-hour minimum for all reservations.~~

	RENTAL FEE		SECURITY DEPOSIT	
WEEKDAY: MONDAY - THURSDAY	**First 3 Hours**	**Additional Hours**	**No Alcohol**	**Alcohol**
Resident	$ 100.00	$ 15.00	$ 100.00	$ 200.00
Avon Lake Non-profit/Business	$ 50.00	$ 15.00	$ 100.00	$ 200.00
Avon Lake Bereavement	$ 75.00	$ 15.00	$ 100.00	$ 200.00
Non-resident	$ 200.00	$ 30.00	$ 100.00	$ 200.00
Out-of-town Non-profit/Business	$ 100.00	$ 30.00	$ 100.00	$ 200.00
Non-resident Bereavement	$ 150.00	$ 30.00	$ 100.00	$ 200.00

	RENTAL FEE		SECURITY DEPOSIT	
WEEKEND: FRIDAY - SUNDAY	**First 3 Hours**	**Additional Hours**	**No Alcohol**	**Alcohol**
Resident	$ 150.00	$ 25.00	$ 100.00	$ 200.00
Avon Lake Bereavement	$ 125.00	$ 25.00	$ 100.00	$ 200.00
Non-resident	$ 300.00	$ 50.00	$ 100.00	$ 200.00
Non-resident Bereavement	$ 250.00	$ 50.00	$ 100.00	$ 200.00

	RENTAL FEE		SECURITY DEPOSIT	
HOLIDAY	**First 3 Hours**	**Additional Hours**	**No Alcohol**	**Alcohol**
Resident	$ 200.00	$ 50.00	$ 100.00	$ 200.00
Non-resident	$ 300.00	$ 100.00	$ 100.00	$ 200.00

Three hours minimum rental will be charged. All setup and cleanup time must be a part of the charged rental time. A two-hour cleaning period is required between all rentals. Any weekday rental carrying over from daytime into the evening hours will be charged daytime rate. Non-profit organizations must provide non-profit documentation. Non-profit and Business address will be used to determine residency. Bereavement rentals can only be made through the Recreation Office. Holidays include New Year's Day, Good Friday, Easter, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Day After Thanksgiving Day, Christmas Day. For those Holidays falling on weekends, the Holiday rate shall be used.

Section No. 2: That Ordinance No. 90-2015 is hereby repealed.

Section No. 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 4: That this Ordinance is hereby declared to be an emergency measure in order to establish equitable Lake House rental fees to coincide with the new policies for the Lake House rentals and bring revenue into the City, thus for the public welfare. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

1st reading: 8/24/15
2nd reading: 9/14/15
3rd reading:

PASSED: _____ _____
President of Council

POSTED: _____ _____
Approved

ATTEST: _____ _____
Clerk of Council Mayor

BY: Mrs. Fenderbosch TEMP NO: 10547

ORDINANCE NO. _____

AN ORDINANCE AMENDING PLANNING & ZONING CODE SECTION 1217.04, REGARDING CONDITIONAL USE PERMITS, AND DECLARING AN EMERGENCY.

WHEREAS, Planning Commission at its meeting of July 7, 2015 recommended to Council that an amendment to Planning & Zoning Code Section 1217.04 regarding Conditional Use Permits be adopted, and

WHEREAS, Council coming now to consider said recommendation approves it in full, now therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That Planning & Zoning Code Section 1217.04, Conditional Use Permits, is hereby amended with the following addition of subsection (g).

(g) Any lawfully existing use that, at the time when the use was established, was not classified as a conditional use, but which now, because of the passage of this Planning and Zoning Code, or amendment thereto, is listed as a conditional use in the district in which it is located, shall be deemed without further action to have been granted a conditional use permit. Any change, modification, enlargement or alteration of such use, site development conditions, or change in operations shall only be permitted upon review and approval by the Planning Commission according to the procedures for conditional uses set forth in this Code.

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity to clearly establish procedures for granting conditional use permits in all instances to ensure the appropriate use of land and maintain the integrity of the Planning & Zoning Code, thus for the health safety and welfare of the residents of Avon Lake. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

1st reading: 8/24/15
2nd reading:
3rd reading:

PASSED: _____ _____
President of Council

POSTED: _____ _____
Approved

ATTEST: _____ _____
Clerk of Council Mayor

BY: Mrs. Fenderbosch TEMP NO: 10548

ORDINANCE NO. _____

AN ORDINANCE AMENDING PLANNING & ZONING CODE SECTIONS 1212.03, 1244.02, 1246.02, 1250.03, AND 1250.04, REGARDING SELF-SERVICE STORAGE FACILITIES, AND DECLARING AN EMERGENCY.

WHEREAS, Planning Commission at its meeting of July 7, 2015 recommended to Council that amendments to Planning & Zoning Code Sections 1213.03, 1244.02, 1246.02,1250.03, and 1250.04 regarding self-service storage facilities be adopted, and

WHEREAS, Council coming now to consider said recommendations approves them in full, now therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That Planning & Zoning Code Section 1212.03, Definitions of General Terms, is hereby amended as follows:

Code Section 1212.03 DEFINITIONS OF GENERAL TERMS

(xxxx) "Self-service storage facility" means real property containing multiple individual spaces utilized for dead storage of personal property and the users of which control access to their spaces. Self-service storage facility does not include a garage or other storage area in a private residence. No occupant may use a self-service storage facility for residential purposes.
(xxxx) "Storage unit" means an individual, compartmentalized and controlled room, space, access bay, stall or locker in a self-service storage facility.

Section No. 2: That Planning & Zoning Code Section 1244.02 Permitted Uses in Office and Business Districts (a) is hereby amended as follows:

SCHEDULE 1244.02
Permitted Uses in Office and Business Districts (a)

	OFFICE O-1	LIMITED BUSINESS B-1	GENERAL BUSINESS B-2	SPECIAL BUSINESS B-3
A. RESIDENTIAL				
1. Dwelling Units Above the First Floor				P
2. Nursing Home; Assisted Living Facilities	C	C	C	
3. Senior Citizen Housing; Apartments for the Physically Disabled	C	C	C	
B. PROFESSIONAL/MEDICAL				
1. Administrative, Business Professional and Medical Offices	P	P	P	P
2. Funeral Homes	C	C	C	

3. Hospitals	C	C	C	
4. Urgent Care Clinics	C	C	C	
5. Veterinary Hospitals (without outdoor kennels)		P`	P	
6. Ambulance and Emergency Medical Services		C	C	
C. RETAIL/SERVICE				
1. Retail in Wholly Enclosed Buildings		P	P	P
2. Retail and Personal Services (e.g. hair care dry cleaner, shoe repair, self-service laundry)	C	P	P	P
3. Other Services (e.g. small appliance repair, electronics)		P	P	P
4. Financial Establishment	P	P	P	P
5. Automatic Teller Machines (whether freestanding or on the outside wall of a building	C	C	C	C
6. Restaurant (table service)	C	P	P	P
7. Restaurant (counter service)	P	P	P	P
8. Restaurant (freestanding structure)	C	C	C	C
9. Nightclub		C	C	C
10. Bar, Tavern	C	C	P	P
11. Outdoor Display of Materials for Retail Sale		C	C	C
12. Outdoor Storage of Materials		C	C	C
13. Drive-Through Facilities	C	C	C	C
14. Hotels/Motels			C	C
15. Self-service storage facility			***C***	
D. AUTOMOTIVE				
1. Sales/Rental Automobiles, Trucks			C	
2. Boat, Sales, Rental and Charter			C	C
3. Gasoline Service Station (which may include an accessory car wash		C	P	C
4. Repair Garage/Services		C	C	
5. Carwash			C	C
E. ENTERTAINMENT/ARTS/RECREATION				
1. Membership/Sports/Fitness Club	C	P	P	C
2. Studios for Arts, Crafts or Instruction: Dance, Exercise, Martial Arts, etc.		P	P	C
3. Indoor Commercial Recreation Bowling Alley, Skating Rink, etc.		C	C	C
4. Theater		C	C	C
5. Assembly Hall, Meeting Place			C	C
6. Outdoor Commercial Recreation			C	C
F. INSTITUTIONAL/OTHER				
1. Places of Worship; Schools	C	C	C	
2. Museums	P	P	P	C
3. Libraries	P	P	P	C
4. Child Day Care Center	C	C	C	C
5. Public Utility Transmission and Distribution Stations	P	P	P	P

6. Wireless Telecommunications Towers and Facilities	C	C	C	C
7. Public Safety Facilities	C	C	C	
8. Public Service and Maintenance Facilities	C	C	C	C
9. Outdoor Special Event	C	C	C	C
G. ACCESSORY BUILDINGS AND USES				
1. Off-Street Parking and Loading Facilities	A	A	A	A
2. Signs	A	A	A	A
3. Accessory Buildings	A	A	A	A
4. Employee Cafeterias	A	A	A	A
5. Retail Establishments Shall not Exceed 10% of the Gross Floor Area of an Office Project and 50% of the Gross Floor Area of the First Floor of Any One Building	A			
6. Fences	A	A	A	A
7. Outdoor Storage of Materials or Fleet Vehicles Used in the Operation of a Principal Use			A	
H. SIMILAR USES - As determined by the Planning Commission pursuant to Section 1217.09				

P Permitted Principal Use
C Permitted Conditional Use
A Permitted Accessory Use
(a) For applicable review procedures refer to Section 1244.07.

Section No. 3: That Planning & Zoning Code Section 1246.02, Permitted Uses in Industrial Districts (a), is hereby amended as follows:

SCHEDULE 1246.02
Permitted Uses in Industrial Districts (a)

Permitted Use	*L1 Light Industrial*	*I Industrial*
A. OFFICES		
1. Administrative offices	P	P
2. Laboratories/research facilities	P	P
B. BUSINESS SERVICES, EQUIPMENT SALES, SUPPLIES (in a wholly enclosed building)		
1. Sales and service of construction equipment, farm machinery, recreational vehicles and other large equipment	P	P
2. Business services and suppliers such as carpet cleaning, office supply, etc.	P	P
3. Wholesale establishment	P	P
4. Vehicle, appliance and equipment repair services	P	P
5. Printing and publishing	P	P
C. STORAGE DISTRIBUTION (in a wholly enclosed building)		

1. Warehouse distribution facility - for products of a single business	P	P
2. Construction trades/contractors facility	P	P
3. Storage and distribution of flammable gases in tanks above ground and flammable liquids below ground		P
4. Truck terminal - warehousing and distribution of products from multiple businesses	C	P
5. Metal salvage or junk storage (in a wholly enclosed building)		P
6. Self-service storage facility	C ~~P~~	C ~~P~~
7. Recycling center, which may include the transfer, composting or mulching of organic material generated primarily from residential yard waste	P	P
D. MANUFACTURING/PACKAGING/FABRICATION/ASSEMBLY		
1. Food and drink preparation, production and storage	P	P
2. Fabrication and assembly operations	P	P
3. Machine shop	P	P
4. Light industrial uses that meet the definition and comply with the performance standards in each district	P	P
5. Manufacture of products from raw materials	C	C
E. OTHER		
1. Instructional or training facilities	P	P
2. Veterinary hospitals/kennels		P
3. Public utility transmission and distribution stations	P	P
4. Wireless telecommunications towers and facilities	C	C
5. Public service and maintenance facilities, including Municipal recycling	C	P
6. Public safety facilities	C	C
7. Child day care center	C	C
8. Union halls	C	C
9. Auto sales and repair garages	P	P
10. Adult uses (b)	P	P
11. Indoor commercial recreation	C	
F. OUTDOOR ACTIVITIES		
1. General storage of materials accessory to a principal use in an enclosed building	C	P
2. Fleet vehicles used in operation of principal use	C	P
3. Sales, rental and leasing of vehicles, trucks and equipment	C	P
4. Metal salvage or junk storage (including unlicensed vehicles, impound lots, auto repossessing and other outdoor activities which are principal uses)		C
5. Outdoor special event	C	C
G. ACCESSORY BUILDINGS AND USES		
1. Off-street parking and loading facilities	A	A
2. Signs	A	A
3. Accessory buildings	A	A
4. Employee cafeterias	A	A
5.Retail establishments shall not exceed 10% of the gross floor area of an office project nor 50% of the gross floor area of the first floor of any one building	A	A
6. Fences	A	A
7.Child care facility associated with a permitted use and located in the same	A	A

building		
8. Recreational facilities	A	A
H.SIMILAR USES - as determined by the Planning Commission pursuant to Section 1217.09		

Section No. 4: That Planning & Zoning Code Section 1250.03 (a)(2), Regulations for Conditional Uses in Business and Industrial Districts, is hereby amended as follows:

SCHEDULE 1250.03(a)(2)
Regulations for Conditional Uses In Business and Industrial Districts

Conditional Use	District Permitted						Minimum Lot Requirements		
	B-1	B-2	B-3	O	LI	I	Area [a]	Width (feet)	Additional Specific Criteria if Applicable
33. Schools, places of worship	X	X		X			1 ac.	(b)	1250.04(bb)
34. Self-service storage facility		***X***			***X***	***X***	***(b)***	***(b)***	***1250.04 (cc)***
~~34~~ ***35.*** Senior citizen housing	X	X		X			2 ac.	200	1250.04 ~~(cc)~~ ***(dd)***
~~35~~ ***36.*** Storage of fleet vehicles used in the operation of a principal use					X		(b)	(b)	1250.04 ~~(dd)~~ ***(ee)***
~~36~~ ***37.*** Studios for instruction, arts and crafts			X				(b)	(b)	1250.04 ~~(ee)~~ ***(ff)***
~~37~~ ***38.*** Truck terminal					X		2 ac.	200	1250.04 ~~(ff)~~ ***(gg)***
~~38~~ ***39.*** Urgent care clinics	X	X		X			(b)	(b)	1250.04 ~~(gg)~~ ***(hh)***
(a) Area required if located in a separate building (b) Shall comply with district regulations									

Section No. 5: That Planning & Zoning Code Section 1250.04, Supplemental Regulations for Specific Uses, is hereby amended as follows:

1250.04 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES

(cc) Self-Service Storage Facility

a) General Regulations:

1. The users may use the storage spaces only for the purpose of storing personal property.

2. *The size of each storage unit shall not exceed 500 square feet.*

3. *Radioactive material, explosives and flammable or hazardous chemicals shall be prohibited from storage.*

4. *The outdoor storage of inventory, materials, vehicles, or merchandise is prohibited, unless specifically approved by the Planning Commission during the application process for the requested conditional use.*

5. *Sale, repair, fabrication, or servicing of goods, motor vehicles, appliances, equipment, or materials or similar activities may not be conducted in or from self-service storage facilities.*

6. *Self-storage facilities may not be used for residential purposes.*

7. *Except for sinks and restroom facilities provided solely for the use of managers or security personnel of self-storage facilities containing more than ten (10) individual storage units, neither sinks nor restroom facilities shall be permitted within self-storage facilities.*

8. *The Fire Department shall have access to the individual storage units for the purpose of inspection to determine compliance with this section and with the Ohio Fire Code. Owners, lessees and users of storage units shall allow access to their storage units for this inspection up to three times per year or at any time in response to a concern or complaint. The Fire Chief is authorized to draft regulations establishing procedures for these inspections.*

9. *No storage unit door opening shall face a residential zoning district.*

b) *Owners of leased self-service storage facilities must include language within the lease for the individual storage units advising the lessees of the regulations drafted pursuant to this section and shall further contain a provision authorizing inspection of the storage units by the Fire Department up to three times per calendar year.*

Section No. 6: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 7: That this Ordinance is hereby declared to be an emergency measure to establish regulations for self-service storage facilities to promote economic development in the City of Avon Lake and maintain the integrity of the Planning & Zoning Code, thus for the health, safety, and welfare of the residents of Avon Lake. Therefore, this Ordinance shall be in full force

and effect from and immediately after its passage and approval by the Mayor.

1st reading: 8/24/15
2nd reading:
3rd reading:

PASSED: _____ _____
President of Council

POSTED: _____ _____
Approved

ATTEST: _____ _____
Clerk of Council Mayor

BY: Mr. Kos TEMP NO: 10551R

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES WITH THE ADDITION OF SECTION 618.17, NUISANCE, DANGEROUS, AND VICIOUS DOGS - DEFINITIONS AND TRANSFER OF OWNERSHIP, SECTION 618.18, DESIGNATION OF NUISANCE, DANGEROUS, AND VICIOUS DOGS, SECTION 618.19, IMPOUNDMENT OF A DOG FOR PUBLIC SAFETY, AND SECTION 618.20, CONFINING, RESTRAINING, DEBARKING NUISANCE, DANGEROUS, AND VICIOUS DOGS.

WHEREAS, due to recent events in the City of Avon Lake and changes to State Law, the Safety Committee recommended additions to the Avon Lake Codified Ordinances regarding nuisance, dangerous, and vicious dogs, and

WHEREAS, Council coming now to consider said recommendations approves them in full, now therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the Avon Lake Codified Ordinances are hereby amended with the addition of the following sections:

618.17 - NUISANCE, DANGEROUS AND VICIOUS DOGS - DEFINITIONS AND TRANSFER OF OWNERSHIP

(a) The definitions and provisions as set forth in section 955.11 of the Ohio Revised Code shall apply inside the City, with the exception of division (D), which shall be construed to include vicious dogs in addition to dangerous dogs.

(b) Notwithstanding the foregoing, "without provocation" shall mean that a dog was not teased by a person or animal, tormented by a person or animal, or abused by a person, or that the dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity.

(c) References in sections 618.20 through 618.21 to "police chief" shall mean the police chief or his/her designee or any person authorized to enforce chapter 955 of the Ohio Revised Code.

618.18 - DESIGNATION OF NUISANCE, DANGEROUS, AND VICIOUS DOGS

(a) As used in this section, "nuisance dog," "dangerous dog," and "vicious dog" have the same meanings as in section 955.11 of the Revised Code.

(b) The police chief shall have authority to determine whether a dog is a nuisance dog, dangerous dog, or vicious dog. This determination shall be based upon an investigation that includes observation of and testimony about the dog's behavior, including the dog's upbringing and the owner's or keeper's control of the dog, and other relevant evidence as determined by the police chief. These observations and testimony can be provided by any witness who personally observed the behavior. Such witness shall sign a written statement attesting to the observed behavior and agree to provide testimony regarding the dog's behavior. Forms for providing witness testimony shall be made available at the Police Department.

(c) Upon reasonable determination by the police chief that a dog is a nuisance dog, dangerous dog, or vicious dog, the police chief shall give the dog's owner or keeper written notice by certified mail or personal service. The notice shall state:

(1) The description of the dog;

(2) The level of classification;

(3) The facts upon which the classification is based;

(4) The availability of a hearing to appeal the classification and instructions to file that appeal;

(5) The restrictions placed on the dog as a result of the classification;

(6) The penalties for violation of the restrictions; and

(7) The availability of declassification procedures.

(d) Upon receipt of notice of the dog's classification as a nuisance dog, dangerous dog, or vicious dog pursuant to division (c) of this section, the owner or keeper shall comply with the restrictions specified in section 618.20, unless the classification is reversed on appeal.

(f) The municipal court or county court that has territorial jurisdiction over the residence of the owner, keeper, or harborer of a dog shall conduct any hearing concerning the designation of the dog as a nuisance dog, dangerous dog, or vicious dog.

(g) If the owner, keeper, or harborer of the dog disagrees with the designation of the dog as a nuisance dog, dangerous dog, or vicious dog, as applicable, the owner, keeper, or harborer, not later than ten days after receiving notification of the designation, may request a hearing regarding the determination. The request for a hearing shall be in writing and shall be filed with the municipal court or county court that has territorial jurisdiction over the residence of the dog's owner, keeper, or harborer. At the hearing, the person who designated the dog as a nuisance dog, dangerous dog, or vicious dog has the burden of proving, by clear and convincing evidence, that the dog is a nuisance dog, dangerous dog, or vicious dog.

The owner, keeper, or harborer of the dog or the person who designated the dog as a nuisance dog, dangerous dog, or vicious dog may appeal the court's final determination as in any other case filed in that court.

618.19 - IMPOUNDMENT OF A DOG FOR PUBLIC SAFETY

(a) Upon a resultant death or serious injury of a domestic animal or human, the Police Department shall have the authority, in the interest of public safety, to seize the killing/seriously injuring dog and impound it. Any person keeping or harboring an animal sought to be impounded shall surrender such animal to a police officer or health officer upon demand.

(b) If a dangerous or vicious dog bites any person or domestic animal, causing injury, the Police Department shall have the authority, in the interest of public safety, to seize the offending dog and impound it. Any person keeping or harboring an

animal sought to be impounded shall surrender such animal to a police officer or health officer upon demand.

(c) The owner, keeper, or harborer of the dog shall be responsible for any and all costs associated with the housing of the dog.

(d) An animal impounded pursuant to division (a) of this section shall remain impounded until the matter is decided by an appeal to a court of competent jurisdiction or until the owner or keeper provides satisfactory proof to the police chief that they have complied with all applicable provisions of section 618.20 and renders payment for the costs of housing the dog. If an appeal is not timely filed or upon final determination of an appeal by a court, the owner or keeper of an impounded dog shall claim it within fourteen (14) days by rendering proof to the police chief that they have complied with all applicable provisions of section 618.20 and payment for the costs of housing the dog. If the dog is not claimed pursuant to the foregoing provisions within fourteen (14) days, the City may dispose of the animal at its discretion.

(e) An animal impounded pursuant to division (b) of this section shall remain impounded until the court makes a final determination and during the pendency of any appeal of a violation of section 618.20 and until the owner or keeper provides satisfactory proof to the police chief or court that they have complied with all applicable provisions of section 618.20 and renders payment for the costs of housing the dog. If the dog is not claimed by its owner or keeper within fourteen (14) days of final determination by a court, the City may dispose of the animal at its discretion.

(f) A court, upon motion of an owner, keeper, or harborer or an attorney representing the owner, keeper, or harborer, may order that the dog designated as a nuisance dog, dangerous dog, or vicious dog be held in the possession of the owner, keeper, or harborer until the court makes a final determination under this section or during the pendency of an appeal, as applicable. Until the court makes a final determination and during the pendency of any appeal, the court shall order that dog be confined or restrained in accordance with the provisions of section 618.20.

618.20 - CONFINING, RESTRAINING, DEBARKING NUISANCE, DANGEROUS, AND VICIOUS DOGS

(a) As used in this section, "nuisance dog", "dangerous dog", and "vicious dog" have the same meaning as in section 955.11 of the Revised Code.

(b) No owner, keeper, or harborer of a nuisance dog shall fail to do the following:

(1) While the dog is on the premises of the owner, keeper, harborer or handler, so as to prevent it from causing injury to any person or domestic animal:

(i) securely confine the dog indoors;

(ii) securely confine the dog in a locked pen which has a top and keep the dog under supervision by a person who is at least eighteen (18) years of age and of sufficient size and strength to control the dog,

(iii) securely confine the dog in a locked fenced yard, which fence is at least six (6) feet tall, and keep the dog under supervision by a person who is at least eighteen (18) years of age and of sufficient size and strength to control the dog; or

(iv) keep the dog under the reasonable control of some person and restrained by a non-retractable leash or tether no longer than 6 feet in length and have the leash or tether controlled by a person who is at least eighteen (18) years of age and of sufficient size and strength to control the dog or securely attach, tie, or affix the leash or tether to the ground or a stationary object or fixture so that the dog is adequately restrained and station such person in close proximity.

(2) While the dog is off the premises of the owner, keeper, harborer or handler, so as to prevent it from causing injury to any person or domestic animal:

(i) keep the dog under the reasonable control of some person and restrained by a non-retractable leash or tether no longer than 6 feet in length;

(ii) have the leash or tether controlled by a person who is at least eighteen (18) years of age and of sufficient size and strength to control the dog or securely attach, tie, or affix the leash or tether to the ground or a stationary object or fixture so that the dog is adequately restrained and station such person in close proximity; and

(iii) identify the dog as a nuisance dog with a leash, collar, harness, vest, or other garment that is colored neon pink, without patterns or other adornments. The identifying garment shall be visible and identifiable to an ordinary person from at least fifteen (15) feet away so as to provide reasonable warning to that person about the dog's classification.

(3) Post and display at each possible entrance onto the premises where the nuisance dog is kept, a conspicuous and legible sign warning the public that there is a nuisance dog on the premises. Such sign shall be at least eight (8) inches by ten (10) inches in rectangular dimensions and shall contain only the words "NUISANCE DOG" in lettering not less than two (2) inches in height. Such sign shall also include a visual symbol for any children or people who cannot read words.

(4) Within ten (10) days of the notice of classification, provide the police department with an identifying color photograph of the dog and microchip information if the dog is microchipped.

(5) Notify the police department immediately if the dog is loose or unconfined or has bitten a human or another animal.

(6) Notify the police department in writing within five (5) days if the dog is transferred to another owner or keeper or dies. If the dog is transferred to another owner, the written notice shall include the name, address, and phone number of the transferee.

(7) Notify veterinarians, veterinary staff, groomers, and other members of the public who come into direct contact with the designated dog that the dog has been designed as a nuisance dog prior to such contact.

(8) Obtain a policy of liability insurance with an insurer authorized to write liability insurance in this state providing coverage in each occurrence, subject to a limit, exclusive of interest and costs, of not less than ten thousand dollars ($10,000.00) because of damage or bodily injury to or death of a person or animal caused by the dog. The owner or keeper of any nuisance dog shall provide a copy of the policy for liability insurance to the police chief on a yearly basis.

(c) No owner, keeper, or harborer of a dangerous or vicious dog shall fail to do the following:

(1) While the dog is on the premises of the owner, keeper, harborer or handler, so as to prevent it from causing injury to any person or domestic animal, securely confine it at all times:

(i) in a locked pen that has a top and keep the dog under supervision by a person who is at least eighteen (18) years of age and of sufficient size and strength to control the dog;

(ii) in a locked fenced yard, which fence is at least six (6) feet tall, and keep the dog under supervision by a person who is at least eighteen (18) years of age and of sufficient size and strength to control the dog; or

(iii) in another locked enclosure that has a top. If the dog is confined in another locked enclosure that has a top outdoors, keep the dog under supervision by a person who is at least eighteen (18) years of age and of sufficient size and strength to control the dog.

(2) While that dog is off the premises of the owner, keeper, or harborer, so as to prevent it from causing injury to any person or domestic animal, fail to do either of the following:

(i) keep the dog under the reasonable control of some person and restrained by a chain-link leash or tether no longer than 6 feet in length; and

(ii) have the leash or tether controlled by a person who is at least eighteen (18) years of age and of sufficient size and strength to control the dog or securely attach, tie, or affix the leash or tether to the ground or a stationary

object or fixture so that the dog is adequately restrained and station such person in close proximity; or

(iii) keep that dog in a locked pen that has a top and under supervision by a person who is at least eighteen (18) years of age and of sufficient size and strength to control the dog; in a locked fenced yard, which fence is at least six (6) feet tall, and under supervision by a person who is at least eighteen (18) years of age and of sufficient size and strength to control the dog; or in another locked enclosure that has a top. If the dog is confined in another locked enclosure that has a top outdoors, keep the dog under supervision by a person who is at least eighteen (18) years of age and of sufficient size and strength to control the dog.

(d) No owner, keeper, or harborer of a dangerous dog shall fail to do the following while that dog is off the premises of the owner, keeper, or harborer, so as to prevent it from causing injury to any person or domestic animal, fail to do the following:

(i) identify the dog as a dangerous dog with a leash, collar, harness, vest, or other garment that is colored neon yellow, without patterns or other adornments. The identifying garment shall be visible and identifiable to an ordinary person from at least fifteen (15) feet away so as to provide reasonable warning to that person about the dog's classification; and

(ii) muzzle the dog. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, and shall allow the dog to eat and drink, but must prevent it from biting any person or animal.

(e) No owner, keeper, or harborer of a vicious dog shall fail to do the following while that dog is off the premises of the owner, keeper, or harborer, so as to prevent it from causing injury to any person or domestic animal, fail to do the following:

(i) identify the dog as a dangerous dog with a leash, collar, harness, vest, or other garment that is colored neon orange, without patterns or other adornments. The identifying garment shall be visible and identifiable to an ordinary person from at least fifteen (15) feet away so as to provide reasonable warning to that person about the dog's classification; and

(ii) muzzle the dog. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, and shall allow the dog to eat and drink, but must prevent it from biting any person or animal.

(f) No owner, keeper, or harborer of a dangerous or vicious dog shall fail to do the following:

(1) Obtain a policy of liability insurance with an insurer authorized to write liability insurance in this state providing coverage in each occurrence, subject to a limit, exclusive of interest and costs, of not less than one hundred thousand dollars ($100,000.00) for a dangerous or vicious dog because of damage or bodily injury to or death of a person or animal caused by the dog. The owner or keeper of any nuisance dog shall provide a copy of the policy for liability insurance to the police chief on a yearly basis and provide proof of that liability insurance upon request to any law enforcement officer, county dog warden, or public health official charged with enforcing this section.

(2) Obtain a dangerous dog registration certificate from the county auditor pursuant to division (I) of section 955.22 of the Revised Code within fourteen (14) days of the designation or determination of an appeal by a court of competent jurisdiction, affix a tag that identifies the dog as a dangerous or vicious dog to the dog's collar, ensure that the dog wears the collar and tag at all times, and present the dangerous dog registration certificate upon being requested to do so by any law enforcement officer, dog warden, or public health official charged with enforcing this section, including evidence that the dog has been microchipped, rabies vaccinated, and neutered or spayed, unless a licensed veterinarian determines that neutering or spaying of the dog is medically contraindicated.

(3) Notify the local dog warden or Police Department immediately if any of the following occurs:

(i) The dog is loose or unconfined.

(ii) The dog bites a person, unless the dog is on the property of the owner of the dog, and the person who is bitten is unlawfully trespassing or committing a criminal act within the boundaries of that property.

(iii) The dog attacks another animal while the dog is off the property of the owner of the dog.

(iv) The dog is sold, given to another person, or dies, within ten days of the sale, transfer, or death, and also notify the county auditor.

(4) Post and display at each possible entrance onto the premises where the dangerous or vicious dog is kept, a conspicuous and legible sign warning the public that there is a dangerous or nuisance dog on the premises. Such sign shall be at least eight (8) inches by ten (10) inches in rectangular dimensions and shall contain only the words "DANGEROUS DOG" or "VICIOUS DOG" in lettering not less than two (2) inches in height. Such sign shall also include a visual symbol for any children or people who cannot read words.

(5) Within ten (10) days of the notice of classification, provide the Police Department with an identifying color photograph of the dog.

(6) Notify veterinarians, veterinary staff, groomers, and other members of the public who come into direct contact with the designated dog that the dog has been designed as a dangerous or vicious dog prior to such contact.

(7) Consent to an inspection of the property where the dog is kept, other than within any private structure unless otherwise authorized by law, by the police chief for the purpose of determining compliance with the requirements of this section.

(g) No person shall do any of the following:

(1) Debark or surgically silence a dog that the person knows or has reason to believe is a dangerous or vicious dog;

(2) Possess a dangerous or vicious dog if the person knows or has reason to believe that the dog has been debarked or surgically silenced;

(3) Falsely attest on a waiver form provided by the veterinarian under division (F) of section 955.22 of the Revised Code that the person's dog is not a dangerous or vicious dog or otherwise provide false information on that written waiver form. It is an affirmative defense to a charge of a violation of this division that the veterinarian who is charged with the violation obtained, prior to debarking or surgically silencing the dog, a written waiver form that complies with division (F) of section 955.22 of the Revised Code and that attests that the dog is not a dangerous or vicious dog.

(h) Penalties.

(1) Whoever violates this section when the violation involves a nuisance dog is guilty of a misdemeanor of the fourth degree on the first offense, a misdemeanor of the third degree on the second offense, and a misdemeanor of the first degree on the third or any subsequent offense.

Notwithstanding the foregoing penalties, if a domestic animal or human is bitten by the dog and injury is caused as a result of a violation of this section, then whoever violates this section is guilty of a misdemeanor of the first degree, except when the bite is caused by a person or animal abusing, teasing, or tormenting the dog or that the behavior was directed towards a trespasser. 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 police chief.

(2) Whoever violates this section when the violation involves a dangerous dog is guilty of a misdemeanor of the third degree on the first offense, a misdemeanor of the second degree on the second offense, and a misdemeanor of the first degree on the third or any subsequent offense.

Notwithstanding the foregoing penalties, if a domestic animal or human is bitten by the dog and injury is caused as a result of a violation of this section, then whoever violates this section is guilty of a misdemeanor of the first degree, except when the

bite is caused by a person or animal abusing, teasing, or tormenting the dog or that the behavior was directed towards a trespasser. 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 police chief. The court may further impose reasonable terms, conditions and restrictions deemed necessary to protect the public health, safety and welfare.

Notwithstanding the foregoing penalties, if a domestic animal or human is bitten by the dog and seriously injury is caused as a result of a violation of this section, then whoever violates this section is guilty of a misdemeanor of the first degree. The court may impose reasonable terms, conditions and restrictions deemed necessary to protect the public health, safety and welfare, including humane euthanasia of the dog by a licensed veterinarian.

(3) Whoever violates this section when the violation involves a vicious dog is guilty of a misdemeanor of the second degree on the first offense, a misdemeanor of the first degree on the second offense or any subsequent offense.

Notwithstanding the foregoing penalties, if a domestic animal or human is bitten by the dog and injury is caused as a result of a violation of this section, then whoever violates this section is guilty of a misdemeanor of the first degree, except when the bite is caused by a person or animal abusing, teasing, or tormenting the dog or that the behavior was directed towards a trespasser. 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 police chief. The court may further impose reasonable terms, conditions and restrictions deemed necessary to protect the public health, safety and welfare.

Notwithstanding the foregoing penalties, if a domestic animal is bitten by the dog and seriously injured or killed or a human is bitten by the dog and serious injury is caused as a result of a violation of this section, then whoever violates this section is guilty of a misdemeanor of the first degree. The court may impose reasonable terms, conditions and restrictions deemed necessary to protect the public health, safety and welfare,

including humane euthanasia of the dog by a licensed veterinarian.

Notwithstanding the foregoing penalties, it is a felony of the fourth degree if the dog kills a person as a result of a violation of section 955.22(C) of the Revised Code. The penalties in this section shall not apply whenever the conduct proscribed in this section constitutes a felony under RC 955.99.

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No: 3: That this Ordinance shall be in full force and effect from the earliest period allowed by law.

1st reading: 8/24/15
2nd reading:
3rd reading:

PASSED: _____ _____
President of Council

POSTED: _____ _____
Approved

ATTEST: _____ _____
Clerk of Council Mayor

BY: Mr. Bucci TEMP NO: 10560

ORDINANCE NO. _____

AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF SECRETARY IN THE FIRE DEPARTMENT, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND REPEALING ORDINANCE NO. 2-2003, AND DECLARING AN EMERGENCY.

WHEREAS, it has been recommended by the Fire Chief and the Human Resources Committee that an updated job description for the position of Secretary for the Fire Department be adopted, now therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the specifications, responsibilities, and duties applicable to the position of Secretary for the Fire Department shall be as shown on the job description, a copy of which is attached hereto and made a part hereof.

Section No. 2: That Ordinance No. 2-2003 is hereby repealed.

Section No. 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 4: That this Ordinance is hereby declared to be an emergency measure in order to establish the duties of the Secretary in the Fire Department to bring optimal services to the residents of Avon Lake, thus for the health, safety, and welfare of the public. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

1st reading: 9/14/15
2nd reading:
3rd reading:

PASSED: _____ _____
President of Council

POSTED: _____ _____
Approved

ATTEST: _____ _____
Clerk of Council Mayor

CITY OF AVON LAKE
Position Description
Secretary - Fire Department

Job Title:	Secretary
Department:	Fire Department
Immediate Supervisor:	Fire Chief
Positions Supervised:	N/A
FLSA Status:	Non-Exempt
Bargaining Unit:	None
Civil Service Status:	Unclassified

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

GENERAL RESPONSIBILITIES

Under the direction of the Fire Chief, the Secretary shall perform all clerical and secretarial tasks to ensure that the department operates in an effective and well-organized manner. The Secretary shall serve as liaison between the Fire Chief and his subordinates, the general public, and other department and governmental agencies.

The Secretary shall manage all emergency and non-emergency communications received via the telephone and occasionally when delivered by individuals in person. The Secretary shall be able to function with a minimum amount of supervision and perform under stressful conditions.

GENERAL QUALIFICATIONS

The qualified candidate shall possess a high school diploma or equivalent and a minimum of three years' experience and/or training sufficient to indicate the ability to perform the job. This would include but not be limited to: knowledge of computer and electronic communications operations, typing, records management, and basic accounting; the ability to understand and follow written and verbal instructions; the ability to compose routine correspondence, and compile and prepare reports; and be able to develop and maintain effective working relationships with associates, city officials, and the general public through professional communications.

An individual who poses a direct threat to the health and safety of himself/herself or others in the workplace will be deemed not qualified for this position.

GENERAL DUTIES

The following duties are typical for this classification. Employees may not perform all of the listed duties and/or may be required to perform additional or different duties from those set forth below to address business needs and changing business practices.

ESSENTIAL JOB FUNCTIONS

- Perform all clerical and secretarial tasks to ensure that the department operates in an effective and well-organized manner.
- Operate all office equipment, answer the department's general business telephones, and assist the public with requested information; and transfer telephone calls to department personnel as necessary.
- Utilize computer programs including spreadsheet software, word processing, and miscellaneous fire department software.
- Perform routine office procedures including copying, faxing, and scanning.
- Prepare written departmental correspondence, financial reports, purchase order requisitions, personnel reports, work schedule calendar, and payroll.
- Assist with the budget along with paying invoices and maintain accurate department budget and finances.
- Maintain bookkeeping records of department receipts, expenditures, and employee time off; and maintain an efficient filing system for department records.
- Order and maintain supply for smooth operation of department and all necessary day to day items. Order special items, assist with scheduling classes, training and accommodations as needed.
- Maintain petty cash fund.
- Greet guests, serve as liaison between the fire department and the public and/or other departments and personnel. Respond to concerns/complaints as needed.
- Provide information and/or guidance to governmental agencies, the public, media and department personnel as situations require.
- Manage intradepartmental mail, pickup/distribute paychecks, distribute and post notices, correspondence, and all relevant information.
- Receive emergency information via the telephone and from individuals reporting such information in person, and completely and accurately record such information in various logs and journals.
- Assist command via radio in performing efficient shift operations during emergencies.
- Maintain a professional appearance at all times.
- Maintain and increase knowledge and skills through attendance at meetings and training seminars.
- Perform other duties as assigned by the Fire Chief.

REQUIRED KNOWLEDGE, SKILLS AND ABILITIES

- Ability to type 50-60 words per minute.
- Knowledge of bookkeeping, record keeping and general office practices and procedures.
- Ability to work with limited supervision and make logical decisions under stressful conditions.
- Ability to manage and coordinate various tasks simultaneously.
- A thorough knowledge and ability to operate office equipment such as: personal computer, typewriter, calculator, copier, printer, fax machine; and other commonly utilized office equipment.
- Ability to verbally communicate in a clear, calm, and understandable manner.
- A working knowledge of firefighting procedures and terminology so as to properly relay and track fire-ground operations.
- A working knowledge of the locations of city streets and the ability to read and understand maps.
- A thorough knowledge of department rules/regulations, policies/procedure, and standard operating guidelines.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of the job. Reasonable accommodations may be made to enable individual's with disabilities to perform the essential functions.

While performing the duties of this job, the employee is required to: sit, talk, hear, stand and walk; use hands and fingers; handle and operate objects, tools, or controls; reach with hands and arms.

The employee may be required to lift and/or move a minimum of 10 pounds. Special vision abilities required by the job include close vision and the ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Work is performed primarily in the office during the day. Work is often performed in emergency and stressful situations.

BY: Mr. Bucci TEMP NO: 10561

ORDINANCE NO. _____

AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF SECRETARY IN THE POLICE DEPARTMENT, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND REPEALING ORDINANCE NO. 58-2002, AND DECLARING AN EMERGENCY.

WHEREAS, it has been recommended by the Police Chief and the Human Resources Committee that an updated job description for the position of Secretary for the Police Department be adopted, now therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the specifications, responsibilities, and duties applicable to the position of Secretary for the Police Department shall be as shown on the job description, a copy of which is attached hereto and made a part hereof.

Section No. 2: That Ordinance No. 58-2002 is hereby repealed.

Section No. 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 4: That this Ordinance is hereby declared to be an emergency measure in order to establish the duties of the Secretary in the Police Department to bring optimal services to the residents of Avon Lake, thus for the health, safety, and welfare of the public. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

1st reading: 9/14/15
2nd reading:
3rd reading:

PASSED: _____ _____
President of Council

POSTED: _____ _____
Approved

ATTEST: _____ _____
Clerk of Council Mayor

CITY OF AVON LAKE
Position Description
Secretary - Police Department

Job Title:	Secretary
Department:	Police Department
Immediate Supervisor:	Police Chief
Positions Supervised:	None
FLSA Status:	Exempt
Bargaining Unit:	Non-Bargaining Unit
Civil Service Status:	Unclassified

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

GENERAL RESPONSIBILITIES

Under the direction of the Police Chief, the Secretary performs a variety of secretarial tasks in order to assist with the efficient operation of the Police Department. The Secretary performs a variety of fiscal functions, in addition to maintaining administrative and personnel files.

The Secretary provides clerical support to the administrative staff and may be assigned to specialized or specific duties as required by the Police Chief. The Secretary shall be able to function with a minimum amount of supervision and perform under stressful conditions.

GENERAL QUALIFICATIONS

The qualified candidate shall possess a high school diploma or equivalent, supplemented by courses in data entry, computer operations, general accounting, and office practices and procedures; should have prior secretarial work experience, and must be proficient in MS Office, particularly Outlook, Word, and Excel, or equivalent; and the ability to maintain effective working relationships with associates, City officials, and the general public through professional communications.

The qualified candidate must have a valid Ohio driver's license with an acceptable driving record, possess no felony convictions, and have the security clearance necessary to obtain and maintain access with the Computerized Criminal History and LEADS data systems.

An individual who poses a threat to the health and safety of himself / herself or others in the workplace will be deemed as not being qualified for this position.

GENERAL DUTIES

The following duties are typical for this classification. Employees may not perform all of the listed duties and/or may be required to perform additional or different duties from those set forth below to address business needs and changing business practices.

ESSENTIAL JOB FUNCTIONS

- Consistently works in an efficient, effective, and productive manner without direct supervision.
- Assists the Police Chief with the performance of administrative functions, and performs all clerical and secretarial tasks in order to assist with the efficient operation of the Police Department.
- Has operating knowledge of the Ohio Law Enforcement Data System (LEADS) or other required computer systems, and is able to code messages, enter messages, or inquire into the system as necessary.
- Operates all office equipment and assists with their general troubleshooting and maintenance.
- Schedules and confirms appointments, receives, screens, and directs telephone calls.
- Performs a variety of clerical tasks in order to assist with the efficient operation of the department such as, copying, scanning, faxing, transcription services, preparing written correspondence, letters, memos, and year-end annual reports.
- Performs various fiscal functions by assisting with the preparation of department payroll, invoices, purchase orders, and processing of bills.
- Helps create and distribute the department's work schedule and assists with the tracking of employee time off.
- Maintains efficient filing systems for departmental records, compiles and maintains information (stats) used by the Police Chief, City Council, and the general public.
- Manages intradepartmental mail, pickup/distribute paychecks, distributes and posts notices, correspondence and all relevant information.
- Utilizes computer programs, including but not limited to MS Office and other Police Department related software.
- Helps maintain the department's phone system by setting up extensions, voicemail, function keys, and labels.
- Assists with the maintenance of departmental inventory records, assets, promotional items, disposals, acquisitions, and office supplies.
- Prepares final dispositions forms on all arrests for the Avon Lake Municipal Court and ensures the department's compliance with all court ordered expungements and sealed records.

- Provides information and/or guidance to governmental agencies, the public, media, and department personnel as situations require.
- Assists with the maintenance and upkeep of the department's social media accounts.
- Assists with the maintenance of the department's record retention schedule by documenting all records slotted for destruction and submitting required paperwork to the appropriate state agency for destruction approval.
- Maintains regular and predictable attendance.
- Maintains a professional appearance at all times.
- Maintains and increases knowledge / skills through attendance at meetings and training seminars.
- Consistently maintains and promotes workplace harmony.
- Performs other duties as required.

REQUIRED KNOWLEDGE, SKILLS AND ABILITIES

- Knowledge of bookkeeping, record keeping, filing methods, record management techniques, and general office practices and procedures.
- Skilled in organizing work, setting priorities, meeting critical deadlines, and following up on assignments with minimum direction.
- Ability to manage and coordinate a variety of tasks simultaneously.
- Basic accounting knowledge; ability to calculate fractions, decimals, and percentages.
- Correct English usage, including spelling, grammar, punctuation, and vocabulary.
- Ability to maintain information of a confidential or sensitive nature.
- A thorough knowledge and ability to operate office equipment, personal computer, and other commonly utilized office equipment.
- A thorough knowledge of department rules, regulations, policies, procedures, and standard operating guidelines.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of the job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- Ability to sit, talk, hear, stand and walk; use hands and fingers; handle and operate objects, tools, or controls; reach with hands and arms.
- Ability to lift, and/or move a minimum of ten (10) pounds.

- Ability to understand and carry out instruction in either written, oral, diagram, or schedule form, giving close attention to detail and accuracy.
- Ability to communicate clearly and effectively, both orally and in writing.
- Ability to accurately type a minimum of forty (40) words a minute.
- Special vision abilities required by the job include close vision and the ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those that must be met by an employee to successfully perform the essential functions of the job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- Generally climate controlled.
- Work is primarily performed within an office environment.
- Working time may require irregular hours and shifts; at times voluntary and involuntary overtime may be necessary, as well as being called back to work on short notice.

Note: *This class specification should not be interpreted as all inclusive. In accordance with the U.S. Department of Labor physical demands strength ratings, this is considered sedentary work.*

BY: Mr. Bucci TEMP. NO: 10562

ORDINANCE NO. _____

AN ORDINANCE ADOPTING A RECOMMENDATION OF THE HUMAN RESOURCES COMMITTEE ADJUSTING THE WAGE RATE OF SUZANNE BLISS, FIRE DEPARTMENT SECRETARY, AND DECLARING AN EMERGENCY.

WHEREAS, the Fire Chief and Human Resources Committee have recommended a wage adjustment for Suzanne Bliss, Fire Department Secretary, and

WHEREAS, Council coming now to consider said recommendation approves it in full and desires to put it into effect, now therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the following employee is granted a salary adjustment as follows:

Employee	New Rate	Effective Date
Suzanne Bliss	$22.59/hour	1/01/16

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of equitably compensating personnel for job performance. Therefore, this Ordinance shall be in full force and effect from and after its passage and approval.

1st reading: 9/14/15
2nd reading:
3rd reading:

PASSED: _____ _____
President of Council

POSTED: _____ _____
Approved

ATTEST: _____ _____
Clerk of Council Mayor

BY: Mr. Bucci TEMP. NO: 10563

ORDINANCE NO. _____

AN ORDINANCE ADOPTING A RECOMMENDATION OF THE HUMAN RESOURCES COMMITTEE ADJUSTING THE WAGE RATE OF RACHEL BURSON, POLICE DEPARTMENT SECRETARY, AND DECLARING AN EMERGENCY.

WHEREAS, the Police Chief and Human Resources Committee have recommended a wage adjustment for Rachel Burson, Police Department Secretary, and

WHEREAS, Council coming now to consider said recommendation approves it in full and desires to put it into effect, now therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the following employee is granted a salary adjustment as follows:

Employee	Effective 1/01/2016	Effective 1/01/2017	Effective 1/01/2018
Rachel Burson	$20.60/hr.	$22.03/hr.	$23.05/hr.

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of equitably compensating personnel for job performance. Therefore, this Ordinance shall be in full force and effect from and after its passage and approval.

1st reading: 9/14/15
2nd reading:
3rd reading:

PASSED: _____ _____
President of Council

POSTED: _____ _____
Approved

ATTEST: _____ _____
Clerk of Council Mayor

BY: Mr. Bucci TEMP NO: 10565

ORDINANCE NO. _____

AN ORDINANCE ADOPTING A FIXED GUIDELINE FOR HIRING NEW FIREFIGHTER/PARAMEDICS, AND DECLARING AN EMERGENCY.

WHEREAS, the Fire Chief recommended establishing a fixed guideline for hiring new Firefigher/Paramedics that standardizes hiring steps based on years of full time experience in a Fire Department, and

WHEREAS, the new guidelines will help attract experienced Firefighters to Avon Lake which helps the department and the City, and

WHEREAS, the savings in training dollars will offset the difference in starting pay, now therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the following hiring guideline is hereby adopted for the Avon Lake Fire Department.

All new Firefighter/Paramedics in the Avon Lake Fire Department will be hired at the following steps based on full-time experience in a Fire Department, unless requested by the Fire Chief and approved by Council.

Full-time Experience	Starting Step
No experience to 1 year	Step I
More than 1 year to 5 years	Step II
More than 5 years	Step III

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity to establish fixed guidelines for the hiring of

new Firefighter/Paramedics to attract experienced candidates for a safer department and community, thus for the health, safety, and welfare of the public. Therefore, this Ordinance shall be in full force and effect from and immediately upon its passage and approval by the Mayor.

1st reading: 9/14/15
2nd reading:
3rd reading:

PASSED: _____ _____
President of Council

POSTED: _____ _____
Approved

ATTEST: _____ _____
Clerk of Council Mayor

BY: Mrs. Fenderbosch TEMP NO: 10568

ORDINANCE NO. _____

AN ORDINANCE DESIGNATING THE ANSON TITUS HOUSE LOCATED AT 33350 LAKE ROAD AS A HISTORIC LANDMARK.

WHEREAS, the Avon Lake Planning Commission has at its meeting of June 2, 2015, recommended to Council that the Anson Titus House located at 33350 Lake Road, currently owned by Gerry Duff Paine, be granted Historic Landmark Designation, and

WHEREAS, the request for Historic Landmark Designation for the Anson Titus House has been reviewed by the Avon Lake Historical Preservation Commission according to Planning & Zoning Code Chapter 1268, and

WHEREAS, the Anson Titus House was built by Anson Titus who arrived in what is now known as Avon Lake in the early 1830's, and

WHEREAS, seven generations have lived in the home and it is still owned by Anson Titus's decendants, and

WHEREAS, the home was originally located on the old Lake Road which was along the lake bank. The house was moved south over a basement which has hand hewn beams, and

WHEREAS, the architecture is Greek Revival as is noted in the roof style and wide trim that turns to the east and west side of the house. The siding is the original wood, and

WHEREAS, the Lorain County Preservation Network approved the Anson Titus House as a Lorain County Historic Landmark, and

WHEREAS, historic preservation gives residents of our community a deeper sense of understanding and appreciation of Avon Lake heritage, now therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the Council of the City of Avon Lake does hereby grant the Anson Titus House located at 33350 Lake Road the designation of Historic Landmark.

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No: 3: That this Ordinance shall be in full force and effect from the earliest period allowed by law.

1st reading:
2nd reading:
3rd reading:

PASSED: _____ _____
President of Council

POSTED: _____ _____
Approved

ATTEST: _____ _____
Clerk of Council Mayor

BY: Mr. Kos TEMP NO: 10570

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES BY AMENDING SECTION 618.01, DOGS AND OTHER ANIMALS RUNNING AT LARGE, AND WITH THE ADDITION OF SECTION 618.21, POTENTIAL NUISANCE DOG CLASSIFICATION, SECTION 618.22, CONTROL OF POTENTIAL NUISANCE DOGS, SECTION 618.23, DECLASSIFICATION OF DOGS, SECTION 618.24, DOG CLASSIFIED BY ANOTHER JURISDICTION, SECTION 618.25, DANGEROUS AND VICIOUS DOG OWNERSHIP RESTRICTIONS, AND SECTION 618.26, EXEMPTIONS.

WHEREAS, due to recent events in the City of Avon Lake and changes to State Law, the Safety Committee recommended additions to the Avon Lake Codified Ordinances regarding control of dogs to prevent bites to humans and domestic animals, and

WHEREAS, Council coming now to consider said recommendations approves them in full, now therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That Section 618.01 of the Avon Lake Codified Ordinances is hereby amended to read as follows:

618.01 - DOGS AND OTHER ANIMALS RUNNING AT LARGE.

(a) No person who is the owner or keeper of horses, mules, cattle, sheep, goats, swine, dogs, geese or other fowl or animals shall permit them to run at large upon any public way or upon unenclosed land.

(b) No person who is the owner of or in charge or control of ~~a dog or~~ cat shall permit or allow, by any means or in any manner, such ~~dog or~~ cat to go or remain upon any public street or ground within the City, except when ~~accompanied by a responsible person and upon a leash, or~~ under such control as to prevent such ~~dog or~~ cat from entering private property or from chasing or attacking any person~~,~~ or animal ~~or vehicle~~.

(c) Except when a dog is lawfully engaged in hunting and accompanied by the owner, keeper, harborer, or handler of the dog, no owner, keeper, or harborer of any dog shall fail at any time to do either of the following:

(1) Keep the dog physically confined or restrained upon the premises of the owner, keeper, or harborer by a leash, tether, adequate fence, supervision of some person, or secure enclosure to prevent such dog from escaping, or from chasing or attacking any person or animal;

(2) Keep the dog under the reasonable control of some person and restrained by a leash or tether no longer than ten (10) feet in length when off the premises of the owner to prevent such dog from entering private property, escaping, or from chasing or attacking any person, animal, or vehicle.

~~(c)~~ (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.

~~(d)~~ (e) A cat found running at large shall be impounded by the Municipal Dog Warden or any police officer, kept in an animal shelter and confined in a humane manner. Immediately upon impounding, every reasonable effort shall be made to ascertain and notify the owner of the conditions whereby custody of the cat may be regained. A cat not claimed by its owner within five full days after impounding shall become the property of the City, regardless of whether or not the owner is ascertained and notified as provided in this subsection.

~~(e)~~ (f) The owner of a cat so impounded may reclaim such animal upon presentation of proof of ownership, upon execution of a form wherein the Municipality is released from any liability for any damage or injury to the cat being reclaimed, and wherein the Municipality is indemnified for any claim by another person regarding ownership, damages or injury to the cat being reclaimed, upon execution of a statement under oath or affirmation stating that the affiant is the true and legal owner of such cat and upon payment of an impounding fee and boarding charge as set forth in Chapter 208 of the Administration Code - the General Fee Schedule.

~~(f) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor and shall be subject to the penalty provided in Section 698.02.~~

(g) Penalties.

(i) Whoever violates this section where the animal is not classified as a potential nuisance dog, nuisance dog, dangerous dog, or vicious dog, is guilty of a minor misdemeanor on the first offense, a misdemeanor of the fourth degree on the second offense, and a misdemeanor of the second degree on the third or any subsequent offense. Whoever violates this section shall be fined not less than twenty-five dollars or more than one hundred dollars on a first offense, and on each subsequent offense shall be fined not less than seventy-five dollars or more than two hundred fifty dollars and may be imprisoned for not more than thirty days.

(ii) Notwithstanding division (g)(i) of this section, where the animal is not classified as a potential nuisance dog, nuisance dog, dangerous dog, or vicious dog and the animal bites a domestic animal, causing injury, as a result of a violation of this section, then whoever violates this section is guilty of a misdemeanor of the third degree, except when the bite is caused by a person or animal abusing, teasing, or tormenting the dog or that the behavior was directed towards a trespasser. Additionally, where a violation of this section involves a dog, the court may order the offender to complete dog obedience training within a specified period of time and provide written proof thereof to the police chief.

(iii) Notwithstanding division (g)(i) of this section, where the animal is not classified as a potential nuisance dog, nuisance dog, dangerous dog, or vicious dog and the animal bites a human, causing injury, as a result of a violation of this section, then whoever violates this section is guilty of a misdemeanor of the second degree, except when the bite is caused by a person or animal abusing, teasing, or tormenting the dog or that the behavior was directed towards a trespasser. Additionally, where a violation of this section involves a dog, the court may order the offender to complete dog obedience training within a specified period of time and provide written proof thereof to the police chief.

(iii) Notwithstanding division (g)(i) of this section, where the animal is not classified as a potential nuisance dog, nuisance dog, dangerous dog, or vicious dog and the animal bites a human or domestic animal, causing serious injury as defined by 955.11(A)(5) of the Ohio Revised Code, as a result of a violation of this section, then whoever violates this section is guilty of a misdemeanor of the first degree, except when the bite is caused by a person or animal abusing, teasing, or tormenting the dog or that the behavior was directed towards a trespasser. Additionally, where a violation of this section involves a dog, the court may order the offender to complete dog obedience training within a specified period of time and provide written proof thereof to the police chief.

Section No. 2: That the Avon Lake Codified Ordinances are hereby amended with the addition of the following sections:

618.21 - POTENTIAL NUISANCE DOG CLASSIFICATION.

(a) Definitions.
(1) Classification of a dog as a potential nuisance dog shall be based upon specific behaviors exhibited by the dog. For purposes of this section, behaviors establishing various levels of a potential nuisance dog are the following:

(i) Level 1 classification is established if a dog off the premises of its owner, keeper, or harborer bites and causes injury to any domestic animal.

(ii) Level 2 classification is established if a dog off the premises of its owner, keeper, or harborer is found to menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any animal.

(iii) Level 3 classification is established if a dog on the premises of its owner, keeper, or harborer is found to menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any animal or person.

(2) References to "police chief" in this section shall mean the police chief or his/her designee.

(3) References to "Director of Public Safety" in this section shall mean the Director of Public Safety or his/her designee.

(4) References to "designated dog" or "classified dog" in this section shall mean a dog classified as Level 1, Level 2, or Level 3.

(b) The police chief shall have authority to determine whether a dog has engaged in the behaviors specified in divisions (a)(1)(i)-(iii). This determination may be based upon an investigation that includes observation of and testimony about the dog's behavior, including the dog's upbringing and the owner's or keeper's control of the dog, and other relevant evidence as determined by the police chief. These observations and testimony can be provided by any witness who personally observed the behavior. Such witness shall sign a written statement attesting to the observed behavior and agree to provide testimony regarding the dog's behavior. Forms for providing witness testimony shall be made available at the Police Department.

(c) Upon reasonable determination by the police chief that a dog has engaged in a behavior specified in divisions (a)(1)(i)-(iii), the police chief shall give the dog's owner or keeper written notice by certified mail or personal service. The notice shall state:

(1) The description of the dog;

(2) The level of classification;

(3) The facts upon which the classification is based;

(4) The availability of a hearing to object to the classification;

(5) The restrictions placed on the dog as a result of the classification;

(6) The penalties for violation of the restrictions; and

(7) The availability of declassification procedures.

(d) Upon receipt of notice of the dog's classification as a Level 1, 2, or 3 potential nuisance dog pursuant to division (c) of this section, the owner or keeper shall comply with the restrictions as specified in section 618.22, unless the classification is reversed.

(e)
(1) If a dog is designated pursuant to division (c) of this section, the owner or keeper of the dog shall have the right to a hearing to object to the designation. The hearing shall be heard by the Director of Public Safety. An owner or keeper has ten (10) days from the date listed on the written notice of such designation to inform the Director of Public Safety in writing that a hearing date is requested. The Director of Public Safety will schedule the hearing and notify the party requesting the hearing in writing of the time, date, and location of the hearing.

(2) At hearing, the police chief must show, by a preponderance of the evidence, that the designated dog is a Level 1, Level 2, or Level 3 potential nuisance dog.

(3) Within five (5) business days of such hearing, after considering all substantial, reliable and probative evidence accepted for review, the Director of Public Safety shall issue a written decision making a finding as to the dog's classification and shall serve the decision upon all parties. The decision shall be a final order and may be appealed to the county court of common pleas pursuant to Revised Code Section 2506.01.

(4) Following the hearing, if the Director of Public Safety finds the dog to be a Level 1, Level 2, or Level 3 potential nuisance dog, the owner or keeper shall be on notice that the dog must be kept under the restrictions applicable to that dog by reason of its classification.

(f) Notwithstanding divisions (b) through (e) of this section, the police chief shall have discretionary authority to refrain from classifying a dog as a potential nuisance dog, even if the dog has engaged in the behaviors specified in divisions (a)(1)(i)-(iii) of this section, if the police chief determines that the behavior was the result of a person or animal abusing, teasing, or tormenting the dog or that the behavior was directed towards a trespasser or other similar mitigating or extenuating circumstances.

618.22 - CONTROL OF POTENTIAL NUISANCE DOGS.

(a) No owner, keeper or harborer of any Level 1, 2, or 3 potential nuisance dog shall fail to do the following:

(1) While the dog is on the premises of the owner, keeper, harborer or handler, so as to prevent it from causing injury to any person or domestic animal:

(i) securely confine the dog indoors;

(ii) securely confine the dog in a locked pen which has a top and keep the dog under supervision by a person who is at least eighteen (18) years of age and of sufficient size and strength to control the dog,

(iii) securely confine the dog in a locked fenced yard, which fence is at least six (6) feet high, and keep the dog under supervision by a person who is at least eighteen (18) years of age and of sufficient size and strength to control the dog; or

(iv) keep the dog under the reasonable control of some person and restrained by a non-retractable leash or tether no longer than 6 feet in length and have the leash or tether controlled by a person who is at least eighteen (18) years of age and of sufficient size and strength to control the dog or securely attach, tie, or affix the leash or tether to the ground or a stationary object or fixture so that the dog is adequately restrained and station such person in close proximity.

(2) While the dog is off the premises of the owner, keeper, harborer or handler, so as to prevent it from causing injury to any person or domestic animal:

(i) keep the dog under the reasonable control of some person and restrained by a non-retractable leash or tether no longer than 6 feet in length;

(ii) have the leash or tether controlled by a person who is at least eighteen (18) years of age and of sufficient size and strength to control the dog or securely attach, tie, or affix the leash or tether to the ground or a stationary object or fixture so that the dog is adequately restrained and station such person in close proximity; and

(iii) identify the dog as a potential nuisance dog with a leash, collar, harness, vest, or other garment that is colored neon pink, without patterns or other adornments. The identifying garment shall be visible and identifiable to an ordinary person from at least fifteen (15) feet away.

(3) Post and display at each possible entrance onto the premises where the potential nuisance dog is kept, a conspicuous and legible sign warning the public that there is a Level 1, Level 2, or Level 3 potential nuisance dog on the premises. Such sign shall be at least eight (8) inches by ten (10) inches in rectangular dimensions and shall contain only the words "LEVEL 1 THREAT DOG", "LEVEL 2 THREAT DOG", or "LEVEL 3 THREAT DOG" in lettering not less than two (2) inches in height. Such sign shall also include a visual symbol for any children or people who cannot read words.

(4) Within ten (10) days of the notice of classification, provide the Police Department with an identifying color photograph of the dog and microchip information if the dog is microchipped.

(5) Notify the Police Department immediately if the dog is loose or unconfined or has bitten a human or another domestic animal.

(6) Notify the Police Department in writing within five (5) days if the dog is transferred to another owner or keeper or dies. If the dog is transferred to another owner, the written notice shall include the name, address, and phone number of the transferee.

(b) In addition to the provisions of division (a) of this section, no owner or keeper of any Level 1 potential nuisance dog shall fail to do the following:

(1) Muzzle the dog while the dog is off the premises of the owner, keeper, harborer or handler. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but must prevent it from biting any person or animal.

(2) Notify veterinarians, veterinary staff, groomers, and other members of the public who come into direct contact with the designated dog that the dog has been designed as a Level 1 potential nuisance dog prior to such contact.

(3) Microchip the dog within fourteen (14) days of the designation or determination of an appeal by a court of competent jurisdiction and provide the microchip information to the police chief upon demand.

(4) Vaccinate the dog for rabies yearly and provide proof of vaccination to the police chief upon demand.

(5) Neuter or spay the dog within fourteen (14) days of the designation or determination of an appeal by a court of competent jurisdiction, unless a licensed veterinarian determines that neutering or spaying of the dog is medically contraindicated, and provide proof of alteration or exemption to the police chief upon demand.

(6) Obtain a policy of liability insurance with an insurer authorized to write liability insurance in this state providing coverage in each occurrence, subject to a limit, exclusive of interest and costs, of not less than ten thousand dollars ($10,000.00) because of damage or bodily injury to or death of a person or animal caused by the dog. The owner or keeper of any Level 1 potential nuisance dog shall provide a copy of the policy for liability insurance to the police chief on a yearly basis.

(c) Notwithstanding divisions (a) and (b) of this section, the police chief or their designee shall have the discretion to decrease or increase a classified dog's restrictions at the time of classification based upon relevant circumstances and may order the owner or keeper to complete dog obedience training within a specified period of time. The police chief or their designee shall notify the owner or keeper of any modifications to the restrictions in writing.

(d) Whoever violates this section when the violation involves a Level 2 or Level 3 potential nuisance dog is guilty of a misdemeanor of the fourth degree on the first offense, a misdemeanor of the third degree on the second offense, and a misdemeanor of the first degree on the third or any subsequent offense. Notwithstanding the foregoing penalties, if a domestic animal or human is bitten by the dog and injury is caused as a result of a violation of this section, then whoever violates this section is guilty of a misdemeanor of the first degree, except when the bite is caused by a person or animal abusing, teasing, or tormenting the dog or that the behavior was directed towards a trespasser. 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 police chief.

(e) Whoever violates this section when the violation involves a Level 1 potential nuisance dog is guilty of a misdemeanor of the third degree on the first offense, a misdemeanor of the second degree on the second offense, and a misdemeanor of the first degree on the third or any subsequent offense. Notwithstanding the foregoing penalties, if a domestic animal or human is bitten by the dog and injury is caused as a result of a violation of this section, then whoever violates this section is guilty of a misdemeanor of the first degree, except when the bite is caused by a person or animal abusing, teasing, or tormenting the dog or that the behavior was directed towards a trespasser. 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 police chief.

618.23 - DECLASSIFICATION OF DOGS.

(a) Level 2 or Level 3 potential nuisance dogs shall be declassified when, for a period of one year following the classification, there have been no further Level 2 or Level 3 behaviors demonstrated or violations of 618.22.

(b) Level 1 potential nuisance dogs and nuisance dogs shall be declassified when, for a period of one year following the classification, there have been no Level 1 or Level 2 behaviors demonstrated or violations of 618.22 or Revised Code 955.22, and the owner or keeper has satisfactorily completed obedience training for the dog classified.

(c) Dangerous dogs shall be declassified when, for a period of two years following the classification, there have been no Level 1, Level 2, Level 3, nuisance dog, or dangerous dog behaviors demonstrated or violations of 618.20 or Revised Code 955.22, and the owner or keeper has satisfactorily completed obedience training for the dog classified and has passed the American Kennel Club "Canine Good Citizen" test.

(d) The owner or keeper of the dog seeking declassification shall file a written application with the Police Department that demonstrates satisfaction of all required declassification conditions.

(e) Upon declassification, the restrictions for dogs classified as a Level 1, Level 2, or Level 3 potential nuisance dog or nuisance dog shall be removed and restrictions on dogs

classified as a dangerous dog shall be removed, with the exception of the insurance requirements.

(f) Upon reasonable determination by the police chief or their designee that a dog meets the requirements for declassification, the police chief shall give the dog's owner or keeper written notice by certified mail or personal service.

(g) If the police chief or their designee denies the declassification application, the police chief or their designee shall give the dog's owner or keeper written notice by certified mail or personal service notifying the owner or keeper of the right to appeal his decision.

(h) The owner or keeper of the dog shall have the right to a hearing to object to the denial of a declassification application. The hearing shall be heard by the Director of Public Safety or their designee. An owner or keeper has ten (10) days from the date listed on the written notice of the denial to inform the Director of Public Safety or their designee in writing that a hearing date is requested. The Director of Public Safety or their designee will schedule the hearing and notify the party requesting the hearing in writing of the time, date, and location of the hearing. The owner or keeper must show, by clear and convincing evidence, that they have met the requirements for declassification. Within five business days of such hearing, after considering all substantial, reliable and probative evidence accepted for review, the Director of Public Safety or their designee shall issue a written decision making a finding as to whether the animal is declassified and shall serve the decision upon all parties. The decision shall be a final order and may be appealed to the court of common pleas pursuant to Revised Code Section 2506.01.

(i) If a declassification application is denied, the owner or keeper may reapply for declassification after a period of six (6) months has elapsed.

618.24 - DOG CLASSIFIED BY ANOTHER JURISDICTION.

(a) Any person desiring to bring a dog to live in the City which has been previously declared to be a nuisance dog, dangerous dog, vicious dog, or similar designation in another jurisdiction, under the provisions of 955 of the Revised Code or comparable local ordinance, must notify the Police Department

prior to moving the dog to the City. The person must provide all information requested by the police chief or their designee.

(b) The police chief or their designee shall have authority to determine whether a dog has engaged in the behaviors specified in sections 618.17 or 618.21. This determination may be based upon an investigation that includes observation of and testimony about the dog's behavior, including the dog's upbringing and the owner's or keeper's control of the dog, and other relevant evidence as determined by the police chief or their designee.

(c) Upon reasonable determination by the police chief or their designee that a dog previously designated has engaged in a behavior specified in divisions (a)(1)(i)-(iii), the police chief of their designee shall give the dog's owner or keeper written notice by certified mail or personal service. The notice shall state:

(1) The description of the dog;

(2) The level of classification;

(3) The facts upon which the classification is based;

(4) The availability of a hearing to object to the classification;

(5) The restrictions placed on the dog as a result of the classification;

(6) The penalties for violation of the restrictions; and

(7) The availability of declassification procedures.

(d) Upon receipt of notice of the dog's classification as a Level 1, 2, or 3 potential nuisance dog, nuisance dog, dangerous dog, or vicious dog pursuant to division (c) of this section, the owner or keeper shall comply with the restrictions specified 618.18 or 618.22 for that dog, unless the classification is reversed.

(e)
(1) If a dog is designated pursuant to division (c) of this section, the owner or keeper of the dog shall have the right to a hearing to object to the designation. The hearing shall be heard by the Director of Public Safety or their designee. An owner or keeper has ten (10) days from the date listed on the

written notice of such designation to inform the Director of Public Safety or their designee in writing that a hearing date is requested. Director of Public Safety or their designee will schedule the hearing and notify the party requesting the hearing in writing of the time, date, and location of the hearing.

(2) The police chief or their designee must show, by a preponderance of the evidence, that the designated dog is a Level 1, Level 2, or Level 3 potential nuisance dog, nuisance dog, dangerous dog, or vicious dog.

(3) Within five business days of such hearing, after considering all substantial, reliable and probative evidence accepted for review, the Director of Public Safety or their designee shall issue a written decision making a finding as to the dog's classification and shall serve the decision upon all parties. The decision shall be a final order and may be appealed to the county court of common pleas pursuant to Revised Code Section 2506.01.

(4) Following the hearing, if the Director of Public Safety or their designee finds the dog to be a Level 1, Level 2, or Level 3 potential nuisance dog, nuisance dog, dangerous dog, or vicious dog, the owner or keeper shall be on notice that the dog must be kept under the local restrictions applicable to that dog by reason of its classification.

(f) Whoever violates division (a) of this section is guilty of a second degree misdemeanor and shall be subject to the penalty provided in Section 698.02.

618.25 - DANGEROUS AND VICIOUS DOG OWNERSHIP RESTRICTIONS.

(a) No person shall own, keep, maintain, allow, harbor, or permit more than one dangerous or vicious dog upon any one residential lot or within any home upon such lot.

(b) The provisions as set forth in section 955.54 of the Ohio Revised Code shall apply inside the City, with the exception of division (A)(2), which shall be construed to include vicious dogs in addition to dangerous dogs.

(c) Penalty.

(1) Whoever violates division (a) of this section is guilty of a second degree misdemeanor and shall be subject to the penalty provided in Section 698.02.

(2) Whoever violates division (b) of this section is guilty of a first degree misdemeanor and shall be subject to the penalty provided in Section 698.02.

618.26 - EXEMPTIONS.

Chapter 618 of this Code shall exempt the following:

(a) Any dog which is lawfully engaged in hunting or training for the purpose of hunting while accompanied by a licensed hunter. However, such dogs at all other times and in all other respects shall be subject to the ordinance or resolution permitted by this section, unless actually in the field and engaged in hunting or in legitimate training for such purpose;

(b) A service animal, as defined by the Americans with Disabilities Act and the regulations promulgated pursuant thereto, that has caused injury or serious injury to any person or has killed a person or a domestic animal while the service animal is actually being used to assist a person in the performance of that animal's trained duties; and

(c) A police dog that has caused injury or serious injury to any person or has killed a person or a domestic animal while the police dog is actually being used to assist one or more law enforcement officers in the performance of their official duties.

Section No. 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No: 4: That this Ordinance shall be in full force and effect from the earliest period allowed by law.

1st reading:
2nd reading:
3rd reading:

PASSED: _____ _____
President of Council

POSTED: _____ _____
Approved

ATTEST: _____ _____
Clerk of Council Mayor