

VOTING ORDER

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

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

The following business is to be considered at the rescheduled meeting of the Avon Lake City Council on October 13, 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.

Approval of Minutes: Regular Council Meeting of September 14, 2015, Special Council Meeting of September 21, 2015, and Regular Council Meeting of September 28, 2015 as prepared and published.

Correspondence

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

Audience Participation

Motions

Appointing Randy Bowling to the Environmental Affairs Advisory Board effective October 14, 2015 for a term expiring February 28, 2016 – J. Shondel.

Accepting the resignation of Steve Luca from the Parks & Recreation Commission effective October 13, 2015 – R. James.

Appointing Steve Luca to the Community Improvement Corporation effective October 13, 2015 for a term expiring August 1, 2018 – D. Bucci.

Authorizing the advertisement of bids for cleaning services at City buildings – R. James.

Legislation

Third 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 #10551R2, 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 position 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.

Second Reading:

Temporary Legislation #10570R, 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.→

First Readings:

Temporary Legislation #10571, accepting the amounts and rates as determined

→Suspension of the rule requiring three readings

by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor.→

Temporary Legislation #10572, confirming the appointment of an Engineering Technical Aide I in the Public Works Department.

Temporary Legislation #10573, confirming the appointment of a Firefighter/Paramedic.

Temporary Legislation #10574, confirming the appointment of a Recreation Programmer.

Temporary Legislation #10575, adopting a Public Records Policy.

Miscellaneous Business and Announcements

Public Input

Adjournment

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: 9/28/15
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 <u>1217.09</u>				

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)

<i>Permitted Use</i>	<i>L1 Light Industria l</i>	<i>I Industrial</i>
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 <u>1217.09</u>		

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		Additional Specific Criteria if Applicable
	B-1	B-2	B-3	O	LI	I	Area ^(a)	Width (feet)	
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 (ee) (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: 9/28/15
3rd reading:

PASSED: _____
President of Council

POSTED: _____
Approved

ATTEST: _____
Clerk of Council Mayor

BY: Mr. Kos

TEMP NO: 10551R2

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, AND DECLARING AN EMERGENCY.

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" in sections 618.18 and 618.20 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 618.18 through 618.20 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. As used in Sections 618.18 through 618.26, "final determination" means a determination that is not subject to appeal.

(b) The police chief shall have authority to determine whether a dog is a nuisance dog, dangerous dog, or vicious dog. 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 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 object to the classification and instructions to request that hearing;
- (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.

(f) If the owner, keeper, or harbinger 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 harbinger may request a hearing regarding the determination pursuant to section 955.222 of the Revised Code.

618.19 - IMPOUNDMENT OF A DOG FOR PUBLIC SAFETY

(a) As used in this section, "serious injury" has the same meaning as in section 955.11 of the Revised Code.

(b) Upon a resultant death or serious injury of a domestic animal or human, the Police Department shall have the authority but not the duty, in the interest of public safety, to seize the killing/seriously injuring dog and impound it. Any person keeping or harboring a dog sought to be impounded shall give possession of such dog to a police officer or health officer upon demand.

(c) If a dangerous or vicious dog aggressively bites any person or domestic animal, the Police Department shall have the authority but not the duty, in the interest of public safety, to seize the offending dog and impound it. Any person keeping or harboring a dog sought to be impounded shall give possession of such dog to a police officer or health officer upon demand.

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

(e) A dog impounded pursuant to division (b) of this section shall remain impounded until there has been a final determination as to the dog's classification 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. Upon a final determination, the owner or keeper of an impounded

dog shall claim it within fourteen (14) calendar 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, the City may dispose of the dog at its discretion.

(f) A dog impounded pursuant to division (c) of this section shall remain impounded until the court makes a final determination as to whether a violation of section 618.20 has occurred 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. Upon a final determination, the owner or keeper of an impounded dog shall claim it within fourteen (14) calendar 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, the City may dispose of the dog at its discretion.

(g) Whoever violates division (b) or (c) of this section by refusing or otherwise purposefully failing to give possession of a dog that the Police Department is authorized by such divisions to seize and impound is guilty of a second degree misdemeanor and shall be subject to the penalty provided in Section 698.02.

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 harbinger of a nuisance dog shall fail to do the following:

(1) While the dog is on the premises of the owner, keeper, or harbinger, 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 secured top and keep the dog under direct supervision by a person who is 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 direct supervision by a person who is of sufficient size and strength to control the dog; or

(iv) keep the dog restrained by a non-retractable leash or tether no longer than six (6) feet in length and have the leash or tether controlled by a person who is 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, or harbinger, so as to prevent it from causing injury to any person or domestic animal:

(i) keep the dog restrained by a non-retractable leash or tether no longer than six (6) feet in length and have the leash or tether controlled by a person who is 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

(ii) identify the dog with a leash, collar, harness, vest, or other garment that is colored neon yellow, without patterns or other adornments except designs intended to increase visibility of the dog at night. 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 on the premises where the nuisance dog is kept a conspicuous and legible sign visible from all areas of customary or actual public access 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) calendar 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 aggressively bitten a human or a domestic animal.

(6) Notify the police department in writing within five (5) calendar 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 designated as a nuisance dog prior to such contact.

(8) Maintain 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. Such insurance must be obtained within fourteen (14) calendar days of the final determination of the dog as a nuisance dog. The owner 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 harbinger of a dangerous or vicious dog shall fail to do the following:

(1) While the dog is on the premises of the owner, keeper, or harbinger, 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 secured top, under the direct supervision of 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 restrained by a leash or tether no longer than ten (10) feet in length 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) in an other locked enclosure that has a secured top, including a house. If the dog is confined in an other locked enclosure that has a top outdoors, keep the dog under the direct supervision of 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:

(i) muzzle the dog with a muzzle made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but allows the dog to eat and drink and prevents it from biting any person or animal, and also keep the dog restrained by a chain-link leash or tether no longer than six (6) feet in length 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;

(ii) keep the dog in a locked fenced yard, which fence is at least six (6) feet tall, and restrained by a leash or tether no longer than ten (10) 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;

(iii) keep the dog in a locked pen that has a top, under the direct supervision of 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 in an other locked enclosure that has a top, including a house. If the dog is confined in an other locked enclosure that has a top outdoors, keep the dog under the direct supervision of 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 harbinger of a dangerous or vicious dog shall fail to identify the dog at all times with a leash, collar, harness, vest, or other garment that is colored neon yellow, without patterns or other adornments except designs intended to increase visibility of the dog at night. While the dog is off the premises of the owner, keeper, or harbinger, 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 to prevent the dog from causing injury to any person or domestic animal.

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

(1) Maintain 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. Such insurance must be obtained within fourteen (14) calendar days of the final determination of the dog as a dangerous or vicious dog. The owner or keeper of any dangerous or vicious 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) calendar days of the final determination of the dog as a dangerous or vicious dog, 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, animal warden or control officer, or public health official, 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 and 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 (10) calendar days of the sale, transfer, or death, and also notify the county auditor.

(4) Post and display on the premises where the dangerous or vicious dog is kept a conspicuous and legible sign visible from all areas of customary or actual public access 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) calendar 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) Successfully complete a dog obedience or behavior modification course that includes a minimum of six (6) hours of in-person professional training or behavior modification within ninety (90) calendar days of the final determination of the dog as a dangerous or vicious dog and provide proof of completion to the police chief.

(8) 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.

(f) 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.

(g) 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 the dog aggressively bites a domestic animal or human without provocation as a result of a violation of this section, then whoever violates this section is guilty of a misdemeanor of the first degree. Additionally, the court shall order the offender to complete dog obedience training within a specified period of time and provide written proof thereof to the 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 the dog aggressively bites a domestic animal or human without provocation as a result of a violation of this section, then whoever violates this section is guilty of a misdemeanor of the first degree. Additionally, the court shall order the offender to complete dog obedience training within a specified period of time and provide written proof thereof to the 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 the dog aggressively bites a domestic animal or human without provocation, causing serious injury, 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 the dog aggressively bites a domestic animal or human without provocation as a result of a violation of this section, then whoever violates this section is guilty of a misdemeanor of the first degree. Additionally, the court shall order the offender to complete dog obedience training within a specified period of time and provide written proof thereof to the 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 the dog kills domestic animal or causes serious injury to a human 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 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 Revised Code 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 is hereby declared to be an emergency measure, the emergency being the necessity to enact laws regarding nuisance, dangerous, and vicious dogs to protect individuals and domestic animals, 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: 8/24/15

2nd reading: 9/28/15

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: 9/28/15
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.

CITY OF AVON LAKE
Position Description
Secretary - Fire Department

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.

CITY OF AVON LAKE

Position Description Secretary - Fire Department

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.

09/2015

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: 9/28/15
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.

CITY OF AVON LAKE
Position Description
Secretary - Police Department

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.

CITY OF AVON LAKE
Position Description
Secretary - Police Department

- 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.

CITY OF AVON LAKE
Position Description
Secretary - Police Department

- 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:

<u>Employee</u>	<u>New Rate</u>	<u>Effective Date</u>
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: 9/28/15
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:

<u>Employee</u>	<u>Effective</u> <u>1/01/2016</u>	<u>Effective</u> <u>1/01/2017</u>	<u>Effective</u> <u>1/01/2018</u>
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: 9/28/15
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 Firefighter/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.

<u>Full-time Experience</u>	<u>Starting Step</u>
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: 9/28/15
3rd reading:

PASSED:	_____	_____
		President of Council
POSTED:	_____	_____
		Approved
ATTEST:	_____	_____
	Clerk of Council	Mayor

BY: Mr. Kos

TEMP NO: 10570R

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES BY AMENDING 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, OBJECTIONS HEARING, SECTION 618.26; DANGEROUS AND VICIOUS DOG OWNERSHIP RESTRICTIONS, AND SECTION 618.27, EXEMPTIONS, AND DECLARING AN EMERGENCY.

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 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 under such control as to prevent such ~~dog or~~ cat from entering private property or from ~~chasing or~~ attacking any person or domestic animal.

c) Except when a dog is lawfully engaged in hunting and accompanied by the owner, keeper, or harbinger of the dog, no owner, keeper, or harbinger 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 harbinger by a leash, tether, adequate fence, supervision of some person, or secure enclosure to prevent such dog from escaping or from injuring any person or domestic animal;

(2) Keep the dog under the reasonable control of some person and restrained by a leash or tether no longer than six (6) feet in length when off the premises of the owner to prevent such dog from entering private property, escaping, or from injuring any person or animal.

(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.

(e) A cat found running at large shall be impounded by the Municipal Animal 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.

(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.

(g) References to "aggressively bite" in sections 618.01 through 618.26 shall mean any bite, not committed in play, that causes a physical injury, including a bruise, puncture, tearing of the skin, or laceration.

(h) References to "unprovoked" or "without provocation" in this section and sections 618.21 through 618.22 shall mean that the dog was not:

(1) Being abused, teased, tormented, or physically threatened or injured by a person;

(2) Being abused or physically threatened or injured by an animal;

(3) Being aggressively teased or tormented by an animal;

(4) Directing its behavior at a trespasser on the property of its owner, keeper, or harborer;

(5) Reasonably coming to the defense of a human or domestic animal within the immediate vicinity of the dog and under perceived threat; or

(6) Directing its behavior at a domestic animal that was running at large and unattended by some person.

(i) References to "classified dog" in this section shall mean a dog that has been previously classified as a potential nuisance dog, nuisance dog, dangerous dog, or vicious dog pursuant to this Code, or similar designation in another jurisdiction, under the provisions of Section 955.11 et seq. of the Revised Code or comparable local ordinance.

(j) Penalties.

(1) Whoever violates this section, where the animal at large is not a classified 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.

(2) Notwithstanding division (j)(1) of this section, where the animal at large is not a classified dog and the animal aggressively bites a domestic animal without provocation as a result of a violation of this section, then whoever violates this section is guilty of a misdemeanor of the third degree. 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.

(3) Notwithstanding division (j)(1) of this section, where the animal at large is not a classified dog and the animal aggressively bites a human without provocation as a result of a violation of this section, then whoever violates this section is guilty of a misdemeanor of the second degree. 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.

(4) Notwithstanding division (j)(1) of this section, where the animal at large is not a classified dog and the animal aggressively bites a human or domestic animal without provocation and causes 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. 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 harbinger aggressively bites any domestic animal without provocation.

(ii) Level 2 classification is established if a dog off the premises of its owner, keeper, or harbinger displays threatening or aggressive behavior toward or otherwise threatens or endangers the safety of any animal without provocation, or if a dog on the premises of its owner, keeper, or harbinger displays threatening or aggressive behavior toward or otherwise threatens or endangers the safety of any domestic animal or person without provocation.

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

(3) References to "police chief" in sections 618.21 through 618.26 shall mean the police chief or his/her designee.

(4) References to "Director of Public Safety" in sections 618.21 through 618.26 shall mean the Director of Public Safety or his/her designee.

(b) The police chief shall have authority to determine whether a dog has engaged in the behaviors specified in divisions (a)(1)(i)-(ii). 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)-(ii), 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 or 2 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.

(e) Notwithstanding divisions (b) through (d) 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)-(ii) of this section, if the police chief determines that the behavior was not unprovoked or other similar mitigating or extenuating circumstances existed.

(f) If a dog is classified pursuant to division (c) of this section, the owner or keeper of the dog shall have the right to an administrative hearing to object to the designation pursuant to section 618.25. At hearing, the police chief must show, by a preponderance of the evidence, that the designated dog is a Level 1 or Level 2 potential nuisance dog.

618.22 - CONTROL OF POTENTIAL NUISANCE DOGS.

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

(1) While the dog is on the premises of the owner, keeper, or harbinger, 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 secured top and keep the dog under direct supervision by some person who is 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 direct supervision by a person who is of sufficient size and strength to control the dog; or

(iv) keep the dog restrained by a non-retractable leash or tether no longer than six (6) feet in length and have the leash or tether controlled by a person who is 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, or harbinger, so as to prevent it from causing injury to any person or domestic animal:

(i) keep the dog restrained by a non-retractable leash or tether no longer than six (6) feet in length and have the leash or tether controlled by a person who is 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

(ii) identify the dog as a potential nuisance dog with a leash, collar, harness, vest, or other garment that is colored neon yellow, without patterns or other adornments except designs intended to increase visibility of the dog at night. 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 on the premises where the potential nuisance dog is kept a conspicuous and legible sign visible from all areas of customary or actual public access warning the public that there is a Level 1 or 2 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" or "LEVEL 2 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) calendar 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 aggressively bitten a human or another domestic animal.

(6) Notify the Police Department in writing within five (5) calendar 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 designated as a Level 1 or Level 2 potential nuisance dog prior to such contact.

(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, or harborer. 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) Microchip the dog within fourteen (14) calendar days of the final determination of the dog as Level 1 potential nuisance dog and provide the microchip information to the police chief upon demand.

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

(4) Neuter or spay the dog within fourteen (14) calendar days of the final determination of the dog as Level 1 potential nuisance dog, 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.

(5) Maintain 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. Such insurance must be obtained within fourteen (14) calendar days of the final determination of the dog as a Level 1 potential nuisance dog. The owner 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 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 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 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 aggressively bitten by the dog without provocation as a result of a violation of this section, then whoever violates this section is guilty of a misdemeanor of the first degree. Additionally, the court shall order the offender to complete dog obedience training within a specified period of time and provide written proof thereof to the 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 aggressively bitten by the dog without provocation as a result of a violation of this section, then whoever violates this

section is guilty of a misdemeanor of the first degree. Additionally, the court shall order the offender to complete dog obedience training within a specified period of time and provide written proof thereof to the police chief.

618.23 - DECLASSIFICATION OF DOGS.

(a) Level 2 potential nuisance dogs shall be declassified when, for a period of one year following the classification, there have been no further Level 2 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 four years following the classification, there have been no Level 1, Level 2, 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 or 2 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 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 denies the declassification application, the police chief 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 object to that

determination pursuant to section 618.25. At hearing, the dog's owner or keeper must show, by clear and convincing evidence, that all condition of declassification have been satisfied.

(h) 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 Section 955.11 et seq. of the Revised Code or comparable local ordinance, must notify the Police Department prior to moving the dog to the City.

(b) The police chief shall have authority to determine whether a previously classified 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. The owner or keeper of the dog shall provide the police chief with all information requested related to that dog.

(c) Upon reasonable determination by the police chief that a previously classified dog has engaged in the behaviors specified in sections 618.17 or 618.21, 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 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 in sections 618.18 or 618.22 for that dog.

(e)

(1) If a dog is classified pursuant to division (c) of this section, the owner or keeper of the dog shall have the right to an administrative hearing to object to the designation pursuant to section 618.25. At hearing, the dog's owner or keeper must show, by clear and convincing evidence, that the classification as determined by the police chief does not match the dog's previous behavior or 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 - OBJECTION HEARINGS.

(a) If a dog is classified pursuant to sections 618.21 or 618.24, or is denied declassification pursuant to section 618.23, the owner or keeper of the dog shall have the right to an administrative hearing to object to the determination. The hearing shall be heard by the Director of Public Safety. An owner or keeper has ten (10) calendar days from the date listed on the written notice of the determination to inform the Director of Public Safety in writing that a hearing 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.

(b) The objection hearing shall be conducted as follows:

(1) Parties may appear pro se or be represented by an attorney.

(2) Parties may present their position, arguments, and contentions, including by making statements, presenting evidence, and offering witnesses on their behalf, on any relevant issue.

(3) Parties may refute evidence and testimony offered in opposition to their position, arguments, and contentions,

including by making statements, presenting evidence, and offering witnesses on their behalf, on any relevant issue.

(4) Parties shall be entitled to the right of cross examination.

(5) The hearing shall be quasi-judicial in nature and all testimony shall be under oath.

(6) Any party shall be entitled to transcribe the proceeding at his own cost.

(7) After considering all substantial, reliable and probative evidence accepted for review, the Director of Public Safety shall affirm, deny, or affirm with conditions the determination.

(8) Within five (5) business days of such hearing, the Director of Public Safety shall issue a written decision making a factual finding as to the determination and shall serve the decision upon all parties. The decision of the Director of Public Safety is a final order.

618.26 - DANGEROUS AND VICIOUS DOG OWNERSHIP RESTRICTIONS.

(a) No person shall own, keep, maintain, allow, harbor, or permit more than one dangerous or vicious dog at any one residence that has aggressively bitten and killed a dog or aggressively bitten and caused serious injury or death to a person.

(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.

618.27 - 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 is hereby declared to be an emergency measure, the emergency being the necessity to enact laws regarding potential nuisance, dangerous, and vicious dogs to protect individuals and domestic animals, 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: 9/28/15
2nd reading:
3rd reading:

PASSED: _____

President of Council

POSTED: _____

Approved

ATTEST: _____

Clerk of Council

Mayor

**AVON LAKE CITY
RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE
BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES
AND CERTIFYING THEM TO THE COUNTY AUDITOR
(CITY COUNCIL)**

Revised Code, Secs. 5705.34, 5705.35

The Council of the City of AVON LAKE Lorain
County, Ohio, met in open session on the 13th day of October,
2015, at the office of the Avon Lake City Council

with the following members present:

_____ moved the adoption of the following Resolution:

WHEREAS, This Council in accordance with the provisions of law has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1st, 2016; and

WHEREAS, The Budget Commission of Lorain County, Ohio, has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within, the ten mill tax limitation; therefore, be it

RESOLVED, By the Council of the City of Avon Lake
Lorain County, Ohio, that the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

AVON LAKE CITY

SCHEDULE A				
SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION, AND COUNTY AUDITOR'S ESTIMATED TAX RATES				
FUND	Amount to Be Derived from Levies Outside 10 Mill Limitation	Amount Approved by Budget Commission Inside 10 Mill Limitation	County Auditor's Estimate of Tax Rate to Be Levied	
			Inside 10 Mill Limit	Outside 10 Mill Limit
	Column II	Column IV	V	VI
General Fund	931,754	2,835,941	3.60	1.50
Fireman's Fund		236,329	0.30	
Police Pension Fund		236,329	0.30	
Ambulance & E.M.S.	1,569,862			2.00
Bond (4,500,000)	330,860			0.42
TOTAL	2,832,476	3,308,599	4.20	3.92
SCHEDULE B				
LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES				
FUND	Maximum Rate Authorized to Be Levied			
General Fund:				
Current Expense Levy authorized by voters on 11/04/14 for not to exceed 5 years. Beginning 2015 Duplicate Expiring Last Collection 2020 Renewal Levy Passed in Advance 11/4/2014	1.50			
Special Levy Funds:				
Ambulance & E.M.S. authorized by voters on 11/04/14 for not to exceed 3 years. Beginning 2015 Duplicate Expiring Last Collection 2018 Renewal Levy Passed in Advance 11/4/2014	2.00			
	3.50			

AVON LAKE CITY

and be it further

RESOLVED, That the Clerk of this Council be and he is hereby directed to certify a copy of this Resolution to the County Auditor of said County.

N/A seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

_____	,	_____	yes	_____	no
_____	,	_____	yes	_____	no
_____	,	_____	yes	_____	no
_____	,	_____	yes	_____	no
_____	,	_____	yes	_____	no

Adopted the _____ day of October, 2015

Attest:

President of Council

Clerk of Council

BY: Mr. Bucci

TEMP NO: 10572

ORDINANCE NO. _____

AN ORDINANCE CONFIRMING THE APPOINTMENT OF AN
ENGINEERING TECHNICAL AIDE I IN THE PUBLIC WORKS
DEPARTMENT, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to the terms of the Civil Service provisions of the Codified Ordinances of Avon Lake, tests have been given and an eligibility list established for such position and the Mayor has submitted to this Council for confirmation an appointment to said position, now therefore;

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

Section No. 1: That the appointment of Kelly Marton to the position of Engineering Technical Aide I in the Public Works Department effective October 30, 2015, be and she is hereby approved and confirmed.

Section No. 2: That the duties and responsibilities to be performed and undertaken by the Engineering Technical Aide I in the Public Works Department shall be those set forth in Ordinance No. 69-2015.

Section No. 3: That with Council's present knowledge of Ms. Marton's experience and ability, it has and does hereby fix a Step 3 rate of \$29.76/hour payable bi-weekly as determined by the Director of Finance.

Section No. 4: 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. 5: That this Ordinance is hereby declared to be an emergency measure to provide the Public Works Department with adequate personnel in order to continue to provide residents with city services and improvement projects, thus for preservation of the public peace, health, and safety of the City 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:
2nd reading:
3rd reading:

PASSED: _____
President of Council

POSTED: _____
Approved

ATTEST: _____
Clerk of Council Mayor

BY: Mr. Bucci

TEMP NO: 10573

ORDINANCE NO. _____

AN ORDINANCE CONFIRMING THE APPOINTMENT OF A
FIREFIGHTER/PARAMEDIC IN THE FIRE DEPARTMENT,
AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to the terms of the Civil Service provisions of the Codified Ordinances of Avon Lake, tests have been given and an eligibility list established for such position and the Mayor has submitted to this Council for confirmation an appointment to said position, now therefore;

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

Section No. 1: That the appointment of Daniel Root to the position of Firefighter/Paramedic in the Fire Department, be, and it is hereby approved and confirmed to serve at the will of Council during his probationary period which is hereby set as one calendar year from the effective date of hire.

Section No. 2: That the duties and responsibilities to be performed and undertaken by the Firefighter/Paramedic are shown in the job description for said position adopted by Ordinance No. 132-2011.

Section No. 3: That with Council's present knowledge of Mr. Root's experience, ability, and current certifications it has and does fix a bi-weekly Step 3 salary of \$2,412.36 for the position, effective November 2, 2015.

Section No. 4: 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. 5: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity to fully staff the Fire Department to ensure the efficient operation of the Department, thus for the preservation of the health, safety, and welfare of the residents of Avon Lake. Therefore, this Ordinance shall take effect and be in full force immediately upon its passage and approval by the Mayor.

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

PASSED:	_____	_____
		President of Council
POSTED:	_____	_____
		Approved
ATTEST:	_____	_____
	Clerk of Council	Mayor

BY: Mr. Bucci

TEMP NO: 10574

ORDINANCE NO. _____

AN ORDINANCE CONFIRMING THE APPOINTMENT OF A
RECREATION PROGRAMMER IN THE RECREATION DEPARTMENT,
AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to the terms of the Civil Service provisions of the Codified Ordinances of Avon Lake, tests have been given and an eligibility list established for such position and the Mayor has submitted to this Council for confirmation an appointment to said position, now therefore;

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

Section No. 1: That the appointment of Nicole Haas to the position of Recreation Programmer in the Recreation Department, be, and it is hereby approved and confirmed.

Section No. 2: That the duties and responsibilities to be performed and undertaken by the Recreation Programmer are shown in the job description for said position adopted by Ordinance No. 91-2015.

Section No. 3: That with Council's present knowledge of Ms. Haas' experience, ability, and current certifications it has and does fix a bi-weekly Step 1 salary of \$17.00/hour for the position, effective November 9, 2015.

Section No. 4: 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. 5: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity to fully staff the Recreation Department to ensure the efficient operation of the Department and continue to offer quality programming to the residents of Avon Lake, thus for the preservation of the health, safety, and welfare of the residents of Avon Lake. Therefore, this Ordinance shall take effect and be in full force immediately upon its passage and approval by the Mayor.

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

PASSED: _____
President of Council

POSTED: _____
Approved

ATTEST: _____
Clerk of Council Mayor

BY: Mr. Bucci

TEMP NO: 10575

ORDINANCE NO. _____

AN ORDINANCE ADOPTING A PUBLIC RECORDS POLICY.

WHEREAS, Council has determined that it is advisable to adopt a public records policy;

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

Section No. 1: That the attached policy is adopted as the public records policy of the City.

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 and after the earliest period allowed by law.

1st reading:

2nd reading:

3rd reading:

PASSED: _____

President of Council

POSTED: _____

Approved

ATTEST: _____

Clerk of Council

Mayor



CITY OF AVON LAKE, OHIO PUBLIC RECORDS POLICY

Pursuant to Subsection 149.43(E)(1) of the Ohio Revised Code, the following shall constitute the public records policy of the City of Avon Lake, Ohio:

Subsection 149.43(B)(1) of the Ohio Revised Code requires that, "Upon request and subject to division (B)(8) of [Section 149.43 of the Ohio Revised Code], all public records responsive to [a public records] request shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Subsection 149.43(B)(1) of the Ohio Revised Code further requires that, "Subject to division (B)(8) of [Section 149.43 of the Ohio Revised Code], upon request, a public office or person responsible for public records shall make copies of the requested public record available at cost and within a reasonable period of time."

For purposes of Section 149.43 of the Ohio Revised Code, the terms "prompt" and "reasonable" shall take into account the volume of records requested, the proximity of the location where the records are stored, the age of such records, the format in which such records are maintained, the necessity for any legal review of the records requested, the number of employees or officials who are primarily responsible for the records requested, and whether such employees or officials are full or part-time and their typical work schedules.

In all other respects, Section 149.43 of the Ohio Revised Code shall constitute the public records policy of the City of Avon Lake, Ohio.