

Steve Miller
Mayor

Ron D'Epifanio
Council Member at Large

Chad Oberson
Council Member at Large

Bill Woeste
Council Member at Large



Leslie Besl
Council Member, 1st Ward

Craig Keller
Council Member, 2nd Ward

Debbie Pennington
Council Member, 3rd Ward

Tim Abbott
Council Member, 4th Ward

**CITY OF FAIRFIELD CITY COUNCIL
REGULAR MEETING AGENDA
TUESDAY, OCTOBER 15, 2019 7:00 PM
5350 PLEASANT AVENUE, FAIRFIELD, OH 45014**

Guidelines for Citizen Comments: Thank you for your interest and participation in city government. Fairfield City Council's Guidelines for Citizen Comments describe the rules for addressing City Council. The guidelines are posted in the Council Chambers.

ADA Notice: The City of Fairfield is pleased to provide accommodations to disabled individuals or groups and encourage full participation in city government. Should special accommodations be required, please contact the Clerk of Council at 867-5383 at least 48 hours in advance of the meeting.

1. COUNCIL-MANAGER BRIEFING

A. 5:30 PM - SAFER Grant Discussion; 2020 Budget (Municipal Court); 2020 Grant Presentations

2. BUSINESS MEETING CALL TO ORDER

3. PRAYER/PLEDGE OF ALLEGIANCE

4. ROLL CALL

5. AGENDA MODIFICATIONS

6. EXECUTIVE SESSION REQUESTS

7. SPECIAL PRESENTATIONS AND CITIZEN COMMENTS

a. Allison Reed, Ohio EPA - Source Water Protection Efforts

8. PUBLIC HEARING(S)

9. APPROVAL OF MINUTES

a. Regular Meeting held September 23, 2019

10. OLD BUSINESS AND REPORTS

A. COMMUNITY & PUBLIC RELATIONS COMMITTEE

Leslie Besl, Chair; Debbie Pennington, Vice Chair; Craig Keller, Member

B. DEVELOPMENT SERVICES COMMITTEE

Bill Woeste, Chair; Tim Abbott, Vice Chair; Ron D'Epifanio, Member

C. PARKS, RECREATION AND ENVIRONMENT COMMITTEE

Craig Keller, Chair; Bill Woeste, Vice Chair; Debbie Pennington, Member

D. PUBLIC SAFETY COMMITTEE

Ron D'Epifanio, Chair; Craig Keller, Vice Chair; Tim Abbott, Member

1. Ordinance to amend Chapter 505, entitled Animals and Fowl, of Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio.

- Legislation - Third Reading
- Motion - Adoption

E. PUBLIC WORKS COMMITTEE

Chad Oberson, Chair; Ron D'Epifanio, Vice Chair; Bill Woeste, Member

F. PUBLIC UTILITIES COMMITTEE

Debbie Pennington, Chair; Chad Oberson, Vice Chair; Leslie Besl, Member

G. FINANCE & BUDGET COMMITTEE

Tim Abbott, Chair; Leslie Besl, Vice Chair; Chad Oberson, Member

11. NEW BUSINESS

A. COMMUNITY & PUBLIC RELATIONS COMMITTEE

Leslie Besl, Chair; Debbie Pennington, Vice Chair; Craig Keller, Member

1. Simple Motion: Motion to approve the December 2019 Meeting Schedule for City Council Meetings.

B. PUBLIC UTILITIES COMMITTEE

Debbie Pennington, Chair; Chad Oberson, Vice Chair; Leslie Besl, Member

1. Resolution permitting a Hamilton property owner to receive City of Fairfield, Ohio sanitary sewer service.
 - Motion - Read by Title Only (Optional)
 - Legislation - First Reading
 - Motion - Suspend Second and Third Readings
 - Motion - Adoption

C. FINANCE & BUDGET COMMITTEE

Tim Abbott, Chair; Leslie Besl, Vice Chair; Chad Oberson, Member

1. Ordinance to Amend Ordinance no. 127-18 Entitled "An Ordinance to make estimated appropriations for the expenses and other expenditures of the City of Fairfield, Ohio, during a period beginning January 1, 2019 and ending December 31, 2019." - Supplemental Appropriations - Transfers of Monies
 - Motion - Read by Title Only (Optional)
 - Legislation - First Reading
 - Motion - Suspend Second and Third Readings
 - Motion - Adoption
2. Ordinance to amend Ordinance No. 127-18 entitled "An Ordinance to make estimated appropriations for the expenses and other expenditures of the City of Fairfield, Ohio, during a period beginning January 1, 2019, and ending December 31, 2019."
Non-Contractual Appropriations: \$12,400 for crack sealing (parking lots); \$14,751 for Village Green Holiday Light Decorations; \$10,500 for commercial water meters; \$9,401 for telemetry upgrades at Rt. 4 and Muskopf Water Pumping Stations; \$3,128 for additional dog park signage.
 - Motion - Read by Title Only (Optional)
 - Legislation - First Reading
 - Motion - Suspend Second and Third Readings
 - Motion - Adoption

12. MEETING SCHEDULE

- A. Monday, October 28 - Council-Manager Briefing, 6:00 PM; Regular Meeting 7:00 PM
- B. Monday, November 11 - Council-Manager Briefing, 5:30 PM; Regular Meeting 7:00 PM
- C. Monday, November 25 - Council-Manager Briefing, 6:00 PM; Regular Meeting 7:00 PM

13. EXECUTIVE SESSION OF COUNCIL (IF NEEDED)

14. ADJOURNMENT

**City of Fairfield
Minutes
Regular Meeting of City Council
September 23, 2019**

Council-Manager Briefing

A. 6:00 PM - Wildlife Management/ODNR & Branding Campaign

Mayor Miller called the briefing to order at 6:00 PM. Councilmembers present: Leslie Besl, Craig Keller, Debbie Pennington, Tim Abbott, Chad Oberson and Bill Woeste.

Staff members present: Mark Wendling, Dan Wendt, Alisha Wilson, Steve Wolterman, Steve Maynard, Scott Timmer, Jenny Dexter, Adam Sackenheim, Greg Kathman, Dave Butsch, Carol Mayhall, Don Bennett and Heidi Schiller.

Council heard a presentation regarding coyotes from Brett Beatty, Wildlife Management Supervisor with Ohio Department of Natural Resources. See attached slides.

Communications Manager Jenny Dexter gave a brief update on the branding campaign progress and next steps.

Business Meeting Call to Order

Mayor Miller called the Regular Meeting of Council to order at 7:00 PM.

Prayer/Pledge of Allegiance

Councilmember Besl led in prayer and Pledge of Allegiance.

Roll Call

Councilmembers present included:

Attendee Name	Title	Status	Arrived
Ron D'Epifanio	Council Member at Large	Present	
Chad Oberson	Council Member at Large	Present	
Bill Woeste	Council Member at Large	Present	
Leslie Besl	Council Member, 1st Ward	Present	
Craig W. Keller	Council Member, 2nd Ward	Present	
Debbie Pennington	Council Member, 3rd Ward	Present	
Tim Abbott	Council Member, 4th Ward	Present	
Steve Miller	Mayor	Present	

Agenda Modifications

None.

Executive Session Requests

Councilmember Abbott, seconded by Councilmember Pennington, moved for executive session to discuss pending and imminent court action. Motion carried 7-0.

Minutes Acceptance: Minutes of Sep 23, 2019 7:00 PM (Approval of Minutes)

Special Presentations and Citizen Comments

James Miller, 147 Martha Lane

Mr. Miller addressed Council and stated that he was attacked by pit bulls in July 2017 and feels that getting rid of the ban is contrary to one of the goals of Fairfield Forward being walkability in the city. He would like the ban to remain in place.

Jeff Black, 2007 Spyglass Hill Court

Mr. Black addressed the insurance requirement of the animal control ordinance and stated that no insurance company will insure large dogs (Mr. Wolterman clarified that he called several insurance companies and only found one that would not insure large dogs). Mr. Black would like the insurance requirement reconsidered.

Angela Black, 2007 Spyglass Hill Court

Mrs. Black stated that building a dog park to be dog friendly is contradictory to the amendment of the animal control ordinance and the requirement to carry insurance on your dog. She has carried the same insurance for over 30 years and does not want to be forced to change insurance companies for this new requirement.

Craig Schlasinger, 323 Palm Springs

Mr. Schlasinger stated that breeds designated as dangerous change over time, that it used to be the doberman and rottweiler that were designated as dangerous. He stated that he feels the leash laws that we have in place are what cover issues with loose dogs and dog bites.

Natalie Hillis, 5246 Sherry Road

Mrs. Hillis stated that she suffered a dog attack as a child from a different breed than a pit bull. She would like the insurance requirement reconsidered, that it does a disservice to renters in the City. She stated that she feels fear is a factor and that uneducated people fear pit bulls and want the ban to remain.

Ashley Hillis, 5246 Sherry Road

Mr. Hillis stated that only law abiding citizens that keep their dogs controlled will be impacted by the insurance requirement. He also feels that pit bulls are only mean when they are raised that way, that he has only ever been bitten by a chihuahua.

Public Hearing(s)

None.

Approval of Minutes

The Regular Meeting Minutes of September 9, 2019 were approved as written and submitted.

OLD BUSINESS AND REPORTS

Community & Public Relations Committee

Leslie Besl, Chair; Debbie Pennington, Vice Chair; Craig Keller, Member

Development Services Committee

Bill Woeste, Chair; Tim Abbott, Vice Chair; Ron D'Epifanio, Member

Minutes Acceptance: Minutes of Sep 23, 2019 7:00 PM (Approval of Minutes)

Resolution approving the Ward Boundary Review Commission Report and recommendation to make no changes to the boundaries of the four wards and amend the City Charter to require a decennial review.

Recommendation:

A resolution approving the Ward Boundary Review Commission's report that recommends no changes be made to the political ward boundaries and that the City Charter be amended to require a decennial review.

It is recommended that City Council approve this report at the August 12, 2019 meeting.

RESOLUTION NO. 8-19. APPROVED 7-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bill Woeste, Council Member at Large
SECONDER:	Tim Abbott, Council Member, 4th Ward
AYES:	D'Epifanio, Oberson, Woeste, Besl, Keller, Pennington, Abbott

Parks, Recreation and Environment Committee

Craig Keller, Chair; Bill Woeste, Vice Chair; Debbie Pennington, Member

Public Safety Committee

Ron D'Epifanio, Chair; Craig Keller, Vice Chair; Tim Abbott, Member

Motion to amend

Motion to amend the exhibit to include the entire text of the chapter.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Ron D'Epifanio, Council Member at Large
SECONDER:	Bill Woeste, Council Member at Large
AYES:	D'Epifanio, Oberson, Woeste, Besl, Keller, Pennington, Abbott

Ordinance to amend Chapter 505, entitled Animals and Fowl, of Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio.

Recommendation:

Due to recent court decisions and the need to provide for more effective enforcement animal control it has become necessary to update the City's animal control statutes. It is recommended that City Council have a first reading on this item at the September 9, 2019 meeting.

Councilmember D'Epifanio presented the second reading of this ordinance.

RESULT:	SECOND READING	Next: 10/15/2019 7:00 PM
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Public Works Committee

Chad Oberson, Chair; Ron D'Epifanio, Vice Chair; Bill Woeste, Member

Public Utilities Committee

Debbie Pennington, Chair; Chad Oberson, Vice Chair; Leslie Besl, Member

Finance & Budget Committee

Tim Abbott, Chair; Leslie Besl, Vice Chair; Chad Oberson, Member

NEW BUSINESS

Community & Public Relations Committee

Leslie Besl, Chair; Debbie Pennington, Vice Chair; Craig Keller, Member

Simple Motion: Motion to re-appoint Dave Butsch and Don Hassler to the Butler County Transportation Improvement District effective October 13, 2019 and expiring October 12, 2021.

Recommendation:

It is recommended that City Council, via simple motion, appoint Don Hassler and Public Works Director David Butsch, to the Butler County Transportation Improvement District for terms of office commencing October 13, 2019 and expiring on October 12, 2021.

SIMPLE MOTION NO. 17-19. APPROVED 7-0.

Mayor Miller thanked Don Hassler for his 25 years of service on this board.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Leslie Besl, Council Member, 1st Ward
SECONDER:	Craig W. Keller, Council Member, 2nd Ward
AYES:	D'Epifanio, Oberson, Woeste, Besl, Keller, Pennington, Abbott

Public Safety Committee

Ron D'Epifanio, Chair; Craig Keller, Vice Chair; Tim Abbott, Member

Simple Motion: Motion to not request a hearing regarding a liquor permit application in the name of Carniceria El Camino LLC dba Carniceria El Camino, Unit 1, 1st Floor, 5951 Boymel Drive, Fairfield, OH 45014 (Permit Class C1 & C2).

Recommendation:

It is recommended that City Council request, by simple motion, that **no hearing be held** on the liquor permit application in the name of Carniceria El Camino LLC dba Carniceria El Camino, Unit 1, 1st Floor, 5951 Boymel Drive, Fairfield, OH 45014 (Permit Class C1 & C2).

SIMPLE MOTION NO. 18-19. APPROVED 7-0.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ron D'Epifanio, Council Member at Large
SECONDER:	Bill Woeste, Council Member at Large
AYES:	D'Epifanio, Oberson, Woeste, Besl, Keller, Pennington, Abbott

Motion to Read by Title Only

Motion to read the following ordinance by title only.

RESULT: CARRIED [UNANIMOUS]
MOVER: Ron D'Epifanio, Council Member at Large
SECONDER: Bill Woeste, Council Member at Large
AYES: D'Epifanio, Oberson, Woeste, Besl, Keller, Pennington, Abbott

Motion to Suspend Second and Third Readings

Councilmember D'Epifanio presented the first reading of this ordinance.

RESULT: CARRIED [UNANIMOUS]
MOVER: Ron D'Epifanio, Council Member at Large
SECONDER: Tim Abbott, Council Member, 4th Ward
AYES: D'Epifanio, Oberson, Woeste, Besl, Keller, Pennington, Abbott

Ordinance to authorize the City Manager to enter into a contract with Medicount Management, Inc. to provide EMS Billing Services to the City of Fairfield and declaring an emergency.

ORDINANCE NO. 96-19. APPROVED 7-0.

RESULT: APPROVED [UNANIMOUS]
MOVER: Ron D'Epifanio, Council Member at Large
SECONDER: Chad Oberson, Council Member at Large
AYES: D'Epifanio, Oberson, Woeste, Besl, Keller, Pennington, Abbott

Finance & Budget Committee

Tim Abbott, Chair; Leslie Besl, Vice Chair; Chad Oberson, Member

Motion to Read by Title Only

Motion to read the following three ordinances by title only.

RESULT: CARRIED [UNANIMOUS]
MOVER: Tim Abbott, Council Member, 4th Ward
SECONDER: Debbie Pennington, Council Member, 3rd Ward
AYES: D'Epifanio, Oberson, Woeste, Besl, Keller, Pennington, Abbott

Ordinance providing for the issuance of \$80,882.70 of bonds by the City of Fairfield, Ohio, to pay part of the cost of sidewalk repair in the City, and declaring an emergency.

Recommendation:

It is necessary for Council to authorize the issuance of Sidewalk Special Assessment bonds for 2019 in the amount of \$80,882.70.

It is recommended that City Council authorize and direct preparation of legislation to authorize the issuance of bonds for the repair of sidewalks against lots that benefited from the improvements. The legislation will require the emergency clause as unpaid assessments were certified to the County Auditor.

ORDINANCE NO. 97-19. APPROVED 7-0.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Tim Abbott, Council Member, 4th Ward
SECONDER: Craig W. Keller, Council Member, 2nd Ward
AYES: D'Epifanio, Oberson, Woeste, Besl, Keller, Pennington, Abbott

Motion to Suspend Second and Third Readings

Councilmember Abbott presented the first reading of this ordinance.

RESULT: CARRIED [UNANIMOUS]
MOVER: Tim Abbott, Council Member, 4th Ward
SECONDER: Debbie Pennington, Council Member, 3rd Ward
AYES: D'Epifanio, Oberson, Woeste, Besl, Keller, Pennington, Abbott

Ordinance to establish salaries and hourly rates for certain salaried and hourly employees of the City of Fairfield, Ohio and to authorize and limit the numbers and types of certain employees, to repeal Ordinance 73-19 and all Amendments thereto and declaring and emergency.

Recommendation:

It is recommended that City Council approve the Ordinance increase in wages for the position of Police Officer in Fraternal Order of Police (FOP) collective bargaining agreement.

ORDINANCE NO. 98-19. APPROVED 7-0.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Tim Abbott, Council Member, 4th Ward
SECONDER: Debbie Pennington, Council Member, 3rd Ward
AYES: D'Epifanio, Oberson, Woeste, Besl, Keller, Pennington, Abbott

Motion to Suspend Second and Third Readings

Councilmember Abbott presented the first reading of this ordinance.

RESULT: CARRIED [UNANIMOUS]
MOVER: Tim Abbott, Council Member, 4th Ward
SECONDER: Bill Woeste, Council Member at Large
AYES: D'Epifanio, Oberson, Woeste, Besl, Keller, Pennington, Abbott

Ordinance to amend Ordinance No. 127-18 entitled "An Ordinance to make estimated appropriations for the expenses and other expenditures of the City of Fairfield, Ohio, during a period beginning January 1, 2019, and ending December 31, 2019."

Recommendation:

It is recommended that City Council suspend the rules requiring a second and third reading of this Ordinance and adopt the appropriations listed above.

ORDINANCE NO. 99-19. APPROVED 7-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Tim Abbott, Council Member, 4th Ward
SECONDER:	Debbie Pennington, Council Member, 3rd Ward
AYES:	D'Epifanio, Oberson, Woeste, Besl, Keller, Pennington, Abbott

Motion to Suspend Second and Third Readings

Councilmember Abbott presented the first reading of this ordinance.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Tim Abbott, Council Member, 4th Ward
SECONDER:	Bill Woeste, Council Member at Large
AYES:	D'Epifanio, Oberson, Woeste, Besl, Keller, Pennington, Abbott

Meeting Schedule

Clerk Wilson read the following meeting schedule:

- A. Tuesday, October 15 - Council-Manager Briefing, 6:00 PM; Regular Meeting 7:00 PM
- B. Monday, October 28 - Council-Manager Briefing, 6:00 PM; Regular Meeting 7:00 PM
- C. Monday, November 11 - Council-Manager Briefing, 6:00 PM; Regular Meeting 7:00 PM

Executive Session of Council (if needed)

Council adjourned to Executive Session at 7:35 PM.

14. ADJOURNMENT

The Regular Meeting adjourned at 7:50 PM.

ATTEST:

Clerk of Council

Mayor's Approval

Date Approved_____

Minutes Acceptance: Minutes of Sep 23, 2019 7:00 PM (Approval of Minutes)



City Council Ordinance
Regular Meeting - October 15, 2019

Submitted by: Mark Wendling, City Manager
 Submitting Department: City Manager's Office

Subject:

Amendment of the City's Animal Control Ordinance

Legislation Title:

Ordinance to amend Chapter 505, entitled Animals and Fowl, of Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio.

Recommendation:

Due to recent court decisions and the need to provide for more effective enforcement animal control it has become necessary to update the City's animal control statutes. It is recommended that City Council have a first reading on this item at the September 9, 2019 meeting.

Background/Synopsis:

Financial Impact:

Emergency Provision Explanation:

Rule Suspension Requested:

No

Emergency Provision Needed:

No

Attachments:

1. Chapter 505-Ord
2. 2019-09-09 Chapter 505

ORDINANCE NO. _____

ORDINANCE TO AMEND CHAPTER 505, ENTITLED ANIMALS AND FOWL, OF
ORDINANCE NO. 166-84, THE CODIFIED ORDINANCES OF FAIRFIELD, OHIO.

BE IT ORDAINED by the Council of the City of Fairfield, Ohio, that:

Section 1. Chapter 505, entitled Animals and Fowl, of Ordinance No. 166-84, The Codified Ordinances of Fairfield, Ohio is hereby amended to read as follows:

See attached Exhibit "A" which is incorporated herein by reference.

Section 2. This Ordinance shall take effect at the earliest period allowed by law.

Passed	_____	_____
		Mayor's Approval
Posted	_____	
First Reading	_____	Rules Suspended _____
Second Reading	_____	
Third Reading	_____	

ATTEST:

Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

Clerk of Council

Active Clients\City of Fairfield\Ordinances\2019\Chapter 505-Ord

Attachment: Chapter 505-Ord (1344 : Amendment of the City's Animal Control Ordinance)

CHAPTER 505 Animals and Fowl

- 505.01 Dogs **AND OTHER ANIMALS** running at large and other animal prohibitions.
- 505.02 Impounding and disposition; records.
- 505.03 Dog collar and license.
- 505.04 Abandoning animals.
- 505.05 Killing or injuring animals.
- 505.06 Poisoning animals.
- 505.07 Cruelty to animals generally.
- 505.071 Cruelty to companion animals.
- 505.08 Nuisance conditions prohibited.
- 505.09 Disturbing noises prohibited.
- 505.10 Animal bites; reports and quarantine.
- 505.11 Hunting prohibited.
- 505.12 Coloring rabbits or baby poultry; sale or display of poultry.
- 505.13 Harming birds.
- 505.14 Dangerous animals.
- 505.15 Report of escape of exotic or dangerous animal.
- ~~505.16 Vicious Dogs~~
- 505.16 DEFINITIONS**
- 505.161 NUISANCE, DANGEROUS AND VICIOUS DOG CLASSIFICATION AND HEARING.**
- 505.162 CONTROL OF NUISANCE, DANGEROUS AND VICIOUS DOGS.**
- 505.163 DANGEROUS AND VICIOUS DOG OWNERSHIP RESTRICTIONS.**
- 505.164 EXEMPTIONS.**
- 505.165 STRICT LIABILITY.**
- ~~505.17 Pit bull dogs.~~
- 505.18 Public display or processing of animals.
- 505.19 ANIMAL CONTROL OFFICER**
- 505.20 INSURANCE COVERAGE FOR DOG LIABILITY**
- 505.99 Penalty.

CROSS REFERENCES

See sectional histories for similar State law
 Owner or keeper liable for damages - see Ohio R.C. 951.10
 Dog registration - see Ohio R.C. 955.01
 Discharging firearms prohibited - see GEN. OFF. 549.10

505.01 DOGS AND OTHER ANIMALS RUNNING AT LARGE AND OTHER ANIMAL PROHIBITIONS.

(a) No person shall own, keep or harbor live cattle, sheep, geese, ducks, turkeys, chickens, pigs, goats or other farm-type animals within the municipal limits of the City of Fairfield, Ohio. This subsection shall not apply to the following:

- (1) Animals which are located on premises which are three acres or more in size under the same contiguous ownership and are located on such premises with the consent of the property owners.
- (2) Animals which are located on the premises of a public or non-public school which is chartered by the State of Ohio Department of Education and such animals are used in the instruction of students.

- (3) Animals which are caged and/or confined during actual transport by vehicle in the City.

~~(b) The owner or keeper of every dog shall at all times keep the dog either confined on the premises of the owner or firmly secured by means of a collar and chain or other device so that it cannot stray beyond the premises of the owner or keeper. At all other times, the dog shall be properly kept on a leash and under the full and complete care of the owner or keeper.~~

~~(c) No owner, keeper or harbinger of any female dog shall permit the female dog to go beyond the premises of the owner or keeper at any time the dog is in heat, unless the female dog is properly on leash.~~

~~(d) The running at large of any such animal in or upon any of the places mentioned in this section is prima facie evidence that it is running at large in violation of this section. (ORC 951.02)~~

~~(e) Whoever violates this section is guilty of a minor misdemeanor for the first offense and a misdemeanor of the fourth degree for each subsequent offense. In addition to any other sentence that it imposes upon the offender for a second or subsequent offense under this section, the court may order a dog either destroyed or permanently removed from the City when, in the court's judgment, such dog represents a continuing threat of serious harm to human beings or other domestic animals. The fact that a dog has chased or approached in a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person while that dog was off the premises of its owner, keeper or harbinger shall not control the court's discretion but shall be considered in favor of the destruction or permanent removal of the dog from the City. Any person found guilty of violating this section shall pay all expenses, including shelter, food, boarding and veterinary expenses necessitated by the seizure of the dog, and such other expenses as may be required for the destruction or permanent removal from the City of any such dog.~~
~~(Ord. 76-06. Passed 5-22-06.)~~

(B) NO OWNER, KEEPER OR HARBORER OF ANY ANIMALS OR FOWL OF ANY KIND IN THE CITY SHALL ALLOW OR PERMIT SUCH ANIMALS OR FOWL TO RUN AT LARGE WITHIN THE CITY OR UPON THE PREMISES OF ANOTHER.

(C) NO OWNER, KEEPER OR HARBORER OF ANY DOG OR CAT, WHETHER WEARING A REGISTRATION TAG OR NOT, SHALL PERMIT SUCH DOG OR CAT TO RUN AT LARGE WITHIN THE CITY. UNAUTHORIZED ENTRY BY SUCH DOG OR CAT, UPON THE PREMISES OF ANOTHER OR UPON ANY PUBLIC STREET OR GROUND SHALL CONSTITUTE "RUNNING AT LARGE" WITHIN THE MEANING OF THIS SECTION.

(D) NO OWNER, KEEPER OR HARBORER OF ANY DOG SHALL PERMIT SUCH DOG TO GO OR REMAIN UPON ANY PUBLIC STREET OR GROUND WITHIN THE CITY EXCEPT WHEN ACCOMPANIED BY A RESPONSIBLE PERSON, AND UPON A NON-RETRACTABLE LEASH OF NOT MORE THAN SIX FEET IN LENGTH SO AS TO PREVENT SUCH DOG FROM ENTERING PRIVATE PROPERTY AND FROM CHASING OR ATTACKING ANY PERSON, ANIMAL OR VEHICLE; OR SHALL FAIL TO KEEP THE DOG UNDER THE REASONABLE CONTROL OF SOME PERSON. ANY DOG NOT PROPERLY RESTRAINED ON A LEASH WILL BE CONSIDERED "AT LARGE" AND IN VIOLATION OF THIS SECTION.

(E) THE OWNER, KEEPER OR HARBORER OF A DOG OR OTHER ANIMAL OR FOWL WHO PERMITS IT TO RUN AT LARGE IN VIOLATION OF THIS SECTION SHALL, IN ADDITION TO THE PENALTY PROVIDED IN SUBSECTION (I) HEREOF, BE LIABLE FOR ALL DAMAGES CAUSED BY SUCH DOG OR OTHER ANIMAL OR FOWL UPON THE PREMISES OF ANOTHER.

(F) EVERY OWNER, KEEPER OR HARBORER OF A FEMALE DOG SHALL, DURING ALL TIMES WHEN SUCH FEMALE DOG IS IN HEAT, EITHER CONFINE SUCH DOG INDOORS OR TREAT HER IN SUCH MANNER AS NOT TO ATTRACT OTHER DOGS.

(G) ANY LAND WHICH IS ENCLOSED WITH INVISIBLE FENCING OR AN INVISIBLE CONTAINMENT SYSTEM IN WHICH A COLLAR PROVIDES AN ELECTRIC SHOCK WHICH PREVENTS AN ANIMAL FROM LEAVING THE PROPERTY OF ITS OWNER MUST HAVE ITS BOUNDARY NO LESS THAN SIX FEET FROM PUBLIC PROPERTY.

(H) THIS SECTION SHALL NOT APPLY TO PERSONS OPERATING UNDER THE GUIDELINES OF A PROGRAM APPROVED BY THE CITY MANAGER FOR PROVIDING FOR THE TRAPPING, SPAYING, OR NEUTERING, AND RELEASING OF CATS AND DOGS WITH THE PURPOSE OF REDUCING THE UNWANTED STRAY-ANIMAL POPULATION IN THE CITY.

- (I) (1) WHOEVER VIOLATES ANY PROVISION OF THIS SECTION IS GUILTY OF A MISDEMEANOR OF THE FOURTH DEGREE FOR A FIRST OFFENSE.
- (2) WHOEVER VIOLATES ANY PROVISION OF THIS SECTION IN A SECOND OR SUBSEQUENT OFFENSE SHALL BE GUILTY OF A MISDEMEANOR OF THE THIRD DEGREE.
- (3) IN ADDITION TO ANY PENALTY PROVIDED UNDER LAW FOR A VIOLATION OF THIS SECTION, THE COURT SHALL ORDER THE OFFENDER TO NEUTER OR SPAY THE DOG WITHIN 14 CALENDAR DAYS OF THE DATE OF CONVICTION UNLESS A LICENSED VETERINARIAN PROVIDES EVIDENCE TO THE COURT'S SATISFACTION THAT NEUTERING OR SPAYING OF THE DOG IS MEDICALLY CONTRAINDICATED.
- (4) 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 MAY ORDER THE OFFENDER TO COMPLETE DOG OBEDIENCE TRAINING WITHIN A SPECIFIED PERIOD OF TIME AND PROVIDE WRITTEN PROOF THEREOF TO THE COURT.

505.02 IMPOUNDING AND DISPOSITION; RECORDS.

~~(a) The Dog Warden is authorized and ordered to sign a complaint against the owner or keeper of any dog running at large within the community, and the fact that the Dog Warden has captured the dog off the premises of the owner shall be prima-facie evidence that the dog was permitted to run at large.~~

~~(b) Any dog, licensed or otherwise, found running at large, contrary to this chapter, shall be impounded and taken to the dog shelter operated by the Humane Association of Miami Valley. The dog so impounded shall be kept for a period of seventy two hours, after which it shall be disposed of. (Ord. 26-66. Passed 4-25-66.)~~

~~(c) The owner or keeper of any dog impounded under subsection (b) hereof may reclaim his dog at the dog shelter of the Humane Association of Miami Valley upon payment to the Association of the sum charged to such owner or keeper by the Humane Association. (Ord. 113-80. Passed 8-4-80.)~~

~~(d) A record of all dogs impounded, the disposition of the same, the owner's name and address, if known, and a statement of any costs of receipts involving such dog shall be kept.~~

A POLICE OFFICER OR THE ANIMAL CONTROL OFFICER SHALL IMPOUND EVERY DOG OR CAT FOUND IN VIOLATION OF SECTION 505.01 OR SHALL IMPOUND SUCH ANIMALS OTHERWISE IN ACCORDANCE WITH THIS SECTION.

(A) IF THE IMPOUNDED DOG IS NOT WEARING A VALID REGISTRATION TAG, THE DOG SHALL FORTHWITH BE TURNED OVER TO AN OFFICER CHARGED BY LAW WITH THE CUSTODY AND DISPOSAL OF SUCH DOGS. IF THE DOG IS WEARING A VALID REGISTRATION TAG OR THE IDENTITY OF THE OWNER OR HARBORER IS OTHERWISE ESTABLISHED, NOTICE SHALL BE GIVEN PRIOR TO OR ON THE

NEXT WORKING DAY TO SUCH OWNER OR HARBORER THAT THE DOG HAS BEEN IMPOUNDED. NOTICE MAY BE BY TELEPHONE, CERTIFIED MAIL OR BY RESIDENCE SERVICE TO THE LAST KNOWN ADDRESS OF SUCH OWNER OR HARBORER. THE DOG SHALL NOT BE RELEASED EXCEPT UPON THE PAYMENT TO THE ANIMAL CONTROL OFFICER OR POUNDKEEPER OF ALL COSTS ASSESSED FOR THE CARE OF THE ANIMAL AND UPON PROVIDING THE ANIMAL WITH A VALID REGISTRATION TAG IF IT HAS NONE. ANY DOG NOT REDEEMED WITHIN THE TIME PERIODS SPECIFIED IN ORC 955.12 MAY BE SOLD OR OTHERWISE DISPOSED OF AS PROVIDED IN OHIO R.C. 955.16.

(B) IF THE IMPOUNDED CAT IS WEARING AN IDENTIFICATION TAG OR THE IDENTITY OF THE OWNER OR HARBORER IS OTHERWISE ESTABLISHED, NOTICE SHALL BE GIVEN ON THE NEXT REGULAR BUSINESS DAY TO SUCH OWNER OR HARBORER THAT THE CAT HAS BEEN IMPOUNDED. NOTICE MAY BE BY TELEPHONE OR BY RESIDENCE SERVICE TO THE LAST KNOWN ADDRESS OF SUCH OWNER OR HARBORER. THE CAT SHALL NOT BE RELEASED EXCEPT UPON THE PAYMENT TO THE ANIMAL CONTROL OFFICER OR POUNDKEEPER OF ALL COSTS ASSESSED FOR THE CARE OF THE ANIMAL. ANY CAT NOT REDEEMED BY THE NEXT REGULAR BUSINESS DAY AFTER NOTICE IS GIVEN TO THE OWNER OR HARBORER AS PROVIDED HEREIN, OR THE NEXT REGULAR BUSINESS DAY FOLLOWING THE DATE SUCH CAT IS SEIZED OR IMPOUNDED, IF THE OWNER OR HARBORER CANNOT BE FOUND, MAY BE SOLD OR OTHERWISE DISPOSED OF IN A HUMANE MANNER AS SHALL BE DETERMINED BY THE ANIMAL CONTROL OFFICER OR THE POUNDKEEPER.

(C) IN THE EVENT AN ANIMAL IS REMOVED FROM A RESIDENCE BY THE CITY BECAUSE ITS OWNER IS INCARCERATED, EVICTED, DECEASED, NOT FOUND OR OTHERWISE UNABLE TO CARE FOR THE ANIMAL ON A DAILY BASIS, THE ANIMAL MAY BE IMPOUNDED BY AN OFFICER CHARGED BY LAW WITH THE CUSTODY AND DISPOSAL OF SUCH ANIMALS FOR A PERIOD OF AT LEAST 72 HOURS, IN WHICH PERIOD THE OWNER MAY CLAIM THE ANIMAL. THE ANIMAL SHALL NOT BE RELEASED EXCEPT UPON THE PAYMENT TO THE ANIMAL CONTROL OFFICER OR POUNDKEEPER OF ALL COSTS ASSESSED FOR THE CARE OF THE ANIMAL AND UPON PROVIDING THE ANIMAL WITH A VALID REGISTRATION TAG IF IT HAS NONE. THE CITY SHALL LEAVE NOTICE AT THE RESIDENCE OF THE IMPOUNDING OF THE ANIMAL AND MAY MAKE OTHER REASONABLE ATTEMPTS TO PROVIDE SUCH NOTICE. IF THE OWNER OR OWNER'S DESIGNEE FAILS TO CLAIM THE ANIMAL WITHIN THE 72-HOUR PERIOD, THE ANIMAL WILL BE CONSIDERED ABANDONED AND THE CITY MAY SELL OR OTHERWISE DISPOSE OF THE ANIMAL IN A HUMANE MANNER AS DETERMINED BY AN THE ANIMAL CONTROL OFFICER, THE POUNDKEEPER OR ANY OTHER OFFICER CHARGED BY LAW WITH THE CUSTODY AND DISPOSAL OF SUCH ANIMAL.

(D) A RECORD OF ALL DOGS AND CATS IMPOUNDED, THE DISPOSITION OF THE SAME, THE OWNER'S NAME AND ADDRESS, IF KNOWN, AND A STATEMENT OF ANY COSTS OR RECEIPTS INVOLVING SUCH DOG OR CAT SHALL BE KEPT.

505.03 DOG COLLAR AND LICENSE.

(a) The owner of any dog within the City shall maintain and keep a collar or harness on his dog and the collar or harness shall contain the name and address of the owner and any required dog license. Any dog found to be running at large within the City without a name tag or a required dog license shall be considered a stray and shall be impounded by the ~~Dog Warden~~ **ANIMAL CONTROL OFFICER**. The ~~Dog Warden~~ **ANIMAL CONTROL OFFICER** is hereby authorized to humanely dispose of a stray animal after seventy-two hours have elapsed from the time the dog has been captured or taken custody by the ~~Dog Warden~~ **ANIMAL CONTROL OFFICER**.

(b) Whoever violates this section is guilty of a ~~minor misdemeanor~~. **MISDEMEANOR OF THE FOURTH DEGREE.**

(Ord. 113-80. Passed 8-4-80.)

505.04 ABANDONING ANIMALS.

(a) No owner or keeper of a dog, cat or other domestic animal shall abandon such animal. (ORC 959.01)

(b) Whoever violates this section is guilty of a ~~(minor)~~ misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense. (Ord. 31-04. Passed 2-23-04.)

505.05 KILLING OR INJURING ANIMALS.

(a) No person shall maliciously, or willfully, and without the consent of the owner, kill or injure a farm animal, dog, cat or other domestic animal that is the property of another. This section does not apply to a licensed veterinarian acting in an official capacity. (ORC 959.02)

(b) Whoever violates this section, if the value of the animal killed or the injury done amounts to less than three hundred dollars (\$300.00), is guilty of a misdemeanor of the second degree; if the value of the animal killed or the injury done amounts to three hundred dollars (\$300.00) or more such person is guilty of a misdemeanor of the first degree. (Ord. 24-83. Passed 3-1-83.)

505.06 POISONING ANIMALS.

(a) No person shall maliciously, or willfully and without the consent of the owner, administer poison, except a licensed veterinarian acting in such capacity, to a farm animal, dog, cat, poultry or other domestic animal that is the property of another; and no person shall, willfully and without the consent of the owner, place any poisoned food where it may be easily found and eaten by any of such animals, either upon his own lands or the lands of another. (ORC 959.03)

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree. (ORC 959.99(C))

505.07 CRUELTY TO ANIMALS GENERALLY.

(a) No person shall:

- (1) Torture an animal, deprive one of necessary sustenance, unnecessarily or cruelly beat, needlessly mutilate or kill, or impound or confine an animal without supplying it during such confinement with a sufficient quantity of good wholesome food and water;
- (2) Impound or confine an animal without affording it, during such confinement, access to shelter from wind, rain, snow or excessive direct sunlight if it can reasonably be expected that the animal would otherwise become sick or in some other way suffer. This subsection (a)(2) does not apply to animals impounded or confined prior to slaughter. For the purpose of this section, "shelter" means a man-made enclosure, windbreak, sunshade or natural windbreak or sunshade that is developed from the earth's contour, tree development or vegetation;
- (3) Carry or convey an animal in a cruel or inhuman manner;
- (4) Keep animals other than cattle, poultry or fowl, swine, sheep or goats in an enclosure without wholesome exercise and change of air, nor feed cows on food that produces impure or unwholesome milk;
- (5) Detain livestock in railroad cars or compartments longer than twenty-eight hours after they are so placed without supplying them with necessary food, water and attention, nor permit such livestock to be so crowded as to overlie, crush, wound or kill each other.

(b) Upon the written request of the owner or person in custody of any particular shipment of livestock, which written request shall be separate and apart from any printed bill of lading or other railroad form, the length of time in which such livestock may be detained in any cars or compartments

without food, water and attention, may be extended to thirty-six hours without penalty therefor. This section does not prevent the dehorning of cattle. (ORC 959.13)

(c) Whoever violates this section is guilty of a misdemeanor of the second degree. In addition, the court may order the offender to forfeit the animal or livestock and may provide for its disposition including, but not limited to, the sale of the animal or livestock. If an animal or livestock is forfeited and sold pursuant to this subsection, the proceeds from the sale first shall be applied to pay the expenses incurred with regard to the care of the animal from the time it was taken from the custody of the former owner. The balance of the proceeds from the sale, if any, shall be paid to the former owner of the animal.

(Ord. 121-90. Passed 7-23-90.)

505.071 CRUELTY TO COMPANION ANIMALS.

(a) As used in this section:

- (1) "Companion animal" means any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept, including a pet store as defined in Ohio R.C. 956.01. "Companion animal" does not include livestock or any wild animal.
- (2) "Cruelty", "torment" and "torture" have the same meanings as in Ohio R.C. 1717.01.
- (3) "Residential dwelling" means a structure or shelter or the portion of a structure or shelter that is used by one or more humans for the purpose of a habitation.
- (4) "Practice of veterinary medicine" has the same meaning as in Ohio R.C. 4741.01.
- (5) "Wild animal" has the same meaning as in Ohio R.C. 1531.01.
- (6) "Federal animal welfare act" means the "Laboratory Animal Act of 1966", Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 U.S.C.A. 2131 et seq., as amended by the "Animal Welfare Act of 1970", Pub. L. No. 91-579, 84 Stat. 1560 (1970), the "Animal Welfare Act Amendments of 1976", Pub. L. No. 94-279, 90 Stat. 417 (1976), and the "Food Security Act of 1985", Pub. L. No. 99-198, 99 Stat. 1354 (1985), and as it may be subsequently amended.
- (7) "Dog kennel" means an animal rescue for dogs that is registered under Ohio R.C. 956.06, a boarding kennel or a training kennel.

(b) No person shall knowingly torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against a companion animal.

(c) No person who confines or who is the custodian or caretaker of a companion animal shall negligently do any of the following:

- (1) Torture, torment or commit an act of cruelty against the companion animal;
- (2) Deprive the companion animal of necessary sustenance, or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation or confinement;
- (3) Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the lack of adequate shelter.

(d) No owner, manager or employee of a dog kennel who confines or is the custodian or caretaker of a companion animal shall negligently do any of the following:

- (1) Torture, torment, or commit an act of cruelty against the companion animal;
 - (2) Deprive the companion animal of necessary sustenance, or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation or confinement;
 - (3) Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the lack of adequate shelter.
- (e) Subsections (b), (c) and (d) of this section do not apply to any of the following:
- (1) A companion animal used in scientific research conducted by an institution in accordance with the federal animal welfare act and related regulations;
 - (2) The lawful practice of veterinary medicine by a person who has been issued a license, temporary permit, or registration certificate to do so under Ohio R.C. Chapter 4741;
 - (3) Dogs being used or intended for use for hunting or field trial purposes, provided that the dogs are being treated in accordance with usual and commonly accepted practices for the care of hunting dogs;
 - (4) The use of common training devices, if the companion animal is being treated in accordance with usual and commonly accepted practices for the training of animals;
 - (5) The administering of medicine to a companion animal that was properly prescribed by a person who has been issued a license, temporary permit, or registration certificate under Ohio R.C. Chapter 4741. (ORC 959.131)
- (f)
- (1) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree on a first offense. On each subsequent offense such person is guilty of a felony and shall be prosecuted under appropriate State law.
 - (2) Whoever violates subsection (c) hereof is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.
 - (3) Whoever violates subsection (d) hereof is guilty of a misdemeanor of the first degree.
 - (4)
 - A. A court may order a person who is convicted of or pleads guilty to a violation of this section to forfeit to an impounding agency, as defined in Ohio R.C. 959.132, any or all of the companion animals in that person's ownership or care. The court also may prohibit or place limitations on the person's ability to own or care for any companion animals for a specified or indefinite period of time.
 - B. A court may order a person who is convicted of or pleads guilty to a violation of this section to reimburse an impounding agency for the reasonably necessary costs incurred by the agency for the care of a companion animal that the agency impounded as a result of the investigation or prosecution of the violation, provided that the costs were not otherwise paid under Ohio R.C. 959.132.
 - (5) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of this section suffers from a mental or emotional disorder that

contributed to the violation, the court may impose as a community control sanction or as a condition of probation a requirement that the offender undergo psychological evaluation or counseling. The court shall order the offender to pay the costs of the evaluation or counseling. (ORC 959.99; Ord. 101-16. Passed 12-5-16.)

505.08 NUISANCE CONDITIONS PROHIBITED.

(a) No person shall keep or harbor any animal or fowl in the Municipality so as to create noxious, or offensive odors or unsanitary conditions which are a menace to the health, comfort or safety of the public.

(b) Whoever violates this section is guilty of a minor misdemeanor.

505.09 DISTURBING NOISES PROHIBITED.

(a) No person shall keep or harbor any dog within the Municipality which, by frequent and habitual barking, howling or yelping, creates unreasonably loud and disturbing noises of such a character, intensity and duration as to disturb the peace, quiet and good order of the Municipality. Any person who shall allow any dog habitually to remain, be lodged or fed within any dwelling, building, yard or enclosure, which he occupies or owns, shall be considered as harboring such dog.

(b) No person shall own, harbor, or keep any animal or fowl, which, by loud, frequent, or habitual barking, howling, screeching, or bawling, shall cause annoyance or disturbances to the peace, quiet and good order of the City.

(c) This section shall not apply to the use of land for agricultural purposes, provided any animal or fowl maintained for this purpose shall be at least three hundred feet away from any property within the City not used and occupied for agricultural purposes. (Ord. 42-69. Passed 8-25-69.)

(d) Whoever violates this section is guilty of a minor misdemeanor.

505.10 ANIMAL BITES; REPORTS AND QUARANTINE.

(a) Whenever any person is bitten by a dog or other animal, report of such bite shall be made to the Health Commissioner within twenty-four hours. The dog or other animal inflicting a bite shall immediately be examined by a qualified veterinarian and results of such examination shall be reported to the Health Commissioner within twenty-four hours. At the direction of the Health Commissioner, the dog or other animal shall either be confined by its owner or harborer to his premises away from the public at large, or be placed under supervision of a veterinarian at the owner's or harborer's expense. The isolation or observation period shall not be less than ten days from the date the person was bitten at which time report of the condition of the animal shall be made to the Health Commissioner.

No person shall fail to comply with the requirements of this section or with any order of the Health Commissioner made pursuant thereto, nor fail to immediately report to the Health Commissioner any symptom or behavior suggestive of rabies.

(b) Whoever violates this section is guilty of a ~~minor misdemeanor~~ **MISDEMEANOR OF THE FOURTH DEGREE.**

505.11 HUNTING.

(a) Definitions. For purposes of this section, the following words and phrases shall have the following meanings ascribed to them respectively.

- (1) "Hunting" means pursuing, shooting, killing or capturing wild birds or wild quadrupeds, and all other acts such as placing, setting, drawing or employing any device commonly used to kill or capture wild birds or wild quadrupeds, whether they result in killing or capturing or not. It includes every attempt to kill or capture

and every act of assistance to any other person in killing or capturing or attempting to capture wild birds or wild quadrupeds.

- (2) "Person" means an individual, company, partnership, corporation, association or any combination of individuals, or any employee, agent or officer thereof. (Ord. 21-58. Passed 5-12-58.)

(b) Hunting Forbidden. No hunting shall be permitted within the corporate limits of the City, except anyone engaged in farming may destroy any wild animal that is doing damage to property or crops thereon or animals raised on the confines of the farm if such hunting takes place more than one thousand feet from any building or three hundred feet from any highway, road or lane. **NOTWITHSTANDING THE FOREGOING, THE CHIEF OF POLICE WITH THE CONSENT OF THE CITY MANAGER MAY DIRECT PERSONNEL EMPLOYED BY OR ASSOCIATED WITH A FEDERAL AGENCY, STATE AGENCY OR LOCAL LAW ENFORCEMENT AGENCY TO CULL DEER ON CITY OWNED PROPERTY PROVIDED SUCH CULLING HAS BEEN APPROVED BY THE OHIO DEPARTMENT OF NATURAL RESOURCES, DIVISION OF WILDLIFE IF SUCH APPROVAL IS REQUIRED.**

(c) Dogs. No person shall run dogs on the land of another unless written permission has first been obtained from the property owner. All dogs must be accompanied by a handler. Accompanied means that the handler is within reasonable distance so that dogs can be commanded to return by a call from the handler. (Ord. 71-75. Passed 12-8-75.)

(d) Enforcement. Law enforcement officials of the City, police or conservation police shall have full authority to enforce this section. (Ord. 21-58. Passed 5-12-58.)

(e) This section shall not apply to killing or capturing nuisance or injured animals by law enforcement officials, including persons acting at the direction of law enforcement officials, in furtherance of their duty and in their official capacity.

(f) Penalty. Whoever violates any provision of this section is guilty of a misdemeanor of the fourth degree. (Ord. 42-04. Passed 3-8-04.)

505.12 COLORING RABBITS OR BABY POULTRY; SALE OR DISPLAY OF POULTRY.

(a) No person shall dye or otherwise color any rabbit or baby poultry, including, but not limited to, chicks and ducklings. No person shall sell, offer for sale, expose for sale, raffle or give away any rabbit or baby poultry which has been dyed or otherwise colored. No poultry younger than four weeks of age may be sold, given away or otherwise distributed to any person in lots of less than six. Stores, shops, vendors and others offering young poultry for sale or other distribution shall provide and operate brooders or other heating devices that may be necessary to maintain poultry in good health, and shall keep adequate food and water available to the poultry at all times. (ORC 925.62)

(b) Whoever violates this section is guilty of a minor misdemeanor.

505.13 HARMING BIRDS.

(a) No person shall kill, wound or attempt to kill or wound, by the use of firearms, bows and arrows, stones, or otherwise, any bird, except an english sparrow, nor shoot an arrow, nor throw a stone, club or other missile at any bird within any private grounds, public park or square.

(b) No person shall enter on any private enclosure or public grounds for the purpose of doing any act prohibited in this section. (Ord. 31-59. Passed 8-30-59.)

(c) Whoever violates this section is guilty of a minor misdemeanor.

505.14 DANGEROUS ANIMALS.

(a) No person shall permit any dangerous animal **OTHER THAN A DOG** to run at large, nor lead any animal **OTHER THAN A DOG** with a chain or rope or other appliance, whether the animal is muzzled or unmuzzled, in any street or public place. (Ord. 31-59. Passed 8-30-59.)

(b) Whoever violates this section is guilty of a ~~minor misdemeanor~~ **MISDEMEANOR OF THE FOURTH DEGREE**.

505.15 REPORT OF ESCAPE OF EXOTIC OR DANGEROUS ANIMAL.

(a) The owner or keeper of any member of a species of the animal kingdom that escapes from his custody or control and that is not indigenous to this State or presents a risk of serious physical harm to persons or property, or both, shall, within one hour after he discovers or reasonably should have discovered the escape, report it to:

- (1) A law enforcement officer of the Municipality and the sheriff of the county where the escape occurred; and
- (2) The Clerk of the Municipal Legislative Authority.

(b) If the office of the Clerk of the Legislative Authority is closed to the public at the time a report is required by subsection (a) hereof, then it is sufficient compliance with subsection (a) hereof if the owner or keeper makes the report within one hour after the office is next open to the public.

(c) Whoever violates this section is guilty of a misdemeanor of the first degree. (Ord. 38-88. Passed 2-22-88.)

~~505.16 VICIOUS DOG.~~

~~(a) "Vicious dog" means a dog that, without provocation, meets any of the following:~~

- ~~(1) Has killed or caused serious injury to any person;~~
- ~~(2) Has caused injury, other than killing or serious injury, to any person, or has killed another dog or domestic animal;~~
- ~~(3) Belongs to a breed that is commonly known as a pit bull dog or pit bull terrier which includes any Staffordshire bull terrier or American Staffordshire terrier breed of dog or which is identifiable as partially of such breed.~~

~~(b) "Vicious dog" does not include dogs identified in Ohio R.C. 955.11(A)(4)(b).~~

~~(c) No owner, keeper or harbinger of a vicious dog shall do either of the following:~~

- ~~(1) Suffer or permit the vicious dog to go unconfined on the premises of such owner, keeper or harbinger;~~
- ~~(2) Suffer or permit the vicious dog to go beyond the premises of such owner, keeper, or harbinger unless such dog is securely leashed or otherwise securely restrained by a person who is of suitable age and discretion.~~

~~(d) A vicious dog is "unconfined" as used in this section if the dog is not securely confined indoors or confined in a securely enclosed and locked pen or dog run area upon the premises of the owner, keeper or harbinger. Such pen or dog run area must also have either sides six feet high or a secure top.~~

~~(e) No owner, keeper or harbinger of a vicious dog shall fail to obtain 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 fifty thousand dollars because of damage or bodily injury to or death of a person caused by the vicious dog.~~

~~(f) Whoever violates this section shall be guilty of a misdemeanor of the third degree on the first offense and a misdemeanor of the first degree for each subsequent offense under this section. In addition to any other sentence that it imposes upon the offender under this section, the court may order a dog either destroyed or permanently removed from the City when, in the court's judgment, such dog represents a continuing threat of serious harm to human beings or other domestic animals. The fact that~~

~~a dog has chased or approached in a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person while that dog was off the premises of its owner, keeper or harborer shall not control the court's discretion but shall be considered in favor of the destruction or permanent removal of the dog from the City. Any person found guilty of violating this section shall pay all expenses, including shelter, food, boarding and veterinary expenses necessitated by the seizure of the dog, and such other expenses as may be required for the destruction or permanent removal from the City of any such dog. (Ord. 104 96. Passed 7-22-96.)~~

505.16 DEFINITIONS.

(A) "DANGEROUS DOG" MEANS A DOG THAT, WITHOUT PROVOCATION, HAS DONE ANY OF THE FOLLOWING:

- (1) CAUSED INJURY, OTHER THAN KILLING OR SERIOUS INJURY, TO ANY PERSON;**
- (2) KILLED ANOTHER DOG;**
- (3) BEEN THE SUBJECT OF A THIRD OR SUBSEQUENT VIOLATION OF SECTION 505.01 OF THE CODE.**

"DANGEROUS DOG" DOES NOT INCLUDE A POLICE DOG THAT HAS CAUSED INJURY, OTHER THAN KILLING OR SERIOUS INJURY, TO ANY PERSON OR HAS KILLED ANOTHER DOG WHILE THE POLICE DOG IS BEING USED TO ASSIST ONE OR MORE LAW ENFORCEMENT OFFICERS IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES.

(B) "MENACING FASHION" MEANS THAT A DOG WOULD CAUSE ANY PERSON BEING CHASED OR APPROACHED TO REASONABLY BELIEVE THAT THE DOG WILL CAUSE PHYSICAL INJURY TO THAT PERSON.

(C) "NUISANCE DOG" MEANS A DOG THAT WITHOUT PROVOCATION AND WHILE OFF THE PREMISES OF ITS OWNER, KEEPER, OR HARBORER, INCLUDING WITHIN COMMON AREAS OF MULTIPLE-UNIT PROPERTIES, HAS CHASED OR APPROACHED A PERSON IN EITHER A MENACING FASHION OR AN APPARENT ATTITUDE OF ATTACK OR HAS ATTEMPTED TO BITE OR OTHERWISE ENDANGER ANY PERSON. "NUISANCE DOG" DOES NOT INCLUDE A POLICE DOG THAT WHILE BEING USED TO ASSIST ONE OR MORE LAW ENFORCEMENT OFFICERS IN THE PERFORMANCE OF OFFICIAL DUTIES HAS CHASED OR APPROACHED A PERSON IN EITHER A MENACING FASHION OR AN APPARENT ATTITUDE OF ATTACK OR HAS ATTEMPTED TO BITE OR OTHERWISE ENDANGER ANY PERSON.

(D) "POLICE DOG" MEANS A DOG THAT HAS BEEN TRAINED, AND MAY BE USED, TO ASSIST ONE OR MORE LAW ENFORCEMENT OFFICERS IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES.

(E) "SERIOUS INJURY" MEANS ANY OF THE FOLLOWING:

- (1) ANY PHYSICAL HARM THAT CARRIES A SUBSTANTIAL RISK OF DEATH;**
- (2) ANY PHYSICAL HARM THAT INVOLVES A PERMANENT INCAPACITY, WHETHER PARTIAL OR TOTAL, OR A TEMPORARY, SUBSTANTIAL INCAPACITY;**
- (3) ANY PHYSICAL HARM THAT INVOLVES A PERMANENT DISFIGUREMENT OR A TEMPORARY, SERIOUS DISFIGUREMENT;**
- (4) ANY PHYSICAL HARM THAT INVOLVES ACUTE PAIN OF A DURATION THAT RESULTS IN SUBSTANTIAL SUFFERING OR ANY DEGREE OF PROLONGED OR INTRACTABLE PAIN.**

(F) "VICIOUS DOG" MEANS A DOG THAT, WITHOUT PROVOCATION, HAS KILLED OR CAUSED SERIOUS INJURY TO ANY PERSON. "VICIOUS DOG" DOES NOT INCLUDE EITHER OF THE FOLLOWING:

- (1) A POLICE DOG THAT HAS KILLED OR CAUSED SERIOUS INJURY TO ANY PERSON WHILE THE POLICE DOG IS BEING USED TO ASSIST ONE OR MORE LAW ENFORCEMENT OFFICERS IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES;**

- (2) A DOG THAT HAS KILLED OR CAUSED SERIOUS INJURY TO ANY PERSON WHILE A PERSON WAS COMMITTING OR ATTEMPTING TO COMMIT A TRESPASS OR OTHER CRIMINAL OFFENSE ON THE PROPERTY OF THE OWNER, KEEPER, OR HARBORER OF THE DOG.

(G) "WITHOUT PROVOCATION" MEANS 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.

505.161 NUISANCE, DANGEROUS AND VICIOUS DOG CLASSIFICATION AND HEARING.

(A) IF AN ANIMAL CONTROL OFFICER OR PEACE OFFICER HAS REASONABLE CAUSE TO BELIEVE THAT A DOG IN THE PERSON'S JURISDICTION IS A NUISANCE DOG, DANGEROUS DOG, OR VICIOUS DOG, THE PERSON SHALL NOTIFY THE OWNER, KEEPER, OR HARBORER OF THAT DOG, BY CERTIFIED MAIL OR IN PERSON, OF BOTH OF THE FOLLOWING:

- (1) THAT THE PERSON HAS DESIGNATED THE DOG A NUISANCE DOG, DANGEROUS DOG, OR VICIOUS DOG, AS APPLICABLE;
- (2) THAT THE OWNER, KEEPER, OR HARBORER OF THE DOG MAY REQUEST A HEARING REGARDING THE DESIGNATION IN ACCORDANCE WITH THIS SECTION. THE NOTICE SHALL INCLUDE INSTRUCTIONS FOR FILING A REQUEST FOR A HEARING IN THE COUNTY IN WHICH THE DOG'S OWNER, KEEPER, OR HARBORER RESIDES.

(B) IF THE OWNER, KEEPER, OR HARBORER OF THE DOG DISAGREES WITH THE DESIGNATION OF THE DOG AS A NUISANCE DOG, DANGEROUS DOG, OR VICIOUS DOG, AS APPLICABLE, THE OWNER, KEEPER, OR HARBORER, NOT LATER THAN TEN DAYS AFTER RECEIVING NOTIFICATION OF THE DESIGNATION, MAY REQUEST A HEARING REGARDING THE DETERMINATION. THE REQUEST FOR A HEARING SHALL BE IN WRITING AND SHALL BE FILED WITH THE MUNICIPAL COURT THAT HAS TERRITORIAL JURISDICTION OVER THE RESIDENCE OF THE DOG'S OWNER, KEEPER, OR HARBORER. AT THE HEARING, THE PERSON WHO DESIGNATED THE DOG AS A NUISANCE DOG, DANGEROUS DOG, OR VICIOUS DOG HAS THE BURDEN OF PROVING, BY CLEAR AND CONVINCING EVIDENCE, THAT THE DOG IS A NUISANCE DOG, DANGEROUS DOG, OR VICIOUS DOG.

THE OWNER, KEEPER, OR HARBORER OF THE DOG OR THE PERSON WHO DESIGNATED THE DOG AS A NUISANCE DOG, DANGEROUS DOG, OR VICIOUS DOG MAY APPEAL THE COURT'S FINAL DETERMINATION AS IN ANY OTHER CASE FILED IN THAT COURT.

(C) A COURT, UPON MOTION OF AN OWNER, KEEPER, OR HARBORER OR AN ATTORNEY REPRESENTING THE OWNER, KEEPER, OR HARBORER, MAY ORDER THAT THE DOG DESIGNATED AS A NUISANCE DOG, DANGEROUS DOG, OR VICIOUS DOG BE HELD IN THE POSSESSION OF THE OWNER, KEEPER, OR HARBORER UNTIL THE COURT MAKES A FINAL DETERMINATION UNDER THIS SECTION OR DURING THE PENDENCY OF AN APPEAL, AS APPLICABLE. UNTIL THE COURT MAKES A FINAL DETERMINATION AND DURING THE PENDENCY OF ANY APPEAL, THE DOG SHALL BE CONFINED OR RESTRAINED IN ACCORDANCE WITH THE PROVISIONS OF DIVISION (D) OF SECTION 955.22 OF THE REVISED CODE THAT APPLY TO DANGEROUS DOGS REGARDLESS OF WHETHER THE DOG HAS BEEN DESIGNATED AS A VICIOUS DOG OR A NUISANCE DOG RATHER THAN A DANGEROUS DOG. THE OWNER, KEEPER, OR HARBORER OF THE DOG SHALL NOT BE REQUIRED TO COMPLY WITH ANY OTHER REQUIREMENTS ESTABLISHED IN THE REVISED CODE THAT CONCERN A NUISANCE DOG, DANGEROUS DOG, OR VICIOUS DOG, AS APPLICABLE, UNTIL THE COURT MAKES A FINAL DETERMINATION AND DURING THE PENDENCY OF ANY APPEAL.

(D) IF A DOG IS FINALLY DETERMINED UNDER THIS SECTION, OR ON APPEAL AS DESCRIBED IN THIS SECTION, TO BE A VICIOUS DOG, DIVISION (D) OF SECTION 955.11 AND DIVISIONS (D) TO (I) OF SECTION 955.22 OF THE REVISED CODE APPLY WITH RESPECT TO THE DOG AND THE OWNER, KEEPER, OR HARBORER OF THE DOG AS IF THE DOG WERE A DANGEROUS DOG, AND SECTION 955.54 OF THE REVISED CODE APPLIES WITH RESPECT TO THE DOG AS IF IT WERE A DANGEROUS DOG, AND THE COURT SHALL ISSUE AN ORDER THAT SPECIFIES THAT THOSE PROVISIONS APPLY WITH RESPECT TO THE DOG AND THE OWNER, KEEPER, OR HARBORER IN THAT MANNER. AS PART OF THE ORDER, THE COURT SHALL REQUIRE THE OWNER, KEEPER, OR HARBORER TO OBTAIN THE LIABILITY INSURANCE REQUIRED UNDER DIVISION (E)(1) OF SECTION 955.22 OF THE REVISED CODE IN AN AMOUNT DESCRIBED IN DIVISION (H)(2) OF SECTION 955.99 OF THE REVISED CODE.

505.162 CONTROL OF NUISANCE, DANGEROUS AND VICIOUS DOGS.

(A) NO OWNER, KEEPER, OR HARBORER OF A NUISANCE DOG SHALL FAIL TO DO THE FOLLOWING:

- (1) WHILE THE DOG IS ON THE PREMISES OF THE OWNER, KEEPER, OR HARBORER, SO AS TO PREVENT IT FROM CAUSING INJURY TO ANY PERSON OR DOMESTIC ANIMAL:
 - A. SECURELY CONFINE THE DOG INDOORS;
 - B. 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;
 - C. SECURELY CONFINE THE DOG IN A LOCKED FENCED YARD, WHICH FENCE IS AT LEAST SIX FEET TALL, AND KEEP THE DOG UNDER DIRECT SUPERVISION BY A PERSON WHO IS OF SUFFICIENT SIZE AND STRENGTH TO CONTROL THE DOG; OR
 - D. KEEP THE DOG RESTRAINED BY A NON-RETRACTABLE TETHER OR A LEASH NO LONGER THAN SIX 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 HARBORER, INCLUDING WITHIN COMMON AREAS OF MULTIPLE-UNIT PROPERTIES, SO AS TO PREVENT IT FROM CAUSING INJURY TO ANY PERSON OR DOMESTIC ANIMAL:
 - A. KEEP THE DOG RESTRAINED BY A NON-RETRACTABLE TETHER OR A LEASH NO LONGER THAN SIX 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
 - B. 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 15 FEET AWAY SO AS TO PROVIDE REASONABLE WARNING TO THAT PERSON ABOUT THE DOG'S CLASSIFICATION.

- (3) WITHIN TEN 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.
- (4) NOTIFY THE POLICE DEPARTMENT IMMEDIATELY IF THE DOG IS LOOSE OR UNCONFINED OR HAS AGGRESSIVELY BITTEN A HUMAN OR A DOMESTIC ANIMAL.
- (5) NOTIFY THE POLICE DEPARTMENT IN WRITING WITHIN FIVE 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.
- (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 DESIGNATED AS A NUISANCE DOG PRIOR TO SUCH CONTACT.
- (7) NEUTER OR SPAY THE DOG WITHIN 14 CALENDAR DAYS OF THE FINAL DETERMINATION OF THE DOG AS A 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 DEPARTMENT UPON DEMAND.

(B) NO OWNER, KEEPER, OR HARBORER OF A DANGEROUS OR VICIOUS DOG SHALL FAIL TO DO THE FOLLOWING:

- (1) WHILE THE DOG IS ON THE PREMISES OF THE OWNER, KEEPER, OR HARBORER, SO AS TO PREVENT IT FROM CAUSING INJURY TO ANY PERSON OR DOMESTIC ANIMAL, SECURELY CONFINED IT AT ALL TIMES:
 - A. IN A LOCKED PEN THAT HAS A SECURED TOP, UNDER THE DIRECT SUPERVISION OF A PERSON WHO IS AT LEAST 18 YEARS OF AGE AND OF SUFFICIENT SIZE AND STRENGTH TO CONTROL THE DOG;
 - B. IN A LOCKED, FENCED YARD, WHICH FENCE IS LOCATED IN THE REAR YARD WITH SELF-CLOSING AND SELF-LATCHING GATES ON ANY OPENINGS OF THE FENCED YARD, AT LEAST SIX FEET TALL, AND RESTRAINED BY A LEASH OR TETHER NO LONGER THAN TEN FEET IN LENGTH CONTROLLED BY A PERSON WHO IS AT LEAST 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
 - C. IN ANY OTHER LOCKED ENCLOSURE THAT HAS A SECURED TOP, INCLUDING A HOUSE. IF THE DOG IS CONFINED IN ANY OTHER LOCKED ENCLOSURE THAT HAS A TOP OUTDOORS, KEEP THE DOG UNDER THE DIRECT SUPERVISION OF A PERSON WHO IS AT LEAST 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, INCLUDING WITHIN COMMON AREAS OF MULTIPLE-UNIT PROPERTIES, SO AS TO PREVENT IT FROM CAUSING INJURY TO ANY PERSON OR DOMESTIC ANIMAL:

- A. 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 LEASH OR TETHER NO LONGER THAN SIX FEET IN LENGTH CONTROLLED BY A PERSON WHO IS AT LEAST 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;
- B. KEEP THE DOG IN A LOCKED FENCED YARD, WHICH FENCE IS LOCATED IN THE REAR YARD WITH SELF-CLOSING AND SELF-LATCHING GATES ON ANY OPENINGS OF THE FENCED YARD, AT LEAST SIX FEET TALL, AND RESTRAINED BY A LEASH OR TETHER NO LONGER THAN TEN FEET IN LENGTH AND HAVE THE LEASH OR TETHER CONTROLLED BY A PERSON WHO IS AT LEAST 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;
- C. KEEP THE DOG IN A LOCKED PEN THAT HAS A SECURE TOP, UNDER THE DIRECT SUPERVISION OF A PERSON WHO IS AT LEAST 18 YEARS OF AGE AND OF SUFFICIENT SIZE AND STRENGTH TO CONTROL THE DOG; OR
- D. KEEP THE DOG IN ANOTHER LOCKED ENCLOSURE THAT HAS A SECURE TOP, INCLUDING A HOUSE. IF THE DOG IS CONFINED IN ANOTHER LOCKED ENCLOSURE THAT HAS A TOP OUTDOORS, KEEP THE DOG UNDER THE DIRECT SUPERVISION OF A PERSON WHO IS AT LEAST 18 YEARS OF AGE AND OF SUFFICIENT SIZE AND STRENGTH TO CONTROL THE DOG.

(C) NO OWNER, KEEPER, OR HARBORER 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 HARBORER, INCLUDING WITHIN COMMON AREAS OF MULTIPLE-UNIT PROPERTIES, THE IDENTIFYING GARMENT SHALL BE VISIBLE AND IDENTIFIABLE TO AN ORDINARY PERSON FROM AT LEAST 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.

(D) NO OWNER, KEEPER, OR HARBORER 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) 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 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 CHIEF OF POLICE 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 FISCAL OFFICER PURSUANT TO SECTION 955.22(I) OF THE REVISED CODE WITHIN 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 POLICE DEPARTMENT IMMEDIATELY IF ANY OF THE FOLLOWING OCCURS:
 - A. THE DOG IS LOOSE OR UNCONFINED.
 - B. 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.
 - C. THE DOG ATTACKS ANOTHER ANIMAL WHILE THE DOG IS OFF THE PROPERTY OF THE OWNER OF THE DOG.
 - D. THE DOG IS SOLD, GIVEN TO ANOTHER PERSON, OR DIES, WITHIN TEN CALENDAR DAYS OF THE SALE, TRANSFER, OR DEATH, AND ALSO NOTIFY THE COUNTY FISCAL OFFICER.
 - (4) WITHIN TEN CALENDAR DAYS OF THE NOTICE OF CLASSIFICATION, PROVIDE THE POLICE DEPARTMENT WITH AN IDENTIFYING COLOR PHOTOGRAPH OF THE DOG.
 - (5) 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.
 - (6) SUCCESSFULLY COMPLETE A DOG OBEDIENCE OR BEHAVIOR MODIFICATION COURSE THAT INCLUDES A MINIMUM OF SIX HOURS OF IN-PERSON PROFESSIONAL TRAINING OR BEHAVIOR MODIFICATION WITHIN 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.
 - (7) CONSENT TO AN INSPECTION OF THE PROPERTY WHERE THE DOG IS KEPT, OTHER THAN WITHIN ANY PRIVATE STRUCTURE UNLESS OTHERWISE AUTHORIZED BY LAW, BY THE POLICE CHIEF FOR THE PURPOSE OF DETERMINING COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION.
- (E) 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 SECTION 955.22(F) 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 SUBSECTION 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 SECTION 955.22(F) OF THE REVISED CODE AND THAT ATTESTS THAT THE DOG IS NOT A DANGEROUS OR VICIOUS DOG.

(F) 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 KILLS A 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 IMPOSING ADDITIONAL KEEPING REQUIREMENTS ON THE DOG WHILE IT IS KEPT OR

HARBORED WITHIN THE CITY, REQUIRING THE OWNER, KEEPER, OR HARBORER OF THE DOG TO TEMPORARILY OR PERMANENTLY REMOVE THE DOG FROM BEING KEPT OR HARBORED IN THE CITY, OR REQUIRING 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 A 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 A FELONY TO BE PROSECUTED UNDER APPROPRIATE STATE LAW 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 SECTION 955.99 OF THE REVISED CODE.

505.163 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 REVISED CODE SHALL APPLY INSIDE THE CITY, WITH THE EXCEPTION OF DIVISION (A)(2) OF THAT SECTION, WHICH SHALL BE CONSTRUED TO INCLUDE VICIOUS DOGS IN ADDITION TO DANGEROUS DOGS. NO PERSON SHALL FAIL TO ABIDE BY THE PROVISIONS OF SECTION 955.54 OF THE REVISED CODE AS MODIFIED BY THIS SECTION OF THE CODE.
- (C)
 - (1) WHOEVER VIOLATES SUBSECTION (A) OF THIS SECTION IS GUILTY OF A SECOND-DEGREE MISDEMEANOR.
 - (2) WHOEVER VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY OF A FIRST-DEGREE MISDEMEANOR.

505.164 EXEMPTIONS.

THE FOLLOWING SHALL BE EXEMPTED FROM THE PROVISIONS OF THIS CHAPTER:

(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. (ORD. 1-18. PASSED 4-2-2018.)

505.165 STRICT LIABILITY.

STRICT LIABILITY IS IMPOSED FOR THE VIOLATION OF ANY PROVISION OF SECTIONS 505.01, 505.16 OR 505.162.

505.17 PIT BULL DOGS.

~~(a) No person shall own, keep or harbor a pit bull dog as hereinafter defined within the Municipal limits of the City of Fairfield, Ohio.~~

~~(b) "Pit bull dog" as used in this section means a dog that belongs to a breed that is commonly known as a pit bull dog or pit bull terrier which includes any Staffordshire bull terrier, American Staffordshire terrier or American pit bull breed of dog or which has the appearance and characteristics of being predominantly of any such breed or which is identifiable as partially of such a breed.~~

~~(c) Whoever violates this section shall be guilty of a misdemeanor of the third degree on the first offense and a misdemeanor of the first degree for each subsequent offense under this section. In addition to any other sentence that it imposes on the offender, the court shall order the pit bull dog either destroyed or permanently removed from the City. Any person found guilty of violating this section shall pay all expenses, including shelter, food, boarding and veterinary expenses necessitated by the seizure of the dog, and such other expense as may be required for the destruction or permanent removal from the City of any such pit bull dog. (Ord. 63-06. Passed 4-24-06.)~~

505.18 PUBLIC DISPLAY OR PROCESSING OF ANIMALS.

(a) As used in this section:

- (1) "Animal" means, but is not limited to, dogs, cats, cattle, deer, rabbits, squirrels, skunks, groundhogs, opossum, raccoons, beavers, muskrats, foxes, coyotes and bears, whether dead or alive.
- (2) "Enclosure" means a shed, building or other structure in which the activity sought to be regulated by this section cannot be seen by ordinarily observant persons outside the enclosure while such activity is being carried out.

(b) No person shall dismember, display, eviscerate, hang, skin or slaughter any animal or part of an animal except in an enclosure that will prevent such activity from being viewed by persons outside the enclosure.

(c) Whoever violates this section is guilty of improper display or processing of an animal, a minor misdemeanor, unless the violator has previously been convicted of improper display or processing

of an animal or continues on a separate day to violate this section after being previously cited for a violation of this section on a separate day; in which case improper display or processing of an animal is a misdemeanor of the fourth degree.

(Ord. 21-00. Passed 2-28-00.)

505.19 ANIMAL CONTROL OFFICER.

(A) THE ANIMAL CONTROL OFFICER SHALL HOLD THE POSITION AS ESTABLISHED BY ORDINANCE.

(B) IN ADDITION TO SUCH DUTIES AS MAY BE ASSIGNED TO THE ANIMAL CONTROL OFFICER, IT SHALL BE THE DUTY OF THE ANIMAL CONTROL OFFICER, TO ASSIST IN THE ENFORCEMENT OF THE PROVISIONS OF THE CODIFIED ORDINANCES OF THE CITY AND LAWS OF THE STATE, RELATIVE TO THE LICENSING, IMPOUNDING, BOARDING AND DISPOSITION OF ANIMALS, LIVESTOCK OR POULTRY WITHIN THE CORPORATE LIMITS; HOWEVER, NO POLICE OR OTHER OFFICER OF THIS CITY, CHARGED WITH THE RESPONSIBILITY OF ENFORCING THE ORDINANCES OF THIS CITY AND THE LAWS OF THIS STATE, SHALL BE RELIEVED OF SUCH RESPONSIBILITY.

(C) THE ANIMAL CONTROL OFFICER SHALL BE PROVIDED WITH A BADGE DESIGNATING HIS OFFICE, AND SUCH OTHER UNIFORM, VEHICLES AND EQUIPMENT NECESSARY TO CARRY OUT HIS DUTIES; HOWEVER, ANY VEHICLES USED FOR PICKING UP AND IMPOUNDING ANIMALS, LIVESTOCK OR POULTRY SHALL BE CLEARLY MARKED ON BOTH SIDES WITH THE FOLLOWING: "ANIMAL CONTROL".

505.20 INSURANCE COVERAGE FOR DOG LIABILITY.

(A) NO OWNER, KEEPER OR HARBORER OF A DOG IN THE CITY SHALL FAIL TO DO ALL THE FOLLOWING:

- (1) MAINTAIN PUBLIC LIABILITY INSURANCE, WITH AN INSURER AUTHORIZED TO WRITE LIABILITY INSURANCE IN THIS STATE, SUBJECT TO A LIMIT, EXCLUSIVE OF INTEREST AND COSTS, IN A SINGLE INCIDENT AMOUNT OF NO LESS THAN \$10,000.00 FOR BODILY INJURY TO OR DEATH OF ANY PERSON OR PERSONS FOR DAMAGE TO PROPERTY OWNED BY ANY PERSON OR PERSONS WHICH MAY RESULT FROM THE OWNERSHIP, KEEPING OR MAINTAINING OF SUCH ANIMAL; AN EFFECTIVE INSURANCE POLICY WITH THE COVERAGE AND IN THE AMOUNTS SPECIFIED HEREIN MUST BE MAINTAINED BY THE OWNER, KEEPER OR HARBORER AT ALL TIMES; AND
- (2) FURNISH EVIDENCE OF THE POLICY OF INSURANCE REQUIRED UNDER THIS SECTION TO THE CITY LAW ENFORCEMENT OFFICIAL UPON DEMAND.

(B) WHOEVER VIOLATES THIS SECTION 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 THIRD DEGREE ON THE THIRD OR ANY SUBSEQUENT OFFENSE.

505.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)



City Council Action Item
Regular Meeting - October 15, 2019

Submitted by: Alisha Wilson, Clerk
 Submitting Department: Clerk

Subject:

December 2019 Schedule

Legislation Title:

Simple Motion: Motion to approve the December 2019 Meeting Schedule for City Council Meetings.

Recommendation:

It is recommended that Council, via simple motion, approve the December 2019 meeting schedule. City Council will meet on the first and second Mondays of December, December 2nd and December 9th, 2019, for regular meetings. There will also be an oath of office on December 30, 2019 for the 2020 terms.

Background/Synopsis: Each year, Council meets on the first and second Monday of December for a holiday schedule. For 2019, the December schedule regular meeting dates and times will be:

Monday, December 2, 2019 at 7:00 PM

Monday, December 9, 2019 at 7:00 PM

There will also be an oath of office this year held on Monday, December 30, 2019 at 6:00 PM for upcoming 2020 terms.

Council-Manager Briefings will be scheduled for 6:00 PM on these meeting dates if the need arises.

Financial Impact: None.

Rule Suspension Requested:

Emergency Provision Needed:



City Council Resolution Regular Meeting - October 15, 2019

Submitted by: Adam Sackenheim,
Submitting Department: Public Utilities

Subject:

Authorization to provide sewer service to 85 Distribution Drive, Hamilton, OH 45014

Legislation Title:

Resolution permitting a Hamilton property owner to receive City of Fairfield, Ohio sanitary sewer service.

Recommendation:

It is recommended that City Council pass a resolution to authorize the City of Fairfield's Public Utilities Department to provide sanitary sewer service to the property at 85 Distribution Drive, Hamilton, Ohio 45014, for the use of that property only. Rules suspension is requested to expedite property development and building construction.

Background/Synopsis:

The owner of 85 Distribution Drive, Hamilton, Ohio 45014, wishes to construct a new commercial building on this property. As the City of Fairfield has readily available and accessible sanitary sewer service in this area (on Port Union Road), and because the City of Hamilton does not have readily accessible sewer service in this location, the property owner desires to secure utility service for the new building from Fairfield. Parcel overview information is included on the attached file for Council review.

This resolution grants permission to the City of Fairfield's Public Utilities Department to provide sewer service to the aforementioned property in accordance with the Utility Service Agreement between Fairfield and Hamilton, signed September 1, 1992.

The Utility Service Agreement between Fairfield and Hamilton, signed September 1, 1992, outlines the terms and conditions whereby the utility departments of both cities will provide their respective utility services to property owners within the corporate limits of the other city. In accordance with that Agreement, Fairfield's Public Utilities Department has reviewed the site and building plans for 85 Distribution Drive, Hamilton, Ohio 45014, and is agreeable to providing sewer service to this property - pending consent by City Council of Hamilton; final plan approval by the Fairfield STR work group and the Hamilton Utilities Engineering group; and payment of all applicable fees and charges.

Financial Impact:

The City of Fairfield Sewer Division will secure revenue from this parcel via connection fees and

user charges.

Emergency Provision Explanation: N/A

Rule Suspension Requested:

Yes

Emergency Provision Needed:

No

Attachments:

1. 85 Distribution Drive parcel overview
2. Distribution Drive-City of Fairfield-Sanitary Sewer-Res



RESOLUTION NO. _____

RESOLUTION PERMITTING A HAMILTON PROPERTY OWNER TO RECEIVE
CITY OF FAIRFIELD, OHIO SANITARY SEWER SERVICE.

WHEREAS, the City of Hamilton does not provide sanitary sewer service to the property at
85 Distribution Drive, Hamilton, Ohio.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fairfield, Ohio, that:

Section 1. Permission is hereby granted to the owners of the property known as 85
Distribution Drive, Hamilton, Ohio, to receive City of Fairfield, Ohio sanitary sewer
service for the use of that property only, subject to the payment of all applicable
fees and charges.

Section 2. This Ordinance shall take effect at the earliest period allowed by law.

Passed	_____	_____
		Mayor's Approval
Posted	_____	
First Reading	_____	Rules Suspended _____
Second Reading	_____	
Third Reading	_____	

ATTEST:

Clerk of Council

This is to certify that this Resolution has been duly published by posting and summary
publication as provided by Charter.

Clerk of Council

Active Clients\City of Fairfield\Ordinances\2019\Distribution Drive-City of Fairfield-Sanitary Sewer-Res

Attachment: Distribution Drive-City of Fairfield-Sanitary Sewer-Res (1363 : Authorization to provide sewer service to 85 Distribution Drive,



City Council Ordinance
Regular Meeting - October 15, 2019

Submitted by: Scott Timmer,
 Submitting Department: Finance

Subject:

Supplemental Appropriations - Transfers of Monies

Legislation Title:

Ordinance to Amend Ordinance no. 127-18 Entitled "An Ordinance to make estimated appropriations for the expenses and other expenditures of the City of Fairfield, Ohio, during a period beginning January 1, 2019 and ending December 31, 2019." - Supplemental Appropriations - Transfers of Monies

Recommendation:

It is recommended that City Council authorize and direct the preparation of legislation amending the annual operating budget.

Background/Synopsis:

From: Unappropriated Water Revenue Fund	\$ 750,000
To: 60161927-271000 Transfers To	\$ 750,000
(Fund 605-Water Surplus Fund)	
From: Unappropriated Sewer Revenue Fund	\$1,300,000
To: 62062927-271000 Transfers To	\$1,300,000
(Fund 624-Sewer Surplus Fund)	

Financial Impact:

Supplemental appropriations are requested in the amount of \$2,050,000 from various funds.

During the planning stages of the 2019-2023 Capital Improvement Program, transfers from the Water and Sewer funds were increases in order to fund the projects in their respective areas. In the Water Revenue Fund, \$750,000 for transfers to the Water Surplus Fund to cover the cost of capital improvement projects. Finally, for the Sewer Revenue Fund, \$1,300,000 for transfers to the Sewer Surplus Fund to cover the cost of capital improvement projects.

Emergency Provision Explanation:

Rule Suspension Requested:

Yes

Emergency Provision Needed:

No

Attachments:

1. Supplemental Attachment
2. Supplemental Appropriations 2-Ord

City of Fairfield, Ohio
2019-2023 Capital Improvement Program
Cash Flows - Water Revenue Fund

	2019	2020	2021	2022	2023	Total
Beginning Cash Balance	4,140,736	3,144,356	2,462,630	1,803,220	1,066,672	4,140,736
Revenue Based on Minimum Charge for 3,000 gallons	\$13.44	\$14.17	\$14.52	\$14.89	\$15.26	
Percentage Increase	7.00%	6.00%	2.50%	2.50%	2.50%	
Surcharge Increase per 1,000 gallons	\$0.45	\$0.45	\$0.45	\$0.45	\$0.45	
Outstanding Encumbrances	313,363					313,363
Water Charges	5,579,200	5,913,952	6,061,801	6,213,346	6,368,679	30,136,978
Other Revenue	77,000	77,770	78,548	79,333	80,127	392,777
Interest Income	25,000	25,000	25,000	25,000	25,000	125,000
Total Revenues	5,681,200	6,016,722	6,165,349	6,317,679	6,473,806	30,654,755
Total Available	9,508,573	9,161,078	8,627,979	8,120,899	7,540,478	34,482,128
Expenditures:						
Billing & Collections	339,056	347,532	356,221	365,126	374,254	1,782,190
Public Utilities Administration	219,493	224,980	230,605	236,370	242,279	1,153,727
Supervision	794,256	814,112	834,465	855,327	876,710	4,174,870
Plant	2,227,100	2,282,778	2,339,847	2,398,343	2,458,302	11,706,369
Distribution	1,349,312	1,383,045	1,417,621	1,453,061	1,489,388	7,092,427
Total Operating Expenditures	4,929,217	5,052,447	5,178,759	5,308,228	5,440,933	25,909,584
Revenue over Expenditures	751,983	964,275	986,590	1,009,451	1,032,873	4,745,172
Available for CIP	4,579,356	4,108,630	3,449,220	2,812,672	2,099,544	8,572,544
Debt Service						
BAN - Water Improvements	0	250,000	250,000	350,000	350,000	1,200,000
BAN - Route 4 Water Improvements	435,000	396,000	396,000	396,000	396,000	2,019,000
Total Debt Service	435,000	646,000	646,000	746,000	746,000	3,219,000
Transfer to Water Surplus Fund	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	5,000,000
Ending Cash Balance	3,144,356	2,462,630	1,803,220	1,066,672	353,544	353,544

City of Fairfield, Ohio
2019-2023 Capital Improvement Program
Cash Flows - Sewer Revenue Fund

	2019	2020	2021	2022	2023	Total
Beginning Cash Balance	3,874,699	3,709,851	4,534,068	5,409,674	6,337,954	3,874,699
Revenue Based on Minimum Charge for 3,000 gallons	\$17.07	\$17.86	\$18.31	\$18.76	\$19.23	
Percentage Increase	5.00%	5.00%	2.50%	2.50%	2.50%	
Surcharge Increase per 1,000 gallons	\$0.45	\$0.45	\$0.45	\$0.45	\$0.45	
Outstanding Encumbrances	181,041					181,041
Sewer Charges	7,560,000	7,938,000	8,136,450	8,339,861	8,548,358	40,522,669
Other Revenue	7,600	7,600	7,600	7,600	7,600	38,000
Interest Income	9,000	9,000	9,000	9,000	9,000	45,000
Total Revenues	7,576,600	7,954,600	8,153,050	8,356,461	8,564,958	40,605,669
Total Available	11,270,259	11,664,451	12,687,118	13,766,135	14,902,911	44,299,328
Expenditures:						
Billing & Collections	1,506,524	1,544,187	1,582,792	1,622,362	1,662,921	7,918,785
Public Utilities Administration	157,743	161,687	165,729	169,872	174,119	829,149
Supervision	1,041,446	1,067,482	1,094,169	1,121,523	1,149,562	5,474,182
Plant	1,788,816	1,833,536	1,879,375	1,926,359	1,974,518	9,402,605
Collection	1,244,451	1,275,562	1,307,451	1,340,138	1,373,641	6,541,243
Total Operating Expenditures	5,738,980	5,882,455	6,029,516	6,180,254	6,334,760	30,165,964
Revenue over Expenditures	5,531,279	5,781,996	6,657,602	7,585,882	8,568,151	14,133,363
Debt Service						
Phase V - matures 2019 Principal/Interest	43,928	43,928	43,928	43,928	43,928	219,640
WW Improvement BAN 2017 - Principal/Interest	177,500	204,000	204,000	204,000	204,000	993,500
Total Debt Service	221,428	247,928	247,928	247,928	247,928	1,213,140
Transfer to Sewer Surplus Fund	1,600,000	1,000,000	1,000,000	1,000,000	1,000,000	5,600,000
Ending Cash Balance	3,709,851	4,534,068	5,409,674	6,337,954	7,320,223	7,320,223

ORDINANCE NO. _____

ORDINANCE TO AMEND ORDINANCE NO. 127-18 ENTITLED "AN ORDINANCE TO MAKE ESTIMATED APPROPRIATIONS FOR THE EXPENSES AND OTHER EXPENDITURES OF THE CITY OF FAIRFIELD, OHIO, DURING A PERIOD BEGINNING JANUARY 1, 2019, AND ENDING DECEMBER 31, 2019."

BE IT ORDAINED by the Council of the City of Fairfield, Ohio, that:

Section 1. Ordinance No. 127-18, the 2019 Appropriation Ordinance, is hereby amended in the following respects:

From: Unappropriated Water Revenue Fund \$750,000

To: 60161927-271000 Transfers To \$750,000
(Fund 605-Water Surplus Fund)

From: Unappropriated Sewer Revenue Fund \$1,300,000

To: 62062927-271000 Transfers To \$1,300,000
(Fund 624-Sewer Surplus Fund)

Section 2. This Ordinance shall take effect at the earliest period allowed by law.

Passed _____

Mayor's Approval

Posted _____

First Reading _____

Rules Suspended _____

Second Reading _____

Third Reading _____

ATTEST:

Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

Clerk of Council



City Council Ordinance
Regular Meeting - October 15, 2019

Submitted by: Alisha Wilson, Clerk
 Submitting Department: Clerk

Subject:

Non-Contractual Appropriations

Legislation Title:

Ordinance to amend Ordinance No. 127-18 entitled “An Ordinance to make estimated appropriations for the expenses and other expenditures of the City of Fairfield, Ohio, during a period beginning January 1, 2019, and ending December 31, 2019.”

Recommendation:

It is recommended that City Council suspend the rules requiring a second and third reading of this Ordinance and adopt the appropriations listed above.

Background/Synopsis: Please refer to specific Council Communications for full description of these items.

\$12,400 for crack sealing (parking lots);
 \$14,751 for Village Green Holiday Light Decorations;
 \$10,500 for commercial water meters;
 \$9,401 for telemetry upgrades at Rt. 4 and Muskopf Water Pumping Stations;
 \$3,128 for additional dog park signage.

Financial Impact: \$50,180.00 from noted funding source.

Rule Suspension Requested:

Yes

Emergency Provision Needed:

No

Attachments:

1. NonContractualAppropriations.101519
2. NonContractual 7-8-Ord



City Council Ordinance
Regular Meeting - October 15, 2019

Submitted by: Ben Mann,
 Submitting Department: Public Works

Subject:

Crack Sealing by J&A Construction, Inc. (Parking Lots)

Legislation Title:

Appropriation of funding for Crack Sealing by J&A Construction, Inc. (Parking Lots)

Recommendation:

It is recommended that City Council authorize an appropriation of \$12,400.00 from the Capital Improvement Fund for Crack Sealing of various parking lots by J&A Construction, Inc.

Background/Synopsis:

The contracting of parking lot maintenance including sealing and crack filling is identified by Public Works staff. This project is programmed in the current 2019-2023 Capital Improvements Program as 9PW12. The intent will be to crack seal parking lots one year ahead of when the surface for these lots will be sealed again.

This CIP item is for maintenance item that includes the sealing and pavement markings for various parking lots throughout the City. This project is managed and inspected by Public Works. Municipal lots under this program are made up of over 40 distinct locations totaling more than 1,500,000 square feet.

The Public Works Department, in order to obtain better pricing, has utilized bidding submitted in conjunction with the state bid pricing and by accepting prices at or below state bid. The item proposed for this project was awarded to the vendor through the Ohio Department of Transportation Cooperative Purchasing Program as ODOT Type 4 Polymer Sealant with 2% Fiber at a bid price of \$1.28 per pound for material, labor, and equipment for crack sealing.

Parking lots that will be done will include the Youth Football Fields, Youth Soccer Fields on River Road, Community Arts, Huffman, and South Trace.

Financial Impact:

\$12,400.00 from the Capital Improvement Fund.

Emergency Provision Explanation:

Not applicable.

Rule Suspension Requested:

No

Emergency Provision Needed:

No

Attachments:

1. StateContractPricing

101G-20 PRICING 2/6/19

Sealing, HOT APPLIED (423)

Vendor Name: J & A Construction Inc. 3609 Childers Home Bradford Rd. Greenville, OH 45331

Please quote your lowest net unit price per pound applied for crack and joint sealant materials all in accordance with the Construction and Material Specification 423 and provisions contained herein, firm for the contract duration. Do not use ditto marks, arrows or other markings in lieu of the actual unit price. Do not insert a unit cost with more than 3 digits to the right of the decimal point. Digits beyond 3 after the decimal point will be dropped. Invoices will only be paid to the 3rd decimal point. You may bid on any or all Districts in accordance to the attached map. All products must conform to the 2019 Construction and Materials Specifications 423.

Dist. *	Type I	Type I with Routing	Type I with Sawing	Type II	Fibers Type III	Type IV
1	\$1.260	\$3.200	\$4.250	\$1.650	\$2.000	\$1.280
2	\$1.310	\$3.200	\$4.250	\$1.700	\$2.050	\$1.340
3	\$1.310	\$3.200	\$4.250	\$1.700	\$2.050	\$1.340
4	\$1.310	\$3.200	\$4.250	\$1.700	\$2.050	\$1.340
5	\$1.310	\$3.200	\$4.250	\$1.700	\$2.050	\$1.340
6	\$1.310	\$3.200	\$4.250	\$1.700	\$2.050	\$1.340
7	\$1.260	\$3.200	\$4.250	\$1.650	\$2.000	\$1.280
8	\$1.260	\$3.200	\$4.250	\$1.650	\$2.000	\$1.280
9	\$1.310	\$3.200	\$4.250	\$1.700	\$2.050	\$1.340
10	\$1.310	\$3.200	\$4.250	\$1.700	\$2.050	\$1.340
11	\$1.310	\$3.200	\$4.250	\$1.700	\$2.050	\$1.340
12	\$1.310	\$3.200	\$4.250	\$1.700	\$2.050	\$1.340

ALTERNATE MATERIALS: Bidder must specify Type

Dist. *	ALTERNATE 1			ALTERNATE 2		
	Cost Per Pound Applied	Type	Product Name	Cost Per Pound Applied	Type	Product Name
1	\$0.640			\$1.700		
2	\$0.690			\$1.750		
3	\$0.690			\$1.750		
4	\$0.690			\$1.750		
5	\$0.690			\$1.750		
6	\$0.690			\$1.750		
7	\$0.640			\$1.700		
8	\$0.640			\$1.700		
9	\$0.690			\$1.750		
10	\$0.690			\$1.750		
11	\$0.690			\$1.750		
12	\$0.690			\$1.750		

Please quote your lowest net unit price per pound applied for crack and joint sealant materials all in accordance with the Construction and Material Specification 423 and provisions contained herein, firm for the contract duration. Do not use ditto marks, arrows or other markings in lieu of the actual unit price. Do not insert a unit cost with more than 3 digits to the right of the decimal point. Digits beyond 3 after the decimal point will be dropped. Invoices will only be paid to the 3rd decimal point. You may bid on any or all Districts in accordance to the attached map. All products must conform to the 2016 Construction and Materials Specifications 423.



City Council Information Item
Regular Meeting - October 15, 2019

Submitted by: Brad Williams,
 Submitting Department: Parks

Subject:

Village Green Holiday Light Decorations

Legislation Title:

Village Green Holiday Light Decorations

BACKGROUND/SYNOPSIS: The appropriation of funds for Village Green Holiday Lights is an expenditure that is funded under the Capital Improvement Program (CIP) listed as 9PR02.

The Christmas Lighting Company is a vendor of the City of Fairfield. This project provides materials and professional installation of additional LED light displays to enhance the Village Green Park this holiday season.

****See Attached Quote****

RECOMMENDATION: It is recommended that City Council authorize and direct the preparation of legislation authorizing an appropriation of funding in the amount of \$14,750.17 for the projects to be completed this holiday season.

FINANCIAL IMPACT: An appropriation of \$14,750.17 will be needed to complete the requested projects.

EMERGENCY PROVISION EXPLANATION: It is recommended that City Council authorize an appropriation of funding for the necessary project to be completed prior to this holiday season.

Attachments:

1. Christmas Lights



ALL OCCASION LIGHTING

September 20, 2019

Lucinda Lewellyn
City of Fairfield
411 Wessel Dr.
Fairfield, OH 45014

Thank you, Lucinda,

for the opportunity to quote holiday lighting for The City of Fairfield.

The Christmas Lighting Company has been providing Holiday Décor for the past 22 seasons. We currently take care of over 50 commercial establishments and 250 homes in the area.

Our service is turnkey. We install your decorations selected and take them down after the season is over, labeling everything for next seasons install.

All lighting is LED. All lighting and décor is designed for professional installation and will last for several seasons. We warrant all materials for two seasons.

Inspections will be performed to check lighting performance several times during the season. Service calls are included the first season.

The following quote is for Materials needed for you display.

Lights to trunk and branch wrap 9 Pear Trees along walkway edge of park 10' to 12' high 600 to 800 lights per tree	\$2135.34
15 Star Light Twinkle and Solid clusters to Pear Tree 9tree	3678.75
Lights to trunk, branch and canopy wrap 1 small pear walkway library side 400 lights	122.64
Lights to trunk, branch and canopy wrap 2 sets of 3 Crab trees on hillside Community Center side of walk 700 to 800 lights per tree.	1482.63



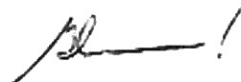
11941 Goldcoast Drive Cincinnati, OH 45249 513.247.9510 ChristmasLightingCo.com

Lights to trunk, branch and canopy wrap 5 Crab trees and 1 Maple on hillside Church side along walk 700 to 800 lights per tree.	1382.80
C-9 lights for upper and lower roofline of 2 Gazebos	
Smaller Gazebo	272.64
Larger Gazebo	340.46
Lights for 18-foot tower tree stone rail end of pond area.	331.13
Lights for tree on center stage	93.73
1 12' Tree of lights 600 C-7 lights 60" girth	1575.18
2 15' Tree of lights 660 C-7 lights 72" girth	3334.84
Total	\$14,750.17

Christmas Lighting Co. has been providing holiday and event lighting for 22 seasons. At the Christmas Lighting Co., our people have been carefully trained to provide an unparalleled quality of work with the highest level of professionalism.

If you have any questions concerning our estimate, please don't hesitate to contact me at your earliest convenience. Best number 513.247.9510.

Sincerely,
Christmas Lighting Co.



Glenn P. Scherzinger!



City Council Information Item
Regular Meeting - October 15, 2019

Submitted by: Matt Young,
Submitting Department: Public Utilities

Subject:

Water Meter Appropriation

Legislation Title:

Water Meter Appropriation

Background/Synopsis:

The requested appropriation will allow for the purchase nine (9) commercial water meters through the City's normal purchasing procedures. A proposal for the appropriate equipment and a sole source document are attached for review. The meters will be purchased from Ferguson Water Works and installed as needed by Fairfield Water Division staff.

The Water Division has determined that the Octave water meter manufactured by Master Meter is the best meter for commercial applications in Fairfield based on factors including accuracy, maintenance requirements, and installation considerations. The Octave meter is fully compatible with the City's current metering system, and will remain compatible with any future automated systems the City may implement. This project will enable the Water Division to replace older commercial water meters throughout the system, improving metering accuracy and making the City system more compatible for a future automatic meter reading platform.

Financial Impact:

An appropriation in the amount of \$10,500.00 is being requested for the purchase of commercial water meters (Master Meter Octave Water Flow Meters) for the Water Division. Funding for the project is included in the approved 2019-2023 Capital Improvement Program, under project 9WT17, Automatic Meter Reading (AMR). The funding source is from the Water Surplus Fund. Any amount exceeding funds available in project 9WT17 will be supplied from the operating budget.

Attachments:

1. Master Meter Octave Ferguson sole source letter
2. Octave meter quote 9-23-19



101 REGENCY PARKWAY
MANSFIELD, TX 76063
817-842-8000
FAX 817-842-8100

Andreas Eddy
City of Fairfield
5021 Groh Lane
Fairfield OH 45104

October 24, 2018

Dear customer,

This letter is to inform you that Master Meter, Inc. is the Sole Manufacturer of the *Octave* Commercial & Industrial (C&I) Ultrasonic flow meter. This water meter operates using specially designed ASIC chip that makes Octave truly a unique meter in the market. At time of this letter, the Octave is the only 6" and larger ultrasonic water meter that operates on battery powered ultrasonic transit time technology while also meeting the strict measurement requirements of the forthcoming ANSI/AWWA C715 Standard *Electromagnetic and Ultrasonic Type for Revenue Applications*.

With an unprecedented 100 Hz sampling rate, the Octave improves the sampling of the flow measurement sensors by 98% over its nearest competitor which uses battery powered *electromagnetic* technology. The high frequency sample rate improves low flow accuracy without being a major drain on the battery. The low power consumption of the ultrasonic transducers improves battery life by at least 34% over similar products, which allows the Octave to have at least double the battery warranty of the competition.

Ferguson Waterworks is currently Master Meter's exclusive distributor in for the State of Indiana, Illinois, and Ohio. All pricing inquiries and sales opportunities of Master Meter products must be handled through Ferguson Waterworks.

Please feel free to contact me if you should have any questions. Master Meter and Ferguson Waterworks look forward to having the opportunity to work with you and thank you for your business.

Best regards,

Greg Land
Product Manager – Metrology
Master Meter, Inc.

Attachment: NonContractualAppropriations.101519 (1368 : Non-Contractual Appropriations)



FERGUSON WATERWORKS #3096
1501 KIESTWETTER ROAD
HOLLAND, OH 43528-8602

Phone: 567-297-6125
Fax: 419-865-4382

Deliver To:
From: Jeffrey Garrett
Comments:

11.C.2.a

15:21:40 SEP 23 2019

Page 1 of 1

FERGUSON WATERWORKS #527

Price Quotation
Phone: 567-297-6125
Fax: 419-865-4382

Bid No: B396153
Bid Date: 09/23/19
Quoted By: JRG

Cust Phone: 513-867-5300
Terms: NET 10TH PROX

Customer: CITY OF FAIRFIELD
METERING ACCOUNT
5350 PLEASANT AVE
FAIRFIELD, OH 45014

Ship To: CITY OF FAIRFIELD
5021 GROH LN
FAIRFIELD, OH 45014

Cust PO#:

Job Name: 2" X 17" POLY OCTAVE

Item	Description	Quantity	Net Price	UM	Total
MO318F1D09	2X17 PLYMR OCTAVE MTR L/ MDL *X	9	881.000	EA	7929.00
M96501050TP20	ENC CABLE 20 TOUCH PAD	9	260.000	EA	2340.00

	I HAVE 2-IN STOCK AND HAVE SOME ON ORDER TO COME IN				

Net Total: \$10269.00
Tax: \$0.00
Freight: \$0.00
Total: \$10269.00

Quoted prices are based upon receipt of the total quantity for immediate shipment (48 hours). SHIPMENTS BEYOND 48 HOURS SHALL BE AT THE PRICE IN EFFECT AT TIME OF SHIPMENT UNLESS NOTED OTHERWISE. QUOTES FOR PRODUCTS SHIPPED FOR RESALE ARE NOT FIRM UNLESS NOTED OTHERWISE.

CONTACT YOUR SALES REPRESENTATIVE IMMEDIATELY FOR ASSISTANCE WITH DBE/MBE/WBE/SMALL BUSINESS REQUIREMENTS.

Seller not responsible for delays, lack of product or increase of pricing due to causes beyond our control, and/or based upon Local, State and Federal laws governing type of products that can be sold or put into commerce. This Quote is offered contingent upon the Buyer's acceptance of Seller's terms and conditions, which are incorporated by reference and found either following this document, or on the web at <https://www.ferguson.com/content/website-info/terms-of-sale>
Govt Buyers: All items are open market unless noted otherwise.

LEAD LAW WARNING: It is illegal to install products that are not "lead free" in accordance with US Federal or other applicable law in potable water systems anticipated for human consumption. Products with *NP in the description are NOT lead free and can only be installed in non-potable applications. Buyer is solely responsible for product selection.



HOW ARE WE DOING? WE WANT YOUR FEEDBACK!

Scan the QR code or use the link below to
complete a survey about your bids:

<https://survey.medallia.com/?bidsorder&fc=528&on=22814>

Packet Pg. 52

Attachment: NonContractualAppropriations.101519 (1368 : Non-Contractual Appropriations)



City Council Information Item Regular Meeting - October 15, 2019

Submitted by: Jason Hunold,
Submitting Department: Public Utilities

Subject:

Rt. 4 and Muskopf Water Pumping Stations - Telemetry Upgrades

Legislation Title:

Rt. 4 and Muskopf Water Pumping Stations - Telemetry Upgrades

Background/Synopsis: New communication hardware and related system programming services are necessary at the Rt. 4 and Muskopf Rd. Water Booster Stations to establish operational consistency at the City's booster station sites to match recent telemetry upgrades made at the City's water storage tanks - including data communications and control platforms.

The Water Distribution System consists of three (3) Booster Pump Stations (BPS) which are utilized to distribute water to designated pressure zones and elevated storage tanks. Existing obsolete telemetry equipment will be replaced with programmable logic controllers (PLC's); and communication between the Booster Stations and the Water Treatment Plant's Supervisory Control and Data Acquisition (SCADA) system will be upgraded from old radio technology to cellular modems and a Verizon broadband network connection (virtual private network). The proposed upgrades will improve communication with the SCADA system and the BPS's, and additional PLC programming will allow plant operations more control of BPS operation.

Programming and integration services, and telemetry hardware, will be provided by PCS Technologies per the attached quote. PCS procures hardware at a competitive rate due to its status as a preferred integrator with its vendor(s). As such, the City will rely on PCS to procure some of the hardware on its behalf for this project. All necessary hardware/equipment will be installed in house by Public Utility Department staff.

Financial Impact: An appropriation in the amount of \$9,401 is being requested for the purchase of communication hardware and programming services for the City's Rt. 4 and Muskopf Rd. Booster Pump Stations.

Funding for this project is included in the 2019-2023 Capital Improvement Program (CIP) under project number 9WT02, Telemetry, GIS and Instrument Upgrade. The funding source is the Water Surplus Fund.

It is recommended that City Council authorize an appropriation in the amount of \$9,401 from the Water Surplus Fund for the purchase of communication hardware and programming services for the City's Rt. 4 and Muskopf Rd. Booster Pump Stations.

Attachments:

1. FFWTP_CellModemAdditions_081919

PCS Technologies LLC

6515 Winford Avenue – Suite B
Hamilton, OH 45011
Tel.: (513) 868-8727 Fax: (513) 844-8727



PROPOSAL

To:	Mr. Jason Hunold	Date:	October 1, 2019
	Fairfield Public Utilities 5021 Groh Lane Fairfield, OH 45014	Project:	Fairfield WTP – RT-4, Muskopf Booster Pump Station Cell Modem Additions
		Document Reference:	
		Addenda:	N/A
By:	Peter Constantinides	Quote:	QM-081919

Dear Mr. Hunold,

We are pleased to provide the following proposal for the additional hardware and services to convert the Route 4 and Muskopf Booster Pump Stations to cellular telemetry. Additionally, this proposal includes Allen-Bradley PLC modules to allow monitoring and control of pump VFDs.

Services Included:

- Configuration of cell modem
- Revised CAD drawings to include cell modem, analog input and output modules
- Revised schematics to include VFD I/O
- Additional PLC programming for VFD monitoring and control
- SCADA Additions for VFD monitoring/control

Estimate of Services (per site):

Services as outlined in previous section)\$1,450

Hardware Included (per site):

ALLEN-BRADLEY	1762-IF4	ANALOG INPUT MODULE - 4-CHANNEL 4-20mA
ALLEN-BRADLEY	1762-OF4	ANALOG OUTPUT MODULE - 4-CHANNEL 4-20mA
PHOENIX-CONTACT	TT-2-PE-24DC	ANALOG SURGE SUPPRESSORS
SIERRA-WIRELESS	RV-50X	CELLULAR 4G MODEM, VERIZON SIM
SIERRA-WIRELESS	6000659	CELL MODEM DIN RAIL MOUNTING BRACKET
MOBILE MARK	RMM-WLF-1CBLK12	CELLULAR BROADBAND ANTENNA
MOBILE MARK	RM-MK	ANNTNNA MOUNTING BRACKETS
TERRAWAVE SOLUTIONS	TW-LP-SMA-J-BHJ	ANTENNA BULKHEAD SURGE SUPPRESOR
VENTEV	T1RFC-14188-36	ANTENNA SMA-F/SMA-F COAX, 3 FT
WIRELESS SOLUTIONS	400-17-18-P50'	50' wireless antenna extension Cable, TWS400, SMA F; SMA M

Attachment: NonContractualAppropriations.101519 (1368 : Non-Contractual Appropriations)

Hardware cost as per listing above (includes 10% m/u).....\$3,102

Total per site (Services/Hardware):\$4,552

Not Included:

Any items not specified by our scope of supply as defined by this quotation are not included; specifically, the following are excluded:

1. Purchase of any computer hardware or software. PCS will use internal license for development purposes.
2. Field installation/wiring of components.
- 3.

Terms:

Net 30 days; no state, federal or user taxes included. Prices are firm for 60 days. Please note that Rockwell Automation typically has an annual price increase in August.

We trust this proposal will meet with your approval and look forward to working with you on this project. If there are any questions, please contact our office for clarification.

Sincerely,



Peter Constantinides

PCS Technologies LLC

(513) 868-8727

peterc@pcs-technologies.com

Attachment: NonContractualAppropriations.101519 (1368 : Non-Contractual Appropriations)



City Council Information Item
Regular Meeting - October 15, 2019

Submitted by: Brad Williams,
 Submitting Department: Parks

Subject:

Additional Dog Park Signage

Legislation Title:

Additional Dog Park Signage

BACKGROUND/SYNOPSIS: The appropriation of funds for Additional Dog Park Signage is an expenditure that is funded under the Capital Improvement Program (CIP) listed as 9PR09.

This project is for labor and material to design and fabricate the following:

(4) Custom Fabricated “Open/Closed” Flip Sign for the Dog Park Fence 12” x 12”.

Signcom is the vendor for this project.

****See Attached Quote****

RECOMMENDATION: It is recommended that City Council authorize and direct the preparation of legislation authorizing an appropriation of funding in the amount of \$3,128 for the projects to be completed this Fall.

FINANCIAL IMPACT: An appropriation of \$3,128 will be needed to complete the requested projects.

EMERGENCY PROVISION EXPLANATION: It is recommended that City Council authorize an appropriation of funding for all necessary projects to be completed this Fall.

Attachments:

1. Dog Signage



SIGNCOM
INCORPORATED

SIGN PROFESSIONALS

PROPOSAL-CONTRACT

FOR: CITY OF FAIRFIELD
ATTN: CINDI LEWELLYN

LOCATION: FAIRFIELD DOG PARK

DATE: 9/23/19

SKETCH: 19563

DELIVERY: 4 WEEKS ±

PROVIDE LABOR AND MATERIAL TO DESIGN AND FABRICATE THE FOLLOWING:

FOUR (4) CUSTOM FABRICATED "OPEN/CLOSED" FLIP SIGN FOR DOG PARK
FENCE 12" X 12" PER DESIGN AT \$782.00 EACH

\$3,128.00

**SIGNCOM RETAINS A
SECURITY INTEREST IN
THIS PROPERTY UNTIL
PAID IN FULL**

If sign requires any additional service to internal components,
this will be performed on an additional time and material basis.
SALES TAX, PERMIT FEES, PREPAID FREIGHT WILL BE ADDED TO INVOICE WHEN APPLICABLE

ADDITIONAL TERMS AND CONDITIONS

1. This proposal is made for specially constructed equipment and when accepted is not subject to cancellation. Signcom, shall not be responsible for errors in plans, designs specifications or drawings furnished by PURCHASER or for defects caused thereby. Revisions to work in progress will be charged as necessary.
2. The Purchaser agrees to secure all necessary governmental permits and/or all necessary permits from the building owner and/or others whose permission is required for installation of this sign and he assumes all liability with regard to same, and all liability, public and otherwise for damages caused by the sign or by reason of it being on or attached to the premises. Purchaser agrees to secure all necessary permission for use of all registered trademarks or copyrights used on the sign.
All necessary electrical wiring, outlets and connections to the sign from the building meter and/or fuse panel will be properly fused and installed, at the expense of the Purchaser. INSTALLATION PROCESS QUOTED ARE SUBJECT TO REVISION WHERE EXCESS ROCK OR OTHER UNFORESEEABLE FOUNDATION CONDITIONS ARE ENCOUNTERED.
3. Any items not shipped or installed on or before 90 days from contract date will be invoice in full at the designated unit price, all PURCHASER hereby agrees to pay said invoice within SIGNCOM at its option, may invoice each item called for in the proposal separately upon completion, or, if for reasons beyond its control completion is delayed, it may invoice for the portion of work completed during any given month. Under no condition, will any item be held beyond 90 days after completion. In the event size and weight or any item prohibits storage by SIGNCOM on its own property, Purchaser must make arrangements for shipment immediately upon completion.
4. Payment for items purchased under the terms of this contract will be made on receipt of the invoice submitted. In the event payment is not made as agreed, PURCHASER agrees to pay a service charge on past due amounts from the time they are due, (10) days from invoice date, at the rate of 1 1/2% per month. In the event this contract is placed for collection or if collected by suit or through the Probate or Bankruptcy Court, reasonable attorneys' fees shall be added.
5. All applicable taxes payable under the laws of the State into which the property is to be delivered or installed as mentioned herein shall be added to the price quoted, unless such tax is paid directly by PURCHASER.
6. SIGNCOM will not be responsible for delays in shipments caused by delays created by suppliers or transportation services or by labor disputes or due to any other circumstances beyond its control.
7. Title to all materials and property covered by this contract shall remain in SIGNCOM and shall not be deemed to constitute a part of the realty to which it may be attached until the purchase price is paid in full. SIGNCOM is given an express chattel mortgage lien upon said materials and property both erected and unerected notwithstanding the manner in which such personal property shall be annexed or attached to the realty. In the event of default by PURCHASER, including, but not limited to, payment of any amounts due and payable, SIGNCOM may at once (and without process of law) take possession of and remove, as and when it sees fit and whenever found, all materials used or intended for use in the construction of said equipment and any and all property called for in this contract without being deemed guilty of trespass.
8. It is agreed that this contract shall be construed according to the laws of the State of Ohio.
9. When this contract is signed by a duly authorized person of each party, all provisions contained on Page 1 herein become integral parts of this contract, and there is no other agreement or understanding of any nature concerning same unless such other agreements or understanding, if any, is specifically incorporated herein by reference.

ACCEPTED _____

BY _____

TITLE _____

THIS _____ DAY OF _____, 20____

SIGNCOM INC. Bruce Sommerfelt/cik

BRUCE SOMMERFELT

DOWN PYMT. OF \$ 50% REC'D BY _____

THIS _____ DAY OF _____, 20____

TITLE SALES CONSULTANT DATE 9/23/19

ILLUMINATED SIGNS - INTERIOR GRAPHICS - ARCHITECTURAL IDENTIFICATION - NEON - ADVERTISING DESIGN



SCALE 3" = 1' 12"

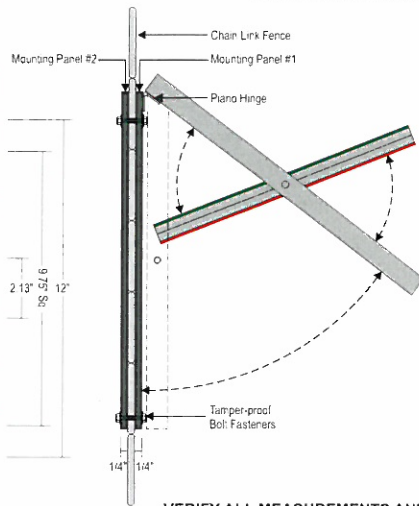


(1) Open/Closed Flip Sign

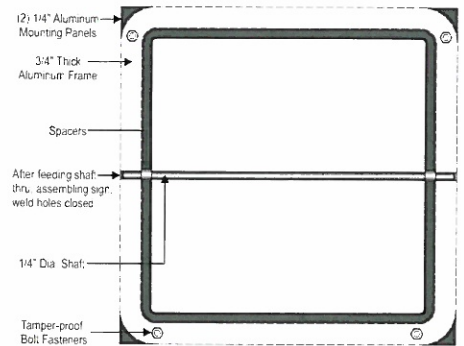
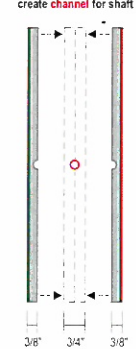
CUSTOM FABRICATED FLIP SIGN FOR DOG PARK. SIGN CONSTRUCTED FROM (2) 1/4" THICK ALUMINUM MOUNTING PANELS, (1) 3/4" THICK CNC ROUTED ALUMINUM SIGN FRAME WITH RADIUS CORNERS. PIANO HINGE IS WELDED TO TOP/BACK OF FRAME AND MOUNTING PANEL #1. SIGN PANEL FABRICATED FROM (2) 3/8" THICK ACRYLIC PANEL SECTIONS WITH A CHANNEL ROUTED ACROSS CENTER OF EACH PANEL CREATING A SLIGHTLY OVERSIZED CHANNEL FOR 1/4" DIA. SHAFT. (2) HALVES ARE GLUED TOGETHER WITH VHB ADHESIVE. SHAFT, SPACERS AND SIGN PANEL ARE ASSEMBLED WITH ALUMINUM FRAME. SHAFT HOLES IN FRAME ARE THEN WELDED CLOSED TO PREVENT DISASSEMBLY. HIGH PERFORMANCE VINYL GRAPHICS APPLIED SMOOTH TO PANEL FACES. SIGN TO BE INSTALLED ON CHAIN LINK FENCE USING (2) MOUNTING PANELS AND (4) TAMPER-RESISTANT BOLT FASTENERS.

COLORS:

MOUNTING PANELS - BLACK, MAP #42204SP. SIGN FRAME - SILVER, MAP #41342SP. SIGN PANEL - RED, PMS #485, GREEN, PMS #347, COPY - WHITE.



(2) Equal halves joined to create channel for shaft



VERIFY ALL MEASUREMENTS AND DIMENSIONS PRIOR TO PRODUCTION

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CLIENT APPROVAL _____ DATE _____

☐ PRODUCTION ART REQUIRED
Colors on Printed Documents May Vary

PROJECT NAME FAIRFIELD OHIO
LOCATION _____
CITY COLUMBUS STATE OHIO

REVISION _____

SALES BMS
DESIGN BAF
SIZE 14

DATE 9-13-19
SCALE Notes
PROJECT# 19563

ORDINANCE NO. _____

ORDINANCE TO AMEND ORDINANCE NO. 127-18 ENTITLED "AN ORDINANCE TO MAKE ESTIMATED APPROPRIATIONS FOR THE EXPENSES AND OTHER EXPENDITURES OF THE CITY OF FAIRFIELD, OHIO, DURING A PERIOD BEGINNING JANUARY 1, 2019, AND ENDING DECEMBER 31, 2019."

BE IT ORDAINED by the Council of the City of Fairfield, Ohio, that:

Section 1. Ordinance No. 127-18, the 2019 Appropriation Ordinance, is hereby amended in the following respects:

From:	Unappropriated Capital Improvement Fund	\$280,821
To:	40216025-252000 Improvements Other Than Building <i>(Camera Surveillance System Upgrades 9CM06)</i>	\$40,000
To:	40216025-253100 Automotive Equipment <i>(Replacement K9 Patrol Vehicle 9FT71 (\$54,962); Replacement Park Ranger SUV 9FT72 (\$47,287); Replacement of Totaled Patrol Vehicle (\$46,143))</i>	\$148,392
To:	40216025-253200 Capital Equipment <i>(Purchase Lucas Devices 9FD03 (\$40,000); Purchase Police Vehicle Equipment 9PD01 (\$19,828); Parks Equipment - Maintenance Mower 9PR13 (\$32,601))</i>	\$92,429
From:	Unappropriated Water Replacement & Improvement Fund	\$42,022
To:	60416023-233300 Engineering Services <i>(Water Tank Maintenance - Inspection Services 9WT12)</i>	\$20,500
To:	60416025-252000 Improvements Other Than Building <i>(Water Tank Maintenance - Hunter Repair 9WT12 (\$6,500); SCADA Upgrades 9WT08 (\$15,022))</i>	\$21,522
From:	Unappropriated Water Surplus Fund	\$118,307
To:	60516025-252000 Improvements Other Than Building <i>(High Service Pump 9 Repair 9WT01 (\$14,000); High Service Pump 9 Repair 9WT07 (\$1,280); Asphalt /</i>	\$55,280

Attachment: NonContractual 7-8-Ord (1368 : Non-Contractual Appropriations)

Concrete Replacement 9WT14 (\$40,000))

To:	60516025-253200 Capital Equipment (Automated Meter Reading - Meters 9WT17 (\$33,022); Automated Meter Reading - Equipment 9WT17 (\$30,005))	\$63,027
From:	Unappropriated Sewer Replacement and Improvement Fund	\$7,500
To:	62316025-252000 Improvements Other Than Buildings (Pavement Repairs and Replacement 9WW08)	\$7,500
From:	Unappropriated Sewer Surplus Fund	\$30,810
To:	62416025-252000 Improvements Other Than Building (Sewer Plant Repairs & Upgrades 9FC41)	\$30,810

Section 2. This Ordinance shall take effect at the earliest period allowed by law.

Passed	_____	_____
		Mayor's Approval
Posted	_____	
First Reading	_____	Rules Suspended _____
Second Reading	_____	
Third Reading	_____	

ATTEST:

Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

Clerk of Council

Active Clients\City of Fairfield\Ordinances\2019\NonContractual 7-8-Ord

Attachment: NonContractual 7-8-Ord (1368 : Non-Contractual Appropriations)