

**City of Fairfield
Minutes
Regular Meeting of City Council
September 9, 2019**

Council-Manager Briefing

A. 6:00 PM - Fairfield Forward Presentation

Mayor Miller called the briefing to order at 6:00 PM. Councilmembers present were Leslie Besl, Craig Keller, Debbie Pennington, Tim Abbott, Chad Oberson and Bill Woeste. Staff members present: Mark Wendling, Greg Kathman, Erin Lynn, Dan Wendt, Scott Timmer, Mark Parker, Steve Wolterman, Adam Sackenheim, Alisha Wilson, Tiphonie Howard, Steve Maynard, Carol Mayhall. Planning Commission members present: Scott Lepsky, Dean Langevin, Terry Senger and Dale Paullus.

Council heard an update on the Comprehensive Plan from Consultant Paul Colter. See attached slides.

Business Meeting Call to Order

Mayor Miller called the regular meeting to order at 7:00 PM.

Prayer/Pledge of Allegiance

Councilmember Woeste 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 Woeste, moved for Executive Session to discuss purchase of public property and negotiations with public employees. Motion carried 7-0.

Special Presentations and Citizen Comments

a. Oath of Office - Police

Councilmember D'Epifanio administered the oath of office for Officer Brandon Barda, Officer Connor Frazier, Officer Ben Schwartz, and Officer Jeremiah Taylor. Chief Maynard welcomed them to the department.

Public Hearing(s)

None.

Approval of Minutes

The Regular Meeting Minutes of August 12, 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

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.

Councilmember Woeste presented the second reading of this resolution.

RESULT:	SECOND READING	Next: 9/23/2019 7:00 PM
----------------	-----------------------	--------------------------------

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

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

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 NicFusion, LLC, Hot & Spicy, 4623 Dixie Highway, Fairfield, OH 45014 (Permit Class D1, D2, D3 & D6).

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 NicFusion, LLC, Hot & Spicy, 4623 Dixie Highway, Fairfield, OH 45014 (Permit Class D1, D2, D3 & D6).

SIMPLE MOTION NO. 16-19. 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 one ordinance by title only.

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 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.

Attorney Steve Wolterman presented an overview of the proposed revisions to the animal control ordinance.

Kurt Frymouth, District Leader for Humane Society of the United States, spoke regarding the insurance requirement that is proposed. He is not in favor of it because it puts an unnecessary burden on low income pet owners.

Katherine Hartung, Joseph's Legacy Dog Foster and Legal Advocate/Paralegal with Department of Justice, also opposed the insurance requirement and said that the number of dogs needs to be addressed, as well. City Manager Mark Wendling explained that the number is something that is part of the zoning code and as such, it will be addressed separately.

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

RESULT:	FIRST READING	Next: 9/23/2019 7:00 PM
----------------	----------------------	--------------------------------

Public Works Committee

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

Motion to Read by Title Only

Motion to read the following four ordinances by title only.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Chad Oberson, Council Member at Large
SECONDER:	Craig W. Keller, Council Member, 2nd Ward
AYES:	D'Epifanio, Oberson, Woeste, Besl, Keller, Pennington, Abbott

Ordinance to authorize the City Manager to execute and file an Ohio Public Works Commission (OPWC) grant application and agreement for purchase of the 5333 Pleasant Avenue Property and declaring an emergency.

Recommendation:

It is recommended that City Council authorize the preparation of legislation, with rules suspension and emergency provision, authorizing the City Manager to execute and file the application for financial assistance, and enter into an agreement with OPWC for a grant to fund a portion of the 5333 Pleasant Avenue Property Acquisition.

ORDINANCE NO. 89-19. APPROVED 7-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Chad Oberson, Council Member at Large
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 Oberson presented the first reading of this ordinance.

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

Ordinance to authorize the City Manager to execute and file an Ohio Public Works Commission (OPWC) Grant Application and Agreement for 2020 Boymel Drive Improvement Project and declaring an emergency.

Recommendation:

It is recommended that City Council authorize the preparation of legislation authorizing the City Manager to execute and file the application for financial assistance, and enter into an agreement with OPWC for a grant to fund a portion of the 2020 Boymel Drive Improvement Project.

ORDINANCE NO. 90-19. APPROVED 7-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Chad Oberson, 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 Oberson presented the first reading of this ordinance.

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

Ordinance to authorize the City Manager to execute and file an Ohio Public Works Commission (OPWC) Issue 1 Grant Application and Agreement for 2021 Street Improvement Project and declaring an emergency.

Recommendation:

It is recommended that City Council authorize the preparation of legislation authorizing the City Manager to execute and file the application for financial assistance, and enter into an agreement with OPWC for a grant to fund a portion of the 2021 Street Improvement Program.

ORDINANCE NO. 91-19. APPROVED 7-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Chad Oberson, Council Member at Large
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 Oberson presented the first reading of this ordinance.

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

Ordinance to authorize the City Manager to enter into a contract with MKSK of Cincinnati for the engineering services needed to complete the design of Citywide Active Transportation Plan (Pedestrian Interconnectivity) and declaring an emergency.

Recommendation:

It is recommended that the City Council authorize an appropriation of \$75,000.00 be made from the General Fund and that Council authorize the City Manager to enter into a contract with MKSK of

Cincinnati for the engineering services needed to perform the Citywide Active Transportation Plan design.
ORDINANCE NO. 92-19. APPROVED 7-0.

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

Motion to Suspend Second and Third Readings

Councilmember Oberson presented the first reading of this ordinance.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Chad Oberson, Council Member at Large
SECONDER:	Tim Abbott, Council Member, 4th Ward
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 resolution and 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

Resolution Accepting the Amounts and Rates as Determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor.

Recommendation:

The resolution would authorize the necessary tax levies to be collected for tax year 2019 collected during budget year 2020 to the Butler County Auditor.

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

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

Motion to Suspend Second and Third Readings

Councilmember Abbott presented the first reading of this resolution.

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 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.

ORDINANCE NO. 93-19. APPROVED 7-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Tim Abbott, Council Member, 4th Ward
SECONDER:	Leslie Besl, Council Member, 1st 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:	Chad Oberson, 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. 94-19. 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 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. 95-19. 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:	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. Monday, September 23 - Council-Manager Briefing, 6:00 Pm; Regular Meeting, 7:00 PM
- B. Tuesday, October 15 - Council-Manager Briefing, 6:30 Pm; Regular Meeting, 7:00 PM
- C. Monday, October 28 - Council-Manager Briefing, 6:00 Pm; Regular Meeting, 7:00 PM

Executive Session of Council (if needed)

Council adjourned to Executive Session at 8:00 PM.

14. ADJOURNMENT

The Regular Meeting adjourned at 8:55 PM.

ATTEST:

Clerk of Council

Mayor's Approval

Date Approved _____



ANIMAL CONTROL ORDINANCE

City of Fairfield, Ohio



ORC 955 DOGS

Ohio's Comprehensive regulation of dogs.

Enactment of HB 14 ORC 955

- ❖ On May 22, 2012, HB 14, the dangerous and vicious dog law, became effective.
- ❖ The Act changed a 25 year old law defining a pit bull as a vicious dog as a matter of state law.
- ❖ The debate over the designation of pit bulls as vicious dogs in state law has been a controversial issue in the General Assembly for nearly a decade.

- The Center for Disease Control and Prevention (CDC) reports that 4.6 million Americans are bitten by dogs each year.
- About 885,000 of these victims seek medical attention, half of them children.
- Homeowner's insurance, if available, usually compensates victims for dog bites.
- Dog bites account for more than 1/3 of all homeowners' claims in the U.S.
- The average dog bite claim costs \$30,000.
- The American Society for Reconstructive Surgery announced in 2012 that 27,752 persons had reconstructive surgery following a dog bite.
- Those aged 5 to 9 years old are especially vulnerable as are children two years of age and younger.
- Elderly people and home service providers, such as mailmen and meter readers, are among those frequently bitten.
- In 2010 to 2014, an average of 33 people per year in the U.S. received fatal dog bite injuries.
- Ohio has a One-Bite Rule, so owners are liable for the first injury their dogs cause. ORC 955.28

Dog Bites in the City of Fairfield

- ❖ Since 2016 there have been 59 dog bites reported.
- ❖ Of those reported, 14 involved a dog believed to be a pit bull.

HOME RULE

Article XVIII, Section 3 of the Ohio Constitution

“Municipalities shall have authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations, as are not in conflict with general laws.”

The Ohio Supreme Court has established the following three-part test to determine whether a municipal ordinance must yield to the provisions of a state statute: “A state statute takes precedence over a local ordinance when (1) the ordinance is in conflict with the statute, (2) the ordinance is an exercise of the police power, rather than of local self-government, and (3) the statute is a general law.” *Canton v. State of Ohio*, 95 Ohio St.3d 149, 151, 2002-Ohio-2005, 766 N.E.2d 963,

Four-part test to determine if a statute is a general law
Canton,

“To constitute a general law for purposes of home-rule analysis, a statute must (1) be part of a statewide and comprehensive legislative enactment, (2) apply to all parts of the state alike and operate uniformly throughout the state, (3) set forth police, sanitary, or similar regulations, rather than purport only to grant or limit legislative power of a municipal corporation to set forth police, sanitary, or similar regulations, and (4) prescribe a rule of conduct upon citizens generally.”

Darlene RUSS, Plaintiff–Appellant
v.
CITY OF REYNOLDSBURG, Defendant–Appellee

81 N.E.3d 493
Court of Appeals of Ohio, Fifth District, Licking County

April 19, 2017

81 N.E.3d 493

Court of Appeals of Ohio, Fifth District, Licking County.

Darlene **RUSS**, Plaintiff–Appellant

v.

CITY OF **REYNOLDSBURG**, Defendant–Appellee

No. 16–CA–58

|

April 19, 2017

Holdings: The Court of Appeals, Baldwin, J., held that:

- Code Chapter, entitled “dogs” and containing state-wide comprehensive provisions relating to dogs, was a general law for purposes of home-rule analysis, and
- City’s ordinances, prohibiting ownership of pit bulls outright, conflicted with state law, and thus, ordinances exceeded city’s authority under the Home Rule Amendment.

Based on the foregoing, we find that Revised Code Chapter 955 is a general law and that the Ordinances at issue in this case conflict with state law and exceed appellee's authority under the Home Rule Amendment.

Ohio Revised Code Chapter 955 has abolished breed-specific determinations of whether or not a dog is vicious or dangerous and focuses instead on the conduct of the individual dog. Under Ohio law, Ohio residents may keep or own any dog they choose, provided that if the dog is determined to be “dangerous” as defined in R.C. 955.11(A)(1)(a), the owner must comply with R.C. 955.22. Thus, while a pit bull is automatically considered “vicious” under the Reynoldsburg Ordinances and ownership of the same is prohibited, a pit bull may or may not be considered “vicious” under Ohio Revised Code Chapter 955 based on its conduct. We find, on such basis, that there is a conflict between ***499** Reynoldsburg’s pit bull Ordinances and Chapter 955, as amended by House Bill 14. The Ordinances prohibit that what is permitted by Ohio statutes (ownership of dogs identified as pit bulls).

Statutory Authority for ordinances not in conflict

R.C. 955.221(B)(3) permits a municipal corporation to adopt and enforce ordinances to control dogs within the municipal corporation that are not otherwise in conflict with any other provision of the Revised Code.

The Modifications to Chapter 505:

- (1) incorporate the comprehensive State law (ORC 955) regulations of dogs, and
- (2) includes additional requirements authorized under 955.221(B)(3) including enhanced penalties for violations and insurance requirements

The Ordinance presented to you tonight reconciles the City of Fairfield Ordinance regulating animals with the state law relating to nuisance, dangerous and vicious dogs which includes the repeal of the Breed Specific ban of pit bulls which is currently included in our ordinance.

Penalties (505.01 & 505.162)

Two Track system.

First Track - applies to initial incidents, applying a reasonable care standard, and penalizes owners for the dog's behavior.

Second Track, applies after the dog is designated a nuisance, dangerous or vicious dog, and provides for penalties based on a heightened care standard.

Both tracks provide for a due process hearing for owners who object to the designation of their dog.

MISDEMEANOR PENALTIES

CLASSIFICATION	CONFINEMENT	MAXIMUM FINE
Misdemeanor 1 (M1)	Maximum Sentence of 180 days	\$ 1,000
Misdemeanor 2 (M2)	Maximum Sentence of 90 days	\$ 750
Misdemeanor 3 (M3)	Maximum Sentence of 60 days	\$ 500
Misdemeanor 4 (M4)	Maximum Sentence of 30 days	\$ 250
Minor Misdemeanor (MM)	None	\$ 150

Penalties – Tier 1

Dogs Running at Large

- Owner is guilty of a Misdemeanor of the Fourth Degree on the first offense and a Third Degree Misdemeanor on the each subsequent offense.
(505.01(I)(1,2))
- Owner is guilty of a Misdemeanor of the First Degree if a domestic animal or person is aggressively bitten without provocation.
(505.01(I)(4))

Nuisance Dog Designation 505.16(C)

A “nuisance dog” means a dog that without provocation and while off the premises of the owner, keeper, or harborer either:

- chased or approached a person in either a menacing fashion or an apparent attitude of attack
- “Menacing fashion” is defined as “a dog that would cause any person being chased or approached to reasonably believe that the dog would cause physical injury to that person.” (505.16(B)).
- has attempted to bite or otherwise endanger any person.

A police dog assisting law enforcement officers does not meet the definition of a “nuisance dog.”

Dangerous Dog Designation 505.16(A)

A “dangerous dog” is one that “without provocation (the dog was not teased, tormented or abused)

- Caused injury, other than killing or serious injury, to any person
- Killed another dog.
- is caught running loose three or more times violating 505.01 of the Ordinance.

The term “dangerous dog” does not include a police dog that is being used to assist law enforcement officers in the performance of their official duties.

Vicious Dog Designation 505.16(F)

A “vicious dog” is one that without provocation (the dog was not teased, tormented or abused)

- Has killed or caused serious injury to any person

Vicious dog does not include:

- A police dog assisting law enforcement officers
 - A dog that “killed or caused serious injury to any person” while they were attempting to commit a trespass or other criminal offense on the property of the owner, keeper, or harborer of the dog.”
- 505.162(F)

Penalties – Nuisance Dog 505.162(F)(1)

- ❖ Owner, Keeper or Harboring is guilty of a Misdemeanor of the Fourth Degree on the first offense, a third degree on the second offense and a First Degree Misdemeanor on the third or any subsequent offense.
- ❖ If dog aggressively bites a domestic animal or person without provocation, Owner Keeper or Harboring is guilty of a first degree misdemeanor.
- ❖ Restrictions for manner of keeping dog confined included in 505.162(A) apply to Nuisance Dogs.

Penalties – Dangerous Dog 505.162(F)(2)

- ❖ Misdemeanor of the third degree on a first offense, a second degree misdemeanor on the second offense and a misdemeanor of the first degree on a third and each subsequent offense.
- ❖ If dog aggressively bites a domestic animal or person without provocation, Owner Keeper or Harboring is guilty of a first degree misdemeanor.
- ❖ Court may order reasonable terms conditions and restrictions to protect the public.
- ❖ Restrictions for manner of keeping dog confined and requirements included in 505.162(B, C & D) apply to Dangerous Dogs.

Penalties – Vicious Dog 505.162(F)(3)

- ❖ Misdemeanor of the second degree on a first offense, a first degree misdemeanor on the second offense and each subsequent offense.
- ❖ If dog aggressively bites a domestic animal or person without provocation or kills a domestic animal or causes serious injury to a human Owner Keeper or Harboring is guilty of a first degree misdemeanor.
- ❖ Felony of the fourth degree if the dog kills a person and the court shall order the animal humanely destroyed at the owner's expense.
- ❖ Court may order reasonable terms conditions and restrictions to protect the public.
- ❖ Restrictions for manner of keeping dog confined and requirement included in 505.162(B, C & D) apply to Vicious Dogs

INSURANCE REQUIREMENTS

- ❖ 505.20 All Owners, Keepers and Harborers of a Dog in the City must maintain Liability Insurance of no less than \$10,000 for bodily injury or death to any person.
- ❖ 505.162(D) All Owners Keepers and Harborers of a Dangerous or Vicious Dog in the City must maintain Liability Insurance of no less than \$100,000 for bodily injury or death to any person.
- ❖ 505.01(E) and 505.165 Strict Liability Provisions are only effective if there is an ability to pay for the damages caused.
- ❖ Opponents argue the insurance requirement in 505.20 is an attempt to ban pit bulls through imposing a requirement that can't be satisfied due to insurance industry practices. This is not the case in Ohio. Aware of only one insurance company that factors into insuring decision the breed of the dog.

