

AGENDA

Agenda, Bay Village City Council
Committee Meeting
Conference Room
Paul A. Koomar, President of Council, Presiding

Date: September 6, 2016
Time: 7:30 p.m.

ANNOUNCEMENTS

COMMITTEE OF THE WHOLE

Support of Bay Village Schools Operating Levy

Marijuana Legislation

Interim Mayor Designation

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Vincent

Wellness Incentive Program for Full Time Employees

Minotti's Beer and Wine Transfer Notification
Minotti's Liquor Agency Reassignment Notification

Walgreen Co. Liquor Permit – Change of Corporate Stock Ownership

Vicious Dog Ordinance –Update to Codified Ordinance Chapter 505

FINANCE & CLAIMS COMMITTEE – Clark

Supplemental Appropriation Ordinance

2017 Tax Budget

Request to the County Fiscal Officer for Tax Advances in 2017

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lieske

Submerged Land Lease – Peter and Elaine B. Korte, 31146 Lake Road

St. Raphael's Catholic Church – Sign Request

Overflow Commercial Parking Request – City Hall Parking Lot – Reference C.O. 351.15

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Henderson

RECREATION & PARK IMPROVEMENT COMMITTEE-Mace

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Tadych

AUDIENCE

MISCELLANEOUS

CAHOON MEMORIAL PARK TRUSTEES

ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
AMENDING CODIFIED ORDINANCE 513.01 REGARDING
DRUG ABUSE CONTROL/DEFINITIONS,
AND DECLARING AN EMERGENCY

BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That Codified Ordinance Section 1373.01 which presently reads as follows:

513.01 DEFINITIONS.

As used in this chapter, certain terms are defined as follows:

- (a) "Administer" means the direct application of a drug, whether by injection, inhalation, ingestion or any other means to a person or an animal.
- (b) "Controlled substance" means a drug, compound, mixture, preparation or substance included in Schedule I, II, III, IV, or V.
- (c) "Dispense" means sell, leave with, give away, dispose of or deliver.
- (d) "Distribute" means to deal in, ship, transport or deliver but does not include administering or dispensing a drug.
- (e) "Hypodermic" means a hypodermic syringe or needle, or other instrument or device for the injection of medication.
- (f) "Manufacturer" means a person who manufactures a controlled substance as "manufacture" is defined in Ohio R.C. 3715.01.
- (g) Except as provided in subsection (g)(2) hereof:
 - (1) "Marihuana" means all parts of a plant of the genus cannabis, whether growing or not, the seeds of a plant of that type; the resin extracted from a part of a plant of that type; and every compound, manufacture, salt, derivative, mixture or preparation of a plant of that type or of its seeds or resin. "Marihuana" does not include the mature stalks of the plant, fiber produced from the stalks, oils or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from the mature stalks, fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. (ORC 3719.01)
 - (2) "Marihuana" does not include hashish. (ORC 2925.01)
- (h) "Controlled substance analog" has the same meaning as provided in Ohio R.C. 3719.01.
- (i) "Official written order" means an order written on a form provided for that purpose by the Director of the United States Drug Enforcement Administration, under any laws of the United States making provision for the order, if the order forms are authorized and required by Federal law.
- (j) "Pharmacist" means a person licensed under Ohio R.C. Chapter 4729 to engage in the practice of pharmacy.

(k) "Pharmacy" has the same meaning as in Ohio R.C. 4729.01.

(l) "Poison" means any drug, chemical, or preparation likely to be deleterious or destructive to adult human life in quantities of four grams or less.

(m) "Licensed health professional authorized to prescribe drugs", "prescriber" and "prescription" have the same meanings as in Ohio R.C. 4729.01.

(n) "Sale" includes delivery, barter, exchange, transfer or gift, or offer thereof, and each transaction of those natures made by any person, whether as principal, proprietor, agent, servant or employee.

(o) "Schedule I", "Schedule II", "Schedule III", "Schedule IV" and "Schedule V" mean controlled substance Schedules I, II, III, IV, and V respectively, established pursuant to Ohio R.C. 3719.41, as amended pursuant to Ohio R.C. 3719.43 or 3719.44.

(p) "Wholesaler" means a person who, on official written orders other than prescriptions, supplies controlled substances that the person has not manufactured, produced or prepared personally and includes a "wholesale distributor of dangerous drugs" as defined in Ohio R.C. 4729.01.

(ORC 3719.01)

(q) "Drug of abuse" means any controlled substance as defined in subsection (b) hereof, any harmful intoxicant as defined in subsection (x) hereof and any dangerous drug as defined in subsection (r) hereof.

(ORC 3719.011)

(r) "Dangerous drug" means any of the following:

(1) Any drug to which either of the following applies:

A. Under the "Federal Food, Drug, and Cosmetic Act", 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription;

B. Under Ohio R.C. Chapter 3715 or 3719, the drug may be dispensed only upon a prescription.

(2) Any drug that contains a Schedule V narcotic drug and that is exempt from Ohio R.C. Chapter 3719 or to which that chapter does not apply;

(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body. (ORC 4729.02)

(s) "Bulk amount" of a controlled substance means any of the following:

(1) For any compound, mixture, preparation, or substance included in Schedule I, Schedule II or Schedule III, with the exception of controlled substance analogs, marijuana, cocaine, L.S.D., heroin, and hashish and except as provided in subsection (s)(2) or (5) hereof, whichever of the following is applicable:

A. An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I opiate or opium derivative;

B. An amount equal to or exceeding ten grams of a compound, mixture, preparation or substance that is or contains any amount of raw or gum opium;

C. An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I

hallucinogen other than tetrahydrocannabinol, or lysergic acid amide, or a Schedule I stimulant or depressant;

D. An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II opiate or opium derivative;

E. An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation or substance that is or contains any amount of phencyclidine;

F. An amount equal to or exceeding 120 grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II stimulant that is in a final dosage form manufactured by a person authorized by the Federal Food, Drug, and Cosmetic Act, 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and the Federal Drug Abuse Control laws as defined in Ohio R.C. 3719.01, that is or contains any amount of a Schedule II depressant substance or a Schedule II hallucinogenic substance;

G. An amount equal to or exceeding three grams of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II stimulant, or any of its salts or isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug, and Cosmetic Act and the Federal Drug Abuse Control laws;

(2) An amount equal to or exceeding one hundred twenty grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule III or IV substance other than an anabolic steroid or a Schedule III opiate or opium derivative;

(3) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule III opiate or opium derivative;

(4) An amount equal to or exceeding 250 milliliters or 250 grams of a compound, mixture, preparation or substance that is or contains any amount of a Schedule V substance.

(5) An amount equal to or exceeding 200 solid dosage units, sixteen grams or sixteen milliliters of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III anabolic steroid.

(t) "Unit dose" means an amount or unit of a compound, mixture or preparation containing a controlled substance, that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.

(u) "Cultivate" includes planting, watering, fertilizing or tilling.

(v) "Drug abuse offense" means any of the following:

(1) A violation of Ohio R.C. 2925.02, 2925.03, 2925.04 to 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36 or 2925.37; or a violation of Ohio R.C. 2913.02(A) that constitutes theft of drugs;

(2) A violation of an existing or former law of this or any other state or of the United States, that is substantially equivalent to any section listed in subsection (v)(1) hereof;

(3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using or otherwise dealing with a controlled substance is an element;

(4) A conspiracy or attempt to commit, or complicity in committing or attempting to commit any offense under subsection (v)(1), (2) or (3) hereof.

(w) "Felony drug abuse offense" means any drug abuse offense that would constitute a felony under the laws of this State, any other state or the United States.

(x) "Harmful intoxicant" does not include beer or intoxicating liquor, but means any of the following:

(1) Any compound, mixture, preparation or substance the gas, fumes or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation or other harmful physiological effects, and includes, but is not limited to, any of the following:

A. Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent;

B. Any aerosol propellant;

C. Any fluorocarbon refrigerant;

D. Any anesthetic gas.

(2) Gamma Butyrolactone;

(3) 1,4 Butanediol.

(y) "Manufacture" means to plant, cultivate, harvest, process, make, prepare or otherwise engage in any part of the production of a drug by propagation, extraction, chemical synthesis or compounding, or any combination of the same, and includes packaging, repackaging, labeling and other activities incident to production.

(z) "Possess" or "possession" means having control over a thing or substance but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.

(aa) "Sample drug" means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.

(bb) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of references that are approved by the State Board of Pharmacy.

(cc) "Juvenile" means a person under eighteen years of age.

(dd) "School" means any school operated by a board of education, any community school established under Ohio R.C. Chapter 3314, or any nonpublic school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07, whether or not any instruction, extracurricular activities or training provided by the school is being conducted at the time a criminal offense is committed.

(ee) "School premises" means either of the following:

(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities or training provided by the school is being conducted on the premises at the time a criminal offense is committed;

(2) Any other parcel of real property that is owned or leased by a board of education of a school, any community school established under Ohio R.C. Chapter 3314, or the governing body of a nonpublic school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07 and on which some of the instruction, extracurricular activities or training of the school is conducted, whether or not any instruction, extracurricular activities or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.

(ff) "School building" means any building in which any of the instruction, extracurricular activities or training provided by a school is conducted, whether or not any instruction, extracurricular activities or training provided by the school is being conducted in the school building at the time a criminal offense is committed.

(gg) "Counterfeit controlled substance" means:

(1) Any drug that bears, or whose container or label bears, a trademark, trade name or other identifying mark used without authorization of the owner of rights to that trademark, trade name or identifying mark; or

(2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed or distributed by a person other than the person that manufactured, processed, packed or distributed it; or

(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance; or

(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size and color, or its marking, labeling, packaging, distribution or the price for which it is sold or offered for sale.

(hh) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within one thousand feet of the boundaries of any school premises.

(ii) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.

(jj) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.

(kk) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.

(ll) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer or salt of an isomer of methamphetamine.

(mm) "Lawful prescription" means a prescription that is issued for a legitimate medical purpose by a licensed health professional authorized to prescribe drugs, that is not altered or forged, and that was not obtained by means of deception or by the commission of any theft offense.

(nn) "Deception" and "theft offense" have the same meanings as in Ohio R.C. 2913.01.

be and the same is amended to read:

513.01 DEFINITIONS.

As used in this chapter, certain terms are defined as follows:

- (a) "Administer" means the direct application of a drug, whether by injection, inhalation, ingestion or any other means to a person or an animal.
- (b) "Controlled substance" means a drug, compound, mixture, preparation or substance included in Schedule I, II, III, IV, or V.
- (c) "Dispense" means sell, leave with, give away, dispose of or deliver.
- (d) "Distribute" means to deal in, ship, transport or deliver but does not include administering or dispensing a drug.
- (e) "Hypodermic" means a hypodermic syringe or needle, or other instrument or device for the injection of medication.
- (f) "Manufacturer" means a person who manufactures a controlled substance as "manufacture" is defined in Ohio R.C. 3715.01.
- (g) Except as provided in subsection (g)(2) hereof:
 - (1) "Marihuana" means all parts of a plant of the genus *cannabis*, whether growing or not, the seeds of a plant of that type; the resin extracted from a part of a plant of that type; and every compound, manufacture, salt, derivative, mixture or preparation of a plant of that type or of its seeds or resin. "Marihuana" does not include the mature stalks of the plant, fiber produced from the stalks, oils or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from the mature stalks, fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. (ORC 3719.01)
 - (2) "Marihuana" does not include hashish. (ORC 2925.01)
- (h) "Controlled substance analog" has the same meaning as provided in Ohio R.C. 3719.01.
- (i) "Official written order" means an order written on a form provided for that purpose by the Director of the United States Drug Enforcement Administration, under any laws of the United States making provision for the order, if the order forms are authorized and required by Federal law.
- (j) "Pharmacist" means a person licensed under Ohio R.C. Chapter 4729 to engage in the practice of pharmacy.
- (k) "Pharmacy" has the same meaning as in Ohio R.C. 4729.01.
- (l) "Poison" means any drug, chemical, or preparation likely to be deleterious or destructive to adult human life in quantities of four grams or less.
- (m) "Licensed health professional authorized to prescribe drugs", "prescriber" and "prescription" have the same meanings as in Ohio R.C. 4729.01.
- (n) "Sale" includes delivery, barter, exchange, transfer or gift, or offer thereof, and each transaction of those natures made by any person, whether as principal, proprietor, agent, servant or employee.
- (o) "Schedule I", "Schedule II", "Schedule III", "Schedule IV" and "Schedule V" mean controlled substance Schedules I, II, III, IV, and V respectively, established pursuant to Ohio R.C. 3719.41, as amended pursuant to Ohio R.C. 3719.43 or 3719.44.

(p) "Wholesaler" means a person who, on official written orders other than prescriptions, supplies controlled substances that the person has not manufactured, produced or prepared personally and includes a "wholesale distributor of dangerous drugs" as defined in Ohio R.C. 4729.01.

(ORC 3719.01)

(q) "Drug of abuse" means any controlled substance as defined in subsection (b) hereof, any harmful intoxicant as defined in subsection (x) hereof and any dangerous drug as defined in subsection (r) hereof.

(ORC 3719.011)

(r) "Dangerous drug" means any of the following:

(1) Any drug to which either of the following applies:

A. Under the "Federal Food, Drug, and Cosmetic Act", 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription;

B. Under Ohio R.C. Chapter 3715 or 3719, the drug may be dispensed only upon a prescription.

(2) Any drug that contains a Schedule V narcotic drug and that is exempt from Ohio R.C. Chapter 3719 or to which that chapter does not apply;

(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body. (ORC 4729.02)

(s) "Bulk amount" of a controlled substance means any of the following:

(1) For any compound, mixture, preparation, or substance included in Schedule I, Schedule II or Schedule III, with the exception of controlled substance analogs, marihuana, cocaine, L.S.D., heroin, and hashish and except as provided in subsection (s)(2) or (5) hereof, whichever of the following is applicable:

A. An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I opiate or opium derivative;

B. An amount equal to or exceeding ten grams of a compound, mixture, preparation or substance that is or contains any amount of raw or gum opium;

C. An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I hallucinogen other than tetrahydrocannabinol, or lysergic acid amide, or a Schedule I stimulant or depressant;

D. An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II opiate or opium derivative;

E. An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation or substance that is or contains any amount of phencyclidine;

F. An amount equal to or exceeding 120 grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II stimulant that is in a final dosage form manufactured by a person authorized by the

Federal Food, Drug, and Cosmetic Act, 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and the Federal Drug Abuse Control laws as defined in Ohio R.C. 3719.01, that is or contains any amount of a Schedule II depressant substance or a Schedule II hallucinogenic substance;

G. An amount equal to or exceeding three grams of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II stimulant, or any of its salts or isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug, and Cosmetic Act and the Federal Drug Abuse Control laws;

(2) An amount equal to or exceeding one hundred twenty grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule III or IV substance other than an anabolic steroid or a Schedule III opiate or opium derivative;

(3) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule III opiate or opium derivative;

(4) An amount equal to or exceeding 250 milliliters or 250 grams of a compound, mixture, preparation or substance that is or contains any amount of a Schedule V substance.

(5) An amount equal to or exceeding 200 solid dosage units, sixteen grams or sixteen milliliters of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III anabolic steroid.

(t) "Unit dose" means an amount or unit of a compound, mixture or preparation containing a controlled substance, that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.

(u) "Cultivate" includes planting, watering, fertilizing or tilling.

(v) "Drug abuse offense" means any of the following:

(1) A violation of Ohio R.C.. 2925.02, 2925.03, 2925.04 to 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36 or 2925.37; or a violation of Ohio R.C. 2913.02(A) that constitutes theft of drugs;

(2) A violation of an existing or former law of this or any other state or of the United States, that is substantially equivalent to any section listed in subsection (v)(1) hereof;

(3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using or otherwise dealing with a controlled substance is an element;

(4) A conspiracy or attempt to commit, or complicity in committing or attempting to commit any offense under subsection (v)(1), (2) or (3) hereof.

(w) "Felony drug abuse offense" means any drug abuse offense that would constitute a felony under the laws of this State, any other state or the United States.

(x) "Harmful intoxicant" does not include beer or intoxicating liquor, but means any of the following:

(1) Any compound, mixture, preparation or substance the gas, fumes or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior,

depression, stupefaction, paralysis, unconsciousness, asphyxiation or other harmful physiological effects, and includes, but is not limited to, any of the following:

A. Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent;

B. Any aerosol propellant;

C. Any fluorocarbon refrigerant;

D. Any anesthetic gas.

(2) Gamma Butyrolactone;

(3) 1,4 Butanediol.

(y) "Manufacture" means to plant, cultivate, harvest, process, make, prepare or otherwise engage in any part of the production of a drug by propagation, extraction, chemical synthesis or compounding, or any combination of the same, and includes packaging, repackaging, labeling and other activities incident to production.

(z) "Possess" or "possession" means having control over a thing or substance but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.

(aa) "Sample drug" means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.

(bb) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of references that are approved by the State Board of Pharmacy.

(cc) "Juvenile" means a person under eighteen years of age.

(dd) "School" means any school operated by a board of education, any community school established under Ohio R.C. Chapter 3314, or any nonpublic school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07, whether or not any instruction, extracurricular activities or training provided by the school is being conducted at the time a criminal offense is committed.

(ee) "School premises" means either of the following:

(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities or training provided by the school is being conducted on the premises at the time a criminal offense is committed;

(2) Any other parcel of real property that is owned or leased by a board of education of a school, any community school established under Ohio R.C. Chapter 3314, or the governing body of a nonpublic school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07 and on which some of the instruction, extracurricular activities or training of the school is conducted, whether or not any instruction, extracurricular activities or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.

(ff) "School building" means any building in which any of the instruction, extracurricular activities or training provided by a school is conducted, whether or not any instruction, extracurricular activities or training provided by the school is being conducted in the school building at the time a criminal offense is committed.

(gg) "Counterfeit controlled substance" means:

(1) Any drug that bears, or whose container or label bears, a trademark, trade name or other identifying mark used without authorization of the owner of rights to that trademark, trade name or identifying mark; or

(2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed or distributed by a person other than the person that manufactured, processed, packed or distributed it; or

(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance; or

(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size and color, or its marking, labeling, packaging, distribution or the price for which it is sold or offered for sale.

(hh) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within one thousand feet of the boundaries of any school premises.

(ii) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.

(jj) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.

(kk) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.

(ll) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer or salt of an isomer of methamphetamine.

(mm) "Lawful prescription" means a prescription that is issued for a legitimate medical purpose by a licensed health professional authorized to prescribe drugs, that is not altered or forged, and that was not obtained by means of deception or by the commission of any theft offense.

(nn) "Deception" and "theft offense" have the same meanings as in Ohio R.C. 2913.01.

(oo) "Medical marihuana" has the same meaning as in Section 3796.01(A)(2) of the Ohio Revised Code.

(pp) "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, storing, or trimming of medical marihuana.

(qq) "Cultivation facility" means a person that engages in the cultivation of medical marihuana and that is licensed by the Department of Commerce pursuant to Section 3796.09 of the Ohio Revised Code.

(rr) "Processing" means any activity involving the extraction of medical marihuana into a form described in Section 3796.06 of the Ohio Revised Code, including without limitation the creation of medical marihuana extracts, oils, tinctures, edibles, patches, or any other product containing tetrahydrocannabinol or cannabidiol;

(ss) “Processing facility” means a person that engages in the processing of medical marihuana and that is licensed by the Department of Commerce pursuant to Section 3796.09 of the Ohio Revised Code.

(tt) “Dispensary” means a person that dispenses, transfers, or sells medical marihuana and that is licensed by the Ohio State Board of Pharmacy pursuant to Section 3796.10 of the Ohio Revised Code.

(uu) “Person” means any individual, partnership of any kind, corporation, limited liability company, association, joint venture, or other organization or entity, however formed.

and present Section 513.01 is hereby repealed.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

9-1-16 LL

ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
**AMENDING CHAPTER 513 OF THE CODIFIED ORDINANCES BY
ENACTING SECTIONS 513.15 AND 513.16 PROHIBITING THE ESTABLISHMENT
AND OPERATION OF MEDICAL MARIHUANA DISPENSARIES, THE INDOOR AND
OUTDOOR CULTIVATION OF MEDICAL MARIHUANA,
AND THE DELIVERY OF MARIHUANA, AND
DECLARING AN EMERGENCY**

WHEREAS, on June 8, 2016 Ohio Governor John Kasich signed House Bill 523 into law after it passed the Ohio General Assembly; and

WHEREAS, House Bill 523 will become effective on September 8, 2016; and

WHEREAS, House Bill 523 provides for the regulation and legalization of medical marihuana within the State of Ohio; and

WHEREAS, House Bill 523 allows for the Department of Commerce to award licenses to medical marihuana cultivators, processors, and testing laboratories; and

WHEREAS, House Bill 523 allows for the State Board of Pharmacy to award licenses to medical marihuana dispensaries; and

WHEREAS, the act included the adoption of Ohio Revised Code Section 3796.29 which authorized the legislation of a municipal corporation to adopt by Ordinance restrictions including the prohibition of cultivators, processors or retail dispensaries within said municipal corporation; and

WHEREAS, the Bay Village City Council takes legislative notice that the use, possession, cultivation, distribution, and sale of marihuana, whether for medical or recreational use, remains illegal under the Controlled Substances Act, codified at 21 U.S.C. Section 841, and that federal courts have recognized that the federal government may enforce the Controlled Substances Act notwithstanding contrary laws of any State; and

WHEREAS, in light of the continuing conflict between state and federal law, the City of Bay Village must resolve for itself whether, as a land use matter, medical marihuana cultivators, dispensaries, and processors, as defined by House Bill 523, should be permitted, regulated, or prohibited; and

WHEREAS, the Bay Village City Council finds and declares that it is necessary to retain local control over the regulation of commercial medical marihuana activities in order to protect the public health, safety, and welfare while it further considers whether future regulations may allow for the safe and responsible operation of medical marihuana cultivators, processors, and dispensaries within the City of Bay Village.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That Chapter 513 of the Codified Ordinances of the City of Bay Village is hereby amended by enacting new Sections 513.15 and 513.16 which shall read as follows:

513.15 PROHIBITED ACTIVITIES RELATING TO MEDICAL MARIHUANA

The following prohibitions apply to all property within the boundaries of the City of Bay Village, regardless of the zone, adopted specific plan, overlay zone, or any other development or use classification or other designation of property:

- a) It is unlawful for any person to engage in the indoor or outdoor cultivation of medical marihuana or to establish or operate, or to allow, cause, create, suffer, or permit the establishment or operation of a medical marihuana cultivation facility.
- b) It is unlawful for any person to engage in the processing of medical marihuana or to establish or operate, or to allow, cause, create, suffer, or permit the establishment or operation of a medical marihuana processing facility.
- c) It is unlawful for any person to establish or operate, or to allow, cause create, suffer, or permit the establishment or operation of a medical marihuana dispensary.
- d) It is unlawful for any person to deliver medical marihuana, or to allow, cause, create, suffer, or permit the delivery of medical marihuana, except that a patient or caregiver as registered by the State Board of Pharmacy under Section 3796.08 of the Ohio Revised Code may engage in all activities allowed pursuant to Sections 3796.22 and 3796.23 of the Ohio Revised Code.
- e) No zoning permit, building permit, certificate of occupancy or any other permit shall be granted to a business for opening, using any land or devoting any floor area of the business for the purposes of operating a medical marihuana cultivation facility, processing facility, or dispensary.

513.16 PUBLIC NUISANCE; VIOLATION; REMEDIES NOT EXCLUSIVE; PENALTY

- a) Engaging in any activity or using property to engage in any activity, prohibited under this chapter constitutes a public nuisance subject to abatement.
- b) Notwithstanding any other provision of the zoning ordinances of the City of Bay Village, any person who violates this chapter shall be guilty of a misdemeanor of the first degree. Each day or any portion thereof that a person violates any provision of this chapter shall constitute a separate offense.
- c) Any enforcement action taken pursuant to this chapter shall not prejudice or adversely affect any other action, whether administrative, civil or criminal, that may be brought to abate the public nuisance or violation or to seek compensation for damages suffered. An administrative, civil, or criminal action may be brought concurrently with any other process regarding the same public nuisance or violation.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

9-2-16 ll

CITY OF BAY VILLAGE AGENDA REQUEST JULY 28, 2016

OVERVIEW

1. Action Requested

Implement a wellness incentive for full time employees who are covered on the City's healthcare plan.

2. Previous Action

Meetings with Human Resources Manager and union representatives

3. Background/Justification for Current Action

Incentivizing a wellness plan will generate more employee participation and ultimately will lower overall health care costs for the City

4. Financial Impact

For employees who voluntarily participate and meet the requirements of the wellness incentive, a \$20 reduction of the employee's health care contribution will be applied monthly.

If 25% of employees participate, the cost would be \$460 per month/\$5520 annually

If 30% of employees participate, the cost would be \$540 per month/\$6480 annually

If 50% of employees participate, the cost would be \$900 per month/\$10,800 annually

5. Affected Parties

All full time employees enrolled in the City's healthcare

6. Implementation Plan

Voluntary participation would have three requirements:

1. Complete a biometric screening
2. Complete the Health Risk Assessment
3. Meet with our onsite Nurse Practitioner to customize health goals and develop a personalized health improvement plan

7. High-Level Timeline/Schedule

Communicate wellness incentive plan to employees first week of September

Onsite biometric screening first week of October

Health risk assessment completed by mid-October

Personalized health plan meeting completed by end of November

Financial incentive to start 1/1/17 and continue through the 2017 calendar year

APPROVAL AND AUTHORITY TO PROCEED

We approve the project as described above, and authorize the team to proceed.

Name	Title	Date
Director or Supervisor		

Approved By

Date

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)844-2360 FAX(614)644-3188

TO

0434102		TRFO	BAPA 95 LLC
10 01 2015			DBA ROSS WINE & LIQUOR
08 10 2016			WINE & LIQUOR
C1 C2 D6 D8			27313 WOLF RD UNIT 15
18 011 C		F16825	BAY VILLAGE OHIO 44140

FROM 08/12/2016

AGENCY 909

60373890005			MINOTTI GROUP LLC
10 01 2015			DBA MINOTTIS BAY VILLAGE
08 10 2016			WINE & LIQUOR
C1 C2 D6 D8			27313 WOLF RD UNIT 15
18 011			BAY VILLAGE OHIO 44140



MAILED 08/12/2016

RESPONSES MUST BE POSTMARKED NO LATER THAN. 09/12/2016

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

C TRFO 0434102

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal

Article #: 92147969009997901729935413
Date/Time: 8/11/2016 4:06:14 PM
Code:
Code2:

CLERK OF BY VILLAGE CITY COUNCIL
350 DOVER CENTER
BAY VILLAGE OHIO 44140

Internal File #:
Internal Code:

NOTICE TO LEGISLATIVE AUTHORITY
AGENCY APPLICATION

OHIO DIVISION OF LIQUOR CONTROL
8805 TUSSING ROAD
P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005

TO

0434102 PERMIT NUMBER		TYPE	BAPA 95 LLC DBA ROSS WINE & LIQUOR WINE & LIQUOR 27313 WOLF RD UNIT 15 BAY VILLAGE OHIO 44140
ISSUE DATE			
FILING DATE			
LIQUOR AGENCY CONTRACT PERMIT CLASSES			
TAX DISTRICT		RECEIPT NO	

AGENCY 00909

- YOU ARE RECEIVING ONLY ONE NOTICE FOR THIS LOCATION AS THIS IS A LIQUOR AGENCY ONLY APPLICATION.
- YOU ARE RECEIVING TWO SEPARATE NOTICES FOR THIS LOCATION. THIS NOTICE IS FOR A LIQUOR AGENCY AND A SECOND NOTICE FOR A CARRY OUT LIQUOR LICENSE. ORC 4301.17(B) AND 4303.26 REQUIRES YOU BE NOTIFIED SEPARATELY FOR EACH TYPE OF APPLICATION.



MAILED 08/12/2016

RESPONSES MUST BE POSTMARKED NO LATER THAN. 09/12/2016

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.
REFER TO THIS NUMBER IN ALL INQUIRIES _____

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE AGENCY CONTRACT AND REQUEST THAT THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

- (Title) - Clerk of County Commissioner
 Clerk of City Council
 Township Fiscal Officer

(Date)

YOU MAY FAX YOUR REPLY TO 614-644-7480

CLERK OF BAY VILLAGE CITY COUNCIL
350 DOVER CENTER
BAY VILLAGE OHIO 44140
#

Batch #: 397,781
Article #: 92147969009997901729935789
Date/Time: 8/11/2016 4:09:16 PM
Code:
Code2:

Internal File #:
Internal Code:

**NOTICE TO LEGISLATIVE
AUTHORITY**

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

935794110035		STCK	WALGREEN CO	
PERMIT NUMBER		TYPE	DBA WALGREENS 10029	
ISSUE DATE				
08	31	2015		
FILING DATE				
C1 C2 D6				
PERMIT CLASSES				
18	011	C	F16857	
TAX DISTRICT			RECEIPT NO.	

FROM 08/18/2016

PERMIT NUMBER		TYPE
ISSUE DATE		
FILING DATE		
PERMIT CLASSES		
TAX DISTRICT		RECEIPT NO.



MAILED 08/18/2016

RESPONSES MUST BE POSTMARKED NO LATER THAN. 09/19/2016

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES C STCK 9357941-10035

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF BY VILLAGE CITY COUNCIL
350 DOVER CENTER
BAY VILLAGE OHIO 44140

053

For Questions call
(614) 644-3162
Office Hours -
8:00 a.m. - 5:00 p.m.

Ohio Department of Commerce - Division of Liquor Control
6606 Tussing Road, Reynoldsburg, Ohio 43068-9005
<http://www.com.ohio.gov/liqr>



APPLICATION FOR CHANGE OF CORPORATE STOCK OWNERSHIP
PROCESSING FEE \$100.00 CAUTION: ALLOW 10 TO 12 WEEKS FOR PROCESSING

PERMIT HOLDER REQUESTS APPROVAL OF THE DIVISION OF LIQUOR CONTROL OF THE FOLLOWING TRANSFER(S) OF STOCK

Permit Holder Name Walgreen Co.	Liquor Permit Number(s) 935794110035 F-016857
---	---

Permit Premises Address **27251 Wolf Rd., Bay Village, OH 44140**

Email Address: **r o b i n . v a n c l e a v e @ w a l g r e e n s . c o m**

Attorney's Name, Address and Telephone Number (if represented)
Thomas Henry, 610 Smithfield St., Suite 300, Pgh PA 15222; Marc Myers, 300 West Wilson Bridge Rd., Worthington OH 43085

Is Stock Traded on a National Exchange? YES NO If YES, give Name of Exchange and Symbol **N/A**

Please be advised that any social security numbers provided to the Division of Liquor Control in this application may be released to the Ohio Department of Public Safety, the Ohio Department of Taxation, the Ohio Attorney General, or to any other state or local law enforcement agency if the agency requests the social security number to conduct an investigation, implement an enforcement action, or collect taxes.

SECTION A: PREVIOUS 5% OR MORE STOCKHOLDERS			
Name	BIRTHDATE	Social Security Number/FTI#	Number of Shares Issued For Stock Transfer Only (NOT Percentages)
1) Publicly traded	N/A	N/A	N/A
2)			
3)			
4)			
5)			

Handwritten notes in Section A:
 2) OK TO My CD 7.5.16
 3) NO ROL, NO ROL pend, OTHERS ISSUED
 4) please send CC & PD Rpts

SECTION B: REVISED 5% OR MORE STOCKHOLDERS			
Name	BIRTHDATE	Social Security Number/FTI#	Number of Shares Issued For Stock Transfer (NOT Percentages)
1) Walgreens Boots Alliance, Inc.	N/A		100
2)			
3)			
4)			
5)			

NOTE: If any Stockholder is a business entity, that entity must list it's federal tax identification number (FTI #) above.

TOTAL NUMBER OF SHARES ISSUED 100

LIST THE TOP FOUR OFFICERS OF THE CAPTIONED CORPORATION. IF AN OFFICE IS NOT HELD, PLEASE INDICATE BY WRITING "NONE"	Social Security Number	Birthdate
1) CEO/President Alexander Gourlay		
2) Vice-President Alan Nielson		
3) Secretary Amelia Legutki		
4) Treasurer Alan Nielson		

OH. DIV. LIQUOR CONTROL
FRONT DESK 3
21 AM 8:41

ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
AMENDING CODIFIED ORDINANCE 505 REGARDING
ANIMALS AND FOUL,
AND DECLARING AN EMERGENCY

BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That Codified Ordinance 505 which presently reads as follows:

505.19 DANGEROUS AND VICIOUS DOGS.

As used in this chapter, certain terms are defined as follows:

(a) “Dangerous dog” means a dog that caused injury other than killing or serious injury to any person, or kills another dog, cat or other domestic animal while off the premises of the owner. 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, cat or other domestic animal while the police dog is being used to assist law enforcement officers in the performance of his official duties.

(b) “Menacing fashion,” means that a dog could cause any person being chased or approached to reasonably believe that the dog could cause physical injury to that person.

(c) “Owner” means any person owning, keeping, possessing, harboring, maintaining, or having the care, custody, or control of a dog or the parents or guardian of a minor owning, keeping, possessing, harboring, maintaining or having the care, custody or control of a dog.

(d) “Police dog” means a dog that has been trained, and may be used, to assist law enforcement officers in the performance of their 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” (as defined in ORC 955.11 (A) (4)(46) means a dog that, without provocation:

(1) Has killed or caused serious injury to any person;

(2) “Vicious Dog” does not include either of the following:

A. 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;

B. 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 harbinger of the dog.

(g) “Provocation” means that any dog was teased, tormented or abused by a person or that the dog was coming to the aid or defense of a person who was not engaged in illegal activity, and whose person or property was in imminent danger of physical harm.

(Ord. 12-41. Passed 5-21-12.)

505.20 DETERMINATION OF DANGEROUS AND VICIOUS DOGS.

(a) Whenever a complaint is made to the Police Department or the Animal Control Officer, of the presence of a dangerous or vicious dog within the city, the Chief of Police or designee shall promptly inspect or cause an inspection of the premises on which it is alleged that such animal is being kept.

(b) The Chief of Police or designee shall determine that a dog is dangerous pursuant to this chapter upon proof by a preponderance of the evidence of any of the following:

(1) Without provocation, the dog has caused injury other than killing or serious injury to any person.

(2) Without provocation, the dog has killed another dog, cat or other domestic animal.

(c) The Chief of Police shall determine that a dog is vicious pursuant to this chapter upon proof by a preponderance of the evidence that:

(1) Without provocation; the dog has killed or caused serious injury to any person.

(d) If the Chief determines that a dangerous/vicious dog is being kept within the City, the Chief shall determine the individual, firm or corporation who from the records in the Auditors office of Cuyahoga County, appears to be the owner of the dog, or if such information is not available, the titled owner of the property upon which the dog is kept, and shall, within five days, cause written notice to be served on such owner. Notice shall be served by certified mail with a return receipt requested. If service of such written notice is unable to be perfected, then the Chief of Police shall cause a copy of the aforesaid notice to be served by ordinary mail which shall be deemed complete upon mailing, and also left with the individual, if any, in possession of the premises on which the dog is kept, or if there is no individual in possession of the premises, he shall cause a copy of the notice to be posted on premises.

(e) The notice required by this section (c) hereof shall state, in brief, the findings with respect made to the dangerous or vicious nature of the dog. The notice shall further state that the owner must comply with the requirements of this chapter within thirty days after service of the notice.

(f) Police dogs are exempt from these provisions for all actions occurring in the course of their duties.

(Ord. 12-41. Passed 5-21-12.)

505.21 APPEAL PROCEDURE.

(a) The owner of a dog who has been served with a notice pursuant to Section 505.20 (d) may, within seven days after receipt of such notice, make a written demand to the Chief of

Police for a hearing on the question of whether the dog is dangerous or vicious as defined in Section 505.19.

(b) Every effort should be made to hold a hearing no later than ten days following receipt of written demand to the Chief of Police and at least three days notice of the hearing shall be given to the individual, who made the demand for the hearing.
(Ord. 03-07. Passed 4-7-03.)

505.22 REGISTRATION OF DANGEROUS OR VICIOUS DOGS.

(a) Any person owning, keeping, possessing, maintaining or having the care, custody or control of a dangerous or vicious dog shall:

(1) Register the dog with the police department annually, between January 2 and January 20, and whenever a dog is newly obtained.

(2) At the time of registration provide proof of liability insurance as required by Section 505.23 (a). (Ord. 03-07. Passed 4-7-03.)

(3) Identify the dog by having the dog tattooed with a code number or a microchip implanted at the owner's expense. In the event that said animal has a history of aggressive behavior within the City of Bay Village, said dog will be required to have a tattoo. Provide the Police Department with that code number and two color photos of the dog. One photo should clearly show the tattoo number on the dog and the other should be a clear photo of the whole dog. (Ord. 04-27. Passed 3-1-04.)

(4) Provide two color photographs of the dog annually.

(5) Post on the premises, in a conspicuous place where the dog is kept, at least one City-issued sign available, upon payment of thirty dollars (\$30.00) for each sign from the Police Department. The sign shall be visible and capable of being read from the public highway or street and will include the wording: "DANGEROUS or VICIOUS." The Animal Control Officer will determine sign language. This sign shall be maintained and remain in place during the possession of the animal.

(6) Notify the Police Department within seventy two hours, if the dangerous or vicious dog has died, or has been sold or donated and provide the Police Department with the names, address and telephone number of the new owner.

(b) Whoever fails to register a dangerous or vicious dog as provided in this section is guilty of a minor misdemeanor for the first offense, a misdemeanor of the fourth degree for a second offense and a misdemeanor of the third degree for the third offense. Each and every day during such period of noncompliance with this section may be deemed a separate offense.
(Ord. 03-07. Passed 4-7-03.)

505.23 INSURANCE FOR VICIOUS DOGS.

(a) No owner 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 one hundred thousand dollars (\$100,000) because of damage to property or bodily injury to or death of a person caused by the vicious dog.

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree on the first offense, a third degree misdemeanor on the second offense, and a second-degree misdemeanor on the third offense. Each and every day during such period of noncompliance with this section may be deemed a separate offense.
(Ord. 03-07. Passed 4-7-03.)

505.24 RESTRAINT OF DANGEROUS OR VICIOUS DOGS.

(a) No owner or person in charge of a dangerous or vicious dog shall fail to do one of the following:

- (1) Keep the dog securely inside of the owner's home.
- (2) Keep the dog in a locked enclosure at least five feet by ten feet, which has a secure top and sides. If the enclosure has no bottom securely attached to the sides, the sides must be embedded into the ground no less than two feet or must have a concrete base with the fencing securely attached or anchored to the concrete perimeter to a depth of six inches. All fencing must conform to the City of Bay Village Building Standards.
- (3) Keep the dog securely muzzled, making sure such muzzle does not interfere with the dogs breathing. Also, the dog must be fitted with a proper collar that will prevent the dog slipping out of it or breaking through it, and attach a substantial leash to the collar that conforms to the dogs weight, size and strength, not more than four feet in length which is held in the hand of a person who is of suitable age, size and discretion to control the dog and who is outside with the dog.

(b) Whoever violates this section is guilty of a misdemeanor in the fourth degree on the first offense, a misdemeanor of the third degree in the second offense and a misdemeanor of the second degree on the third offense.
(Ord. 03-07. Passed 4-7-03.)

505.25 INSPECTION OBSTRUCTION.

(a) Any person owning, keeping, possessing, harboring, maintaining or having the care, custody or control of a dangerous or vicious dog shall be deemed to have given consent to an inspection of the property, other than within any private structure unless otherwise authorized by law, by any law enforcement officer or the Animal Control Officer for the purpose of determining compliance with the requirements of this chapter.

(b) No person, with purpose to prevent, obstruct or delay the performance by law enforcement officer or the Animal Control Officer of any authorized act within his official capacity, shall do any act which hampers or impedes said official in the performance of his lawful duties under the provisions of this chapter.

(1) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the fourth degree.
(Ord. 03-07. Passed 4-7-03.)

505.26 SERIOUS PHYSICAL HARM BY DANGEROUS OR VICIOUS DOGS.

(a) No person, being the owner or having the care, custody or control of any dangerous or vicious dog within the city, shall allow such dog to cause serious physical harm to any person, except in defense of such owner's person or property.

(b) Lack of intent on the part of such person to allow such dog to injure another, or the lack of knowledge of the violent propensities of such dog, is not defense to a violation of this section.

(c) Whoever violates this section is guilty of a misdemeanor of the first degree.
(Ord. 03-07. Passed 4-7-03.)

505.27 PHYSICAL HARM BY DANGEROUS OR VICIOUS DOGS.

(a) No person, being the owner or having the care, custody or control of any dangerous or vicious dog within the City, shall allow such a dog to cause physical harm to any person, except in defense of such owner's person or property, or to cause physical harm to another dog, cat, or other domestic animal.

(b) Lack of intent on the part of such person to allow such dog to injure another, or the lack of knowledge of the violent propensities of such dog, is not defense to a violation of this section.

(c) Whoever violates this section is guilty of a misdemeanor of the second degree.
(Ord. 03-07. Passed 4-7-03.)

505.28 IMPOUNDMENT: DESTRUCTION OF DOGS.

(a) When any person, being the owner or having custody or control of any dog charged with a violation of this chapter, the court may, upon motion of any party or its own motion, order the seizure and impoundment of the dog pending trial.

(b) In the event that a Law Enforcement Officer or the Animal Control Officer has probable cause to believe that a dangerous or vicious dog is running at large, he/she may seize and impound the dog without seeking prior court order.

(c) Nothing in this section shall be construed to prevent a Law Enforcement Officer or Animal Control Officer from seizing or destroying any animal which presents an immediate risk of physical harm to any person or property.

(d) Any dog that attacks and injures any person, another dog or cat, shall be humanely destroyed when, in the courts judgment, such dog represents a continuing threat of serious harm to persons or other such animals. The Chief of Police may petition the court of competent jurisdiction for an order to humanely destroy any dog impounded pursuant to this chapter which represents a threat of harm to any person caring for such animal. The court shall order any dog that kills or causes serious physical harm to any person, other than a person committing a criminal trespass or other crime of violence upon the premises of the owner of such dog, humanely destroyed. (Ord. 03-07. Passed 4-7-03.)

505.29 KEEPING BANNED DOGS.

(a) No person shall own, keep, possess, harbor, maintain or have the care, custody or control of a dog within the city when such dog has been banned by order of a court of competent jurisdiction from any municipality, county, township or other political subdivision.

(b) Compliance with the requirements of this chapter is not a defense to a violation of this section.

(c) Whoever violates this section is guilty of a misdemeanor of the first degree. Each and every day during such period may be deemed a separate offense.
(Ord. 03-07. Passed 4-7-03.)

505.30 DOG FIGHTING.

(a) Animal Fights ORC 959.15: No person shall knowingly engage in or be employed at cockfighting, bearbaiting or pitting an animal against another. No person shall receive money for the admission of another to a place kept for such purpose. No person shall use, train or possess any animal for seizing, detaining or maltreating a domestic animal. Any person, who knowingly purchases a ticket of admission to such place or is present thereat or witnesses such spectacle, is an aider and abettor. Whoever violates this section, is guilty of a misdemeanor of the fourth degree.

(b) Dog Fighting Offenses, Investigations, Confiscation of Dogs and Equipment, ORC 959.16: No person shall do any of the following:

- (1) Promote, engage in or be employed at dog fighting.
- (2) Receive money for the admission of another person to a place kept for dog fighting.
- (3) Sell, purchase, possess or train a dog for dog fighting.
- (4) Use train or possess a dog for seizing, detaining or maltreating a domestic animal.
- (5) Purchase a ticket of admission to or be present at a dog fight.
- (6) Witness a dog fight if it is presented as a public spectacle.

(c) The Department of Agriculture may investigate complaints and follow up rumors of dog fighting activities and may report any information so gathered to an appropriate prosecutor or law enforcement agency.

(d) Any peace officer, as defined in Section 2935.01 of the Revised Code, shall confiscate any dogs that have been, are, or are intended to be used in dog fighting and any equipment or devices used in training such dogs or as part of dog fights.

(e) Whoever violates this section, is guilty of a misdemeanor of the first degree.
(Ord. 03-07. Passed 4-7-03.)

be and the same is amended to read:

505.19 NUISANCE DANGEROUS AND VICIOUS DOGS; DEFINITIONS.

As used in this chapter, certain terms are defined as follows:

(a) "Dangerous dog" means a dog that, without provocation, caused injury other than killing or serious injury to any person, or killeds another dog, cat or other domestic animal ~~while off the premises of the owner~~. 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, cat or other domestic animal while the police dog is being used to assist law enforcement officers in the performance of ~~his~~-~~their~~ official duties.

(b) “Menacing fashion,” means that a dog could cause any person being chased or approached to reasonably believe that the dog could cause physical injury to that person.

(c) “Nuisance dog,” means a dog that without provocation and while off the premises of its owners, keeper or harbinger 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.

(de) “Owner” means any person owning, keeping, possessing, harboring, maintaining, or having the care, custody, or control of a dog or the parents or guardian of a minor owning, keeping, possessing, harboring, maintaining or having the care, custody or control of a dog.

(ed) “Police dog” means a dog that has been trained, and may be used, to assist law enforcement officers in the performance of their duties.

(fe) “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;

(gf) “Vicious dog” (as defined in ORC 955.11 (A) (4)(46) means a dog that, without provocation:

- (1) Has killed or caused serious injury to any person;
- (2) “Vicious Dog” does not include either of the following:

A. 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;

B. 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 harbinger of the dog.

(hg) “Without Provocation” means that ~~any~~ dog was ~~not~~ teased, tormented or abused by a person or that the dog was coming to the aid or defense of a person who was not engaged in illegal or criminal activity, and whose person or property was in imminent danger of physical harm.

(Ord. 12-41. Passed 5-21-12.)

505.20 DETERMINATION OF NUISANCE, DANGEROUS AND VICIOUS DOGS.

(a) The Police Chief, or his designee, shall have the authority to determine whether a dog is a nuisance dog, dangerous dog, or vicious dog. This determination may be based upon any investigation by the Police Department, which may include observation of and statements about the dog’s behavior, including the dog’s upbringing and the owner or keeper’s control of the dog as well as any other evidence the Police Chief deems necessary.

(b) Whenever a complaint is made to the Police Department or the Animal Control Officer, of the presence of a nuisance, dangerous or vicious dog within the Ceity, the Chief of Police or designee shall promptly inspect or cause an inspection of the premises on which it is alleged that such animal is being kept.

(~~cb~~) The Chief of Police or designee shall determine that a dog is dangerous pursuant to this chapter upon proof by a preponderance of the evidence of any of the following:

(1) Without provocation, the dog has caused injury other than killing or serious injury to any person.

(2) Without provocation, the dog has killed another dog, cat or other domestic animal.

(~~de~~) The Chief of Police shall determine that a dog is vicious pursuant to this chapter upon proof by a preponderance of the evidence that:

(1) Without provocation; the dog has killed or caused serious injury to any person.

(~~ed~~) If the Chief determines that a dangerous/vicious dog is being kept within the City, the Chief shall determine the individual, firm or corporation who from the records in the Auditors office of Cuyahoga County, appears to be the owner of the dog, or if such information is not available, the titled owner of the property upon which the dog is kept, and shall, within five days, cause written notice to be served on such owner. Notice shall be served by certified mail with a return receipt requested. If service of such written notice is unable to be perfected, then the Chief of Police shall cause a copy of the aforesaid notice to be served by ordinary mail which shall be deemed complete upon mailing, and also left with the individual, if any, in possession of the premises on which the dog is kept, or if there is no individual in possession of the premises, he shall cause a copy of the notice to be posted on premises.

(~~fe~~) The notice required by this section (~~ee~~) hereof shall state, in brief;:

~~(1) the description of the dog;~~

~~(2) findings with respect made to the dangerous or vicious nature of the dog. The level of classification of the dog;~~

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

~~(4) The availability of a hearing to object to the classification and instructions to request that hearing;~~

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

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

~~(7) The availability of declassification procedures.~~

~~(8) The notice shall further state that the owner must comply with the requirements of this chapter within thirty days after service of the notice.~~

~~(gf) Upon receipt of the dog's classification as a nuisance, dangerous or vicious dog, the owner or keeper of the dog shall comply with the restrictions specified in Section 505.24.~~

~~(h) If the owner, keeper or harbinger of the dog disagrees with the designation of the dog as a nuisance, dangerous or vicious dog, as applicable, the owner, keeper or harbinger may request a hearing regarding the city's determination pursuant to Section 505.21.~~

~~(i) Police dogs are exempt from these provisions for all actions occurring in the course of their duties.~~

(Ord. 12-41. Passed 5-21-12.)

505.21 APPEAL PROCEDURE/OBJECTION HEARINGS.

(a) The owner of a dog who has been served with a notice pursuant to Section [505.20](#) (~~ed~~) may, within seven days ~~after receipt of such notice from the date listed on the notice, object to the city's determination and request , in make a written demand to the Chief of Police for a writing, a~~ hearing on the question of whether the dog is [a nuisance](#), dangerous or vicious as defined in Section [505.19](#). ~~The hearing shall be heard by the Director of Public Safety or their designee.~~

(b) Every effort should be made to hold a hearing no later than ten days following receipt of ~~written demand to the Chief of Police and and the request for hearing and~~ at least three ~~days~~

~~noticed~~ days' notice of the hearing shall be given to the individual, who made the ~~demand~~ request for the hearing.

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

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

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

(3) Parties may refute evidence and testimony offered in opposition to their position, arguments and contentions, including by making statements, presenting evidence, and offering witnesses on their behalf, on any relevant issue.

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

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

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

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

(8) Within 10 business days of the hearing, the Director of Public Service or their designee shall issue a written decision making a factual finding as to the determination and shall serve the decision upon all parties. This decision shall be a final order.

(Ord. 03-07. Passed 4-7-03.)

505.22 REGISTRATION OF NUISANCE DANGEROUS OR VICIOUS DOGS.

(a) Any person owning, keeping, possessing, maintaining or having the care, custody or control of a nuisance, dangerous or vicious dog shall:

(1) Register the dog with the police department annually, between January 2 and January 20, and whenever a dog is newly obtained.

(2) At the time of registration provide proof of liability insurance as required by Section 505.23 (a). (Ord. 03-07. Passed 4-7-03.)

(3) Identify the dog by having the dog ~~tattooed~~ tattooed with a code number or a microchip implanted at the owner's expense. In the event that said animal has a history of aggressive behavior within the City of Bay Village, said dog will be required to have a ~~tattoo~~ tattoo. Provide the Police Department with that code number and two color photos of the dog. One photo should clearly show the ~~tattoo~~ tattoo number on the dog and the other should be a clear photo of the whole dog. (Ord. 04-27. Passed 3-1-04.)

(4) Provide two color photographs of the dog annually.

(5) Post on the premises, in a conspicuous place where the dog is kept, at least one City-issued sign available, upon payment of thirty dollars (\$30.00) for each sign from the Police Department. The sign shall be visible and capable of being read from the public highway or street and will include the wording: "NUISANCE, DANGEROUS or VICIOUS." The Animal Control Officer will determine sign language. This sign shall be maintained and remain in place during the possession of the animal.

(6) Notify the Police Department within seventy two hours, if the nuisance, dangerous or vicious dog has died, or has been sold or donated and provide the Police Department with the names, address and telephone number of the new owner.

(b) Whoever fails to register a nuisance, dangerous or vicious dog as provided in this section is guilty of a ~~minor~~ misdemeanor of the fourth degree on ~~for~~ the first offense, a misdemeanor of the ~~fourth~~ third degree on the second offense, and a misdemeanor of the first degree on the ~~for a second~~ third or any subsequent offense ~~and a misdemeanor of the third degree for the third~~

~~offense~~. Each and every day during such period of noncompliance with this section may be deemed a separate offense.

(Ord. 03-07. Passed 4-7-03.)

505.23 INSURANCE FOR NUISANCE, DANGEROUS AND VICIOUS DOGS.

(a) No owner or keeper of a nuisance 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 limit, exclusive of interest and costs, of not less than ten thousand dollars (\$10,000) because of damage to property or bodily injury to or death of a person caused by the nuisance dog. The owner or keeper of any nuisance dog shall provide a copy of the policy for liability insurance to the Chief of Police on a yearly basis.

(b) No owner of a dangerous or 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 one hundred thousand dollars (\$100,000) because of damage to property or bodily injury to or death of a person caused by the 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.

~~(c)~~ Whoever violates this section is guilty of a misdemeanor of the fourth degree on the first offense, a ~~third degree~~-misdemeanor of the third degree on the second offense, and a ~~second degree~~-misdemeanor of the first degree on the third or any subsequent offense. Each and every day during such period of noncompliance with this section may be deemed a separate offense.
(Ord. 03-07. Passed 4-7-03.)

505.24 ~~RESTRAINING~~, CONFINING DEBARKING OF NUISANCE DANGEROUS OR VICIOUS DOGS.

(a) No owner or person in charge of a nuisance dog shall fail to do any of the following:

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

(A) Securely confine the dog indoors;

(B) Securely confine the dog in locked pen, which has a secure 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 and keep the dog under direct supervision by a person who is of sufficient size and strength to control the dog. All fencing must conform to the City of Bay Village Building Standards

(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 harbinger, 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 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 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 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) Post and display on the premises where the dog is kept a conspicuous and legible sign visible from all areas of customary or actual public access warning the public that there is a nuisance dog on the premises. Such sign shall be at least eight inches by ten inches in rectangular dimensions and contain only the words "NUISANCE DOG" in lettering not less than two inches in height. Such sign shall also include a symbol for any children or people who cannot read words. All signs in residential areas must be setback from the front property line a minimum of five feet. All signs are to be purchased from the City.

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

(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 designated as a nuisance dog prior to such contact.

(b) No owner or person in charge of a dangerous or vicious dog shall fail to do ~~any one~~ of the following:

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

(A) In a locked enclosure that has secured top and is at least five feet by ten feet, which has a secure top and sides, 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. If the enclosure has no bottom securely attached to the sides, the sides must be embedded into the ground no less than two feet or must have a concrete base with the fencing securely attached or anchored to the concrete perimeter to a depth of six inches. All fencing must conform to the City of Bay Village Building Standards.

(B) In a locked fence yard, which fence is located in the rear yard with self-closing/ self-latching gates on any openings of the fenced yard 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 of a stationary object or fixture so that the dog is adequately restrained and station such person in close proximity. All fencing must conform to the City of Bay Village Building Standards; 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.

Keep the dog securely inside of the owner's home.

~~—(2) Keep the dog in a locked enclosure at least five feet by ten feet, which has a secure top and sides. If the enclosure has no bottom securely attached to the sides, the sides must be embedded into the ground no less than two feet or must have a concrete base with the fencing securely attached or anchored to the concrete perimeter to a depth of six inches. All fencing must conform to the City of Bay Village Building Standards.~~

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

(A) Keep the dog securely muzzled, making sure such muzzle does not interfere with the dogs breathing with a muzzle made in a manner that will not cause injury to the dog or interfere with the dog's vision or respiration, but allows the dog to eat and drink and prevents it from biting any person.

- (B) -Also, the dog must be fitted with a proper collar that will prevent the dog slipping out of it or breaking through it, and attach a substantial leash to the collar that conforms to the dogs weight, size and strength, not more than four feet in length which is held in the hand of a person who is at least 18 years of age and of sufficient size and strength to control the dog. of suitable age, size and discretion to control the dog and who is outside with the dog.

(3) Obtain a dangerous dog registration certificate from the County Auditor pursuant to Ohio R.C. 955.21(I) within 14 calendar days of the final determination of the dog as a dangerous or vicious dog by the city, 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 control officer, or public health official, including evidence that the dog has been microchipped, rabies vaccinated, and neutered and spayed, unless a licensed veterinarian determines that neutering and spaying of the dog is medically contraindicated.

(4) Notify the Police Department immediately if any of the following occur:

(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 a person or another animal while the dog is off the property of the owner, keeper or harbinger 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 Auditor.

(5) Post and display on the premises where the dog is kept a conspicuous and legible sign visible from all areas of customary or actual public access warning the public that there is a dangerous or vicious dog on the premises. Such sign shall be at least eight inches by ten inches in rectangular dimensions and contain only the words "DANGEROUS DOG" or "VICIOUS DOG" in lettering not less than two inches in height. Such sign shall also include a symbol for any children or people who cannot read words. All signs in residential areas must be setback from the front property line a minimum of five feet. All signs are to be purchased from the City.

(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 dangerous or vicious dog prior to such contact.

(7) Successfully complete a dog obedience or behavior modification course that includes a minimum of six (6) hours of in-person professional training or behavior modification within ninety (90) days of final determination of the dog as dangerous or vicious and provide proof of completion to the Chief of Police.

(8) Consent to an inspection of the property where the dog is kept, other than within any private structure unless otherwise authorized by law, by the Chief of Police or their designee, for the purpose of determining compliance with the requirements of this section.

(c) No owner, keeper or harbinger of a dangerous or vicious dog shall fail to identify the dog, at all times, with a leash, collar, harness, vest or other garment that is colored neon yellow, without patterns or other adornments, except designs intended to increase visibility of the dog at night. While the dog is off the premises of the owner, keeper or harbinger, the identifying garment shall be visible and identifiable to an ordinary person from at least 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 harbinger of a dangerous or vicious dog shall do any of the following:

(1) Debark or surgically silence a dog that a 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 any veterinarian under Ohio R.C. 955.22(F) that the person's dog is not a dangerous or vicious dog or otherwise provide false information on that written waiver form. It is an affirmative defense to a charge of a violation of this division if the veterinarian who is charged with the violation obtained, prior to debarking or surgically silencing the dog, a written waiver form that complies with Ohio R.C. 955.22(F) and that attests that the dog is not a dangerous or vicious dog.

(e) Penalties.

(1) Whoever violates this section, when the violation involves a nuisance dog, is guilty of a misdemeanor ~~in~~ of the fourth degree on the first offense, a misdemeanor of the third degree ~~in~~ on the second offense and a misdemeanor of the ~~second~~-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 dangerous 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 public health, safety and welfare.

Notwithstanding the foregoing penalties, if the dangerous dog aggressively bites a domestic animal or human without provocation, causing serious injury, as a result of a violation of this section, then whoever violates this section is guilty of a misdemeanor of the first degree. The court may impose reasonable terms, conditions and restrictions deemed necessary to protect public health, safety and welfare, including humane euthanasia of the dog by a licensed veterinarian.

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

Notwithstanding the foregoing penalties if the vicious 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 public health, safety and welfare.

Notwithstanding the foregoing penalties, if the vicious dog aggressively bites a domestic animal or human without provocation, causing serious injury, as a result of a violation of this section, then whoever violates this section is guilty of a misdemeanor of the first degree. The court may impose reasonable terms, conditions and restrictions deemed necessary to protect 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 Ohio R.C. 955.22(C). The penalties in this section shall not apply whenever the conduct proscribed in this section constitutes a felony under Ohio R.C. 955.99.

(Ord. 03-07. Passed 4-7-03.)

505.25 INSPECTION OBSTRUCTION.

(a) Any person owning, keeping, possessing, harboring, maintaining or having the care, custody or control of a nuisance, dangerous or vicious dog shall be deemed to have given consent to an inspection of the property, other than within any private structure unless otherwise authorized by law, by any law enforcement officer or the Animal Control Officer for the purpose of determining compliance with the requirements of this chapter.

(b) No person, with purpose to prevent, obstruct or delay the performance by law enforcement officer or the Animal Control Officer of any authorized act within his official capacity, shall do any act which hampers or impedes said official in the performance of his lawful duties under the provisions of this chapter.

(1) Whoever violates this section 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. ~~Whoever violates subsection (b) hereof is guilty of a misdemeanor of the fourth degree.~~

(Ord. 03-07. Passed 4-7-03.)

505.26 SERIOUS PHYSICAL HARM BY DANGEROUS OR VICIOUS DOGS.

(a) No person, being the owner or having the care, custody or control of any dangerous or vicious dog within the city, shall allow such dog to cause serious physical harm to any person, except in defense of such owner's person or property.

(b) Lack of intent on the part of such person to allow such dog to injure another, or the lack of knowledge of the violent propensities of such dog, is not defense to a violation of this section.

(c) Whoever violates this section 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. ~~Whoever violates this section is guilty of a misdemeanor of the first degree.~~

(Ord. 03-07. Passed 4-7-03.)

505.27 PHYSICAL HARM BY DANGEROUS OR VICIOUS DOGS.

(a) No person, being the owner or having the care, custody or control of any dangerous or vicious dog within the City, shall allow such a dog to cause physical harm to any person, except in defense of such owner's person or property, or to cause physical harm to another dog, cat, or other domestic animal.

(b) Lack of intent on the part of such person to allow such dog to injure another, or the lack of knowledge of the violent propensities of such dog, is not defense to a violation of this section.

(c) Whoever violates this section 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. Whoever violates this section is guilty of a misdemeanor of the second degree.~~

(Ord. 03-07. Passed 4-7-03.)

505.28 IMPOUNDMENT: DESTRUCTION OF DOGS.

(a) When any person, being the owner or having custody or control of any dog charged with a violation of this chapter, the court may, upon motion of any party or ~~it's~~ own motion, order the seizure and impoundment of the dog pending trial.

(b) In the event that a Law Enforcement Officer or the Animal Control Officer has probable cause to believe that a dangerous or vicious dog is running at large, he/she may seize and impound the dog without seeking prior court order.

(c) Nothing in this section shall be construed to prevent a Law Enforcement Officer or Animal Control Officer from seizing or destroying any animal which presents an immediate risk of physical harm to any person or property.

(d) Any dog that attacks and injures any person, another ~~dog or cat~~ domestic animal, shall be humanely destroyed when, in the courts judgment, such dog represents a continuing threat of serious harm to persons or other such animals. The Chief of Police may petition the court of competent jurisdiction for an order to humanely destroy any dog impounded pursuant to this chapter which represents a threat of harm to any person caring for such animal. The court shall order any dog that kills or causes serious physical harm to any person, other than a person committing a criminal trespass or other crime of violence upon the premises of the owner of such dog, humanely destroyed. (Ord. 03-07. Passed 4-7-03.)

505.29 DOG CLASSIFIED BY ANOTHER JURISIDCITION.

(a) Any person desiring to bring a dog to live in the City which has been previously declared a nuisance dog, dangerous dog or vicious dog, or similar designation in another jurisdiction, under the provisions of Ohio R.C. 955.11, et seq., or a comparable local ordinance, must notify the Police Department prior to moving the dog to the City.

(b) The Police Chief shall have the authority to determine whether a previously classified dog has engaged in the behaviors warranting designation under section 505.20. This determination may be based upon an investigation that includes observation and testimony about the dog's behavior, including the dog's upbringing and the owner's or keeper's control of the dog, and other relevant evidence as determined by the Chief of Police. The owner or keeper of the dog shall provide the Police Chief with all information requested related to that dog.

(c) Upon reasonable determination by the Chief of Police that a previously classified dog has engaged in behaviors warranting designation under section 505.20, the Police Chief shall give the dog's owner, keeper or harbinger written notice by certified mail or personal service. The notice shall state:

- (1) The description of the dog;
- (2) The level of classification;
- (3) The facts upon which the classification is based;
- (4) The availability of a hearing to object to the classification;
- (5) The restrictions placed on the dog as a result of the classification;
- (6) Penalties for violation of the restrictions; and
- (7) The availability of declassification procedures.

(c) Upon receipt of notice of the dog's classification as a potential nuisance dog, dangerous dog, or vicious dog pursuant to section (c) above, the owner or keeper shall comply with the requirements and restrictions specified in section 505.22 and 505.24 for the dog.

(d) If the dog is classified as a nuisance dog, dangerous dog or vicious dog the owner or keeper of the dog shall have the right to an administrative hearing to object to the designation pursuant to section 505.21. At the hearing the dog's owner or keeper must show, by clear and convincing evidence, that the classification as determined by the Police chief does not match the dog's previous behavior or classification.

(e) Whoever violates subpart (a) of this section is guilty of a misdemeanor of the second degree.

505.30 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 set forth in Ohio R.C. 955.54 shall apply inside the City, with the exception to division (A)(2), which shall be construed to include vicious dogs in addition to dangerous dog.

(e) Penalty.

(1) Whoever violates subpart (a) of this section is guilty of a misdemeanor of the second degree.

(2) Whoever violates subpart (b) of this section is guilty of a misdemeanor of the first degree.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

9-2-16 ll

ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
AMENDING CODIFIED ORDINANCE 505 REGARDING
ANIMALS AND FOUL,
AND DECLARING AN EMERGENCY

BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That Codified Ordinance 505 which presently reads as follows:

505.19 DANGEROUS AND VICIOUS DOGS.

As used in this chapter, certain terms are defined as follows:

(a) “Dangerous dog” means a dog that caused injury other than killing or serious injury to any person, or kills another dog, cat or other domestic animal while off the premises of the owner. 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, cat or other domestic animal while the police dog is being used to assist law enforcement officers in the performance of his official duties.

(b) “Menacing fashion,” means that a dog could cause any person being chased or approached to reasonably believe that the dog could cause physical injury to that person.

(c) “Owner” means any person owning, keeping, possessing, harboring, maintaining, or having the care, custody, or control of a dog or the parents or guardian of a minor owning, keeping, possessing, harboring, maintaining or having the care, custody or control of a dog.

(d) “Police dog” means a dog that has been trained, and may be used, to assist law enforcement officers in the performance of their 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” (as defined in ORC 955.11 (A) (4)(46) means a dog that, without provocation:

(1) Has killed or caused serious injury to any person;

(2) “Vicious Dog” does not include either of the following:

A. 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;

B. 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 harbinger of the dog.

(g) “Provocation” means that any dog was teased, tormented or abused by a person or that the dog was coming to the aid or defense of a person who was not engaged in illegal activity, and whose person or property was in imminent danger of physical harm.

(Ord. 12-41. Passed 5-21-12.)

505.20 DETERMINATION OF DANGEROUS AND VICIOUS DOGS.

(a) Whenever a complaint is made to the Police Department or the Animal Control Officer, of the presence of a dangerous or vicious dog within the city, the Chief of Police or designee shall promptly inspect or cause an inspection of the premises on which it is alleged that such animal is being kept.

(b) The Chief of Police or designee shall determine that a dog is dangerous pursuant to this chapter upon proof by a preponderance of the evidence of any of the following:

(1) Without provocation, the dog has caused injury other than killing or serious injury to any person.

(2) Without provocation, the dog has killed another dog, cat or other domestic animal.

(c) The Chief of Police shall determine that a dog is vicious pursuant to this chapter upon proof by a preponderance of the evidence that:

(1) Without provocation; the dog has killed or caused serious injury to any person.

(d) If the Chief determines that a dangerous/vicious dog is being kept within the City, the Chief shall determine the individual, firm or corporation who from the records in the Auditors office of Cuyahoga County, appears to be the owner of the dog, or if such information is not available, the titled owner of the property upon which the dog is kept, and shall, within five days, cause written notice to be served on such owner. Notice shall be served by certified mail with a return receipt requested. If service of such written notice is unable to be perfected, then the Chief of Police shall cause a copy of the aforesaid notice to be served by ordinary mail which shall be deemed complete upon mailing, and also left with the individual, if any, in possession of the premises on which the dog is kept, or if there is no individual in possession of the premises, he shall cause a copy of the notice to be posted on premises.

(e) The notice required by this section (c) hereof shall state, in brief, the findings with respect made to the dangerous or vicious nature of the dog. The notice shall further state that the owner must comply with the requirements of this chapter within thirty days after service of the notice.

(f) Police dogs are exempt from these provisions for all actions occurring in the course of their duties.

(Ord. 12-41. Passed 5-21-12.)

505.21 APPEAL PROCEDURE.

(a) The owner of a dog who has been served with a notice pursuant to Section 505.20 (d) may, within seven days after receipt of such notice, make a written demand to the Chief of

Police for a hearing on the question of whether the dog is dangerous or vicious as defined in Section 505.19.

(b) Every effort should be made to hold a hearing no later than ten days following receipt of written demand to the Chief of Police and at least three days notice of the hearing shall be given to the individual, who made the demand for the hearing.
(Ord. 03-07. Passed 4-7-03.)

505.22 REGISTRATION OF DANGEROUS OR VICIOUS DOGS.

(a) Any person owning, keeping, possessing, maintaining or having the care, custody or control of a dangerous or vicious dog shall:

(1) Register the dog with the police department annually, between January 2 and January 20, and whenever a dog is newly obtained.

(2) At the time of registration provide proof of liability insurance as required by Section 505.23 (a). (Ord. 03-07. Passed 4-7-03.)

(3) Identify the dog by having the dog tattooed with a code number or a microchip implanted at the owner's expense. In the event that said animal has a history of aggressive behavior within the City of Bay Village, said dog will be required to have a tattoo. Provide the Police Department with that code number and two color photos of the dog. One photo should clearly show the tattoo number on the dog and the other should be a clear photo of the whole dog. (Ord. 04-27. Passed 3-1-04.)

(4) Provide two color photographs of the dog annually.

(5) Post on the premises, in a conspicuous place where the dog is kept, at least one City-issued sign available, upon payment of thirty dollars (\$30.00) for each sign from the Police Department. The sign shall be visible and capable of being read from the public highway or street and will include the wording: "DANGEROUS or VICIOUS." The Animal Control Officer will determine sign language. This sign shall be maintained and remain in place during the possession of the animal.

(6) Notify the Police Department within seventy two hours, if the dangerous or vicious dog has died, or has been sold or donated and provide the Police Department with the names, address and telephone number of the new owner.

(b) Whoever fails to register a dangerous or vicious dog as provided in this section is guilty of a minor misdemeanor for the first offense, a misdemeanor of the fourth degree for a second offense and a misdemeanor of the third degree for the third offense. Each and every day during such period of noncompliance with this section may be deemed a separate offense.
(Ord. 03-07. Passed 4-7-03.)

505.23 INSURANCE FOR VICIOUS DOGS.

(a) No owner 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 one hundred thousand dollars (\$100,000) because of damage to property or bodily injury to or death of a person caused by the vicious dog.

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree on the first offense, a third degree misdemeanor on the second offense, and a second-degree misdemeanor on the third offense. Each and every day during such period of noncompliance with this section may be deemed a separate offense.
(Ord. 03-07. Passed 4-7-03.)

505.24 RESTRAINT OF DANGEROUS OR VICIOUS DOGS.

(a) No owner or person in charge of a dangerous or vicious dog shall fail to do one of the following:

- (1) Keep the dog securely inside of the owner's home.
- (2) Keep the dog in a locked enclosure at least five feet by ten feet, which has a secure top and sides. If the enclosure has no bottom securely attached to the sides, the sides must be embedded into the ground no less than two feet or must have a concrete base with the fencing securely attached or anchored to the concrete perimeter to a depth of six inches. All fencing must conform to the City of Bay Village Building Standards.
- (3) Keep the dog securely muzzled, making sure such muzzle does not interfere with the dogs breathing. Also, the dog must be fitted with a proper collar that will prevent the dog slipping out of it or breaking through it, and attach a substantial leash to the collar that conforms to the dogs weight, size and strength, not more than four feet in length which is held in the hand of a person who is of suitable age, size and discretion to control the dog and who is outside with the dog.

(b) Whoever violates this section is guilty of a misdemeanor in the fourth degree on the first offense, a misdemeanor of the third degree in the second offense and a misdemeanor of the second degree on the third offense.
(Ord. 03-07. Passed 4-7-03.)

505.25 INSPECTION OBSTRUCTION.

(a) Any person owning, keeping, possessing, harboring, maintaining or having the care, custody or control of a dangerous or vicious dog shall be deemed to have given consent to an inspection of the property, other than within any private structure unless otherwise authorized by law, by any law enforcement officer or the Animal Control Officer for the purpose of determining compliance with the requirements of this chapter.

(b) No person, with purpose to prevent, obstruct or delay the performance by law enforcement officer or the Animal Control Officer of any authorized act within his official capacity, shall do any act which hampers or impedes said official in the performance of his lawful duties under the provisions of this chapter.

(1) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the fourth degree.
(Ord. 03-07. Passed 4-7-03.)

505.26 SERIOUS PHYSICAL HARM BY DANGEROUS OR VICIOUS DOGS.

(a) No person, being the owner or having the care, custody or control of any dangerous or vicious dog within the city, shall allow such dog to cause serious physical harm to any person, except in defense of such owner's person or property.

(b) Lack of intent on the part of such person to allow such dog to injure another, or the lack of knowledge of the violent propensities of such dog, is not defense to a violation of this section.

(c) Whoever violates this section is guilty of a misdemeanor of the first degree.
(Ord. 03-07. Passed 4-7-03.)

505.27 PHYSICAL HARM BY DANGEROUS OR VICIOUS DOGS.

(a) No person, being the owner or having the care, custody or control of any dangerous or vicious dog within the City, shall allow such a dog to cause physical harm to any person, except in defense of such owner's person or property, or to cause physical harm to another dog, cat, or other domestic animal.

(b) Lack of intent on the part of such person to allow such dog to injure another, or the lack of knowledge of the violent propensities of such dog, is not defense to a violation of this section.

(c) Whoever violates this section is guilty of a misdemeanor of the second degree.
(Ord. 03-07. Passed 4-7-03.)

505.28 IMPOUNDMENT: DESTRUCTION OF DOGS.

(a) When any person, being the owner or having custody or control of any dog charged with a violation of this chapter, the court may, upon motion of any party or its own motion, order the seizure and impoundment of the dog pending trial.

(b) In the event that a Law Enforcement Officer or the Animal Control Officer has probable cause to believe that a dangerous or vicious dog is running at large, he/she may seize and impound the dog without seeking prior court order.

(c) Nothing in this section shall be construed to prevent a Law Enforcement Officer or Animal Control Officer from seizing or destroying any animal which presents an immediate risk of physical harm to any person or property.

(d) Any dog that attacks and injures any person, another dog or cat, shall be humanely destroyed when, in the courts judgment, such dog represents a continuing threat of serious harm to persons or other such animals. The Chief of Police may petition the court of competent jurisdiction for an order to humanely destroy any dog impounded pursuant to this chapter which represents a threat of harm to any person caring for such animal. The court shall order any dog that kills or causes serious physical harm to any person, other than a person committing a criminal trespass or other crime of violence upon the premises of the owner of such dog, humanely destroyed. (Ord. 03-07. Passed 4-7-03.)

505.29 KEEPING BANNED DOGS.

(a) No person shall own, keep, possess, harbor, maintain or have the care, custody or control of a dog within the city when such dog has been banned by order of a court of competent jurisdiction from any municipality, county, township or other political subdivision.

(b) Compliance with the requirements of this chapter is not a defense to a violation of this section.

(c) Whoever violates this section is guilty of a misdemeanor of the first degree. Each and every day during such period may be deemed a separate offense.
(Ord. 03-07. Passed 4-7-03.)

505.30 DOG FIGHTING.

(a) Animal Fights ORC 959.15: No person shall knowingly engage in or be employed at cockfighting, bearbaiting or pitting an animal against another. No person shall receive money for the admission of another to a place kept for such purpose. No person shall use, train or possess any animal for seizing, detaining or maltreating a domestic animal. Any person, who knowingly purchases a ticket of admission to such place or is present thereat or witnesses such spectacle, is an aider and abettor. Whoever violates this section, is guilty of a misdemeanor of the fourth degree.

(b) Dog Fighting Offenses, Investigations, Confiscation of Dogs and Equipment, ORC 959.16: No person shall do any of the following:

- (1) Promote, engage in or be employed at dog fighting.
- (2) Receive money for the admission of another person to a place kept for dog fighting.
- (3) Sell, purchase, possess or train a dog for dog fighting.
- (4) Use train or possess a dog for seizing, detaining or maltreating a domestic animal.
- (5) Purchase a ticket of admission to or be present at a dog fight.
- (6) Witness a dog fight if it is presented as a public spectacle.

(c) The Department of Agriculture may investigate complaints and follow up rumors of dog fighting activities and may report any information so gathered to an appropriate prosecutor or law enforcement agency.

(d) Any peace officer, as defined in Section 2935.01 of the Revised Code, shall confiscate any dogs that have been, are, or are intended to be used in dog fighting and any equipment or devices used in training such dogs or as part of dog fights.

(e) Whoever violates this section, is guilty of a misdemeanor of the first degree.
(Ord. 03-07. Passed 4-7-03.)

be and the same is amended to read:

505.19 NUISANCE DANGEROUS AND VICIOUS DOGS; DEFINITIONS.

As used in this chapter, certain terms are defined as follows:

(a) "Dangerous dog" means a dog that, without provocation, caused injury other than killing or serious injury to any person, or killed another dog, cat or other domestic animal. 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, cat or other domestic animal while the police dog is being used to assist law enforcement officers in the performance of their official duties.

(b) "Menacing fashion," means that a dog could cause any person being chased or approached to reasonably believe that the dog could cause physical injury to that person.

(c) "Nuisance dog," means a dog that without provocation and while off the premises of its owners, keeper or harbinger 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) "Owner" means any person owning, keeping, possessing, harboring, maintaining, or having the care, custody, or control of a dog or the parents or guardian of a minor owning, keeping, possessing, harboring, maintaining or having the care, custody or control of a dog.

(e) "Police dog" means a dog that has been trained, and may be used, to assist law enforcement officers in the performance of their duties.

(f) "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;

(g) "Vicious dog" (as defined in ORC 955.11 (A) (4)(6) means a dog that, without provocation:

(1) Has killed or caused serious injury to any person;

(2) "Vicious Dog" does not include either of the following:

A. 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;

B. 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 harbinger of the dog.

(h) "Without Provocation" means that a dog was not teased, tormented or abused by a person or that the dog was coming to the aid or defense of a person who was not engaged in illegal or criminal activity, and whose person or property was in imminent danger of physical harm.

(Ord. 12-41. Passed 5-21-12.)

505.20 DETERMINATION OF NUISANCE, DANGEROUS AND VICIOUS DOGS.

(a) The Police Chief, or his designee, shall have the authority to determine whether a dog is a nuisance dog, dangerous dog, or vicious dog. This determination may be based upon any investigation by the Police Department, which may include observation of and statements about the dog's behavior, including the dog's upbringing and the owner or keeper's control of the dog as well as any other evidence the Police Chief deems necessary.

(b) Whenever a complaint is made to the Police Department or the Animal Control Officer, of the presence of a nuisance, dangerous or vicious dog within the City, the Chief of Police or designee shall promptly inspect or cause an inspection of the premises on which it is alleged that such animal is being kept.

(c) The Chief of Police or designee shall determine that a dog is dangerous pursuant to this chapter upon proof by a preponderance of the evidence of any of the following:

(1) Without provocation, the dog has caused injury other than killing or serious injury to any person.

(2) Without provocation, the dog has killed another dog, cat or other domestic animal.

(d) The Chief of Police shall determine that a dog is vicious pursuant to this chapter upon proof by a preponderance of the evidence that:

(1) Without provocation; the dog has killed or caused serious injury to any person.

(e) If the Chief determines that a dangerous/vicious dog is being kept within the City, the Chief shall determine the individual, firm or corporation who from the records in the Auditors office of Cuyahoga County, appears to be the owner of the dog, or if such information is not available, the titled owner of the property upon which the dog is kept, and shall, within five days, cause written notice to be served on such owner. Notice shall be served by certified mail with a return receipt requested. If service of such written notice is unable to be perfected, then the Chief of Police shall cause a copy of the aforesaid notice to be served by ordinary mail which shall be deemed complete upon mailing, and also left with the individual, if any, in possession of the premises on which the dog is kept, or if there is no individual in possession of the premises, he shall cause a copy of the notice to be posted on premises.

(f) The notice required by this section (e) hereof shall state, in brief:

(1) The description of the dog;

(2) The level of classification of the dog;

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

(4) The availability of a hearing to object to the classification and instructions to request that hearing;

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

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

(7) The availability of declassification procedures.

(8) The notice shall further state that the owner must comply with the requirements of this chapter within thirty days after service of the notice.

(g) Upon receipt of the dog's classification as a nuisance, dangerous or vicious dog, the owner or keeper of the dog shall comply with the restrictions specified in Section 505.24.

(h) If the owner, keeper or harbinger of the dog disagrees with the designation of the dog as a nuisance, dangerous or vicious dog, as applicable, the owner, keeper or harbinger may request a hearing regarding the city's determination pursuant to Section 505.21.

(i) Police dogs are exempt from these provisions for all actions occurring in the course of their duties.

(Ord. 12-41. Passed 5-21-12.)

505.21 OBJECTION HEARINGS.

(a) The owner of a dog who has been served with a notice pursuant to Section [505.20](#) (e) may, within seven days from the date listed on the notice, object to the city's determination and request, in writing, a hearing on the question of whether the dog is a nuisance, dangerous or vicious as defined in Section [505.19](#). The hearing shall be heard by the Director of Public Safety or their designee.

(b) Every effort should be made to hold a hearing no later than ten days following receipt of and the request for hearing and at least three days' notice of the hearing shall be given to the individual, who made the request for the hearing.

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

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

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

(3) Parties may refute evidence and testimony offered in opposition to their position, arguments and contentions, including by making statements, presenting evidence, and offering witnesses on their behalf, on any relevant issue.

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

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

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

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

(8) Within 10 business days of the hearing, the Director of Public Service or their designee shall issue a written decision making a factual finding as to the determination and shall serve the decision upon all parties. This decision shall be a final order.

(Ord. 03-07. Passed 4-7-03.)

505.22 REGISTRATION OF NUISANCE DANGEROUS OR VICIOUS DOGS.

(a) Any person owning, keeping, possessing, maintaining or having the care, custody or control of a nuisance, dangerous or vicious dog shall:

(1) Register the dog with the police department annually, between January 2 and January 20, and whenever a dog is newly obtained.

(2) At the time of registration provide proof of liability insurance as required by Section [505.23](#) (a). (Ord. 03-07. Passed 4-7-03.)

(3) Identify the dog by having the dog tattooed with a code number or a microchip implanted at the owner's expense. In the event that said animal has a history of aggressive behavior within the City of Bay Village, said dog will be required to have a tattoo. Provide the Police Department with that code number and two color photos of the dog. One photo should clearly show the tattoo number on the dog and the other should be a clear photo of the whole dog. (Ord. 04-27. Passed 3-1-04.)

(4) Provide two color photographs of the dog annually.

(5) Post on the premises, in a conspicuous place where the dog is kept, at least one City-issued sign available, upon payment of thirty dollars (\$30.00) for each sign from the Police Department. The sign shall be visible and capable of being read from the public highway or street and will include the wording: "NUISANCE, DANGEROUS or VICIOUS." The Animal Control Officer will determine sign language. This sign shall be maintained and remain in place during the possession of the animal.

(6) Notify the Police Department within seventy two hours, if the nuisance, dangerous or vicious dog has died, or has been sold or donated and provide the Police Department with the names, address and telephone number of the new owner.

(b) Whoever fails to register a nuisance, dangerous or vicious dog as provided in this section 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. Each and every day during such period of noncompliance with this section may be deemed a separate offense.

(Ord. 03-07. Passed 4-7-03.)

505.23 INSURANCE FOR NUISANCE, DANGEROUS AND VICIOUS DOGS.

(a) No owner or keeper of a nuisance 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 limit, exclusive of interest and costs, of not less than ten thousand dollars (\$10,000) because of damage to property or bodily injury to or death of a person caused by the nuisance dog. The owner or keeper of any nuisance dog shall provide a copy of the policy for liability insurance to the Chief of Police on a yearly basis.

(b) No owner of a dangerous or 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 one hundred thousand dollars (\$100,000) because of damage to property or bodily injury to or death of a person caused by the 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.

(c) Whoever violates this section 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. Each and every day during such period of noncompliance with this section may be deemed a separate offense.

(Ord. 03-07. Passed 4-7-03.)

505.24 RESTRAINING, CONFINING DEBARKING OF NUISANCE DANGEROUS OR VICIOUS DOGS.

(a) No owner or person in charge of a nuisance dog shall fail to do any of the following:

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

(A) Securely confine the dog indoors;

(B) Securely confine the dog in locked pen, which has a secure 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 and keep the dog under direct supervision by a person who is of sufficient size and strength to control the dog. All fencing must conform to the City of Bay Village Building Standards

(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 harbinger, 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 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 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 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) Post and display on the premises where the dog is kept a conspicuous and legible sign visible from all areas of customary or actual public access warning the public that there is a

nuisance dog on the premises. Such sign shall be at least eight inches by ten inches in rectangular dimensions and contain only the words "NUISANCE DOG" in lettering not less than two inches in height. Such sign shall also include a symbol for any children or people who cannot read words. All signs in residential areas must be setback from the front property line a minimum of five feet. All signs are to be purchased from the City.

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

(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 designated as a nuisance dog prior to such contact.

(b) No owner or person in charge of a dangerous or vicious dog shall fail to do any of 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 confine the dog at all times:

(A) In a locked enclosure that has secured top and is at least five feet by ten feet, which has a secure top and sides, 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. If the enclosure has no bottom securely attached to the sides, the sides must be embedded into the ground no less than two feet or must have a concrete base with the fencing securely attached or anchored to the concrete perimeter to a depth of six inches. All fencing must conform to the City of Bay Village Building Standards.

(B) In a locked fence yard, which fence is located in the rear yard with self-closing/ self-latching gates on any openings of the fenced yard 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 of a stationary object or fixture so that the dog is adequately restrained and station such person in close proximity. All fencing must conform to the City of Bay Village Building Standards; 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 the dog is off the premises of the owner, keeper or harborer so as to prevent it from causing injury to any person or domestic animal:

(A) Keep the dog securely muzzled with a muzzle made in a manner that will not cause injury to the dog or interfere with the dog's vision or respiration, but allows the dog to eat and drink and prevents it from biting any person .

(B) Also, the dog must be fitted with a proper collar that will prevent the dog slipping out of it or breaking through it, and attach a substantial leash to the collar that conforms to the dogs weight, size and strength, not more than four feet in length which is held in the hand of a person who is at least 18 years of age and of sufficient size and strength to control the dog.

(3) Obtain a dangerous dog registration certificate from the County Auditor pursuant to Ohio R.C. 955.21(I) within 14 calendar days of the final determination of the dog as a dangerous or vicious dog by the city, 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 control officer, or public health official, including evidence that the dog has been

microchipped, rabies vaccinated, and neutered and spayed, unless a licensed veterinarian determines that neutering and spaying of the dog is medically contraindicated.

(4) Notify the Police Department immediately if any of the following occur:

(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 a person or another animal while the dog is off the property of the owner, keeper or harbinger 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 Auditor.

(5) Post and display on the premises where the dog is kept a conspicuous and legible sign visible from all areas of customary or actual public access warning the public that there is a dangerous or vicious dog on the premises. Such sign shall be at least eight inches by ten inches in rectangular dimensions and contain only the words "DANGEROUS DOG" or "VICIOUS DOG" in lettering not less than two inches in height. Such sign shall also include a symbol for any children or people who cannot read words. All signs in residential areas must be setback from the front property line a minimum of five feet. All signs are to be purchased from the City.

(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 dangerous or vicious dog prior to such contact.

(7) Successfully complete a dog obedience or behavior modification course that includes a minimum of six (6) hours of in-person professional training or behavior modification within ninety (90) days of final determination of the dog as dangerous or vicious and provide proof of completion to the Chief of Police.

(8) Consent to an inspection of the property where the dog is kept, other than within any private structure unless otherwise authorized by law, by the Chief of Police or their designee, for the purpose of determining compliance with the requirements of this section.

(c) No owner, keeper or harbinger of a dangerous or vicious dog shall fail to identify the dog, at all times, with a leash, collar, harness, vest or other garment that is colored neon yellow, without patterns or other adornments, except designs intended to increase visibility of the dog at night. While the dog is off the premises of the owner, keeper or harbinger, the identifying garment shall be visible and identifiable to an ordinary person from at least 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 harbinger of a dangerous or vicious dog shall do any of the following:

(1) Debark or surgically silence a dog that a 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 any veterinarian under Ohio R.C. 955.22(F) that the person's dog is not a dangerous or vicious dog or otherwise provide false information on that written waiver form. It is an affirmative defense to a charge of a violation of this division if the veterinarian who is charged with the violation obtained, prior to debarking or surgically silencing the dog, a written waiver form that complies with Ohio R.C. 955.22(F) and that attests that the dog is not a dangerous or vicious dog.

(e) 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 dangerous 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 public health, safety and welfare.

Notwithstanding the foregoing penalties, if the dangerous dog aggressively bites a domestic animal or human without provocation, causing serious injury, as a result of a violation of this section, then whoever violates this section is guilty of a misdemeanor of the first degree. The court may impose reasonable terms, conditions and restrictions deemed necessary to protect public health, safety and welfare, including humane euthanasia of the dog by a licensed veterinarian.

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

Notwithstanding the foregoing penalties if the vicious 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 public health, safety and welfare.

Notwithstanding the foregoing penalties, if the vicious dog aggressively bites a domestic animal or human without provocation, causing serious injury, as a result of a violation of this section, then whoever violates this section is guilty of a misdemeanor of the first degree. The court may impose reasonable terms, conditions and restrictions deemed necessary to protect 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 Ohio R.C. 955.22(C). The penalties in this section shall not apply whenever the conduct proscribed in this section constitutes a felony under Ohio R.C. 955.99.

(Ord. 03-07. Passed 4-7-03.)

505.25 INSPECTION OBSTRUCTION.

(a) Any person owning, keeping, possessing, harboring, maintaining or having the care, custody or control of a nuisance, dangerous or vicious dog shall be deemed to have given consent to an inspection of the property, other than within any private structure unless otherwise authorized by law, by any law enforcement officer or the Animal Control Officer for the purpose of determining compliance with the requirements of this chapter.

(b) No person, with purpose to prevent, obstruct or delay the performance by law enforcement officer or the Animal Control Officer of any authorized act within his official capacity, shall do any act which hampers or impedes said official in the performance of his lawful duties under the provisions of this chapter.

(1) Whoever violates this section 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..

(Ord. 03-07. Passed 4-7-03.)

505.26 SERIOUS PHYSICAL HARM BY DANGEROUS OR VICIOUS DOGS.

(a) No person, being the owner or having the care, custody or control of any dangerous or vicious dog within the city, shall allow such dog to cause serious physical harm to any person, except in defense of such owner's person or property.

(b) Lack of intent on the part of such person to allow such dog to injure another, or the lack of knowledge of the violent propensities of such dog, is not defense to a violation of this section.

(c) Whoever violates this section 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. (Ord. 03-07. Passed 4-7-03.)

505.27 PHYSICAL HARM BY DANGEROUS OR VICIOUS DOGS.

(a) No person, being the owner or having the care, custody or control of any dangerous or vicious dog within the City, shall allow such a dog to cause physical harm to any person, except in defense of such owner's person or property, or to cause physical harm to another dog, cat, or other domestic animal.

(b) Lack of intent on the part of such person to allow such dog to injure another, or the lack of knowledge of the violent propensities of such dog, is not defense to a violation of this section.

(c) Whoever violates this section 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.

(Ord. 03-07. Passed 4-7-03.)

505.28 IMPOUNDMENT: DESTRUCTION OF DOGS.

(a) When any person, being the owner or having custody or control of any dog charged with a violation of this chapter, the court may, upon motion of any party or its own motion, order the seizure and impoundment of the dog pending trial.

(b) In the event that a Law Enforcement Officer or the Animal Control Officer has probable cause to believe that a dangerous or vicious dog is running at large, he/she may seize and impound the dog without seeking prior court order.

(c) Nothing in this section shall be construed to prevent a Law Enforcement Officer or Animal Control Officer from seizing or destroying any animal which presents an immediate risk of physical harm to any person or property.

(d) Any dog that attacks and injures any person, another domestic animal, shall be humanely destroyed when, in the courts judgment, such dog represents a continuing threat of serious harm to persons or other such animals. The Chief of Police may petition the court of competent

jurisdiction for an order to humanely destroy any dog impounded pursuant to this chapter which represents a threat of harm to any person caring for such animal. The court shall order any dog that kills or causes serious physical harm to any person, other than a person committing a criminal trespass or other crime of violence upon the premises of the owner of such dog, humanely destroyed. (Ord. 03-07. Passed 4-7-03.)

505.29 DOG CLASSIFIED BY ANOTHER JURISIDCITION.

(a) Any person desiring to bring a dog to live in the City which has been previously declared a nuisance dog, dangerous dog or vicious dog, or similar designation in another jurisdiction, under the provisions of Ohio R.C. 955.11, et seq., or a comparable local ordinance, must notify the Police Department prior to moving the dog to the City.

(b) The Police Chief shall have the authority to determine whether a previously classified dog has engaged in the behaviors warranting designation under section 505.20. This determination may be based upon an investigation that includes observation and testimony about the dog's behavior, including the dog's upbringing and the owner's or keeper's control of the dog, and other relevant evidence as determined by the Chief of Police. The owner or keeper of the dog shall provide the Police Chief with all information requested related to that dog.

(c) Upon reasonable determination by the Chief of Police that a previously classified dog has engaged in behaviors warranting designation under section 505.20, the Police Chief shall give the dog's owner, keeper or harbinger written notice by certified mail or personal service. The notice shall state:

- (1) The description of the dog;
- (2) The level of classification;
- (3) The facts upon which the classification is based;
- (4) The availability of a hearing to object to the classification;
- (5) The restrictions placed on the dog as a result of the classification;
- (6) Penalties for violation of the restrictions; and
- (7) The availability of declassification procedures.

(c) Upon receipt of notice of the dog's classification as a potential nuisance dog, dangerous dog, or vicious dog pursuant to section (c) above, the owner or keeper shall comply with the requirements and restrictions specified in section 505.22 and 505.24 for the dog.

(d) If the dog is classified as a nuisance dog, dangerous dog or vicious dog the owner or keeper of the dog shall have the right to an administrative hearing to object to the designation pursuant to section 505.21. At the hearing the dog's owner or keeper must show, by clear and convincing evidence, that the classification as determined by the Police chief does not match the dog's previous behavior or classification.

(e) Whoever violates subpart (a) of this section is guilty of a misdemeanor of the second degree.

505.30 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 set forth in Ohio R.C. 955.54 shall apply inside the City, with the exception to division (A)(2), which shall be construed to include vicious dogs in addition to dangerous dog.

(e) Penalty.

(1) Whoever violates subpart (a) of this section is guilty of a misdemeanor of the second degree.

(2) Whoever violates subpart (b) of this section is guilty of a misdemeanor of the first degree.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

9-2-16 ll

CITY OF BAY VILLAGE AGENDA REQUEST JULY 27, 2016

OVERVIEW

1. Action Requested

Increase the budget for Health Care by \$400,000 to allow for new payment structure in consortium.

Increase budget for Play in Bay to allow for refund to Village Foundation for \$500 for overpayment from 2015 project.

2. Previous Action

none

3. Background/Justification for Current Action

As of March 2016 the City moved to Jefferson Health Plan (JHP) in order to try to save on health care costs. The new payment structure is that the reserve that was previously held by the City will now be held with Jefferson. The City now pays a set price per employee plan per month (about \$100,000) and the reserve over what is paid in claims costs is held in a separate account with JHP. This reserve would be used to pay any run out claims if the City decided to change carriers. Also, JHP bills the City one month in advance which will cause an extra month (January 2017) to be paid under the 2016 budget. Previously the City held the reserves of which were used when the City switched from MMO to JHP.

The Play in Bay project from 2015 actual expenditure was \$16,485 and the Village Foundation had donated \$16,985 to the City the \$500 excess donation needs to be returned.

4. Financial Impact

There is enough cash in the Health Insurance Fund (600) to pay for these claims and allow for the transfer of reserve from the City to the City account with JHP.

None for the Play in Bay – cash is in Fund (234)

5. Affected Parties

None

6. Implementation Plan

Adjust budget by additional \$400,000 in the Health Insurance (Fund 600).

Reimburse Village Foundation over payment.

7. High-Level Timeline/Schedule

NA

CITY OF BAY VILLAGE, OHIO
ORDINANCE NO.
By: Clark

To amend appropriations for the current and other expenditures of the City of Bay Village for the fiscal year 2016, as previously appropriated in annual appropriation 16-09 and amended by ordinances 16-23, 16-46 and 16-55.

NOW, THEREFORE, be it ordained by the Council of the City of Bay Village, State of Ohio:

Section 1: That to provide for the current expenses and other expenditures of the City of Bay Village during the fiscal year ending December 31, 2016, the following sums be and they are hereby set aside and appropriated from the funds herein specified as follows, to wit:

Section 2: That there be appropriated transferred and advanced from the following funds and as further detailed in the Schedules attached hereto as Exhibit "A" and Exhibit "B" and incorporated herein:

General Fund - 100						
Fund #	Fund Activity	Personal Services	Other	Capital Improvement	Transfers/Advances	Total
100	Total General Fund	\$ 6,813,167	\$ 3,541,762	\$ 40,700	\$ 1,024,006	\$ 11,419,635

Special Revenue Fund Group 200						
Fund #	Fund Activity	Personal Services	Other	Capital Improvement	Transfers/Advances	Total
210	Emergency Paramedic	\$ 1,143,720	\$ 88,975	\$ 12,000	\$ -	\$ 1,244,695
230	Parks and Recreation	663,770	292,700	15,500	-	971,970
231	Community Gym Capital Improvement	-	-	5,000	-	5,000
234	Play in Bay	-	500	-	-	500
235	Bay Family Services	-	43,700	-	-	43,700
236	Community Diversion	-	9,000	-	-	9,000
238	Tennis Court Maintenance	-	-	10,000	-	10,000
240	Equipment Replacement	-	5,000	888,320	-	893,320
245	Private Property Maintenance	13,555	32,500	-	-	46,055
250	State Highway	-	51,000	-	-	51,000
270	Street Construction	637,250	294,100	750,000	175,000	1,856,350
280	Police Pension	348,500	-	-	-	348,500
281	Fire Pension	471,100	-	-	-	471,100
282	Accrued Benefits	140,000	-	-	-	140,000
284	Endowment Trust	-	23,707	-	-	23,707
290	Senior Programs	-	49,500	-	-	49,500
292	Law Enforcement	-	28,000	-	-	28,000
293	Drug Fine/Bail Forfeiture	-	500	-	-	500
294	Alcohol Intervention	-	6,500	-	-	6,500
297	Federal Equitable Sharing	-	50,000	-	-	50,000
200	Total Special Revenue Funds	\$ 3,417,895	\$ 975,682	\$ 1,680,820	\$ 175,000	\$ 6,249,397

Debt Service Fund Group 300						
Fund #	Fund Activity	Personal Services	Other	Capital Improvement	Transfers/Advances	Total
300	General Bond Retirement	\$ -	\$ 4,591,935	\$ -	\$ -	\$ 4,591,935

Capital Project Fund Group - 400						
Fund #	Fund Activity	Personal Service	Other	Capital Improvement	Transfers/Advances	Total
480	Walker Road Park	-	220	-	-	220
490	Public Improvement	-	-	120,700	-	120,700
494	Infrastructure Improvements	-	-	130,000	-	130,000
495	Municipal Building Improvements	-	-	46,000	88,000	134,000
400	Total Capital Project Fund Group	\$ -	\$ 220	\$ 296,700	\$ 88,000	\$ 384,920

Enterprise Fund Group - 500						
Fund #	Fund Activity	Personal Service	Other	Capital Improvement	Transfers/Advances	Total
520	Pool	\$ 222,000	\$ 111,500	\$ 10,000	\$ -	\$ 343,500
580	Sewer	815,475	1,481,612	94,000	-	2,391,087
500	Total Enterprise Fund Group	\$ 1,037,475	\$ 1,593,112	\$ 104,000	\$ -	\$ 2,734,587

Internal Service Fund Group - 600						
Fund #	Fund Activity	Personal Service	Other	Capital Improvement	Transfers/Advances	Total
600	Health Insurance	\$ -	\$ 1,697,250	\$ -	\$ -	\$ 1,697,250
601	General Insurance	-	166,118	-	-	166,118
602	Workers Compensation	140,000	-	-	-	140,000
600	Total Internal Service Fund Group	\$ 140,000	\$ 1,863,368	\$ -	\$ -	\$ 2,003,368

Trust Fund Group - 800						
Fund #	Fund Activity	Personal Service	Other	Capital Improvement	Transfers/Advances	Total
810	Cahoon Park	\$ -	\$ 66,900	\$ -	\$ -	\$ 66,900
820	Cahoon Memorial	-	3,300	-	-	3,300
830	Cahoon Library	-	8,000	-	-	8,000
840	Waldeck	-	6,200	-	-	6,200
860	Dwyer	-	5,000	-	-	5,000
800	Total Trust Fund Group	\$ -	\$ 89,400	\$ -	\$ -	\$ 89,400

Deposit Fund Group - 900						
Fund #	Fund Activity	Personal Service	Other	Capital Improvement	Transfers/Advances	Total
930	Building Deposits	\$ -	\$ 30,000	\$ -	\$ -	\$ 30,000
931	Security Deposits	-	22,000	-	-	22,000
900	Total Deposit Fund Group	\$ -	\$ 52,000	\$ -	\$ -	\$ 52,000

Grand Total All Funds **\$ 11,408,537** **\$ 12,707,479** **\$ 2,122,220** **\$ 1,287,006** **\$ 27,525,242**

(Limited) 1990 Transfers and Advances by Fund		Amount
General Fund to Parks and Recreation		\$ 430,000
General Fund to Community Gym		8,306
General Fund to Street Construction		425,000
General Fund to Cahoon Income		25,000
General Fund to Cahoon Trust		2,000
General Fund to Cahoon Library		10,000
General Fund to Bay Family Services		43,700
General Fund to Accrued Benefits		30,000
General Fund to Fire Pension		50,000
Municipal Building Improvement to Equipment Replacement		88,000
Total Transfers		\$ 1,112,006
Street Construction to Infrastructure Improvements		175,000
Total Advances and Advance Repayments		\$ 175,000
Total Transfers and Advances		\$ 1,287,006

- Section 3: That the City Director of Finance be and is hereby authorized and directed to draw warrants against the appropriations set forth upon presentation of proper vouchers.
- Section 4: That all expenditures within the fiscal year ending December 31, 2016. shall be made in accordance with the code accounts set forth above, and shall be made within the appropriations herein provided ("Appropriations" as used means the total amount appropriated for an individual fund).
- Section 5: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.
- Section 6: This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that it is necessary in the current operation of the City, and therefore shall take effect immediately upon its enactment and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

MAYOR

**EXHIBIT A
SCHEDULE OF BUDGETS BY DEPARTMENT FOR GENERAL FUND**

Department	Personal Services	Other	Equipment Replacement	Transfer	Total
Council	\$ 60,400.00	\$ 9,150.00	\$ -	\$ -	\$ 69,550.00
Clerk of Council	52,610.00	900.00	-	-	53,510.00
Mayor	132,600.00	7,400.00	1,000.00	-	141,000.00
Law	111,340.00	112,000.00	-	-	223,340.00
Finance	275,791.00	35,500.00	1,200.00	-	312,491.00
Taxation	-	194,300.00	-	-	194,300.00
General Administration	190,900.00	463,672.00	-	1,024,006.00	1,678,578.00
Civil Service	-	24,150.00	-	-	24,150.00
Planning Commission	-	800.00	-	-	800.00
Zoning Board of Appeals	-	700.00	-	-	700.00
Service	1,812,620.00	1,880,600.00	10,500.00	-	3,703,720.00
Fire	1,274,600.00	96,650.00	14,000.00	-	1,385,250.00
Police	2,677,516.00	307,465.00	14,000.00	-	2,998,981.00
Central Dispatch	-	131,325.00	-	-	131,325.00
Building	-	261,275.00	-	-	261,275.00
Architecture Board of Review	-	25.00	-	-	25.00
Community Services	224,790.00	15,850.00	-	-	240,640.00
GRAND TOTAL	\$ 6,813,167.00	\$ 3,541,762.00	\$ 40,700.00	\$ 1,024,006.00	\$ 11,419,635.00

EXHIBIT "B"
SCHEDULE OF CAPITAL PROJECTS AND EQUIPMENT APPROPRIATIONS BY FUND

Fund	Description	Amount
Equipment Replacement (240)		
	Computer Replacements	33,800.00
	Phone System (From 2012)	133,000.00
	Fire - Equipment	15,000.00
	Police - Cars 1125 and 1151	90,420.00
	Police - CAD/RMS System	14,575.00
	Police Equipment	24,200.00
	Service - Construction Trailer	4,000.00
	Service - Truck 19 - GMC 4wd	30,000.00
	Service - Truck 18 - Ford Explorer	30,000.00
	Service - Truck 71 - Pick up Truck 2wd	35,000.00
	Service - Truck 503 - Ford Tractor/Loader	35,000.00
	Service - Truck 66 F250 with Plow	35,000.00
	Service - Truck 21 Super Duty Dump	60,000.00
	Service - Truck 35 Five Ton Dump	170,000.00
	Service -Scareb - with Westlake	178,325.00
Total Equipment Replacement (240)		888,320.00
Street Construction (270)		
	Street Improvements	700,000.00
Total Street Construction (270)		700,000.00
Public Improvement (490)		
	Play in Bay Improvement	10,000.00
	Service - School Flashers Normandy	6,000.00
	Dwyer Window Replacement	10,000.00
	Dwyer - Kitchen Engineering	20,500.00
	Kiddie Kollege Floor	13,000.00
	Bay Lodge Floor	13,000.00
	SWIF Parking Lot Grant Completion	25,000.00
	PD Garage Light Replacement	7,200.00
	Rose Hill/Osborn House	16,000.00
Total Public Improvements (490)		120,700.00
Infrastructure Improvement (494)		
	Queenswood Bridge	130,000.00
Municipal Building Improvements (495)		
	Service Painting Projects	46,000.00
Sewer (580)		
	Computer Model Lake/Bradley Sanitary	20,000.00
	Porter Creek Sewer	15,000.00
	Huntington Pump Station CPU Design	30,000.00
	Huntington Pump Station Radiator/Heat Exchanger	15,000.00
Total Sewer (580)		80,000.00
GRAND TOTAL		\$ 1,965,020.00

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE
BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES
AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER

(CITY COUNCIL)
Revised Code, Secs. 5705.34-5705.35

The Council of the City of Bay Village, Cuyahoga
County, Ohio, met in _____ session on the _____ day of _____
(Regular Or Special)
2016, at the office of _____ with the following members
present:

Mr./Mrs. _____ moved the adoption of the following Resolution:

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

2017; and

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

RESOLVED, By the Council of the City of Bay Village,

Cuyahoga County, Ohio, that the amounts and rates, as determined
by the Budget Commission in its certification, be and the same are hereby accepted; and be it further

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

SCHEDULE B

LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES

FUND	Maximum Rate Authorized to Be Levied	Co. Fiscal Officer's Est. of Yield of Levy (Carry to Schedule A, Column II)
GENERAL FUND:		
Current Expense Levy authorized by voters on _____ for not to exceed _____ years.	,20	
Current Expense Levy authorized by voters on _____ for not to exceed _____ years.	,20	
Total General Fund outside 10m. Limitation.		
Park Fund: Levy authorized by voters on _____ for not to exceed _____ years.	,20	
Recreation Fund: Levy authorized by voters on _____ for not to exceed _____ years.	,20	
Fund: Levy authorized by voters on _____ for not to exceed _____ years.		
Fund: Levy authorized by voters on _____ for not to exceed _____ years.	,20	
Fund: Levy authorized by voters on _____ for not to exceed _____ years.	,20	
Fund: Levy authorized by voters on _____ for not to exceed _____ years.	,20	

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

Mr./Mrs. _____ seconded the Resolution and the roll being called

upon its adoption the vote resulted as follows:

Mr./Mrs _____

Mr./Mrs _____

Mr./Mrs _____

Adopted the _____ day of _____, 20 _____.

Attest:

 President of Council

 Clerk of Council

CERTIFICATE OF COPY
ORIGINAL ON FILE

The State of Ohio, _____ County, ss.

I, _____, Clerk of the Council of the City

of _____ within and for said County, and in whose custody the Files and Records of said Council are required by the Laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the original _____

now on file, that the foregoing has been compared by me with said original document, and that the same is a true and correct copy thereof.

WITNESS my signature, this _____ day of _____, 20____

Clerk of Council

No. _____

COUNCIL OF THE CITY OF

County, Ohio.

RESOLUTION
ACCEPTING THE AMOUNTS AND RATES
AS DETERMINED BY THE BUDGET
COMMISSION AND AUTHORIZING THE
NECESSARY TAX LEVIES AND CERTIFYING
THEM TO THE COUNTY FISCAL OFFICER

(City Council)

Adopted _____, 20 ____

Clerk of Council

Filed _____, 20 ____

County Fiscal Officer

By _____
Deputy

RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
**AUTHORIZING THE DIRECTOR OF FINANCE TO REQUEST TAX
ADVANCEMENTS BEFORE SETTLEMENT DATES FOR FISCAL YEAR 2017,
AND DECLARING AN EMERGENCY**

SECTION 1. That the Director of Finance is hereby authorized to request the Cuyahoga County Auditor to issue an order to the Treasurer of said County to pay to the City of Bay Village such funds as may be available from time to time for disbursement by said County Treasurer, in advance of regular semi-annual settlements with said County Treasurer.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to request said tax advancements in order that the City may obtain funds for the daily operations of its departments, wherefore this resolution shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

James A. Schilens & assoc.

27330 CENTER RIDGE ROAD • WESTLAKE, OHIO 44145 • 440•899•1840 • FAX: 440•899•0930

7-19-16

Mr. Dan Galli
Building Director
City of Bay Village
350 Dover Center Rd.
Bay Village, OH 44140

(440)871-2200

Dear Mr. Galli,

This letter is a request for a resolution from the City of Bay Village as required by the Ohio Department of Natural Resources and the Army Corps of Engineers permits for a shore structure.

Please forward the enclosed application to the appropriate personnel.

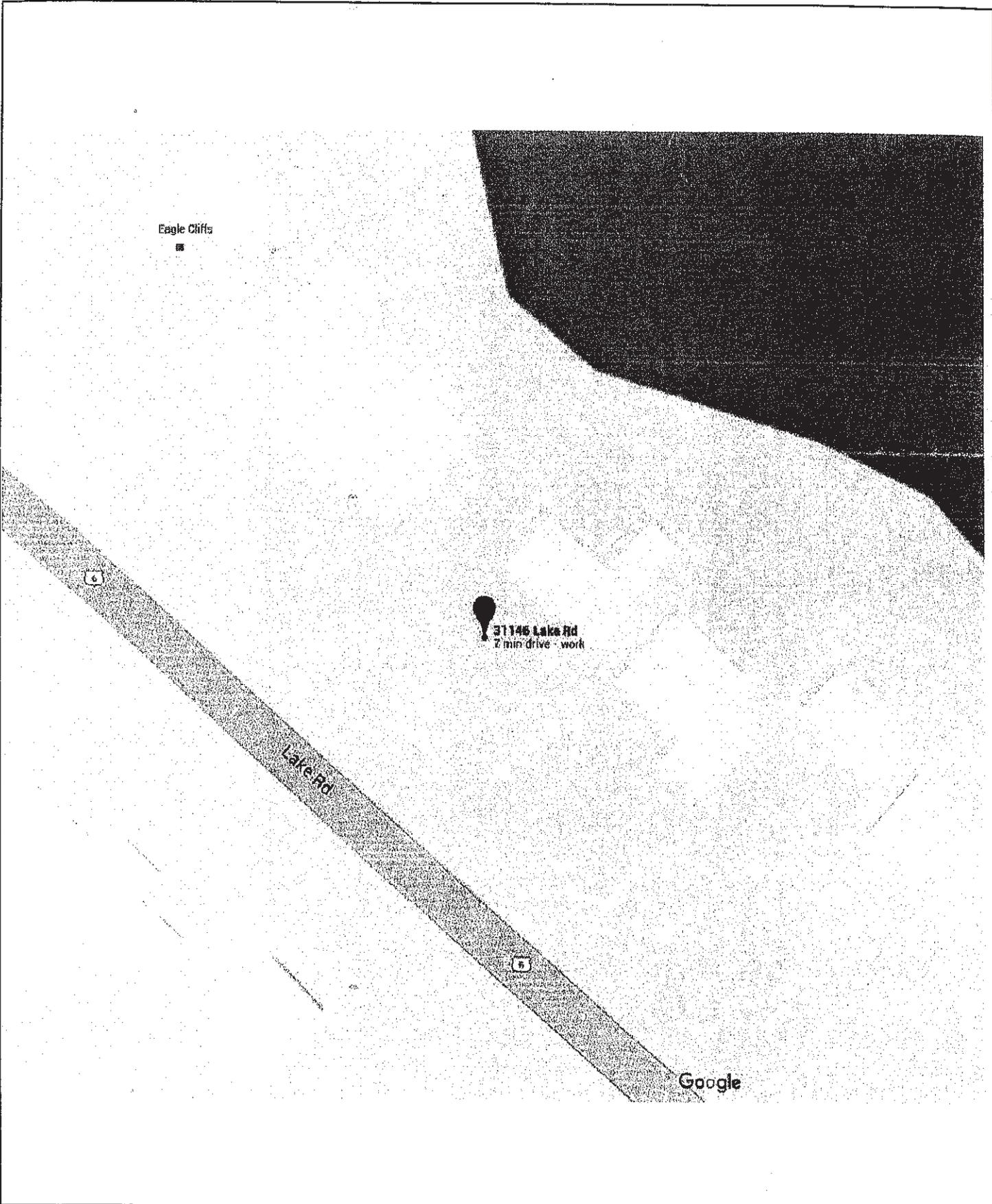
We are requesting a formal written resolution from the City regarding the approval of shore structure for the Peter B. and Elaine B. Korte residence located at 31146 Lake Road, Bay Village, Ohio 44140, as enclosed, on the submerged lands of Lake Erie adjacent to the property;
PP# 20103003.

One of the necessary components for obtaining a lease from the State of Ohio is an ordinance or resolution from the local authority stating that the area of submerged lands in question is not needed by the local authority for future improvements (i.e. breakwaters, harbors, marinas, piers, etc.) and that the land uses in my application comply with regulation of permissible land use of the local authority.

Please consider and act on my request for this resolution or ordinance at: 31146 Lake Road, Bay Village, Ohio 44140.

Please let us know if you need anything further.
Thank you,


James Schilens



JAMES A. SCHILENS & ASSOCIATES

JAS

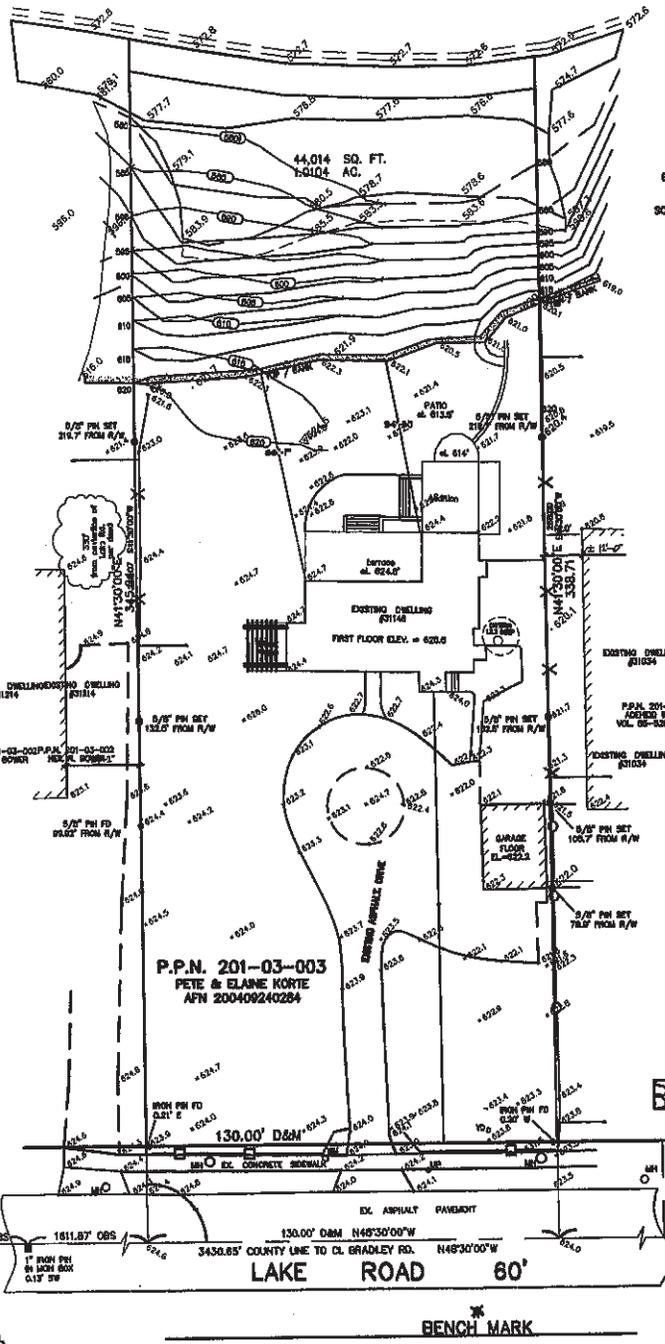
27330 Center Ridge Road
 Westlake, Ohio 44145
 Phone: (440) 899-1840
 Fax: (440) 899-0930
 E-Mail: Jschilens@aol.com

SITE LOCATION MAP

PROJECT: MR. AND MRS. PETE KORTE SCALE: NTS
 LOCATION: 31146 LAKE ROAD DATE: 7-19-16
BAY VILLAGE, OHIO 44140 DRAWN BY: R.A.S.
 CHECKED BY: T.S.

REVISIONS:

12-14-15	
12-28-15	
12-29-15	
1-12-16	
DWG. NO.: 1 OF 6	

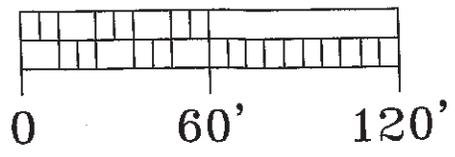


TOPOGRAPHICAL MAP
 OF
 31146 LAKE RD
 OF
 P.P.N. 201-03-003
 OF PART OF
 ORIGINAL DOVER TOWNSHIP LOT NO. 87
 NOW IN
 THE CITY OF BAY VILLAGE
 CUYAHOGA COUNTY, OHIO
 FOR
 PETE & ELAINE KORTE
 BY
 THE HENRY G. REITZ ENGINEERING CO.
 V. PRES.
 JAMES T. SWILER REG. SURVEYOR NO. S-7425
 SCALE 1" = 20'
 REVISED 3-08-11 ADD EXTRA PINS SET & SPOKE OUTSIDE LOC.
 REVISED 8-28-11 ADDITIONAL ELEVATIONS AND LOC. WATER EDGE

NOTES:
 P.P.N. 201-03-004
 ADDED BARRIERS
 VOL. 05-0264, PG. 16
 CONTRACTOR MUST CHECK WITH ALL
 UTILITIES BEFORE ANY
 EXCAVATION OR WORK IS STARTED.
 BENCH MARK Elev = 626.33
 TOP OF IRON PIN SET.

- LEGEND:
- DENOTES 8" IRON PIN SET, CAPPED (METE BOX)
 - DENOTES 8" IRON PIN SET, OPEN (METE CHANGING)
 - DENOTES 4" IRON PIN IN METE BOX USED
 - DENOTES DIRECTION OF FRESH RUNOFF
 - ELEVATIONS SHOWN = 8' PROPOSED
 - DENOTES SLASH LINE FENCE
 - DENOTES SPLIT RAIL FENCE
 - DENOTES WOODEN FENCE
 - DENOTES ROCKS AND CONCRETE

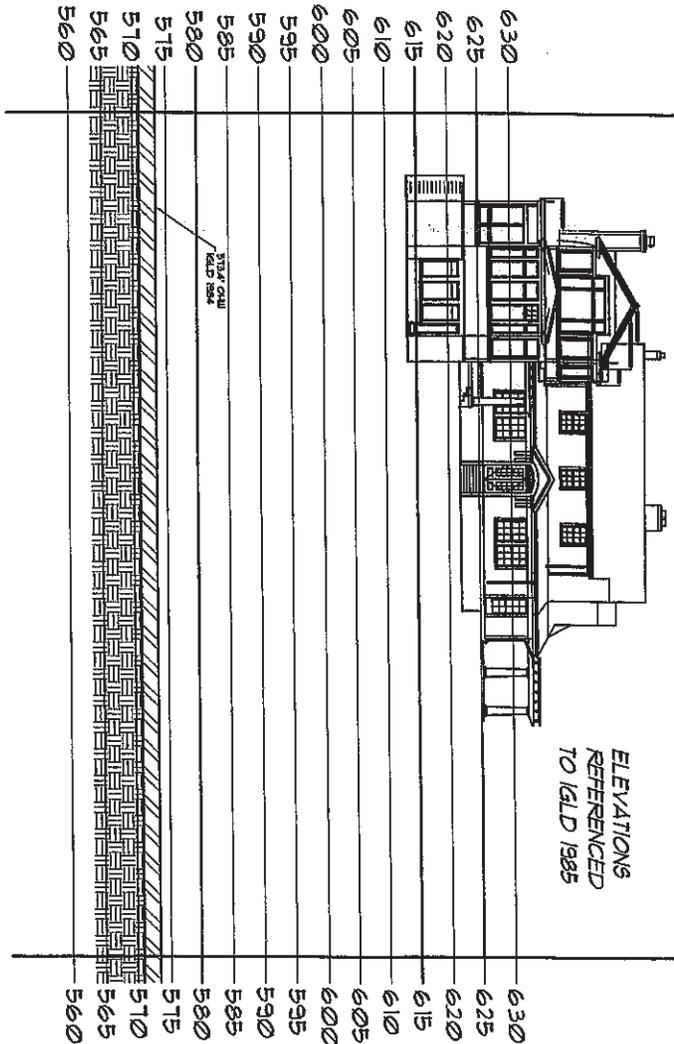
GRAPHIC SCALE
 1" = 60'



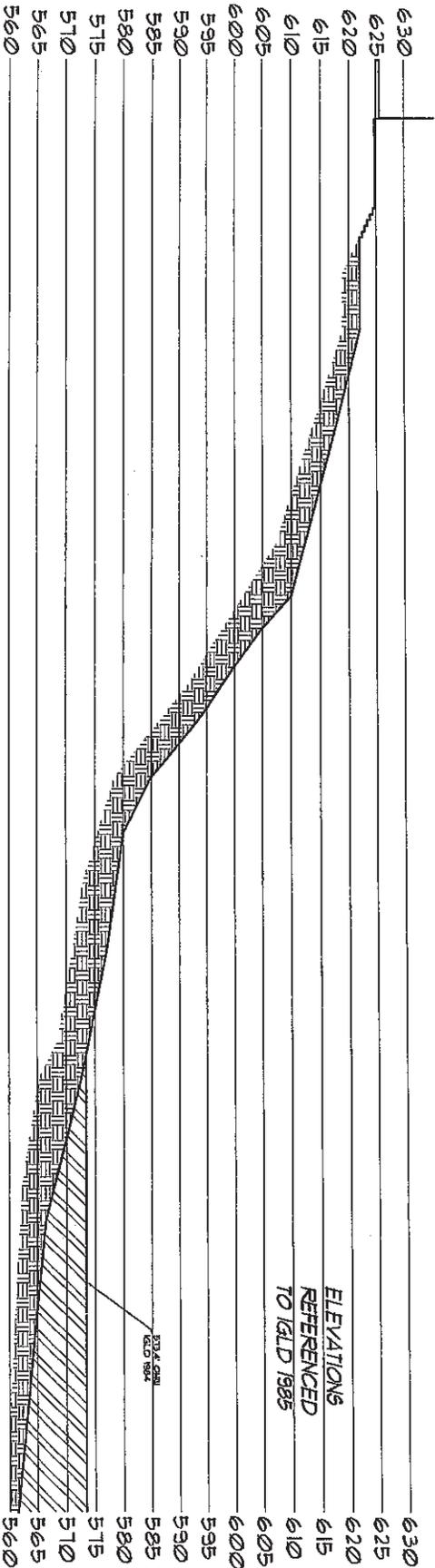
JAMES A. SCHILENS & ASSOCIATES
 27330 Center Ridge Road
 Westlake, Ohio 44145
 Phone: (440) 899-1840
 Fax: (440) 899-0930
 E-Mail: jschilens@aol.com

EXISTING PLAN VIEW
 PROJECT:
 MR. AND MRS. PETE KORTE SCALE: 1"=60'
 LOCATION: 31146 LAKE ROAD DATE: 7-19-16
 BAY VILLIAGE, OHIO 44140 DRAWN BY: R.A.S.
 CHECKED BY: T.S.

REVISIONS:	
12-14-15	
12-28-15	
12-29-15	
1-12-16	
DWG. NO.: 2 OF 6	



EXISTING NORTH ELEVATION
SCALE: 1" = 30'



EXISTING SECTION A-A'
SCALE: 1" = 30'

SURVEY INFORMATION PROVIDED BY:
REITZ ENGINEERING

JAMES A. SCHILENS & ASSOCIATES

JAS 27330 Center Ridge Road
Westlake, Ohio 44145
Phone: (440) 899-1840
Fax: (440) 899-0930
E-Mail: Jschilens@aol.com

EXISTING NORTH ELEVATION & SECTION A-A'

PROJECT: MR. AND MRS. PETE KORTE SCALE: 1"=30'

LOCATION: 31146 LAKE ROAD DATE: 7-19-16

BAY VILLIAGE, OHIO 44140 DRAWN BY: R.A.S.

CHECKED BY: T.S.

REVISIONS:
12-14-15
12-28-15
12-29-15
1-12-16
DWG. NO.: 3 OF 6

±64.25

±64.00

±63.92

ELEVATIONS
REFERENCED
TO IGLD 1985

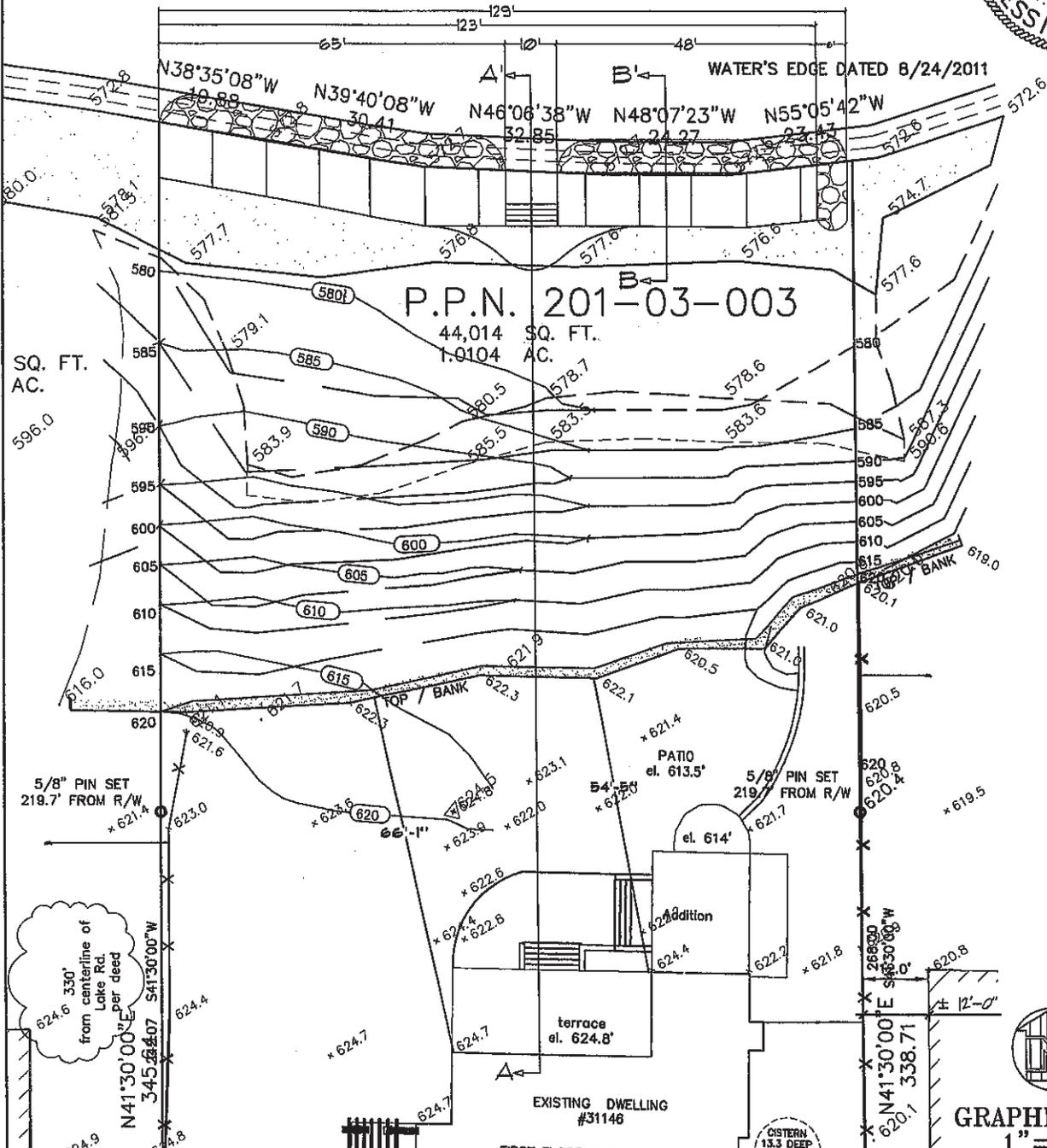
LAKE ERIE



±66.58

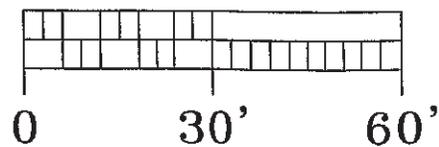
±66.58

±66.42



P.P.N. 201-03-003
44,014 SQ. FT.
1.0104 AC.

GRAPHIC SCALE
1" = 30'

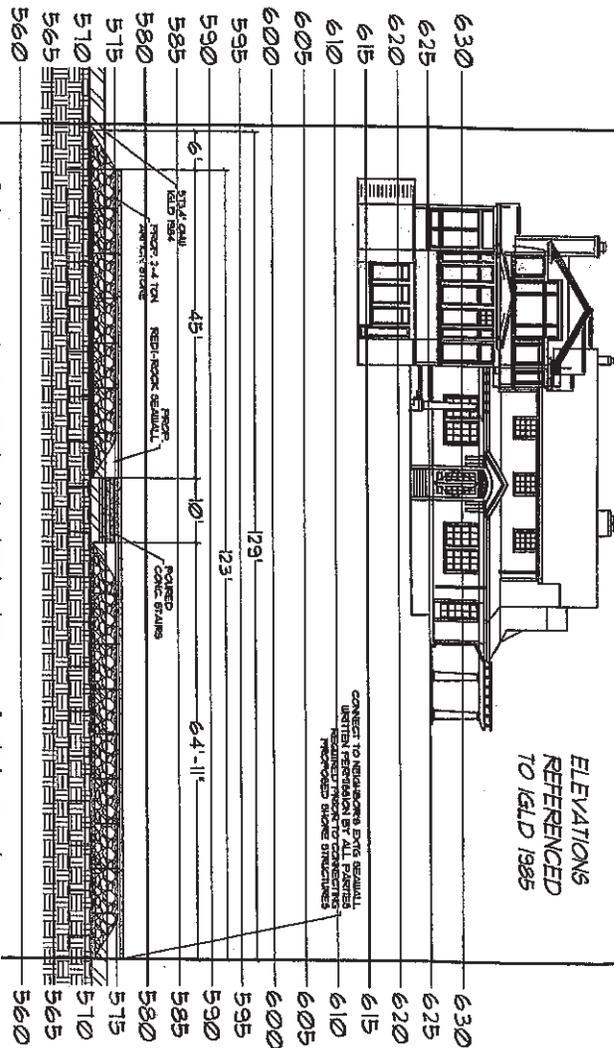


ENGINEERED BY: ETS
27330 CENTER RIDGE RD WESTLAKE OH, 44145
(440)899-1840

JAS 27330 Center Ridge Road Westlake, Ohio 44145 Phone: (440) 899-1840 Fax: (440) 899-0930 E-Mail: Jschilens@aol.com	JAMES A. SCHILENS & ASSOCIATES		PROPOSED SITE PLAN - PLAN VIEW		REVISIONS:	
	PROJECT: MR. AND MRS. PETE KORTE	LOCATION: 31146 LAKE ROAD	SCALE: 1"=30'	DATE: 7-19-16	DRAWN BY: R.A.S.	CHECKED BY: C.H.
BAY VILLIAGE, OHIO 44140						DWG. NO.: 4 OF 6

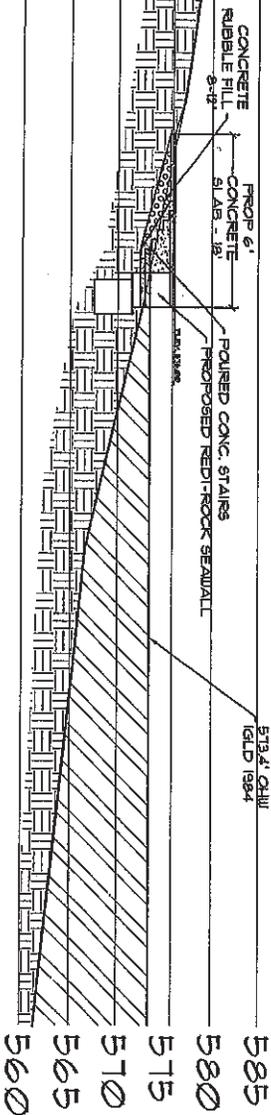


PROPOSED NORTH ELEVATION
SCALE: 1" = 30'



ELEVATIONS REFERENCED TO IGLD 1985

ELEVATIONS REFERENCED TO IGLD 1985



PROPOSED SECTION A-A'
SCALE: 1" = 20'

ENGINEERED BY: ETS
27330 CENTER RIDGE RD WESTLAKE OH, 44145
(440)899-1840

JAMES A. SCHILENS & ASSOCIATES



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Westlake, Ohio 44145
Phone: (440) 899-1840
Fax: (440) 899-0930
E-Mail: jschilens@aol.com

PROPOSED ELEVATION AND SECTION A-A'

PROJECT:	MR. AND MRS. PETE KORTE	SCALE:	VARIES
LOCATION:	31146 LAKE ROAD	DATE:	7-19-16
	BAY VILLIAGE, OHIO 44140	DRAWN BY:	R.A.S.
		CHECKED BY:	C.H.

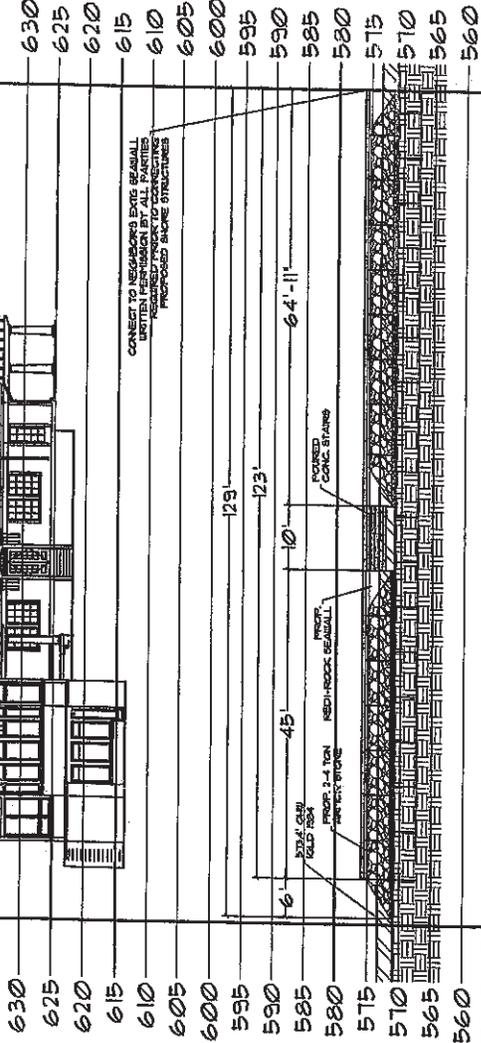
REVISIONS:

12-14-15	
12-28-15	
12-29-15	
1-12-16	

DWG. NO.: 5 OF 6

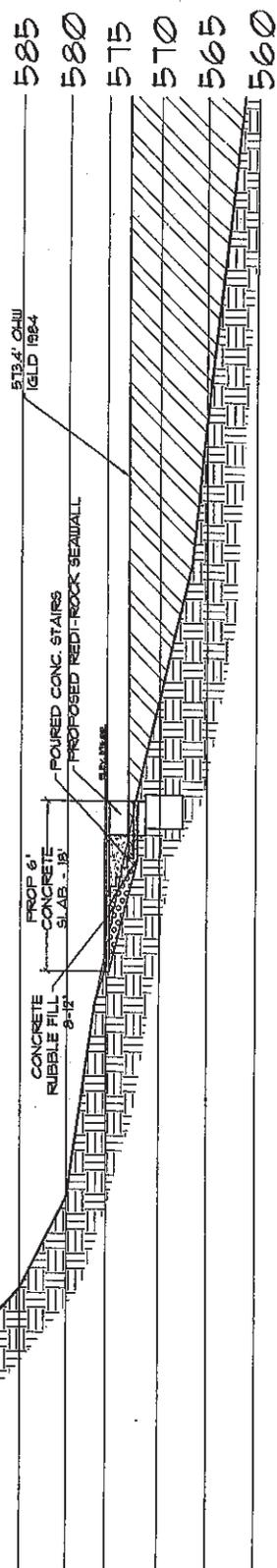


ELEVATIONS REFERENCED TO IGLD 1985



PROPOSED NORTH ELEVATION
SCALE: 1" = 30'

ELEVATIONS REFERENCED TO IGLD 1985



PROPOSED SECTION A-A'
SCALE: 1" = 20'

ENGINEERED BY: ETS
27330 CENTER RIDGE RD WESTLAKE OH, 44145
(440)899-1840

JAMES A. SCHILLEN & ASSOCIATES
27330 Center Ridge Road
Westlake, Ohio 44145
Phone: (440) 899-1840
Fax: (440) 899-0930
E-Mail: jschillens@aol.com

PROJECT: PROPOSED ELEVATION AND SECTION A-A'

MR. AND MRS. PETE KORTE

SCALE: VARIES

DATE: 7-19-16

DRAWN BY: R.A.S.

CHECKED BY: C.H.

REVISIONS:

12-14-15

12-28-15

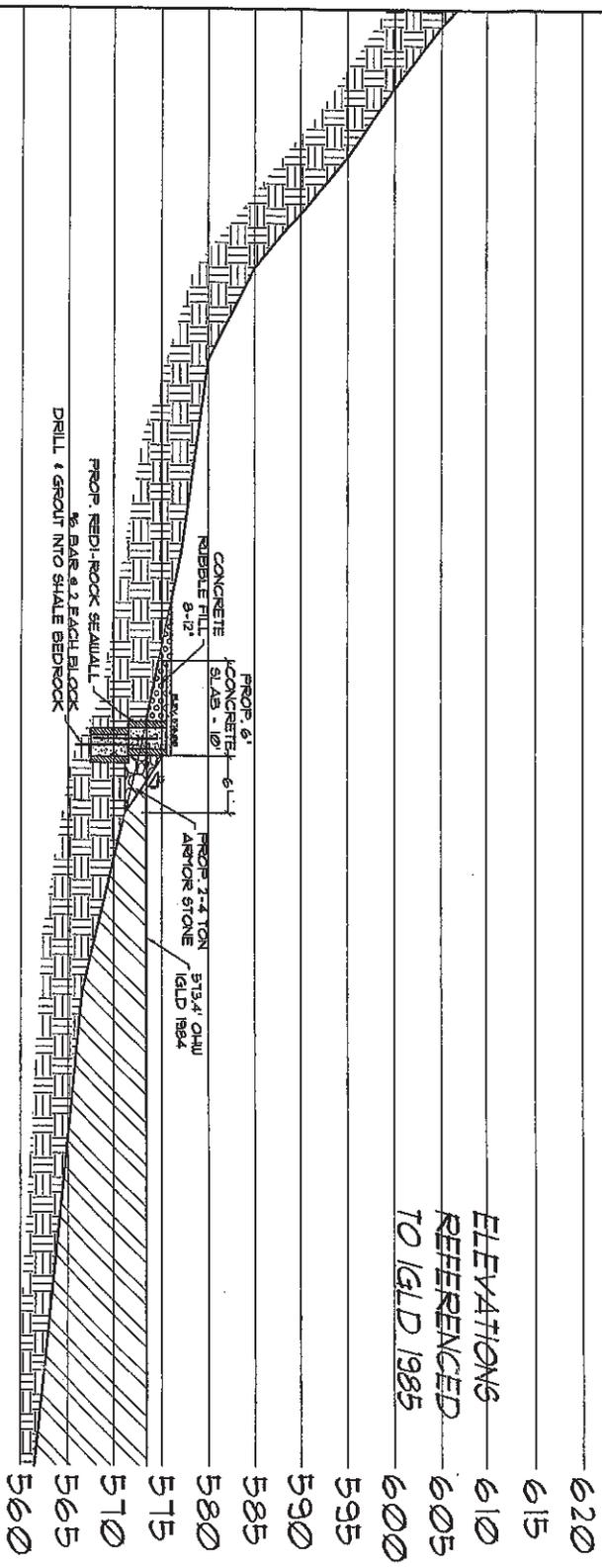
12-29-15

1-12-16

DWG. NO.: 5 OF 6



PROPOSED SECTION B-B'
 SCALE: 1" = 20'



ELEVATIONS
 REFERENCED
 TO IGLD 1985

ENGINEERED BY: ETS
 27330 CENTER RIDGE RD WESTLAKE OH, 44145
 (440)899-1840

JAMES A. SCHILENS & ASSOCIATES

JAS 27330 Center Ridge Road
 Westlake, Ohio 44145
 Phone: (440) 899-1840
 Fax: (440) 899-0930
 E-Mail: Jschilens@aol.com

PROPOSED SECTION B-B'	
PROJECT:	MR. AND MRS. PETE KORTE
LOCATION:	31146 LAKE ROAD BAY VILLIAGE, OHIO 44140
SCALE:	VARIES
DATE:	7-19-16
DRAWN BY:	R.A.S.
CHECKED BY:	C.H.

REVISIONS:	
12-14-15	
12-28-15	
12-29-15	
1-12-16	
DWG. NO.: 6 OF 6	

Joan Kemper

From: Mark Cunningham <mcunningham@saintraphaelparish.com>
Sent: Monday, August 01, 2016 2:34 PM
To: Joan Kemper
Cc: Sue Kohl
Subject: [Possible SPAM - Bay Village SPAM Filter] St. Raphael Sign Request for City Council

Importance: Low

Good Afternoon Joan,

I have two sign requests this afternoon, both concerning temporary signs on our St. Raphael Church property.

Request #1



Dimensions: 4'x8' Banner

Placement: The front lawn of the church, between the sidewalk and the church building; between fence posts in the ground

Duration: August 5th (or as soon as approved) thru October 21st

Request #2

Three yard signs to be placed along the school/church driveway thanking parents for support of a fundraiser (I don't have the exact content, but I think it will be a list of donor names).

Dimensions: 24" x 18"

Placement: along the church driveway between Dover Center and Douglas roads

Duration: September 14th (one day only)

Please let me know if you need more information or have any questions.

Thanks, and Blessings,

Mark A. Cunningham

Stewardship Director

St. Raphael Parish

525 Dover Center Road

Bay Village, OH 44140

440-871-1100 x146

mcunningham@saintraphaelparish.com

www.SaintRaphaelParish.com

351.15 OVERNIGHT PARKING; MAXIMUM CONTINUOUS PARKING LIMIT.

(a) No person shall park a motor vehicle on any street for a period of time longer than thirty minutes between the hours of 2:30 a.m. and 5:00 a.m. of any day, except persons on emergency calls.

(Ord. 76-19. Passed 3-1-76.)

(b) No person shall park a motor vehicle on any street for a period of time longer than six hours between the hours of 5:00 a.m. and 2:30 a.m. the following day, nor shall any person park a motor vehicle on any City property between the hours aforesaid unless such vehicle displays a permission decal obtained from the Mayor or the Director of Public Safety.

(Ord. 81-68. Passed 6-15-81.)