

AGENDA
City Commission Meeting
222 Meigs Street
5:00 p.m.

MONDAY, DECEMBER 10, 2007

Prayer

Pledge of Allegiance

Meeting Called to Order

Roll Call - BC, BF, DW, CS, DE, DK, DM

Minutes - November 26th

Charter Officers

Matthew Kline, City Manager, Don Icsman, Law Director, Ed Widman, Finance Director, B. Joyce Brown, Clerk of the City Commission

Audience Participation – Agenda Items Only (3 minute limit)

PRESENTATION – YMCA – Brett R. Kinzel

PREVIOUS BUSINESS

This item was tabled at the meeting of November 26, 2007.

ITEM #1 – Communication – Carrie R. Handy, Chief Planner

BUDGETARY INFORMATION: *The cost of this contract is covered by administrative dollars allocated in the Revolving Loan Fund Program and monitoring fees collected by the Enterprise Zone Program. A portion of the cost of the contract is also covered by administrative dollars received in conjunction with the Community Development Block Grant (CDBG) Economic Development Grant/Loan Funding. There will be no impact on the General Fund.*

ORDINANCE NO. _____ *Enter into a Consulting Contract with Gregory E. Sherman for Calendar Year 2008, a copy of which is attached to this ordinance. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.***

ITEM #2 – This item was tabled at the meeting of October 22, 2007.

ORDINANCE NO. _____ *Amending Part Five – General Offenses, Chapter 505 – Animals and Fowl, in the manner and way specifically set forth hereinbelow. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.***

CURRENT BUSINESS

ITEM #3 – Communication – Michele Hall, Recreation Program Supervisor

BUDGETARY INFORMATION: *It is the desire of these fees to continue to increase the overall usage of the course through membership, punch cards, and daily paid rounds. As stated above, we will still strive to be the area's lowest priced golf course while still providing a quality experience to our golfers attracting both locals and visitors.*

ORDINANCE NO. _____ *Approving the new fee schedule established by the City Manager pursuant to Section 973.02 of the Codified Ordinances of the City of Sandusky. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.***

ITEM #4 – Communication – Joshua R. Snyder, Traffic Engineer

BUDGETARY INFORMATION: *A change order in the amount of \$6,018.97 brings the total to \$44,948.07 from its original bid price of \$38,929.10. This project, including the change order amount, will be paid from various donors. No general funds have been expended with the exception of City labor.*

ORDINANCE NO. _____ *Approve the First and Final Change Order for work being performed for the Dorn Park Parking Lot Expansion Project Phase I in the amount of \$6,018.97 to be paid to Erie Blacktop, Inc.*

of Sandusky, Ohio. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

ITEM #5 – Communication – Kathryn K. McKillips, Engineering Director

BUDGETARY INFORMATION: Funds for this licensing fee are routinely included in the Big Island Water Works operating budget each year.

ORDINANCE NO. _____ Payment to the State of Ohio Environmental Protection Agency for the renewal of the License to operate a Public Water System for the Calendar Year 2008 in an amount of \$12,180.00. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

ITEM #6 – Communication – Kathryn K. McKillips, Engineering Director

BUDGETARY INFORMATION: Funds for this discharge fee are routinely included in the Wastewater Treatment Plant operating budget each year.

ORDINANCE NO. _____ Payment to the State of Ohio Environmental Protection Agency for the Annual Discharge Fee for NPDES Permit Number 2PF00001 for the Wastewater Treatment Plant for the Calendar Year 2008 in an amount of \$15,500.00. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

ITEM #7 – Communication – Jeffrey W. Rosekelly, P.E. Project Engineer

BUDGETARY INFORMATION: The total estimated project cost including miscellaneous expenses is \$464,187.35. The private assessment cost is \$125,009.01. The City portion of the project cost is \$143,838.34. The Water Fund expense will be \$2,261.00, the Sewer Fund expense will be \$8,776.25, the \$5 license fee fund will be \$132,801.09 and the Ohio Public Works Grant expense will be \$195,340.00.

RESOLUTION NO. _____ Declaring it necessary to improve Monroe Street between certain termini by grading, paving, resurfacing, constructing curbs, gutters, sidewalks, driveway approaches and curb ramps, and adjusting manholes, catch basins and water valve boxes to grade, all together with the necessary appurtenances thereto. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

ITEM #8 – Communication – Kim Nuesse, Chief of Police

BUDGETARY INFORMATION: Funds for the Sandusky Police Marine Patrol are budgeted and will be available in the Police Department Budget from revenues collected to finance the Marine Patrol. The State grant provides up to \$35,000 or 75% of the operating costs for covered items, which ever is least.

RESOLUTION NO. _____ Authorizing the submission of an application with the Ohio Department of Natural Resources, Division of Watercraft for the Calendar Year 2008 Marine Patrol Assistance Grant Program and if awarded, authorizing the City Manager to execute a Calendar Year 2008 Marine Patrol Assistance Agreement to participate in the program. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

City Manager's Report

Old Business

New Business

Audience Participation – open discussion on any item (5 minute limit)

Press Question/Answers

Executive Session

Adjournment

TO: Matthew D. Kline, City Manager
FROM: Carrie R. Handy, Chief Planner
DATE: November 14, 2007
SUBJECT: COMMISSION AGENDA ITEM (Greg Sherman Contract)

ITEM FOR CONSIDERATION: Consideration is being requested to enter into a contract with Gregory E. Sherman to act as the City's consultant. Under this contract, Mr. Sherman would carry out certain activities related to the administration of the City's Revolving Loan Fund Program, the Community Reinvestment Area Program, the Enterprise Zone Program, and other designated economic development projects for the Department of Development and the City. This contract will allow the City of Sandusky to meet Ohio Department of Development and HUD reporting and feasibility analysis requirements pertaining to the above regulated economic development programs. Mr. Sherman has performed these activities for the City for a number of years and is well qualified to do so. The continuation of this contract will assist the Department of Development in the attraction, expansion and retention of businesses.

BUDGETARY INFORMATION: The cost of this contract is covered by administrative dollars allocated in the Revolving Loan Fund Program and monitoring fees collected by the Enterprise Zone Program. A portion of the cost of the contract is also covered by administrative dollars received in conjunction with the Community Development Block Grant (CDBG) Economic Development Grant/Loan funding. There will be no impact on the general fund.

ACTION REQUESTED: Approval of the subject contract by the passage of the attached enabling legislation under Section 14 of the City Charter since the current agreement will expire on December 31, 2007, and so as not to interrupt the necessary service to the City of Sandusky.

I concur with this recommendation:

Matthew D. Kline, City Manager

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER OF THE CITY OF SANDUSKY, OHIO, TO ENTER INTO A CONSULTING CONTRACT WITH GREGORY E. SHERMAN FOR CY 2008, A COPY OF WHICH IS ATTACHED TO THIS ORDINANCE; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City desires to continue to utilize the services of Gregory E. Sherman to carry out certain activities related to the administration of the City's Revolving Loan Fund Program, Community Reinvestment Area Program, Enterprise Zone Program and other designated economic development projects for the Department of Development and the City; and

WHEREAS, this contract will allow the City of Sandusky to comply with the State of Ohio Department of Development and HUD reporting and feasibility analysis requirements pertaining to the above-referenced state regulated economic development programs; and

WHEREAS, Gregory E. Sherman has performed these services for the City for a number of years and is currently certified to do so; and

WHEREAS, the cost of this contract is covered by administrative dollars allocated in the Revolving Loan Fund Program and monitoring fees collected by the Enterprise Zone Program, together with administrative dollars received in conjunction with the Community Development Block Grant Economic Development Grant / Loan funding; and

WHEREAS, this legislation should be passed under suspension of the rules as an emergency measure in accordance with Section 14 of the City Charter in order to continue this necessary service without interruption to the City of Sandusky, as the current contract expires on December 31, 2007; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. The City Manager of the City of Sandusky, Ohio, be and hereby is authorized and directed to enter into a Consulting Contract with Gregory E. Sherman for CY 2008, substantially in the same form as Exhibit "A" which is attached to this Ordinance and is specifically incorporated as if fully rewritten herein.

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City

Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

DANIEL J. KAMAN

PRESIDENT OF THE CITY COMMISSION

ATTEST: _____

B. JOYCE BROWN
CLERK OF THE CITY COMMISSION

Passed:

ORDINANCE NO. _____

AN ORDINANCE AMENDING PART FIVE - GENERAL OFFENSES, CHAPTER 505 - ANIMALS AND FOWL, IN THE MANNER AND WAY SPECIFICALLY SET FORTH HEREINBELOW; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this City Commission in response to the decision of the Sixth District Court of Appeals in the case of Toledo v. Tellings, decided on March 3, 2006, removed breed specific language in Chapter 505 relating to pit bulls being defined as vicious dogs by the passage of Ordinance No. 06-053, effective on June 12, 2006; and

WHEREAS, on August 1, 2007, the Ohio Supreme Court issued its decision in the appeal of the Toledo v. Tellings Sixth District Court of Appeals case, finding that the classification of pit bulls (as defined) as vicious dogs under the Ohio Revised Code Section 955.11(A)(4)(a)(iii) is constitutional; and

WHEREAS, this City Commission has determined, despite the Supreme Court ruling in Toledo v. Tellings, to continue to not include pit bulls (as defined) in the classification of vicious dogs but rather to continue to base the determination as to whether a dog is dangerous or vicious on behavior; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter to amend Chapter 505 and immediately put in place the proposed modifications regarding the administration of Chapter 505; and

WHEREAS, it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio, finds that an emergency exists and that it is advisable that the amendments to Chapter 505 of the Codified Ordinances be enacted as soon as possible and that this **Ordinance** be declared an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter upon its adoption and, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. Part Five - General Offenses, Chapter 505 - Animals and Fowl, of the Codified Ordinances of the City is hereby amended as follows:

**NEW LANGUAGE APPEARS IN BOLD PRINT
LANGUAGE TO BE STRICKEN APPEARS WITH A STRIKE THROUGH IT
LANGUAGE TO REMAIN UNCHANGED APPEARS IN REGULAR PRINT**

**CHAPTER 505
ANIMALS AND FOWL**

505.01	Definitions.	505.17	Feeding of Pigeons Restricted.
505.02	Dogs and Other Animals Running at Large.	505.18	Rabies Vaccination.
505.03	Impounding Procedures; Obstruction.	505.19	Dangerous and Vicious Dog, Definitions.
505.04	Annual Registration of Dogs; Tags	505.20	Determination of Dangerous or Vicious Dogs.

	Required.	505.21	Appeal Procedure.
505.05	Abandoning Animals.	505.22	Hearing Procedure.
505.06	Killing or Injuring Animals.	505.23	Registration of Dangerous or Vicious Dogs.
505.07	Poisoning Animals.		
505.08	Cruelty to Animals.	505.24	Insurance for Vicious Dogs.
505.09	Nuisance Conditions Prohibited.	505.25	Confinement or Restraint of Dangerous or Vicious Dogs.
505.10	Animal Bites; Quarantine and Reporting.	505.26	Inspections; Obstruction.
505.11	Hunting.	505.27	Dog May be Killed for Certain Acts; Owner Liable for Damages.
505.12	Animal Owner Liable for Damage to Property.	505.28	Impoundment; Destruction of Dogs.
505.13	Prohibited Areas.	505.29	Keeping Banned Dogs.
505.14	Keeping Dangerous Animals; Permit; Fees.	505.30	Strict Liability.
505.15	Report of Escape of Exotic or Dangerous Animal.	505.99	Penalties.
505.16	Coloring Rabbits or Baby Poultry; Sale or Display Of.		

CROSS REFERENCES

Coloring rabbits or chicks prohibited - see Ohio R.C. Ch. 925
Animals running at large; strays - see Ohio R.C. Ch. 951
Dogs - see Ohio R.C. Ch. 955
Offenses relating to domestic animals - see Ohio R.C. Ch. 959
Persons aiding, driving animals upon roadway - see TRAF. 303.05
Freeway use prohibited by pedestrians, bicycles and animals - see TRAF. 303.06
Excessive animal noise - see GEN. OFF. 519.10(e)
Noxious or offensive odors - see GEN. OFF. 521.09
Hunting - see GEN. OFF. 549.17
Dead animals - see S.U. & P.S. 955.08
No manure in garbage can - see S.U. & P.S. 955.18
Feeding of wildlife and domesticated animals or fowl - see S.U. & P.S. 955.23

505.01 DEFINITIONS.

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

- (a) "Whoever" includes owner, keeper, handler or harborer.
- (b) "Owner" includes keeper, handler or harborer.
- (c) "Registration tag" means the metal tag issued annually by the County Auditor evidencing a registered dog.
- (d) "Registered dog" means a dog registered in compliance with O.R.C. Chapter 955.
- (e) "Permit to run at large" means running at will, roaming away from the premises of the owner, acting on its own initiative and not in leash or under the immediate control of the owner.
- (f) "Impound" means to seize summarily, confine and retain in custody of law.
- (g) "Animal" includes dogs, cats, cattle, sheep, horses, geese, ducks, turkeys, chickens or other fowl or any other animal, domestic or wild, maintained or kept as a pet, for work or for a product.
- ~~(h) The "Director of Community Development" means the person employed by the City of Sandusky holding the job title of Director of Community Development pursuant to §143.01 of the Codified Ordinances of the City, or designee.
(Ord. 06-053. Passed 6-12-06.)~~

- (h) **"Animal Control Officer" means the person(s) employed by the City of Sandusky holding the job title of Animal Control Officer.**

505.02 DOGS AND OTHER ANIMALS RUNNING AT LARGE.

- (a) No person being the owner or having charge of any animal as defined in §505.01 shall permit such animal to run at large upon any public place, or upon any unenclosed lands, or upon the premises of another. The owner or person having charge of every animal shall at all times keep such animal either confined upon the premises of the owner or keeper, or under reasonable control of some person.
- (b) Except when a dog is lawfully engaged in hunting and accompanied by the owner, keeper, harbinger, or handler of the dog, no owner, keeper or harbinger of any dog shall fail at any time to do either of the following:
- (1) Keep the dog physically confined or restrained upon the premises of the owner, keeper or harbinger by a leash, tether, adequate fence, supervision, or secure enclosure to prevent escape;
 - (2) Keep the dog under the reasonable control of some person;
 - (3) No owner, keeper, or harbinger of any female dog shall permit it to go beyond the premises of the owner, keeper or harbinger at any time the dog is in heat unless the dog is properly in leash. (O.R.C. §955.22(B)(C))
- (c) The running at large of any such animal in or upon any of the places mentioned in this section is prima-facie evidence that it is running at large in violation of this section.
- (d) Whoever violates this section is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense. (§505.99(1) & (2), O.R.C. §955.99; Ord. 04-140. Passed 8-9-04.)

505.03 IMPOUNDING PROCEDURES; OBSTRUCTION.

- (a) Any animal found running at large shall be impounded.
- (b) Notification shall be made to the County Dog Warden by the ~~Director of Community Development~~ **Chief of Police** or designee or any Law Enforcement Officer or **Animal Control Officer** for any dog found running at large for the purpose of impoundment and disposition as provided in the O.R.C. Sections 955.12, 955.15 and 955.16.
- (c) **With the exception of any dog found running at large which is governed by subparagraph (b) of this section, any cat or other animal found running at large shall be impounded by the Chief of Police or designee or any Law Enforcement Officer or Animal Control Officer and held for three (3) days. If the cat or other animal is not claimed by the owner during the three (3) day time period, together with the payment of any applicable redemption fees to the City of Sandusky, the cat or other animal shall be humanely destroyed.**
- (ed) No person shall obstruct, hinder or interfere with anyone lawfully engaged in the enforcement of the procedures contained in this Section.
- (de) Whoever violates subsection (d) hereof is guilty of a minor misdemeanor. (§505.99(b); ~~Ord. 06-053. Passed 6-12-06.~~)

505.04 ANNUAL REGISTRATION OF DOGS; TAGS REQUIRED.

- (a) Except for guide dogs registered under O.R.C. §955.011 and dogs kept by an institution or organization for teaching and research purposes under O.R.C. §955.16, no person shall own, keep or harbor a dog more than three months of age without annually registering such dog with the County Auditor. Failure of any dog at any time to wear a valid registration tag shall be prima-facie evidence of lack of registration and subject such dog to impounding and disposition as provided by O.R.C. §955.10, §955.12 and §955.16.
- (b) Whoever violates this section is guilty of a minor misdemeanor. (§505.99(b), O.R.C. §955.99(B); Ord. 04-140. Passed 8-9-04.)

505.05 ABANDONING ANIMALS.

- (a) No owner, keeper, handler or harbinger of a dog, cat, animal, or companion animal as defined in O.R.C. §959.131, shall abandon such dog, cat, animal, or companion animal. (O.R.C. §959.01)
- (b) Whoever violates this section is guilty of a minor misdemeanor. (§505.99(b), O.R.C. §959.99(E); Ord. 04-140. Passed 8-9-04.)

505.06 KILLING OR INJURING ANIMALS.

- (a) No person shall maliciously, or willfully, and without the consent of the owner, kill or injure a farm animal, dog, cat or other domestic animal that is the property of another. This section does not apply to a licensed veterinarian acting in an official capacity or any law enforcement officer. (O.R.C. §959.02)
- (b) Whoever violates this section, if the value of the animal killed or the injury done amounts to less than three hundred dollars (\$300.00), is guilty of a misdemeanor of the second degree; if the value of the animal killed or the injury done amounts to three hundred dollars (\$300.00) or more, such person is guilty of a misdemeanor of the first degree. (§505.99(c), O.R.C. §959.99(B); Ord. 04-140. Passed 8-9-04.)

505.07 POISONING ANIMALS.

- (a) No person shall maliciously, or willfully and without the consent of the owner, administer poison, except a licensed veterinarian acting in such capacity, to a farm animal, dog, cat, poultry or other domestic animal that is the property of another; and no person shall, willfully and without the consent of the owner, place any poisoned food where it may be easily found and eaten by any of such animals, either upon his own lands or the lands of another. (O.R.C. §959.03)
- (b) Whoever violates this section is guilty of a misdemeanor of the fourth degree. (§505.99(d), O.R.C. §959.99(C); Ord. 04-140. Passed 8-9-04.)

505.08 CRUELTY TO ANIMALS.

- (a) No person shall:
 - (1) Torture an animal, deprive one of necessary sustenance, unnecessarily or cruelly beat, needlessly mutilate or kill, or impound or confine an animal without supplying it during its confinement with a sufficient quantity of good wholesome food and water;
 - (2) Impound or confine an animal without affording it, during such confinement, access to shelter from wind, snow, rain or excessive direct sunlight if it can reasonably be expected that the animal would otherwise become sick or in some other way suffer;
 - (3) Carry or convey an animal in a cruel or inhumane manner;
 - (4) Keep animals in an enclosure without wholesome exercise and change of air. (O.R.C. §959.13)
- (b) Whoever violates this section is guilty of a misdemeanor of the second degree. (§505.99(e), O.R.C. §959.99(D); Ord. 04-140. Passed 8-9-04.)

505.09 NUISANCE CONDITIONS PROHIBITED.

- (a) No person shall keep or harbor any animal or fowl in the Municipality so as to create noxious, or offensive odors or unsanitary conditions which are a menace to the health, comfort or safety of the public.
- (b) No person being the owner or in charge or control of any animal shall permit the animal to defecate upon any public or private land other than the land where the owner or person in charge of such animal resides.

- (c) The owner or person in charge or control of any animal which defecates on any such prohibited land shall immediately clean such and cause its removal, in a sanitary manner, to a proper receptacle.
- (d) The owner or person in charge of any animal shall keep the property where he resides in a clean and sanitary condition by regularly removing the defecation of the animal to prevent accumulation.
- (e) The accumulation of defecation of any animal is hereby declared to be a nuisance condition if it creates an unsanitary or unhealthy condition and is a violation of this section.
- (f) Paragraph (b) of this Section shall not apply to any animal, which has been expressly invited to enter upon private property by notification to the owner or person in charge of such animal.
- (g) Whoever violates this section is guilty of a minor misdemeanor. (§505.99(b); Ord. 04-140. Passed 8-9-04.)

505.10 ANIMAL BITES; QUARANTINE AND REPORTING.

- (a) No person, having knowledge of the existence of any rabies, or the fact that any animal has bitten any other person, shall fail to immediately report such information to the Board of Health.
- (b) No person shall remove or transfer any animal that has bitten any person from the City until a quarantine period as specified in subsection (e) has been completed except that a person may transfer a dog to the County Dog Warden **or the Animal Control Officer of the City.**
- (c) No person shall kill a dog or other animal that has bitten any person until a quarantine period as specified in subsection (e) has been completed. This prohibition does not apply to the killing of a dog or other animal in order to prevent further injury or death or if the dog or animal is diseased or seriously injured.
- (d) No person who has killed a dog or other animal that has bitten any person in order to prevent further injury or death or if the dog or animal is diseased or seriously injured shall fail to immediately notify the Board of Health of the facts relative to the bite and the killing and hold the body of the dog or other animal until the Board of Health claims it to perform tests for rabies.
- (e) The quarantine period for a dog or other animal that has bitten any person shall be ten days or any other period as deemed necessary by the Board of Health to observe the dog or other animal for rabies.
- (f) This section does not apply to a police dog that has bitten a person while the police dog is under the care of a licensed veterinarian or has bitten a person while the police dog is being used for law enforcement, corrections, prison or jail security, or investigative purposes. If, after biting a person, a police dog exhibits any abnormal behavior, the law enforcement agency and the law enforcement officer the police dog assists, within a reasonable time after the person is bitten, shall make the police dog available for the Board of Health for the district in which the bite occurred to perform tests for rabies.
- (g) As used in this section, "police dog" has the same meaning in Section 2921.321 [2921.32.1] of the Ohio Revised Code.
- (h) Whoever violates this section is guilty of a minor misdemeanor on a first offense and of a misdemeanor of the fourth degree on each subsequent offense. (§505.99(f), O.R.C. §955.261, §955.99(C); ~~Ord. 06-053. Passed 6-12-06.~~)

505.11 HUNTING.

See Codified Ordinance Section 549.17.
(Ord. 04-140. Passed 8-9-04.)

505.12 ANIMAL OWNER LIABLE FOR DAMAGE TO PROPERTY.

- (a) The owner, keeper, handler or harbinger of any animal which damages or destroys public or private property shall be held liable for the full value of the property damaged or destroyed in addition to any penalty imposed for a violation of this chapter.
- (b) Whoever violates this section is guilty of a minor misdemeanor. (§505.99; Ord. 04-140. Passed 8-9-04.)

505.13 ANIMALS PROHIBITED ON POSTED PUBLIC GROUNDS.

No person being the owner of any animal as defined in §505.01 shall permit such animal to enter upon any posted public property, which includes, but is not limited to, playgrounds, picnic areas, parks, baseball and softball parks, and any other posted public grounds. (§505.99(b); Ord. 04-140. Passed 8-9-04.)

505.14 KEEPING DANGEROUS ANIMALS; PERMIT; FEES.

- (a) As used in this section, “dangerous animal” means and includes any mammal, amphibian, reptile or fowl which is of a species which is wild by nature, and of a species which, due to size, vicious nature or other characteristic is dangerous to human beings. Such animals include, but are not limited to, lions, tigers, leopards, panthers, bears, wolves, apes, gorillas, monkeys of a species whose average adult weight is twenty pounds or more, foxes, elephants, rhinoceroses, alligators, crocodiles and all forms of venomous/poisonous reptiles, including constrictor snakes. The term “dangerous animal” as used in this section shall not include gerbils, hamsters, guinea pigs, mice or rabbits.
- (b) No person shall possess, keep or maintain within the corporate limits of this City, any dangerous animal unless a specified animal permit therefore is first obtained from the ~~Director of Community Development~~ Chief of Police or designee. Such permit shall be renewed annually upon or before the anniversary date of the original permit issuance.
- (c) The ~~Director of Community Development~~ Chief of Police or designee shall issue a special permit for the keeping or maintenance of a dangerous animal if after inspection and upon recommendation of such City officials as the ~~Director of Community Development~~ Chief of Police or designee designates, it is found that:
 - (1) The animal is at all times kept or maintained in a safe manner that it is at all times confined securely so that the keeping of such animal shall not constitute a danger to human life or the property of others.
 - (2) Adequate safeguards are made to prevent unauthorized access to such animal by members of the public.
 - (3) The health or well being of this animal is not in any way endangered by the manner of keeping or confinement.
 - (4) The keeping of such animal does not constitute a nuisance and shall not disturb the tranquility of the surrounding neighborhood.
 - (5) The keeping of such animal shall not create or cause offensive odors or constitute a danger to public health.
 - (6) The quarters in which such animal is kept or confined are adequately lighted and ventilated and are so constructed that they may be kept in a clean and sanitary condition.
 - (7) The applicant for such special permit proves his ability to respond in damages in a single limit amount of five hundred thousand dollars (\$500,000) for bodily injury to or death of any person or persons or for damage to property owned by any other person which may result from the ownership, keeping or maintenance of such animal. Proof of liability to respond in damages may be given by filing with the ~~Director of Community Development~~ Chief of Police or designee a certificate of insurance from an insurance company authorized to do business in the State stating that the applicant is, at the time of his application, and shall be during the period of

such special permit, insured against liability to respond in such damages, or by posting with the ~~Director of Community Development~~ Chief of Police or designee a surety bond conditioned upon the payment of such damages during the period of such special permit. Such certificate of insurance or bond shall provide that no cancellation of the insurance or bond shall be made unless ten days written notice is first given to the ~~Director of Community Development~~ Chief of Police or designee.

- (d) The ~~Director of Community Development~~ Chief of Police or designee in investigating any applicant for a permit under this section or in the enforcement of this section, is authorized to consult with and seek the advice of the Society for Prevention of Cruelty to Animals, the Animal Protective League, and Humane Society or any other individual, agency, organization or society which may be able to provide information and advice concerning the keeping of dangerous animals.
- (e) The ~~Director of Community Development~~ Chief of Police or designee shall renew such special permit only upon a finding that all criteria listed in subsection (c)(1) to (7) hereof are met. Should the ~~Director of Community Development~~ Chief of Police or designee determine during any inspection that any of the conditions therein specified are being violated, he shall refuse to renew any such special permit or revoke such special permit if such violation is not corrected within such period of time as he directs.
- (f) A separate permit is required for the keeping of each dangerous animal.
- (g) The provisions of this section shall not apply to the keeping of dangerous animals in the following cases:
 - (1) The keeping of such animals in zoos, bona fide education or medical institutions, museums or any other place where they are kept as live specimens for the public view, or for the purpose of instruction or study.
 - (2) The keeping of such animals for exhibition to the public of such animals by circus, carnival or other exhibit or show.
 - (3) The keeping of such animals in a bona fide, licensed veterinary hospital for treatment.
 - (4) The keeping and offering for sale of such animals by a bona fide commercial "pet shop" establishment.
- (h) In no event shall subsection (g) hereof be construed so as to permit the keeping of a dangerous animal at a private residence located within the corporate limits of the City without the special permit required by this section.
- (i) No permit or renewal of a permit shall be issued for the keeping of dangerous animals unless all provisions of this section are complied with and a fee of fifty dollars (\$50.00) is paid to the ~~City Manager~~ Chief of Police or designee. Permit fees shall be paid annually on or before the start of the permit year.
- (j) Whoever violates this section is guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed each day during, or on which a violation occurs or continues. (~~\$505.99(g); Ord. 06-053. Passed 6-12-06.~~)

505.15 REPORT OF ESCAPE OF EXOTIC OR DANGEROUS ANIMAL.

- (a) The owner or keeper of any member of a species of the animal kingdom that escapes from his custody or control and that is not indigenous to this State or presents a risk of serious physical harm to persons or property, or both, shall, within one hour after he discovers or reasonably should have discovered the escape, report it to:
 - (1) A law enforcement officer of the Municipality and the sheriff of the county where the escape occurred; and
 - (2) The Clerk of the Municipal Legislative Authority.
- (b) If the office of the Clerk of the Legislative Authority is closed to the public at the time a report is required by subsection (a) hereof, then it is sufficient compliance with subsection (a) hereof if the owner or keeper makes the report within one hour after the office is next open to the public.

- (c) **Whoever violates this section is guilty of a misdemeanor of the first degree. (§505.99(h), O.R.C. §2927.21; Ord. 04-140. Passed 8-9-04.)**

505.16 COLORING RABBITS OR BABY POULTRY; SALE OR DISPLAY OF

- (a) **No person shall dye or otherwise color any rabbit or baby poultry, including, but not limited to, chicks and ducklings. No person shall sell, offer for sale, expose for sale, raffle or give away any rabbit or baby poultry which has been dyed or otherwise colored. No poultry younger than four weeks of age may be sold, given away or otherwise distributed to any person in lots of less than six. Stores, shops, vendors and others offering young poultry for sale or other distribution shall provide and operate brooders or other heating devices that may be necessary to maintain poultry in good health, and shall keep adequate food and water available to the poultry at all times. (O.R.C. §925.62)**
- (b) **Whoever violates this section is guilty of a misdemeanor of the fourth degree on a first offense; on each subsequent offense the person is guilty of a misdemeanor of the third degree. (§505.99(i), O.R.C. §925.62 and §925.99; Ord. 04-140. Passed 8-9-04.)**

505.17 FEEDING OF PIGEONS RESTRICTED.

- (a) **No person shall feed, keep or harbor pigeons in the City so as to create thereby offensive odors or unsanitary conditions which are a menace to the health, comfort or safety of the public, or which creates unreasonably loud and disturbing noises of such character, intensity or duration, or at such unreasonable hours, as to disturb the peace, quiet and good order of the City.**
- (b) **Whoever violates this section is guilty of a minor misdemeanor. (§505.99(b); Ord. 04-140. Passed 8-9-04.)**

505.18 RABIES VACCINATION.

- (a) **Every person owning, keeping, possessing, harboring, maintaining or having the care, custody or control of a dog or companion animal as defined in O.R.C. §959.131, shall have the dog or companion animal vaccinated against rabies by a licensed veterinarian at least once every three years. Failure of any dog or cat to wear the rabies vaccination tag issued by the licensed veterinarian who administered the vaccine shall be prima facie evidence, which the owner may rebut with proof of proper vaccination, of the dog's or cat's lack of vaccination against rabies.**
- (b) **Whoever violates this section is guilty of a misdemeanor of the fourth degree. (§505.99(d), O.R.C. §959.99; Ord. 04-140. Passed 8-9-04.)**

505.19 DANGEROUS AND VICIOUS DOG, DEFINITIONS.

As used in this section and sections 505.20 through 505.29 of this chapter, certain terms are defined as follows:

- (a) (1) **"Dangerous dog" means a dog that, without provocation, and subject to division (a)(2) of this section, has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person, while that dog is off the premises of its owner, keeper or harbinger and not under the reasonable control of its owner, keeper harbinger, or some other responsible person, or not physically restrained or confined in a locked pen which has a top, locked fenced yard, or other locked enclosure which has a top.**
- (2) **"Dangerous dog" does not include a police dog that has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to**

bite or otherwise endanger 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) "Menacing fashion" means that a dog would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.
- (c) "Police dog" means a dog that has been trained, and may be used, to assist one or more law enforcement officers in the performance of their official duties.
- (d) (1) "Vicious dog" means a dog that, without provocation and subject to division (d)(2) of this section, meets any of the following:
 - (i) Has killed or caused serious injury to any person;
 - (ii) Has caused injury, other than killing or serious injury, to any person, or has killed another dog;
- (2) "Vicious dog" does not include either of the following:
 - (i) A police dog that has killed or caused serious injury to any person or that has caused injury, other than killing or 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;
 - (ii) 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 offenses on the property of the owner, keeper or harbinger of the dog.
- (e) "Without provocation" means that a dog was not teased, tormented, or abused by a person, or that the dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity. (O.R.C. §955.11); Ord. 06-053. Passed 6-12-06.)

505.20 DETERMINATION OF DANGEROUS OR VICIOUS DOGS.

- (a) **Whenever a complaint is made to the Director of Community Development or designee, or the Chief of Police or designee or the Animal Control Officer of the presence of a dangerous or vicious dog within the City, the Director of Community Development or designee, or the Chief of Police or designee or the Animal Control Officer shall promptly inspect or cause an inspection to be made of the premises on which it is alleged that such animal is being kept.**
- (b) ~~The Director of Community Development or designee, or the Chief of Police or designee~~ **or the Animal Control Officer** 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 chased or approached any person or domestic animal in either a menacing fashion or in an apparent attitude of attack;
 - (2) Without provocation, the dog has attempted to bite any person; or
 - (3) Without provocation, the dog has bitten or otherwise endangered any animal, or companion animal as defined in O.R.C. §959.131.
- (c) ~~The Director of Community Development or designee, or the Chief of Police or designee~~ **or the Animal Control Officer** shall determine that a dog is vicious pursuant to this chapter upon proof by a preponderance of the evidence of any of the following:
 - (1) Without provocation, the dog has killed or caused physical harm to any person; or
 - (2) Without provocation, the dog has killed any animal, or companion animal as defined in O.R.C. §959.131.
- (d) If the ~~Director of Community Development or designee, or the Chief of Police or designee~~ **or the Animal Control Officer** determines that a dangerous or vicious dog is being kept within the City, ~~the Director of Community Development or designee, or the Chief of Police or designee~~ **or the Animal Control Officer** shall then determine the individual, firm or corporation who from the records in the Auditor's office of Erie 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 **of the**

determination, cause a written notice to be served on such owner. Notice shall be served by certified mail with a return receipt requested or by personal service. If service of such written notice is unable to be perfected, then ~~the Director of Community Development or designee~~, or the Chief of Police or designee **or the Animal Control Officer** 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 the premises.

- (e) The notice required by subsection (d) hereof shall state, in brief, the findings with respect 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 and the owner's right to appeal under Section 505.21.
- (f) Police dogs are exempt from these provisions for all actions occurring in the course of their duties. (O.R.C. §955.11; ~~Ord 06-053. Passed 6-12-06.~~)

505.21 APPEAL PROCEDURE.

- (a) The owner of a dog who has been served with a notice pursuant to §505.20 may, within seven business days after receipt of such notice, make a written demand to the Department of ~~Community Development~~ **Chief of Police or designee** for a hearing on the question of whether the dog is dangerous or vicious as defined in §505.19.
- (b) Every effort should be made to hold a hearing no later than ten **(10)** business days following receipt of written demand to the ~~Department of Community Development~~ **Chief of Police or designee** and at least three **(3)** business days' notice of the hearing shall be given to the individual who made the written demand for the hearing. (~~Ord. 06-053. Passed 6-12-06.~~)

505.22 HEARING PROCEDURE.

- (a) All hearings requested pursuant to the provisions of §505.21 shall be conducted before the Animal Appeals Board. The Board shall be composed of the Law Director or designee, a doctor of veterinary medicine designated by the ~~City Manager~~, **Chief of Police or designee** and an Officer or Board Member of the Humane Society of Erie County. The Board may affirm, reverse or modify the finding that a dog is dangerous or vicious by a majority vote.
- (b) A copy of the decision of the Board shall be served upon the person who made the written demand for the hearing, by certified mail with a return receipt requested. The decision of the Board shall be final and conclusive, unless an appeal is timely filed in a court of competent jurisdiction.
- (c) All hearings held by the Board pursuant to this chapter shall be administrative in nature. At all hearings conducted pursuant to this section, any party may be represented by legal counsel. The rules of evidence utilized by the courts shall not be applicable in hearings before the Board. The Board is hereby empowered to subpoena witnesses and take testimony under oath. (~~Ord. 04-140. Passed 8-9-04.~~)

505.23 REGISTRATION OF DANGEROUS OR VICIOUS DOGS.

- (a) Any person owning, keeping, possessing, harboring, maintaining or having the care, custody or control of a dangerous or vicious dog shall:
 - (1) Register the dog with the ~~Department of Community Development~~ **Chief of Police or designee** 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 §505.24;

- (3) Identify the dog by having a microchip implanted in the dog by a licensed veterinarian together with registration in the database maintained by the veterinarian;
 - (4) Provide ~~two~~ color photos **photographs** of the dog **showing the front face, side head, and whole body of the dog** to the ~~Department of Community Development~~ **Chief of Police or designee** annually upon registration;
 - (5) Post on the premises, in a conspicuous place where the dog is kept, at least one City issued warning sign available, upon payment of a fee of ten dollars (\$10.00) from the ~~Department of Community Development~~ **Chief of Police or designee**. The sign shall be visible and capable of being read from the public highway or street;
 - (6) Notify the ~~Department of Community Development~~ **Chief of Police or designee** within seventy-two hours if the dangerous or vicious dog has died or has been sold or donated, and provide the ~~Department of Community Development~~ **Chief of Police or designee** with the name, address and telephone number of the new owner; and
 - (7) Pay an annual registration fee of twenty-five dollars (\$25.00) **to the Chief of Police or designee** to cover the administrative expenses associated herewith.
- (b) Whoever fails to register a dangerous or vicious dog as provided in this section is guilty of a misdemeanor of the first degree. (§505.99(h), O.R.C. §955.99(H); ~~Ord. 06-053. Passed 6-12-06.~~)

505.24 INSURANCE FOR DANGEROUS AND VICIOUS DOGS.

- (a) **No owner, keeper, handler or harbinger of a dangerous or vicious dog shall fail to submit proof of separate canine insurance or a current Homeowners Liability Insurance Policy from an insurance company authorized to issue liability insurance in the State of Ohio at the current minimum level of Homeowners Insurance coverage, which is \$100,000.00 per occurrence due to damage, bodily injury or death of a person caused by the dog.**

In addition submission of written proof that the company issuing the Homeowners Liability Policy is aware of the ownership and presence of the dog and that the insurance coverage provided under the policy does not exclude coverage for the dog.

- (b) **Whoever violates this section is guilty of a misdemeanor of the first degree. (§505.99(h), O.R.C. §955.22 and §955.99(H); Ord. 04-140. Passed 8-9-04.)**

505.25 CONFINEMENT OR RESTRAINT OF DANGEROUS OR VICIOUS DOGS.

- (a) **Except when a dangerous or vicious dog is lawfully engaged in hunting or training for the purpose of hunting and is accompanied by the owner, keeper, harbinger, or handler of the dog, no owner, keeper or harbinger of a dangerous or vicious dog shall fail to do either of the following:**
- (1) **While that dog is on the premises of the owner, keeper, or harbinger, securely confine it at all times in a locked pen that has a top, locked fenced yard, or other locked enclosure that has a top, except that a**
 - (2) While that dog is off the premises of the owner, keeper, or harbinger, keep that dog on chain-link leash or tether that is not more than six feet in length and additionally do at least one of the following:
 - (i) Keep that dog in a locked pen that has a top, locked fenced yard, or other locked enclosure that has a top;
 - (ii) Have the leash or tether controlled by a person who is of suitable age and discretion 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 a person in close enough proximity to that dog so as to prevent it from causing injury to any person;

(iii) Muzzle that dog.

- (b) If a violation of division (a) of this section involves a dangerous dog, whoever violates that division is guilty of a misdemeanor of the fourth degree on a first offense and of a misdemeanor of the third degree on each subsequent offense. Additionally, the court may order the offender to personally supervise the dangerous dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both, and the court may order the offender to obtain liability insurance pursuant to §505.24 of this chapter. The court, in the alternative, may order the dangerous dog to be humanely destroyed by a licensed veterinarian, the County Dog Warden, or the County Humane Society.
- (c) If a violation of division (a) of this section involves a vicious dog, whoever violates that division is guilty of one of the following:
- (1) A felony of the fourth degree on a first or subsequent offense if the dog kills or seriously injures a person. Additionally, the court shall order that the vicious dog be humanely destroyed by a licensed veterinarian, the County Dog Warden, or the County Humane Society.
 - (2) A misdemeanor of the first degree on a first offense and a felony of the fourth degree on each subsequent offense. Additionally, the court may order the vicious dog to be humanely destroyed by a licensed veterinarian, the County Dog Warden, or the County Humane Society.
 - (3) A misdemeanor of the first degree if the dog causes injury, other than killing or serious injury, to any person. (§505.99(j) & (k), O.R.C. §955.22 and §955.99; Ord. 04-140. Passed 8-9-04.)

505.26 INSPECTIONS; OBSTRUCTION. (RESERVED)

- ~~(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 private property, other than within any private structure unless otherwise authorized by law, by anyone lawfully engaged in the enforcement of this chapter for the purpose of determining compliance.~~
- ~~(b) No person, with purpose to prevent, obstruct or delay the performance by anyone lawfully engaged in the enforcement of this chapter for of any authorized act within his official capacity, shall do any act which hampers or impedes said official in the performance of any lawful duties under the provisions of this chapter.~~
- ~~(c) Whoever violates subsection (b) hereof is guilty of a minor misdemeanor. (§505.99(b), O.R.C. §955.26 and §955.99(B); Ord. 04-140. Passed 8-9-04.)~~

505.27 DOG MAY BE KILLED FOR CERTAIN ACTS; OWNER LIABLE FOR DAMAGES.

- (a) Subject to divisions (c) and (d) of §505.10 of this chapter, a dog that is chasing or approaching in a menacing fashion or apparent attitude of attack, that attempts to bite or otherwise endanger, or that kills or injures a person or a dog that chases, injures, or kills livestock, poultry, other domestic animal, or other animal, that is the property of another person, except a cat or another dog, can be killed at the time of that chasing, approaching, attempt, killing, or injury. If, in attempting to kill such a dog, a person wounds it, he is not liable to prosecution under the penal laws, which punish cruelty to animals.
- (b) The owner, keeper or harbinger of a dog is liable in damages for any injury, death or loss to person or property that is caused by the dog, unless the injury, death, or loss was caused to the person or property of an individual who, at the time, was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper, or harbinger, or was committing or attempting to

commit a criminal offense against any person, or was teasing, tormenting, or abusing the dog on the owner's, keeper's or harbinger's property. (O.R.C. §955.28; Ord. 04-140. Passed 8-9-04.)

505.28 IMPOUNDMENT; DESTRUCTION OF DOGS.

- (a) When any person, being the owner or having care, custody or control of any dog is 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 ~~Director of Community Development or designee~~ Animal Control Officer has probable cause to believe that a dangerous or vicious dog is running at large, the County Dog Warden shall be immediately notified pursuant to O.R.C. §955.12 for impoundment pursuant to O.R.C. §955.15 and disposition pursuant to O.R.C. §955.16.
- (c) Nothing within this section shall be construed to prevent a law enforcement officer from seizing or destroying any animal, which presents an immediate risk of physical harm to any person or property. (~~Ord. 06-053. Passed 6-12-06.~~)

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. (§505.99(h); Ord. 04-140. Passed 8-9-04.)

505.30 STRICT LIABILITY.

- (d) The provisions of §505.19 through §505.29 are specifically intended to impose strict liability. (Ord. 04-140. Passed 8-9-04.)

505.99 PENALTIES.

- (a)
 - (1) Whoever violates §505.02(a) of the Codified Ordinances is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense.
 - (2) Whoever violates §505.02(b) of the Codified Ordinances is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense and shall be fined not less than twenty-five dollars or more than one hundred dollars on a first offense, and on each subsequent offense shall be fined not less than seventy-five dollars or more than two hundred fifty dollars and may be imprisoned for not more than thirty days. In addition, the court may order the offender to personally supervise the dog that the offender owns, keeps, or harbors to cause that dog to complete dog obedience training, or to do both.
- (b) Whoever violates §505.03, §505.04, §505.05, §505.09, §505.12, §505.13 or §505.17, or ~~§505.26(b)~~ of the Codified Ordinances is guilty of a minor misdemeanor.
- (c) Whoever violates §505.06 of the Codified Ordinances is guilty of a misdemeanor of the second degree. If the value of the animal killed or the injury done amounts to three hundred dollars or more, whoever violates §505.06 of the Codified Ordinances is guilty of a misdemeanor of the first degree.
- (d) Whoever violates §505.07 or §505.18 of the Codified Ordinances is guilty of a misdemeanor of the fourth degree.

- (e) Whoever violates §505.08 of the Codified Ordinances is guilty of a misdemeanor of the second degree. In addition, the court may order the offender to forfeit the animal or livestock and may provide for its disposition, including, but not limited to, the sale of the animal or livestock. If an animal or livestock is forfeited and sold pursuant to this division, the proceeds from the sale first shall be applied to pay the expenses incurred with regard to the care of the animal from the time it was taken from the custody of the former owner. The balance of the proceeds from the sale, if any, shall be paid to the former owner of the animal.
- (f) Whoever violates §505.10 of the Codified Ordinance is guilty of a minor misdemeanor on a first offense and a misdemeanor of the fourth degree on each subsequent offense.
- (g) Whoever violates §505.14 of the Codified Ordinance is guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
- (h) Whoever violates §505.15, §505.23, §505.24 or §505.29 of the Codified Ordinance is guilty of a misdemeanor of the first degree.
- (i) Whoever violates §505.16 of the Codified Ordinance is guilty of a misdemeanor of the fourth degree for a first offense and a misdemeanor of the third degree for each subsequent offense.
- (j) If a violation of division (a) of §505.25 of the Codified Ordinances involves a dangerous dog, whoever violates that division is guilty of a misdemeanor of the fourth degree on a first offense and of a misdemeanor of the third degree on each subsequent offense. Additionally, the court may order the offender to personally supervise the dangerous dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both, and the court may order the offender to obtain liability insurance pursuant to §505.24 of the Codified Ordinances. The court, in the alternative, may order the dangerous dog to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society.
- (k) If a violation of division (a) of §505.25 of the Codified Ordinances involves a vicious dog, whoever violates that division is guilty of one of the following:
 - (1) A felony of the fourth degree on a first or subsequent offense if the dog kills or seriously injures a person. Additionally, the court may order that the vicious dog to be humanely destroyed by a licensed veterinarian, the county dog warden or the county humane society.
 - (2) A misdemeanor of the first degree on a first offense and a felony of the fourth degree on each subsequent offense. Additionally, the court may order the vicious dog to be humanely destroyed by a licensed veterinarian, the county dog warden or the county humane society.
 - (3) A misdemeanor of the first degree if the dog causes injury, other than killing or serious injury, to any person. (~~Ord. 04-140. Passed 8-9-04.~~)

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City

Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

ATTEST:

B. JOYCE BROWN
CLERK OF THE CITY COMMISSION

Passed:

TO: Matt Kline, City Manager
FROM: Michele Hall, Recreation Program Supervisor
DATE: November 26, 2007
RE: Item for Commission Agenda (2008 Mills Creek Golf Course Fees)

ITEMS FOR CONSIDERATION: Acceptance of the 2008 golf fees at Mills Creek Golf Course.

BACKGROUND INFORMATION: Throughout the budget process, our staff and the Recreation Board have been discussing golf course fees for the 2008 season which will run from March 15-November 15th, fees to go into effect on January 1, 2008. After reviewing the Golf Course Analysis for 2007, we have made minor increases to stay steady with our increasing costs and to also balance out our revenue and expenses per round. Currently, our expenses per round total \$10.78 and our revenue per round is \$10.05; a difference of \$.73 per round. With an increase of \$.50 per green fee and \$.25 per cart rental, we can bridge this gap.

One of the primary goals of Mills Creek is to continue to attain new course users by marketing "Lowest Rates in the Area" and to also market to our visiting population "\$10 lunch special". We have found that both of these marketing strategies were very successful during the 2007 season. This is shown in the increase of rounds played at the golf course from 20,188 in 2002 to 20,431 in 2007. It is also our goal to maintain our current clientele as well. By increasing season passes by only 3%, (the increase for the cost of living), we can still position ourselves in the market as having the lowest pass rates in the area. We will continue to market our family rates to both our community and visiting population. You will see that we offer a family season pass and also daily family rates which are very affordable.

The new addition to our fee schedule is a League Play Punch Card. The punch card includes green and cart fees. This punch card has been implemented as convenience for our league members and also staff to ensure a timely check in prior to tee off. By purchasing this card, a league member receives a discount of \$10.00; staff feels that this may attract more of our league members to ride a cart during league play.

Please see the enclosed spreadsheet indicating the proposed fees.

BUDGET IMPACT: It is the desire of these fees to continue to increase the overall usage of the course through membership, punch cards, and daily paid rounds. As stated above, we will still thrive to be the area's lowest priced golf course while still providing a quality experience to our golfers attracting both locals and visitors.

ACTION REQUESTED: It is requested that the City Commission accept the proposed golf fees at Mills Creek Golf Course to replace the current fee structure. It is further requested that this legislation take immediate effect in full accordance with Section 14 of the City Charter in order for the proposed fee modifications to be effective on January 1, 2008.

I concur with this recommendation.

Matthew D. Kline
City Manager

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE NEW FEE SCHEDULE ESTABLISHED BY THE CITY MANAGER PURSUANT TO SECTION 973.02 OF THE CODIFIED ORDINANCES OF THE CITY OF SANDUSKY; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, pursuant to Section 973.02 of the Codified Ordinances of the City of Sandusky the City Manager has authority to establish fees charged at the Municipal Golf course which are subject to approval by the City Commission; and

WHEREAS, the Recreation Department staff together with the Recreation Board made suggestions for minor increases in the 2008 Mills Creek Golf Course Fees to the City Manager who has concurred and is now recommending the changes to this City Commission, which if approved, will become effective on January 1, 2008; and

WHEREAS, this legislation should be passed as an emergency measure in accordance with Section 14 of the City Charter approving the proposed fee modifications prior to their effective date of January 1, 2008; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. Pursuant to Section 973.02 of the Codified Ordinances this City Commission approves the proposed fee schedule as recommended by the City Manager to become effective on January 1, 2008, and that these fees shall be published in the Index of Fees maintained by the Department of Recreation.

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter

after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

DANIEL J. KAMAN

PRESIDENT OF THE CITY COMMISSION

ATTEST:

B. JOYCE BROWN

CLERK OF THE CITY COMMISSION

Passed:

TO: Matthew D. Kline, City Manager
FROM: Joshua R. Snyder, Traffic Engineer
DATE: November 28, 2007
SUBJECT: Commission Agenda Item

ITEM FOR CONSIDERATION: An Ordinance approving the First and Final Change Order to the awarded contract for the Dorn Park Parking Lot expansion with Erie Blacktop of Sandusky, Ohio. This change order includes an additional 38.61 tons of asphalt and additional labor and stone for grading the sub-base. The grading work was required prior to paving. City street crew was short staffed at the time the base work needed to be complete. In order to prevent the project from being delayed by fault of the City, the contractor performed the final grading. The additional asphalt was based on actual field quantities. This expansion project has added about 80 additional parking spaces.

BUDGETARY INFORMATION: A change order in the amount of \$6,018.97 brings the total to \$44,948.07 from its original bid price of \$38,929.10. This project, including the change order amount, will be paid from various donors. No general funds have been expended with the exception of City labor.

ACTION REQUESTED: It is recommended that the First and Final Change Order for the Dorn Park Parking Lot Expansion Project Phase I in the amount of \$6,018.97 be approved. It is also requested that the legislation be passed under suspension of the rules in accordance with Section 14 of the City Charter as the work has already been completed.

Joshua R. Snyder, Traffic Engineer

Approved by:

Matthew D. Kline
City Manager

Kathryn K. McKillips, P.E., Director
Department of Engineering Services

JRS/cal

cc: Joyce Brown, Clerk of City Commission
Ed Widman, Finance Director

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE FIRST & FINAL CHANGE ORDER FOR WORK BEING PERFORMED FOR THE DORN PARK PARKING LOT EXPANSION PROJECT PHASE I IN THE AMOUNT OF \$6,018.97 TO BE PAID TO ERIE BLACKTOP, INC., OF SANDUSKY, OHIO; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this City Commission previously approved the awarding of the contract for work being performed for the Dorn Park Parking Lot Expansion Project Phase I by Ordinance No. 07-048, passed on August 13, 2007; and

WHEREAS, this First & Final Change Order reflects the cost of additional asphalt based on actual field quantities and additional labor and stone for grading the sub-base required prior to paving and performed by the contractor to prevent the project from being delayed; and

WHEREAS, the original contract with Erie Blacktop, Inc. was \$38,929.10 and with the addition of this First & Final Change Order the final contract cost is \$44,948.07; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order for this completed project to be closed out; and

*WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Department of Engineering Services of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,*

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

*Section 1. The City Manager is hereby authorized and directed to approve this First & Final Change Order for work performed for the Dorn Park Parking Lot Expansion Project Phase I in an amount **not to exceed** \$6,018.97 resulting in the final contract cost of Forty Four Thousand Nine Hundred Forty Eight and 07/100 Dollars (\$44,948.07) with Erie Blacktop, Inc., of Sandusky, Ohio.*

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter

after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

*DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION*

ATTEST:

*B. JOYCE BROWN
CLERK OF THE CITY COMMISSION*

Passed:

To: Matthew D. Kline, City Manager
From: Kathryn K. McKillips, Director of Engineering Services
Date: November 26, 2007
Subject: Commission Agenda Item

Item for Consideration: Legislation to make payment to the Ohio Environmental Protection Agency for the licensing fees to operate a public water system for the year 2008, and annually thereafter including annual increases as stipulated by the Ohio EPA.

Annually, the City of Sandusky pays a licensing fee to operate a public water system. The charge to the City of Sandusky for 2008 is \$12,180.00. We are in receipt of the invoice for this license, and payment is due by December 31, 2007.

Budgetary Information: Funds for this licensing fee are routinely included in the Big Island Water Works operating budget each year.

Action Requested: It is requested that the proper legislation be prepared to pay the Ohio EPA \$12,180.00 for the license to operate a public water system for the year 2008, and annually thereafter including annual increases as stipulated by the Ohio EPA. Further, it is requested that this legislation take immediate effect in full accordance with Section 14 of the City Charter to allow for payment of the invoice in the City's possession prior to December 31, 2007.

Kathryn K. McKillips, P.E.
Director of Engineering Services

I concur with this recommendation:

Matthew D. Kline, City Manager
KKM/cal

cc: Ed Widman, Finance Director
City Commission

Joyce Brown, Clerk of

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING PAYMENT TO THE STATE OF OHIO ENVIRONMENTAL PROTECTION AGENCY FOR THE RENEWAL OF THE LICENSE TO OPERATE A PUBLIC WATER SYSTEM FOR THE CY 2008; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City of Sandusky as an operator of a public water system is required to pay a licensing fee on an annual basis to the Ohio EPA pursuant to Ohio Revised Code §6109.21; and

WHEREAS, funds for this licensing fee are routinely included in the Big Island Water Works Plant's operating budget; and

WHEREAS, this legislation should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter to allow payment to be made to the Ohio EPA prior to the due date of December 31, 2007; and

*WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Department of Engineering Services of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,*

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

*Section 1. This City Commission hereby authorizes and directs the City Manager and/or Finance Director to make payment to the Ohio EPA in an amount **not to exceed** Twelve Thousand One Hundred Eighty and 00/100 Dollars (\$12,180.00) for the renewal of the license to operate a public water system for the CY 2008.*

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

ATTEST:

B. JOYCE BROWN
CLERK OF THE CITY COMMISSION

Passed:

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING PAYMENT TO THE STATE OF OHIO ENVIRONMENTAL PROTECTION AGENCY FOR THE ANNUAL DISCHARGE FEE FOR NPDES PERMIT NUMBER 2PF00001 FOR THE WASTEWATER TREATMENT PLANT FOR THE CY 2008; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Ohio Revised Code Section 3745.11(L) requires that an NPDES permit holder that is a public discharger pay a fee as specified in the statute based upon the average daily flow and the City's flow and the corresponding fee are delineated on the invoice received from the Ohio EPA; and

WHEREAS, funds for this discharge fee are routinely included in the Wastewater Treatment Plant's operating budget; and

WHEREAS, this legislation should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter to allow payment to be made to the Ohio EPA prior to the due date of January 31, 2008; and

*WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Department of Engineering Services of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,*

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

*Section 1. This City Commission hereby authorizes and directs the City Manager and/or Finance Director to make payment to the Treasurer of the State of Ohio as required by the Ohio EPA on behalf of the City of Sandusky in an amount **not to exceed** Fifteen Thousand Five Hundred and 00/100 Dollars (\$15,500.00) for the annual discharge fee for NPDES Permit Number 2PF00001 for the Wastewater Treatment Plant for the CY 2008.*

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter

after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

*DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION*

ATTEST:

*B. JOYCE BROWN
CLERK OF THE CITY COMMISSION*

Passed:

TO: Matthew D. Kline, City Manager
FROM: Jeffrey W. Rosekelly, P.E., Project Engineer
DATE: November 28, 2007
SUBJECT: Commission Agenda Item

ITEM FOR CONSIDERATION: Proposed Monroe Street Rehabilitation Phase III Project. This project is from Columbus Avenue to Meigs Street, and includes the replacement of curb and gutters, sidewalks and drive approaches in need of repair; removal of abandoned railroad ties and full-depth pavement repair in the center ten feet (10') of pavement; and milling and re-surfacing to a depth of three inches (3") of the remaining road surface.

This section of Monroe Street contains three (3) of the twelve (12) worst sections of street located on major streets in the City as reported by the 2005 UT pavement study. A Resolution of Necessity is needed to be approved by the City Commission so that the property owners can be notified of their estimated assessments.

BUDGETARY INFORMATION: The total estimated project cost including miscellaneous expenses is \$464,187.35. The private assessment cost is \$125,009.01. The City portion of the project cost is \$143,838.34. The Water Fund expense will be \$2,261.00, the Sewer Fund expense will be \$8,776.25, the \$5 license fee fund will be \$132,801.09 and the Ohio Public Works Grant expense will be \$195,340.00.

ACTION REQUESTED: It is recommended that the City Commission approve a formal Resolution of Necessity. It is requested that this Resolution take effect immediately in accordance with Section 14 of the City Charter so that the notification process can begin before the project is bid in accordance with the project schedule submitted in the grant proposal.

Jeffrey W. Rosekelly, P.E.
Project Engineer

I concur with this recommendation:

Matthew D. Kline
City Manager

Kathryn K. McKillips, P.E.
Director of Engineering Services

cc: Don Icsman, Law Director

Ed Widman, Finance Director

Joyce

Brown, Clerk of City Commission

Ernie Demanelis, Squire, Sanders, & Dempsey

CITY OF SANDUSKY, OHIO
DEPARTMENT OF ENGINEERING AND CONSTRUCTION
Division of Engineering, Design and Construction

ENGINEER'S ESTIMATE

MONROE STREET REHABILITATION PHASE III - COLUMBUS AVENUE TO MEIGS STREET

LINE NO.	ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT	ESTIMATED UNIT COST	TOTAL ESTIMATED COST
1	203	Roadway Excavation	1215.3	CY	\$26.00	\$31,597.80
2	204	Subgrade Compaction	3017.4	SY	\$1.50	\$4,526.10
3	304	Aggregate Base	1424.9	TON	\$17.50	\$24,935.75
4	301	6" Asphalt Concrete Base	1005.8	TON	\$37.00	\$37,214.60
5	446	Asphalt Pavement (1.75") Intermediate Course	994.9	TON	\$40.00	\$39,796.00
6	448	Asphalt Pavement (1.25") Surface Course	710.7	TON	\$45.00	\$31,981.50
7	408	Prime Coat (0.40 GAL/SY)	4093.4	GAL	\$1.50	\$6,140.10
8	604	Catch Basin - Adjusted to Grade	9	EA	\$300.00	\$2,700.00
9	604	Manholes - Adjusted to Grade	17	EA	\$275.00	\$4,675.00
10	638	3-piece Water Valve Box - Adjusted to Grade	4	EA	\$475.00	\$1,900.00
11	604	Monument Box - Adjusted to Grade	2	EA	\$300.00	\$600.00
12	254	Pavement Planing (3" depth)	11173.6	SY	\$1.25	\$13,967.00
13	251	Partial Depth Pavement Repair	320.0	SY	\$50.00	\$16,000.00
14	653	Topsoil Furnished and Placed	1052.8	CY	\$1.40	\$1,473.92
15	632	Traffic Loop	6	EA	\$1,000.00	\$6,000.00
16	614	Maintaining Traffic	100%	LUMP	\$2,000.00	\$2,000.00
17	202	Concrete Removal	463.25	SF	\$1.00	\$463.25
18	608	4" Concrete Sidewalk	13226.00	SF	\$4.00	\$52,904.00
19	608	6" Concrete Sidewalk and Drive Approaches	4667.00	SF	\$4.30	\$20,068.10
20	609	Type 2 Concrete Curb & Gutter	4798.82	LF	\$15.00	\$71,982.30

21	609	Type 6 Concrete Curb	100.00	LF	\$17.50	\$1,750.00
22	608	Curb Ramps	27	EA	\$125.00	\$3,375.00
23	659	Seed and Mulch	1527.84	SY	\$2.00	\$3,055.68
24	608	4" Concrete Base	393.50	SF	\$3.80	\$1,495.30
25	SPEC	Brick Pavers	393.50	SF	\$12.00	\$4,722.00
26	SPEC	Sandstone Curb Salvaged	2500.0	LF	\$1.25	\$3,125.00
27	SPEC	Sandstone Sidewalk Salvaged	1300.0	SF	\$1.25	\$1,625.00

TOTAL ESTIMATED CONSTRUCTION COST: \$390,073.40

The useful estimated life of the Monroe Street Rehabilitation - Phase III project is 20 years.

Jeffrey W. Rosekelly, P.E.
Project Engineer

CITY OF SANDUSKY, OHIO
DEPARTMENT OF ENGINEERING AND CONSTRUCTION
Division of Engineering, Design and Construction
ENGINEER'S ESTIMATE OF

TOTAL PROJECT COST DISTRIBUTION

FOR CONSTRUCTION OF
MONROE STREET REHABILITATION PHASE III - Columbus Ave. to Meigs St.

Total Construction Contract Items	\$ 390,073.40
Engineering, Supervision, Inspection and Contingencies @ 10%	\$ 39,007.34
Legal Opinion, Advertising, and Miscellaneous Costs @ 2%	\$ 7,801.47
Interest on note for 1 year at @ 7%	\$ 27,305.14

TOTAL PROJECT COST: **\$ 464,187.35**

TOTAL PROJECT COST DISTRIBUTION:

Sewer Fund	\$ 8,776.25
Water Fund	\$ 2,261.00
\$5 License Fee Fund	\$ 132,801.09

OPWC Grant	\$	195,340.00
Private Assessments	\$	125,009.01

RESOLUTION NO. _____

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE MONROE STREET BETWEEN CERTAIN TERMINI BY GRADING, PAVING, RESURFACING, CONSTRUCTING CURBS, GUTTERS, SIDEWALKS, DRIVEWAY APPROACHES AND CURB RAMPS, AND ADJUSTING MANHOLES, CATCH BASINS AND WATER VALVE BOXES TO GRADE, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, this Commission has previously authorized and requested the Director of Engineering Services to have plans, profiles, specifications and an estimate of cost prepared for the improvement described in Section 1; and

WHEREAS, an emergency exists in that, for the immediate preservation of the public peace, property, health and safety, it is necessary that this resolution be immediately effective in order to provide for the construction of the improvement and thereby eliminate hazards to the traveling public, and by reason thereof, this resolution shall take effect forthwith upon its adoption, NOW THEREFORE

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, that:

Section 1. It is declared necessary to improve Monroe Street from Columbus Avenue to Meigs Street by grading, paving, resurfacing, constructing curbs, gutters, sidewalks, driveway approaches and curb ramps, and adjusting manholes, catch basins and water valve boxes to grade, all together with the necessary appurtenances thereto.

Section 2. The complete plans, specifications, profiles and estimate of cost of the improvement, which the Director of Engineering Services has caused to be prepared and now on file in the offices of the Director of Engineering Services and the Clerk of the City Commission, are approved. The improvement shall be made in accordance with, and the grade of the improvement shall be the grade as shown on, the plans, specifications and profiles for the improvement. Any connections to the improvement must be made by the time required by law.

Section 3. This Commission finds and determines that (i) the improvement is conducive to the public health, convenience and welfare of this City and the inhabitants thereof and (ii) the lots and lands to be assessed as described in Section 4 hereof are specially benefitted by the improvement.

Section 4. Certain costs of the improvement, as shown in the Engineer's Estimate of Total Project Cost Distribution, shall be paid by the City, which City portion exceeds 2% of the total cost of the improvement and the cost of intersections. The remaining portion of the cost of the improvement related to curbs, gutters, sidewalks and driveway approaches, including appurtenant seeding and mulching, as shown in the Engineer's Estimate of Total Project Cost Distribution, shall be assessed in proportion to the benefits that may result therefrom upon all lots and lands within the City of Sandusky bounding and abutting upon the improvement between the termini described in Section 1 hereof, except that parcels identified as Erie County Tax ID Numbers 56-00886000,

56-00672000, 56-00297000 and 56-00480000, which are not receiving those curbs, gutters, sidewalks or driveway approaches, shall not be assessed for this improvement.

Section 5. The cost of the improvement shall include the cost of preliminary and other surveys, plans, specifications, profiles and estimates and of printing, serving and publishing notices, resolutions and ordinances, the amount of damages resulting from the improvement and the interest thereon, the costs incurred in connection with the preparation, levy and collection of the special assessments, the cost of purchasing, appropriating, and otherwise acquiring therefor any required real estate or interests therein, expenses of legal services including obtaining legal opinions, cost of labor and material, and interest on securities issued in anticipation of the levy and collection of the special assessments, or, if securities in anticipation of the levy of the special assessments are not issued, interest at the rate of 5% per year on moneys advanced by this City for the cost of the improvement in anticipation of the levy of the special assessments, together with all other necessary expenditures.

Section 6. The Director of Engineering Services is authorized and directed to prepare and file in the office of the Clerk of the City Commission the estimated special assessments of the cost of the improvement described in this resolution. Those estimated special assessments shall be based upon the estimate of cost of the improvement now on file in the office of the Clerk of the City Commission and shall be prepared pursuant to the provisions of this resolution. When the estimated special assessments have been so filed, the Clerk of the Commission shall cause notice of the adoption of this resolution and the filing of the estimated assessments to be served in the manner provided by law on the owners of all lots and lands to be assessed. As provided in Section 15 of the City Charter, and in lieu of publishing this Resolution, the Clerk of the Commission shall cause a notice of public improvement substantially in the form contemplated therein to be published once in a newspaper of general circulation in this City.

Section 7. The special assessments to be levied shall be paid according to the following payment schedule: in ten annual installments, with interest on the unpaid principal amount of each special assessment at the same rate or rates of interest as shall be borne by any securities to be issued in anticipation of the collection of the total of the unpaid special assessments, or, if such securities are not issued, at the rate or rates of interest determined by this Commission when it passes the assessing ordinance levying those assessments; provided, that the owner of any property assessed may pay the special assessment in cash within 30 days after passage of the assessing ordinance.

Section 8. The City presently intends to issue securities in anticipation of the levy of the special assessments. The City presently intends to issue securities in anticipation of the collection of the special

assessments in annual installments and in an amount equal to the total of the unpaid special assessments. The remainder of that portion of the cost of the improvement, after application of the special assessments, shall be paid by the issuance of bonds in the manner provided by law or from other funds available for that purpose

Section 9. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the adoption of this Resolution were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 10. For the reasons set forth in the last preamble hereto, this Resolution is hereby declared to be an emergency measure and shall take effect immediately upon its adoption and due authentication by the President and the Clerk of the City Commission.

DANIEL J. KAMAN _____
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
B. JOYCE BROWN
CLERK OF THE CITY COMMISSION

Passed: December 10, 2007

Memo

To: Matthew D. Kline, City Manager

From: Kim A. Nuesse, Chief of Police

CC: Don Icsman, Law Director

Ed Widman, Finance Director

Joyce Brown, Commission Clerk

Date: 12/6/2007

Re: Commission Agenda Item

Item for Consideration:

Legislation approving the submission of a grant application by December 31, 2007 and if awarded, authorizing the execution of a grant agreement to participate in the 2008 Marine Patrol Assistance program with Ohio Department of Natural Resources, Division of Watercraft.

Background Information:

The Sandusky Police department has had an active marine patrol since 1991 to enforce the watercraft laws of the State of Ohio as well as local ordinances and to provide emergency response to boating accidents or other emergency incidents on the water in Sandusky Bay. The City of Sandusky has 22 miles of shoreline, and the patrol area is approximately 18 square miles. Sandusky Police patrol area includes over 5000 docks contained in 14 marinas, 3 rack storage areas, numerous private residences with dockage, 7 boat launch facilities and a boat rental business. Boating organizations include a yacht club, sailing club, a U.S. Power Squadron and other boat club organizations which sponsor numerous events during the boating season in this area. The Sandusky Bay is a very active area for pleasure boaters as well as an active port for those traveling to the Lake Erie Islands and Pelee Island (Canadian territory). The Sandusky Police marine patrol provides police services to the boating community necessary for the preservation of the public peace; property, health and safety that contribute to the City of Sandusky mission of being a great place to live, work and play.

Each year, as a requirement of the Marine Patrol Assistance Grant Program, the City Commission must pass a resolution approving the City's participation in the program. This is part of the agreement between the State of Ohio and the City of Sandusky. The agreement has remained the same each year. No expenses chargeable against the grant can be incurred until both the State and the City have signed the agreement. The State of Ohio reviews all grant applications, determines the amount to be awarded, and then sends two copies of the agreement to the City of Sandusky. These are then reviewed and signed by the City Manager and the Finance Director. They are then returned to the State with the Resolution approving participation in the program. State officials then sign and return one original agreement to the City. In anticipation of taking part in the program for 2008, I am requesting legislation approving submission of the grant and subsequent participation in the Marine Patrol Assistance program.

Budgetary Information:

Funds for the Sandusky Police Marine Patrol are budgeted and will be available in the police department budget from revenues collected to finance the marine patrol. The State grant provides up to \$35,000 or 75% of the operating costs for covered items, which ever is least.

Action Requested:

It is requested that the proper legislation be prepared approving the submission of a grant application and if awarded, authorizing the execution of a grant agreement to participate in the 2008 Marine Patrol Assistance Program with the Ohio Department of Natural Resources, Division of Watercraft under

suspension of the rules in accordance with section 14 of the City Charter due to the submission deadline of December 31, 2007.

I concur with this recommendation:

Matthew D. Kline, City Manager

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES, DIVISION OF WATERCRAFT FOR THE CY 2008 MARINE PATROL ASSISTANCE GRANT PROGRAM AND IF AWARDED, AUTHORIZING THE CITY MANAGER TO EXECUTE A CY 2008 MARINE PATROL ASSISTANCE AGREEMENT TO PARTICIPATE IN THE PROGRAM; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Chief of the Division of Watercraft with the consent and approval of the Director of Natural Resources is authorized pursuant to the Ohio Revised Code §1547.67 to expend funds for the purpose of assisting political subdivisions such as Sandusky for the purpose of establishing and/or maintaining and operating a Marine Patrol Program; and

WHEREAS, the City of Sandusky has a Marine Patrol on Sandusky Bay to enforce the watercraft laws of Ohio as set forth in Chapters 1547 and 1548 of the Ohio Revised Code and to enforce those rules, regulations and Ordinances promulgated by state and local authorities which pertain to the operation of watercraft and to provide emergency response to boating accidents on the water; and

WHEREAS, the Marine Patrol Assistance Grant will provide a maximum of \$35,000 or 75% of costs (whichever is the least) for CY 2008 including the purchase, maintenance and operation of vessels and marine equipment, educational materials, and personnel salaries that are necessary for the enforcement of Chapters 1547 and 1548 of the Ohio Revised Code and rules adopted under them to provide emergency response to boating accidents on the water; and

WHEREAS, this Resolution is necessary to evidence the City Commission's approval of the City of Sandusky's participation in the program for CY 2008 and is included in the grant agreement; and

WHEREAS, this Resolution should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to submit the grant application by the submission deadline of December 31, 2007; and

*WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio, finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Resolution** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter; and NOW, THEREFORE,*

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. This City Commission approves the filing of an application with the Ohio Department of Natural Resources, Division of Watercraft for participation in the 2008 Marine Patrol Assistance Grant Program, substantially in the same form as attached to this Resolution marked Exhibit "1" and specifically incorporated as if fully rewritten herein.

Section 2. If the City's application is approved and funds are awarded, this City Commission authorizes the City Manager and Finance Director to execute the 2008 Marine Patrol Assistance Agreement, substantially in the same form as attached to this Resolution marked Exhibit "2" and specifically incorporated as if fully rewritten herein and expend funds consistent therewith.

Section 3. The Clerk of this City Commission is authorized and directed to prepare a certified copy of this Resolution to be utilized in the submission of the application for assistance and the assistance agreement.

Section 4. If any section, phrase, sentence, or portion of this Resolution is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 5. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Resolution were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 6. That for the reasons set forth in the preamble hereto, this Resolution is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

DANIEL J. KAMAN _____
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
B. JOYCE BROWN
CLERK OF THE CITY COMMISSION

Passed: