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The Parks & Recreation Committee met on Wednesday, October 18, 2023 at 4:30pm after proper notice was given to the public.

Present at the meeting were Jon Fiscus, committee chair; Philip Leinbach, committee member; Jim MacDonald, committee member; Patrick Burtch, City Administrator; Jennifer Harkey, Finance Director; Alan Lehenbauer, Law Director; Hope Modlin, HR Manager; Jodi Radsick, City Clerk; Margo Puffenberger and Josh Harris, council members; Holly Farthing, Rolf Pool manager.

The first item on the agenda was a recap of the 2023 pool season by Holly Farthing. A summary of the summer pool season was given including attendance, memberships, concessions, and maintenance. A total of 82 memberships were sold for the entire summer. Mrs. Farthing gave an overview of what policies seemed to work and where she saw room for improvement. She also presented a number of suggestions that she felt would potentially benefit the pool in the future. No action was taken at this time, but the committee plans to meet in early 2024 to further discuss the suggestions and any changes to the pool policies.

The second item on the agenda was an update on the Ford Field parking lot improvements. Dr Burtch shared the design plans for the parking lot and informed the committee that the construction was to begin within the next week.

The final item on the agenda was the potential of adding additional parking in the future at Rolf Park. Dr Burtch informed the committee of the possibility of acquiring an additional parking lot behind the park, which would aid in some of the overflow issues during tournaments which have been an issue in the past. This would be something that would not happen until 2024 if the committee and city council chose to do so.

The meeting was adjourned unanimously at 5:22pm.

QA

City of

MAUMEE

MEMO TO: Mayor and City Councilmembers
FROM: Patrick Burtch, City Administrator
DATE: November 9, 2023
SUBJECT: Building Inspection with City of Oregon

Recommendation:

Authorize an agreement for building inspection services with City of Oregon.

COPY

AGREEMENT

I. PURPOSE

WHEREAS, the City of Maumee, Ohio, has a building inspection department certified by the Board of Building Standards as provided by O.R.C. §3781.10(E); and

WHEREAS, the City of Oregon, Ohio, also has a building inspection department certified by the Board of Building Standards; and

WHEREAS, O.R.C. §3871.10(E)(1)(c) and (E)(2)(c) permits a certified building inspection department to contract for inspection services from another certified building inspection department; and

WHEREAS, the City of Maumee and the City of Oregon from time to time need additional inspection services and are willing to provide the same to their respective department.

THIS AGREEMENT, as authorized by O.R.C. §3781.10(E)(1)(c) and (E)(2)(c) and by the respective legislative authority of the City of Maumee and the legislative authority of the City of Oregon is entered into by the City of Maumee, Building Inspection Department, (Hereinafter the "CITY") and the City of Oregon Building Department, (hereinafter the "OREGON").

NOW, THEREFORE, the parties each in consideration of the mutual promises of the other herein, agree to the following:

II. SCOPE OF SERVICES

A. The City and Oregon shall each provide to the other supplemental plumbing, electrical, building inspection and plan examination services by their state certified Chief Building Official, Master Plans Examiner and Building Inspectors on an "as needed" basis.

B. The Chief Building Official, Master Plans Examiner, and Building Inspectors of each party, when performing services for the other, shall be deemed to be doing so within the scope of his/her regular employment and shall be compensated for such services by his/her employer in accordance with the then existing terms of employment.

III. COMPENSATION

A. The City and Oregon shall be obligated to pay for the services of the Chief Building Official and Master Plans Examiner as described herein at the \$125.00 per hour for actual services rendered. The City and Oregon shall be obligated to pay for the services of the Building Inspectors at the rate of \$75.00 per hour for actual services rendered.

B. Payment for services rendered under Section III (A) above shall be made thirty (30) days after receipt and approval of written statement showing actual services provided to the respective party.

IV. TERMS AND CONDITIONS

This agreement may be terminated by either party upon thirty (30) day written notice.

V. MUTUAL AGREEMENTS

- A. This agreement is non-exclusive and either party may at their sole option enter into other agreements for the services described herein.
- B. Each party may, through their respective administrative procedures, designate the manner in which inspection services of the other may be requested.
- C. Each party and their personnel provided pursuant to this agreement shall be independent contractors and not an employee of the other. No employee/employer or agent/principal relationship is created by this agreement.
- D. 1. The parties agree that they will defend, indemnify, and hold the other harmless for any liabilities, claims and demands arising out of work performed pursuant to this contract, from persons who are not a party thereto and who claim or allege any personal injury or death or any damage to their property due to negligent acts of the parties' respective employees. The parties further agree to give timely notice and accord to the other party of the right to defend and settle all such claims.
- E. The parties agree that if there is a challenge to a local building code provision, each party will provide for the legal representation to defend their building code.

VI. MODIFICATIONS

Any alteration or modification of the terms or conditions of this agreement must be in writing and signed by the parties.

VII. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this agreement shall for any reason be held invalid, unenforceable, or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision of and such holding shall not affect the validity of the remaining portions hereof.

VII. ENTIRE AGREEMENT

This agreement, the schedules and all attachments designated on the face of the agreement as included shall constitute the entire agreement of the parties and shall supersede all prior negotiations and representations, whether written or oral.

IN WITNESS WHEREOF, the City of Maumee, Ohio and the City of Oregon have executed this agreement as set forth below, this _____ day of _____, 2023.

WITNESSES:

CITY OF OREGON

Print Name: _____

Mayor

Print Name: _____

Clerk

WITNESSES:

CITY OF MAUMEE, OHIO

Print Name: _____

Mayor

Print Name: _____

Clerk

APPROVED AS TO FORM:

Melissa Purpura
Oregon Law Director

Alan Lehenbauer Maumee Law Director

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City of
MAUMEE

MEMO TO: Mayor and City Councilmembers
FROM: Patrick Burtch, City Administrator
DATE: November 9, 2023
SUBJECT: Safebuilt, LLC

Recommendation:

Authorize an agreement for inspection services with Safebuilt, LLC.

COPY

**AMENDMENT ONE
PROFESSIONAL SERVICES AGREEMENT
BETWEEN CITY OF MAUMEE, OHIO
AND SAFEbuilt OHIO, LLC**

This Amendment is entered into to amend the Professional Services Agreement previously entered into on June 05, 2023, by and between City of Maumee, Ohio, (Municipality) and SAFEbuilt Ohio, LLC, a wholly owned subsidiary of SAFEbuilt, LLC, (Consultant). Municipality and Consultant shall be jointly referred to as the "Parties".

Amendment Effective Date: Effective the 1st (first) day of the month following full execution by both Parties.

RECITALS AND REPRESENTATIONS

Parties entered into a Professional Services Agreement (Agreement), by which both Parties established the terms and conditions for service delivery on June 05, 2023; and

Parties hereto now desire to amend the Agreement as set forth herein; and

NOW, THEREFORE

Agreement is hereby amended as set forth below:

A. Agreement, Exhibit A, 1. List of Services is revised to include As-Requested Inspection Services as follows:

Building, Electrical, Plumbing, Mechanical Inspection Services

- ✓ Consultant utilizes an educational, informative approach to improve the customer's experience
- ✓ Perform code compliance inspections to determine that construction complies with approved plans
- ✓ Meet or exceed agreed upon performance metrics regarding inspections
- ✓ Provide onsite inspection consultations to citizens and contractors while performing inspections
- ✓ Return calls and emails from permit holders in reference to code and inspection concerns
- ✓ Identify and document any areas of non-compliance
- ✓ Leave a copy or provide an electronic version of the inspection results and discuss inspection results with site personnel

B. Agreement, Exhibit B, 1. Fee Schedule shall be replaced with and read in its entirety as follows:

1. FEE SCHEDULE

- ✓ Beginning January 01, 2024 and annually thereafter, the hourly and flat rates listed shall be increased based upon the annual increase in the Department of Labor, Bureau of Labor Statistics or successor thereof, Consumer Price Index (United States City Average, All Items (CPI-U), Not Seasonally adjusted, All Urban Consumers, referred to herein as the "CPI") for the Municipality or, if not reported for the Municipality the CPI for cities of a similar size within the applicable region from the previous calendar year, such increase, however, not to exceed 4% per annum. The increase will become effective upon publication of the applicable CPI data. If the index decreases, the rates listed shall remain unchanged.
- ✓ Consultant fees for Services provided pursuant to this Agreement will be as follows:

Service Fee Schedule:	
Residential Remote Plan Review Services	\$100.00 per hour – one (1) hour minimum
Commercial Remote Plan Review Services	\$110.00 per hour – one (1) hour minimum
Structural Engineering Plan Review	\$156.00 per hour – one (1) hour minimum
Inspection Services	\$90.00 per hour – one (1) hour minimum
Hourly inspection time tracked includes roundtrip travel time between Consultant's location and Municipality or first inspection site. Time tracked will end when the inspector completes the last scheduled inspection or leaves Municipal office. Time tracked will include travel time between inspection sites and all administrative work related to inspection support.	

All other provisions of the original Agreement shall remain in effect, to the extent not modified by Amendment.

IN WITNESS HEREOF, the undersigned have caused this Amendment to be executed in their respective names on the dates hereinafter enumerated.

Gary Amato

Gary Amato, CAO
SAFEbuilt Ohio, LLC

November 17, 2023

Date

Signature
City of Maumee, Ohio

Date

Name & Title
City of Maumee, Ohio

COPY

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City of

MAUMEE

MEMO TO: Mayor and City Councilmembers
FROM: Patrick Burtch, City Administrator
DATE: November 13, 2023
SUBJECT: Closure of E. Dudley Street for OSU Marching Band

Recommendation:

Authorize the closure of E. Dudley Street from Conant Street to Gibbs Street on November 24, 2023 from 6:00 p.m. until 11:00 p.m. for hosting of NWO Alumni of OSU Marching Band.

COPY

November 20, 2023

Members of Council
City of Maumee
Maumee, OH 43537

Dear Council Members:

I respectfully request your confirmation of the following appointments to the City of Maumee Master Plan Advisory Committee with a term ending December 1, 2024:

Master Plan Advisory Committee

Name

- Thomas Brooks
- Daniel Calverley
- Jaimie Deye
- Jeff Farthing
- Allison Fiscus
- Jessica Hyde
- Mark Irmen
- Karla Lewis
- Kristin Meyer
- Adam Motycka
- Diana Schwind
- Joshua Sprow
- Clint Tolbert
- David Tullis
- Josh Harris - Council Representative
- Margo Puffenberger – Council Representative

Council's confirmation on the above appointments would be greatly appreciated. Thank you.

Sincerely,



Richard H. Carr
Mayor

9E

City of

MAUMEE

MEMO TO: Mayor and City Councilmembers
FROM: Jennifer Harkey, Finance Director
DATE: November 15, 2023
SUBJECT: Fire and EMS Fund

Recommendation:

Authorize the creation of new fund "Fire and EMS".

COPY

11A
City of
MAUMEE



MEMO TO: Mayor and City Councilmembers
FROM: Josh Sprow, Chief of Police
DATE: November 15, 2023
SUBJECT: Ordinance 043-2023 - Animals and Fowl

Recommendation:

Approve Ordinance updating Maumee Codified Ordinance Chapter 505 Animals and Fowl.

Updates will align penalties for crimes against animals to a more appropriate degree where there is a risk of safety to animals or persons. The State of Ohio has also recently revisited the penalties for Offenses Relating to Domestic Animals to make the degree of offense more fitting based on the seriousness of the offense.

Ordinance will restrict the total number of animals a residence or property is permitted to have to reduce offensive odors or unsanitary conditions which are a menace to health, comfort, or safety of the public.

Ordinance specifically identifies livestock and poultry restrictions to be consistent with MCO 1125.02 R-1 which already excludes livestock or poultry.

Ordinance adds "Dangerous wild animal" to list of prohibited animals possessed by a person.

Ordinance updated to be compliant with "Animal Assistants" as defined by Ohio Revised Code.

Ordinance added new section to address animal defecation on public or private property. Owners required to clean up after their animals.

Ordinance added new section for the protection of animals in motor vehicles to ensure the safe transportation of animals and the safety of animals left in parked vehicles.

ORDINANCE NO. 043-2023

AN ORDINANCE AMENDING CHAPTER 505 OF THE MAUMEE CODIFIED ORDINANCES, UPDATING THE REQUIREMENTS FOR ANIMALS WITHIN THE CITY OF MAUMEE, AND DECLARING AN EMERGENCY.

WHEREAS, Maumee has previously adopted Chapter 505 of the Maumee Codified Ordinances and,

WHEREAS, in order to update the requirements for Animals within the City of Maumee, Chapter 505 of the Codified Ordinances and any ordinances related thereto should be amended to include the following revisions, additions and deletions.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Maumee, Ohio, that:

SECTION 1. Chapter 505 of the Maumee Codified Ordinances be, and the same hereby are amended as follows:

CHAPTER 505
Animals and Fowl

- 505.01 Dogs and other animals running at large.
- 505.02 Impounding and disposition.
- 505.03 Annual registration of dogs; tags required.
- 505.04 Abandoning animals.
- 505.05 Killing or injuring animals.
- 505.06 Poisoning animals.
- 505.07 Cruelty to animals generally.
- 505.071 Cruelty to companion animals.
- 505.08 Nuisance conditions prohibited.
- 505.09 Barking or howling dogs.
- 505.10 Animal bites; reports and quarantine.
- 505.11 Hunting prohibited.
- 505.12 Coloring rabbits or baby poultry; sale or display of poultry.
- 505.13 Report of escape of exotic or dangerous animal.
- 505.14 Keeping pigeons.
- 505.15 Trapping restricted.
- 505.16 Cats; tags required.
- 505.17 Rabies immunization required.
- 505.18 Wild, or dangerous and other animals prohibited.**
- 505.19 Prohibited animals specified.
- 505.20 Exceptions.
- 505.21 Animal defecation on public or private property**
- 505.22 Protection of animals in motor vehicles; failure of motorist to report injured animal**
- 505.99 Penalty.

505.01 DOGS AND OTHER ANIMALS RUNNING AT LARGE.

(a) No person being the owner, keeper, or harbinger of ~~cats, cattle, horses, swine, sheep, geese, ducks, goats, turkeys, chickens, or any other fowl~~ or **any animal** shall permit such animal or fowl to run at large upon any public place, or upon any unenclosed lands or upon the premises of another.

Any animal which is not on the property of the owner, keeper or harbinger of such animal must be on leash at all times.

(b) 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~~ on a leash and under control of the owner.

(c) No owner, keeper or harbinger of any dog shall fail at any time to keep it either 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, or under reasonable control of some person.

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

(e) As used in Chapter 505, "Animal" means any live, vertebrate creature, domestic or wild.

(f) (1) 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.

(2) In addition to the penalties prescribed in subsection (e)(1) hereof, if the offender is guilty of a violation of subsection (b) or (c) hereof, the court may order the offender to personally supervise the animal ~~or fowl~~ that he owns, keeps, or harbors, or to cause the animal ~~or fowl~~ to complete obedience school, if applicable, or both.

505.02 IMPOUNDING AND DISPOSITION.

After seizing any animal found to be in violation of any provisions of Section 505.01, the animal may be impounded for a period of not exceeding three days. During such time the owner or keeper thereof may secure the release of the animal upon proof that such owner or keeper has duly registered the animal if required by law, and upon payment to such agent of the City as the Director of Public Safety may direct, such fee as established by ordinance of Council.

The fees shall be charged and collected in addition to any fees imposed by Lucas County or other governmental authorities and in addition to any penalties which may be imposed. If the animal is not so redeemed within the three-day period, the City shall deliver the animal to the County Dog Warden or shall make such other disposition as is deemed appropriate.

505.03 ANNUAL REGISTRATION OF DOGS; TAGS REQUIRED.

(a) Except for guide dogs registered under Ohio R.C. 955.011 and dogs kept by an institution or organization for teaching and research purposes under Ohio 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 Ohio R.C. 955.16.

(b) 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.

505.04 ABANDONING ANIMALS.

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

(b) Whoever violates subsection (a) hereof is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.

505.05 KILLING OR INJURING ANIMALS.

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

(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.

505.06 POISONING ANIMALS.

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

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

505.07 CRUELTY TO ANIMALS GENERALLY.

(a) No person shall:

(1) Torture an animal, deprive one of necessary sustenance, unnecessarily or cruelly beat, needlessly mutilate, or kill, or impound or confine an animal without supplying it during confinement with a sufficient quantity of good wholesome food and water;

(2) Impound or confine an animal without affording it, during such confinement, access to shelter from wind, rain, snow, or excessive direct sunlight. This subsection (a)(2) does not apply to animals impounded or confined prior to slaughter. For the purposes of this section, "shelter" means a man-made enclosure, windbreak, sunshade, or natural windbreak or sunshade that is developed from the earth's contour, tree development, or vegetation;

(3) Carry or convey an animal in a cruel or inhumane manner;

(4) Keep animals **allowed by this code** section ~~other than cattle, poultry, or fowl, swine, sheep, or goats~~ in an enclosure without wholesome exercise and change of air. ~~nor feed cows on food that produces impure or unwholesome meat or milk;~~

(5) Detain ~~livestock~~ **any animal** in railroad cars, **trucks, trailers**, or compartments longer than twenty-eight hours after they are so placed without supplying them with necessary food, water, and attention; nor permit such ~~livestock~~ **animals** to be so crowded as to overlie, crush, wound, or kill each other.

(b) Upon written request of the owner or person in custody of any particular shipment of ~~livestock~~, animals which written request shall be separate and apart from any printed bill of lading or other railroad form, the length of time in which such ~~livestock~~ animals may be detained in any cars or compartments without food, water, and attention may be extended to thirty-six hours without penalty therefor. ~~This section does not prevent the dehorning of cattle.~~

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

505.071 CRUELTY TO COMPANION ANIMALS.

(a) As used in this section:

(1) "Companion animal" means any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept, including a pet store as defined in Ohio R.C. 956.01. "Companion animal" does not include livestock or any wild animal.

(2) "Cruelty", "torment" and "torture" have the same meanings as in Ohio R.C. 1717.01.

(3) "Residential dwelling" means a structure or shelter or the portion of a structure or shelter that is used by one or more humans for the purpose of a habitation.

(4) "Practice of veterinary medicine" has the same meaning as in Ohio R.C. 4741.01.

(5) "Wild animal" has the same meaning as in Ohio R.C. 1531.01.

(6) "Federal animal welfare act" means the "Laboratory Animal Act of 1966", Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 U.S.C.A. 2131 et seq., as amended by the "Animal Welfare Act of 1970", Pub. L. No. 91-579, 84 Stat. 1560 (1970), the "Animal Welfare Act Amendments of 1976", Pub. L. No. 94-279,

90 Stat. 417 (1976), and the "Food Security Act of 1985", Pub. L. No. 99-198, 99 Stat. 1354 (1985), and as it may be subsequently amended.

(7) "Dog kennel" means an animal rescue for dogs that is registered under Ohio R.C. 956.06, a boarding kennel or a training kennel.

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

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

(1) Torture, torment or commit an act or cruelty against the companion animal;

(2) Deprive the companion animal of necessary sustenance, or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation or confinement;

(3) Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the lack of adequate shelter.

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

(1) Torture, torment, or commit an act of cruelty against the companion animal;

(2) Deprive the companion animal of necessary sustenance, or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation or confinement;

(3) Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the lack of adequate shelter.

(e) Subsections (b), (c) and (d) of this section do not apply to any of the following:

(1) A companion animal used in scientific research conducted by an institution in accordance with the federal animal welfare act and related regulations;

(2) The lawful practice of veterinary medicine by a person who has been issued a license, temporary permit, or registration certificate to do so under Ohio R.C. Chapter 4741;

(3) Dogs being used or intended for use for hunting or field trial purposes, provided that the dogs are being treated in accordance with usual and commonly accepted practices for the care of hunting dogs;

(4) The use of common training devices, if the companion animal is being treated in accordance with usual and commonly accepted practices for the training of animals;

(5) The administering of medicine to a companion animal that was properly prescribed by a person who has been issued a license, temporary permit, or registration certificate under Ohio R.C. Chapter 4741.

(f) Notwithstanding any section of the Ohio Revised Code that otherwise provides for the distribution of fine moneys, the Clerk of Court shall forward all fines the Clerk collects that are so imposed for any violation of this section to the Treasurer of the municipality, whose county humane society or law enforcement agency is to be paid the fine money as determined under this section. The Treasurer shall pay the fine moneys to the county humane society or the county, township, municipal corporation, or state law enforcement agency in this state that primarily was responsible for or involved in the investigation and prosecution of the violation. If a county humane society

receives any fine moneys under this section, the county humane society shall use the fine moneys either to provide the training that is required for humane society agents under Ohio R.C. 1717.061 or to provide additional training for humane society agents.

~~(ORC 959.131)~~

(g) (1) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree on a first offense. On each subsequent offense such person is guilty of a felony and shall be prosecuted under appropriate State law.

(2) Whoever violates subsection (c) hereof is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.

(3) Whoever violates subsection (d) hereof is guilty of a misdemeanor of the first degree.

(4) A. A court may order a person who is convicted of or pleads guilty to a violation of this section to forfeit to an impounding agency, as defined in Ohio R.C. 959.132, any or all of the companion animals in that person's ownership or care. The court also may prohibit or place limitations on the person's ability to own or care for any companion animals for a specified or indefinite period of time.

B. A court may order a person who is convicted of or pleads guilty to a violation of this section to reimburse an impounding agency for the reasonably necessary costs incurred by the agency for the care of a companion animal that the agency impounded as a result of the investigation or prosecution of the violation, provided that the costs were not otherwise paid under Ohio R.C. 959.132.

(5) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of this section suffers from a mental or emotional disorder that contributed to the violation, the court may impose as a community control sanction or as a condition of probation a requirement that the offender undergo psychological evaluation or counseling. The court shall order the offender to pay the costs of the evaluation or counseling.

505.08 NUISANCE CONDITIONS PROHIBITED.

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

(b) No person shall keep or harbor more than three dogs over the age of three months or three cats, or any combination of the two in or on their residence or property.

(c) Whoever violates this section is guilty of a minor misdemeanor. **Each day's violation shall constitute a separate offense. This section shall not apply to licensed veterinary clinics or a commercial pet care facility.**

505.09 BARKING OR HOWLING DOGS.

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

(b) Whoever violates this section is guilty of harboring a barking dog, a minor misdemeanor. If the offender has been previously convicted of a violation of this section, then any subsequent violation of this section is a misdemeanor of the fourth degree.

505.10 ANIMAL BITES; REPORTS AND QUARANTINE.

(a) Whenever any person is bitten by a dog or other animal, report of such bite shall be made to the Health Commissioner within twenty-four hours. Whenever it is reported to the Health Commissioner that any dog or cat has bitten a person, that dog or cat shall be quarantined under an order issued by the Health Commissioner. The dog or cat shall be quarantined by its owner or by a harbinger, or shall be quarantined in a pound or kennel. In all cases, such quarantine shall be under

the supervision of the Health Commissioner and shall be at the expense of the owner or harborer. Quarantine shall continue until the Health Commissioner determines that the dog or cat is not afflicted with rabies. The quarantine period hereby required shall not be less than ten days from the date on which the person was bitten. If at any time during the quarantine, the Health Commissioner requires the dog or cat to be examined for symptoms of rabies, then the examination shall be by a licensed doctor of veterinary medicine. The veterinarian shall report to the Health Commissioner the conclusions reached as a result of the examinations. The examination by a veterinarian shall be at the expense of the owner or harborer. No dog or cat shall be released from the required quarantine unless and until it has been properly vaccinated against rabies.

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

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

505.11 HUNTING PROHIBITED.

(a) No person shall hunt, kill, or attempt to kill any animal or fowl by the use of firearms, bow and arrow, air rifle or any other means within the corporate limits of the Municipality.

(b) The prohibitions of this section do not apply to members of the Division of Police or other duly authorized agents or employees of the City who are acting in an official capacity to protect the public health, safety, and welfare.

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

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

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

(ORC 925.62)

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

505.13 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.

505.14 KEEPING PIGEONS.

(a) No person owning, keeping, or harboring pigeons in the City shall permit the premises whereupon the pigeons are kept being or remain in an unhealthy, unsanitary, or noxious condition, or permit the aforesaid premises to be in such condition that noxious odors arising thereon are carried to adjacent public or private property. No person owning or harboring pigeons shall allow or permit them to destroy or deface property.

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

505.15 TRAPPING RESTRICTED.

(a) No person shall trap any animal or fowl within the City without first obtaining a permit from the Safety Director or his designee.

(b) Permits issued pursuant to regulations promulgated by the Department of Public Safety shall specify that:

- (1) All traps must bear the name of the owner;
- (2) The trapper must notify the animal control officer where the traps will be set;
- (3) Each trap must be checked at least once every twenty-four hours.

(c) Whoever violates this section is guilty of a **fourth degree misdemeanor**. ~~minor misdemeanor~~.
505.16 CATS; TAGS REQUIRED.

(a) Whenever a cat belonging to a City resident is outside the dwelling of its owner, it shall wear an identification tag, which shall be affixed to a collar or similar device.

(b) The identification tag required by this section shall have clearly inscribed thereon the name, address, and telephone number of the owner of the cat or such other identifying information as will render the owner's identity and location ascertainable.

(c) No owner of a cat shall fail to equip the cat, whenever the cat is outside the dwelling of such owner, with the identification tag required by this section. The absence of an identification tag on a cat which is outside the dwelling of its owner shall be prima-facie evidence of lack of such tag.

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

505.17 RABIES IMMUNIZATION REQUIRED.

(a) Any person who keeps or harbors a dog or cat within the City shall keep such dog or cat immunized or reimmunized against rabies by a method listed in the U.S. Department of Health, Education, and Welfare Center for Disease Control Rabies Compendium or any other method approved by the Director of Health, so that the dog or cat is continually protected against contracting rabies, provided, however, that dogs and cats need not be immunized before reaching the age of three months.

(b) Dogs or cats entering the City temporarily for dog or cat shows, exhibitions, and/or breeding purposes shall not be allowed out of the owner's, keeper's, or handler's control unless properly immunized, and all dogs or cats entering the City for field trials or hunting purposes, or any other purpose, shall be properly immunized. All such immunized dogs and cats shall be accompanied by an immunization certificate supplied by the veterinarian who immunized the dog or cat.

(c) All veterinarians immunizing or reimmunizing dogs and cats shall keep a record of such immunization or reimmunization and shall, at the time of such immunizing or reimmunizing, give the owner or keeper of the animal a certificate of immunization which shall include a number identifying the individual record, a complete description of the animal, the place where the animal is kept or harbored, the name and address of the owner, keeper, or harbinger of the animal, date and type of immunization or reimmunization, and such other pertinent information as needed, along with the signature and typed name and address of the veterinarian. The veterinarian shall forward a copy of the certificate to the Director of Health within thirty days of its issuance. The Director of Health shall then forward a copy thereof to the Lucas County Dog Warden.

(d) The certificate described in subsection (c) hereof shall be made on multiple-copy forms certified by the Director of Health.

(e) Nothing in this section shall be interpreted to mean that dogs or cats immunized or reimmunized shall be allowed to run at large in violation of any rabies quarantine, law, ordinance, or regulation.

(f) All veterinarians who immunize or reimmunize a dog against rabies shall provide a tag approved by the Director of Health, which shall have thereon permanently affixed the year of

immunization or reimmunization and the number indicating the record prescribed in subsection (c) hereof. Such tag shall be securely fastened to the collar or harness worn by the dog.

(g) No veterinarian or person who keeps or harbors a dog or cat shall be required to provide or obtain a certificate for a rabies immunization administered before the date this section is effective. However, the provisions of this section must be complied with at the time of reimmunization thereafter or the time when the current immunization or reimmunization loses its effectiveness, whichever is earlier.

(h) Whoever violates any provision of this section is guilty of a **misdemeanor of the first degree**. ~~minor misdemeanor~~. Each day's violation shall constitute a separate offense.

505.18 WILD, OR DANGEROUS AND OTHER ANIMALS PROHIBITED.

(a) It shall be unlawful for any person in the City to keep, maintain, or have in his or her possession or under his or her control any wild or dangerous animal as defined in Section 505.19.

(b) **It shall be unlawful for any person in the City to keep, maintain, or have in his or her possession or under his or her control, cattle, ponies, horses, mules, sheep, swine, geese, ducks, goats, turkeys, chickens, or any other fowl. This division shall not apply to possession of said animals at the county fair by exhibitors at the times scheduled by the Ohio Department of Agriculture for the Lucas County Fair or at other events as approved by City Council or the City Administrator.**

(c) **Lucas County Fair. This division shall also not prohibit the possession of horses, mules, or ponies in the city for participation in parades or when in use for carriage rides.**

(d) Any ~~wild~~ animal not covered by this section must be physically confined to the owner's property.

(e) **Whoever violates any provision of this section is guilty of a minor misdemeanor. Each day's violation shall constitute a separate offense. If the offender has been previously convicted of violating this division, any subsequent violation is a misdemeanor of the fourth degree.**

505.19 PROHIBITED WILD OR DANGEROUS ANIMALS SPECIFIED.

It shall be unlawful for any person in the City to keep, maintain, or have possession or under his or her control any of the following animals **including hybrids**:

(a) Any animal declared protected or endangered by the United States Department of Interior or the Ohio Revised Code;

(b) All venomous reptiles and venomous snakes;

(c) Bears (Ursidae);

(d) All wild Canids, including wolves, foxes, jackals, dingo, coyote, and similar wild species.

(e) Civet;

(f) Crocodylians, including alligators, crocodiles, caimans, and ~~gahrials~~ **gharials** ;

(g) All wild cats and hybrids of wild and domesticated cats;

(h) Anthropoid apes;

(i) Marsupials;

(j) Procyonidae; or

(k) Non-domesticated weasels.

(l) Dangerous wild animal as defined by Ohio Revised Code 935.01 including hybrids

505.20 EXCEPTIONS.

(a) The provisions of Sections 505.18 and 505.19 shall not apply to the following:

(1) Licensed medical and licensed educational institutions;

(2) Licensed rehabilitation facilities and licensed nuisance trappers;

(3) Licensed zoos;

(4) Licensed veterinary hospitals;

(5) Any public circus or rodeo;

(6) Animal assistants as defined by Ohio Administrative Code 4112-5-02

(7) Service animals as defined by the Americans with Disabilities Act

(b) Provided that all of the following apply:

(1) The location conforms to the zoning ordinances of the City;

(2) All animals and animals' quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors;

(3) Animals are maintained in quarters constructed to prevent their escape; and

(4) All proper permits have been obtained from all applicable jurisdictions.

505.21 ANIMAL DEFECATION ON PUBLIC OR PRIVATE PROPERTY

(a) No person shall keep or harbor any animal 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 owner of any animal shall permit such animal to dig or defecate upon, or otherwise damage or destroy any public or private property that is not the property of the animal's owner, without immediately removing all feces deposited, and disposing of it in a safe and sanitary manner. The owner of a properly registered guide, leader or support dog shall be exempt from preventing such animal from defecating or digging on public or private property, as well as any other exceptions applicable under federal regulations.

(c) Whoever violates any provision of this section is guilty of a minor misdemeanor for a first offense. Whoever violates this section in a second or subsequent offense shall be guilty of a misdemeanor of the fourth degree.

505.22 PROTECTION OF ANIMALS IN MOTOR VEHICLES; FAILURE OF MOTORIST TO REPORT INJURED ANIMAL

(a) It shall be unlawful to transport a dog in a motor vehicle upon any street within the City unless the dog is fully enclosed within the motor vehicle so as to prevent the dog from falling, jumping, or being thrown from the motor vehicle. A dog cannot be transported in the back of a pick-up truck unless safely secured.

(b) No person shall, while operating a motor vehicle, knowingly injure a domestic animal or a deer and not report the injured animal to the Police Department or animal control officer.

(c) No dog or other animal shall be left completely enclosed in a parked vehicle without adequate ventilation, or in any way that subjects the animal to extreme high or low temperatures which may adversely affect the animal's health and welfare. It shall be prima facie evidence of an extreme temperature if the outdoor temperature is at least 75 degrees Fahrenheit or above at the time of the offense or below 32 degrees Fahrenheit.

(d) If reasonable attempts to locate the vehicle owner fail, any law enforcement officer or animal control officer may take action necessary to rescue the confined animal if conditions are hazardous to the health of the animal. The owner, keeper, or person in charge of the animal will be liable for all reasonable and necessary impoundment, boarding and medical fees. No officer or agent taking action under this section shall be liable for damages necessary to rescue the confined animal.

(e) Whoever violates division (a) or (b) of this section is guilty of a misdemeanor of the fourth degree. If the offender has been previously convicted of violating that division or a concomitant law, any subsequent violation is a misdemeanor of the third degree.

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

505.99 PENALTY.

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

SECTION 2. Any ordinances, parts of ordinances or the Chapters of the Maumee Municipal Code in conflict herewith are hereby amended and repealed in part to reflect the foregoing changes;

SECTION 3. This ordinance is declared to be an emergency measure immediately necessary to preserve the public interest and for the health, safety, and welfare of the citizens of the City of Maumee, and more specifically to allow for the immediate update of the requirements for animals which will be a benefit for the citizens of Maumee, will help with vermin related issues, will help keep the City sanitary and will benefit property owners, wherefore this ordinance will go into immediate effect upon its adoption by council.

SECTION 4. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of council's committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements of the Charter of Maumee, Ohio.

Motion to declare emergency:

Yeas: Nays:

Motion to Pass:

Yeas: Nays:

Second:

Second:

Passed: November 20, 2023.

Mayor

ATTEST:

Municipal Clerk

Approved as to form by:

Law Director

ORDINANCE NO. 044-2023

AN ORDINANCE REPEALING ORDINANCE 043-2022, REPLACING IT WITH ORDINANCE 044-2023, AND DECLARING AN EMERGENCY.

WHEREAS, ORDINANCE 043-2022 was passed setting certain rules and regulations of for the Administrative Staff of the City of Maumee, Ohio;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Maumee, Ohio, that:

SECTION 1. Council hereby finds and determines that it is immediately necessary to repeal ORDINANCE 043-2022 and said ORDINANCE 043-2022 is repealed in total.

SECTION 2. The repealed Ordinance 043-2022 is hereby replaced, *in toto*, with attached "Exhibit A".

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Revised Code of Ohio.

SECTION 4. This Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately from and after its passage. The reason for the emergency lies in the fact that this Ordinance is necessary for the immediate preservation of the public peace, health and safety in that certain modifications need to be made at the earliest possible date to implement the changes that are needed to these rules and regulations.

MOTION TO DECLARE AN EMERGENCY:

Second:

Yeas: Nays:

Motion to Pass:

Second:

Yeas: Nays:

Passed as an emergency measure: November 20, 2023

Mayor

ATTEST:

Municipal Clerk

Approved as to form by:

Law Director

11 B

11C

ORDINANCE NO. 045- 2023

AN ORDINANCE REPEALING ORDINANCES 044-2022 AND 060-2022, REPLACING IT WITH ORDINANCE 045-2023, AND DECLARING AN EMERGENCY.

WHEREAS, ORDINANCES 044-2022 and 060-2022 were passed setting certain rules and regulations of for the Management and Supervisory Staff of the City of Maumee, Ohio;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Maumee, Ohio, that:

SECTION 1. Council hereby finds and determines that it is immediately necessary to repeal ORDINANCES 044-2022 and 060-2022 and said ORDINANCES 044-2022 and 060-2022 are repealed in total.

SECTION 2. The repealed Ordinances 044-2022 and 060-2022 are hereby replaced, *in toto*, with attached "Exhibit A".

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Revised Code of Ohio.

SECTION 4. This Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately from and after its passage. The reason for the emergency lies in the fact that this Ordinance is necessary for the immediate preservation of the public peace, health and safety in that certain modifications need to be made at the earliest possible date to implement the changes that are needed to these rules and regulations.

MOTION TO DECLARE AN EMERGENCY:

Second:

Yeas: Nays:

Motion to Pass:

Second:

Yeas: Nays:

Passed as an emergency measure: November 20, 2023

Mayor

ATTEST:

Municipal Clerk

Approved as to form by:

Law Director

11 D

ORDINANCE NO. 046-2023

AN ORDINANCE REPEALING ORDINANCE 045-2022, REPLACING IT WITH ORDINANCE 046-2023, AND DECLARING AN EMERGENCY.

WHEREAS, ORDINANCE 045-2022 was passed setting certain rules and regulations of for the Department Directors of the City of Maumee, Ohio;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Maumee, Ohio, that:

SECTION 1. Council hereby finds and determines that it is immediately necessary to repeal ORDINANCE 045-2022 and said ORDINANCE 045-2022 is repealed in total.

SECTION 2. The repealed Ordinance 045-2022 is hereby replaced, *in toto*, with attached "Exhibit A".

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Revised Code of Ohio.

SECTION 4. This Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately from and after its passage. The reason for the emergency lies in the fact that this ordinance is necessary for the immediate preservation of the public peace, health and safety in that certain modifications need to be made at the earliest possible date to implement the changes that are needed to these rules and regulations.

MOTION TO DECLARE AN EMERGENCY:

Second:

Yeas: Nays:

Motion to Pass:

Second:

Yeas: Nays:

Passed as an emergency measure: November 20, 2023

Mayor

ATTEST:

Municipal Clerk

Approved as to form by:

Law Director