ORDINANCE NO.

AN ORDINANCE AMENDING THE DISTRICT MAP AND THE SETBACK MAP REFERRED TO IN SECTION 1127.02 OF THE PAINESVILLE CODE OF 1998 REZONING PERMANENT PARCEL 15-D-021-B-00-040-0 LOCATED BETWEEN RICHMOND STREET AND SKINNER AVENUE FROM B-2 GENERAL BUSINESS DISTRICT/S-1 SPECIAL DISTRICT TO AN R-1 SINGLE FAMILY RESIDENTIAL DISTRICT.

BE IT ORDAINED BY THE COUNCIL of the City of Painesville, Lake County, Ohio:

WHEREAS, Emerald Pointe, Inc. is the owner of approximately 5.2998 acres of property located between Richmond Street and Skinner Avenue in the City of Painesville, Ohio, who has proposed to rezone this property to R-1 Single Family Residential District; and

WHEREAS, Emerald Pointe, Inc. submitted, as part of the rezoning request, a concept plan showing a development on the referenced property with 16-units; and

WHEREAS, the Planning Commission favorable recommendation references the Conceptual Development Plan as Exhibit A presented at the Planning Commission meeting of December 8, 2016 with the stipulation that the plan adheres to all necessary reviews and shall not exceed the 16-units; and

NOW THEREFORE, be it ordained by the Painesville City Council as follows:

Section I. That the District Map referred to in Section 1127.02 of the Painesville Code of 1998 is hereby amended to rezone Permanent Parcel Number 15-D-021-B-00-040-0 located East of Richmond Street and North of Skinner Avenue, as more fully described in Exhibit B attached hereto from B-2 General Business District/ S-1 Special District to an R-1 Single Family Residential District.

Section II. That the Plan that is attached as Exhibit A is approved so that no more than 16 single family units may be built on this site and further Emerald Point shall agree in writing to use the property for no more than 16 single family units.

Section III. That this ordinance shall be in effect at the earliest possible time permitted by law.

PASSED:

EFFECTIVE:

Paul W. Hach, II
President of Council

ATTEST:

Valerie Vargo
Clerk of Council
RESOLUTION NO.

A RESOLUTION RECOGNIZING
EASTERN LAKE COUNTY CHAMBER OF COMMERCE
2017 CITIZEN OF THE YEAR
JEANETTE CRISLIP

WHEREAS, Jeanette Crislip has served the Lake County community as volunteer for over 30 years. She has made a great impact on the local community to make it a better and safe place to live and raise a family; and

WHEREAS, Jeanette has volunteered for numerous organizations including the Painesville Senior Center, The Lake County History Center, Laketran Board of Trustees, Lake County Democratic Women, Christ Child Society of the Western Reserve, The Society of Rehabilitation Board of Trustees, and Catholic Charities; and

WHEREAS, Jeanette has been an active member of the Lake County Association of Trustees serving Painesville Township for 28 years, in addition to serving on the Lake County Solid Waste Policy Committee, The Lake County Council of Governments, the Lake County Health Coalition, the Lubrizol Community Advisory Panel and Lake Erie College Board of Trustees. Jeanette is such an active member of the Painesville Township community, not to gain recognition, but to make the community a better place to live, work and play; and

WHEREAS, as a Trustee Jeanette has been instrumental in many improvements within her community, including the completion of the Mentor Avenue rehabilitation, the construction of a third fire station in Painesville Township, the reclamation of the former Diamond Shamrock property, and guiding Painesville Township through an important time of growth; and

WHEREAS, the Eastern Lake County Chamber of Commerce will recognize their contributions to this community by honoring Jeanette Crislip on January 27, 2017 with the title of “2017 Citizens of the Year”.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO:

SECTION I. That this Council, for itself, and on behalf of the Administration and citizens of Painesville, hereby recognizes Jeanette Crislip for the many contributions she has made to the community and region, which so fittingly earned her the distinction of 2017 Citizen of the Year.

SECTION II. That this resolution shall be entered upon the permanent record of the City of Painesville, and a certified copy hereof shall be present to Jeanette Crislip.

SECTION III. This this resolution shall become effective immediately upon its passage.

PASSED:

ATTEST:

VALERIE VARGO  PAUL W. HACH, II
CLERK OF COUNCIL  PRESIDENT OF COUNCIL
RESOLUTION NO.

A RESOLUTION RECOGNIZING
EASTERN LAKE COUNTY CHAMBER OF COMMERCE
2017 BUSINESS OF THE YEAR
MARTIN’S NURSERY

WHEREAS, Martin’s Nursery has been a proud part of the community headquartered in Perry Township since 1934; and

WHEREAS, for three generations Martin’s Nursery has been a symbol of integrity and character. The family owned and operated nursery has expanded to a wholesale nursery to include a retail garden center with a full service landscape division. Laurie Martin and her son, Rob, have a mission to offer their customers personal service and high quality nursery stock at reasonable prices; and

WHEREAS, Martin’s Nursery has a long tradition of quietly supporting the community by giving their time and talents to such non-profit organizations and charities such as Nursery Grower’s of Lake County, Ohio Nursery & Landscape Association, Perry Local Schools Business Advisory Council, and are a member of Holden Arboretum and Cleveland Botanical Gardens. Martin’s Nursery is a member of the Perry/Madison Green Growers, a group of four garden centers that have partnered to put on an annual plant crawl, Passport 2 Plants; and

WHEREAS, Martin’s Nursery has given support by donating plants and or funds to many organizations such as Relay for Life, Perry Women’s League, Painesville Party in the Park and Eagle Scout service projects, just to name a few; and

WHEREAS, the Eastern Lake County Chamber of Commerce will recognize the contributions to this community by honoring Martin’s Nursery on January 27, 2017 with the title of “2017 Business of the Year”.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO:

SECTION I. That this Council, for itself, and on behalf of the Administration and citizens of Painesville, hereby recognizes Martin’s Nursery for their continuous involvement and presence in the community and region.

SECTION II. That this resolution shall be entered upon the permanent record of the City of Painesville, and a certified copy hereof shall be present to Martin’s Nursery.

SECTION III. This this resolution shall become effective immediately upon its passage.

PASSED:

ATTEST:

VALERIE VARGO  PAUL W. HACH, II
CLERK OF COUNCIL  PRESIDENT OF COUNCIL
RESOLUTION NO.

A RESOLUTION RECOGNIZING
EASTERN LAKE COUNTY CHAMBER OF COMMERCE
2017 HERITAGE AWARD
PROJECT HOPE FOR THE HOMELESS

WHEREAS, Project Hope for the Homeless has silently served the homeless community of Northeast Ohio since 1993 with the mission of responding to the human hurts and hopes of homeless persons in Lake County by providing emergency shelter, care and guidance; and

WHEREAS, Project Hope provides a warm place to sleep, dinner, showers and individualized weekly goal-setting meetings with a professional for up to 50 men, women and children each night. Donated hot meals are served nightly by volunteers; guests are permitted to stay up to 45 days as long as they follow the program rules and work to meet their customized goals; and

WHEREAS, Project Hope has dormitories for men and women and a private family center for Families Moving Forward. The Family Center includes private family bedrooms and two bathrooms as well as an outdoor play space;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO:

SECTION I. That this Council, for itself, and on behalf of the Administration and citizens of Painesville, hereby recognizes Project Hope for the Homeless for their commitment to the community and their relentless dedication to improving the quality of life for so many persons of Lake County.

SECTION II. That this resolution shall be entered upon the permanent record of the City of Painesville, and a certified copy hereof shall be present to Project Hope for the Homeless.

SECTION III. This this resolution shall become effective immediately upon its passage.

PASSED:

ATTEST:

VALERIE VARGO PAUL W. HACH, II
CLERK OF COUNCIL PRESIDENT OF COUNCIL
ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 167.071, 167.09, 167.11, AND 167.12 OF THE PAINESVILLE CODE OF 1998 RELATING TO THE CLASSIFICATION AND COMPENSATION PLAN, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO:

SECTION I. THAT SECTION 167.071, 167.09, 167.11 AND 167.12 IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 167.071 COLLECTIVE BARGAINING AGREEMENTS


OF THAT UNION.

(H) THE CITY MANAGER IS AUTHORIZED AND DIRECTED TO EXECUTE THE ABOVE COLLECTIVE BARGAINING AGREEMENTS.

SECTION 167.09 UNCLASSIFIED POSITIONS AND COMPENSATION

THE FOLLOWING SHALL COMPRISE THE UNCLASSIFIED POSITIONS OF THE CITY, WITH SUCH CHANGES AS MAY BE MADE FROM TIME TO TIME BY CITY COUNCIL, BY AMENDMENT TO THIS SECTION, ALONG WITH THE RATE OF PAY FOR SUCH OFFICIALS AND EMPLOYEES:

ELECTIVE OFFICIALS

PRESIDENT OF COUNCIL ........................................ $ 583.33 MONTHLY
COUNCIL MEMBERS ........................................ $ 500.00 MONTHLY

ADMINISTRATIVE OFFICIALS

CITY MANAGER

Effective December 12, 2016 ........................................ $4,423.08 BI-WEEKLY (1)
Effective December 12, 2017 ........................................ $4,615.39 BI-WEEKLY (1)
Effective December 12, 2018 ........................................ $4,807.70 BI-WEEKLY (1)

DIRECTOR OF LAW

Effective April 1, 2015 ........................................ $2,858.40 BI-WEEKLY (1)
Effective April 1, 2016 ........................................ $2,929.86 BI-WEEKLY (1)
Effective April 1, 2017 ........................................ $2,973.81 BI-WEEKLY (1)

ASSISTANT LAW DIRECTOR/PROSECUTOR

Effective April 1, 2015 ........................................ $1,429.18 BI-WEEKLY
Effective April 1, 2016 ........................................ $1,464.91 BI-WEEKLY
Effective April 1, 2017 ........................................ $1,486.88 BI-WEEKLY

ASSISTANT LAW DIRECTOR

Effective April 1, 2015 ........................................ $ 788.46 BI-WEEKLY
Effective April 1, 2016 ........................................ $ 808.17 BI-WEEKLY
Effective April 1, 2017 ........................................ $ 820.29 BI-WEEKLY

CLERK OF COURT

Effective April 1, 2015 ........................................ $2,585.58 BI-WEEKLY (1)(3)
Effective April 1, 2016 ........................................ $2,650.22 BI-WEEKLY (1)(3)
Effective January 1, 2017 ........................................ $2,853.60 BI-WEEKLY (1)(3)

CLERK OF COUNCIL

Effective December 5, 2016 ........................................ $ 18.00 HOURLY (1)
Effective April 1, 2017 ........................................ $ 18.27 HOURLY (1)

*SUBJECT TO DEFERRED COMPENSATION AS DETERMINED BY CITY COUNCIL

OTHER POSITIONS

SCHOOL CROSSING GUARD ...........................................(2)
RECREATION ASSISTANT ...........................................(2)
CAMP COUNSELOR ...........................................(2)
SENIOR LEADER .............................................................................. (2)
RECREATION SPECIALIST .......................................................... (2)
SENIOR (SEASONAL) ................................................................. (2)
CO-OP STUDENT TRAINEE ....................................................... (2)
CLERK TYPIST (SEASONAL/PART-TIME) .................................... (2)
JUNIOR (SEASONAL) ................................................................. (2)
PARKING ENFORCEMENT OFFICER ........................................... (2) (1)
SPECIAL POLICE OFFICER/COURT SECURITY OFFICER ........ (2) (2)
SPECIAL POLICE OFFICER/SWITCHBOARD OPERATOR (PART-TIME) .... (2) (2)
PROBATION OFFICER .............................................................. (2) (1)

(1) WHICH SHALL BE ADJUSTED BY INTERNAL REVENUE SERVICE (I.R.S.) APPROVED
PUBLIC EMPLOYEES RETIREMENT SYSTEM (P.E.R.S.) EMPLOYER "PICK-UP" PLAN.
(2) AS DETERMINED BY THE CITY MANAGER.
(3) SUBJECT TO ANNUAL COST OF LIVING INCREASE AS ESTABLISHED FOR THE
MUNICIPAL COURT JUDGE.

VOLUNTEER POSITIONS
VOLUNTEERS ARE NOT REGULAR EMPLOYEES OF THE CITY BUT PERFORM SERVICES
FOR THE CITY ON AN "ON CALL", "AS AVAILABLE" BASIS.

SPECIAL POLICE OFFICER:
ENTRANCE ................................................................. $10.34 PER HOUR
AFTER ONE (1) YEAR ......................................................... $11.57 PER HOUR
AFTER THREE (3) YEARS .................................................... $13.34 PER HOUR

PART-TIME FIREFIGHTER – EMT
ENTRANCE ................................................................. $13.00 PER HOUR
AFTER ONE (1) YEAR ......................................................... $14.00 PER HOUR
AFTER THREE (3) YEARS .................................................... $15.00 PER HOUR

PART-TIME FIREFIGHTER PARAMEDIC
ENTRANCE ................................................................. $16.00 PER HOUR
AFTER ONE (1) YEAR ......................................................... $17.00 PER HOUR
AFTER THREE (3) YEARS .................................................... $18.00 PER HOUR

PART-TIME SCHOOL RESOURCE OFFICER
ENTRANCE ................................................................. $20.00 PER HOUR
SECTION II: THAT THIS ORDINANCE IS PASSED AS AN EMERGENCY MEASURE FOR THE PROTECTION AND PRESERVATION OF THE PEACE, HEALTH, SAFETY AND GENERAL WELFARE OF THE INHABITANTS OF THE CITY OF PAINESVILLE, THE EMERGENCY BEING THE NECESSITY TO AMEND THE CLASSIFICATION AND COMPENSATION PLAN FOR AFFECTED EMPLOYEES, AND THEREFORE, THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

PASSED:

______________________________
Paul Hach , Jr.
President of Council

ATTEST:

______________________________
Valerie Vargo
Clerk of Council
 ORDINANCE NO.  

AN ORDINANCE AMENDING SECTION 167.06 AND 167.07 RELATING TO THE CLASSIFICATION AND COMPENSATION PLAN AND DECLARING AN EMERGENCY 

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PAINESVILLE, COUNTY OF LAKE, STATE OF OHIO:

SECTION 1: THAT SECTION 167.06 AND 167.07 ARE HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 167.06 COMPENSATION DISTRIBUTION OF FUNDS

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<tr>
<th>DEPARTMENT/DIVISION FUNCTION</th>
<th>GENERAL FUND</th>
<th>WATER REVENUE FUND</th>
<th>SEWER REVENUE FUND</th>
<th>ELECTRIC REVENUE FUND</th>
<th>CEMETERIES FUND</th>
<th>FIRE FUND</th>
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## SECTION 167.07 CLASSIFIED POSITIONS

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<td><strong>CLERICAL SALARY</strong></td>
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<td>SWITCHBOARD OPERATOR</td>
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<td>SECRETARY I</td>
<td>8</td>
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<tr>
<td>SECRETARY II</td>
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<td>ADMINISTRATIVE SECRETARY</td>
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<tr>
<td>ADMINISTRATIVE SECRETARY - MANAGER</td>
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<td>FIRE DEPARTMENT ADMINISTRATIVE ASSISTANT</td>
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<td><strong>FISCAL AND DATA PROCESSING SALARY</strong></td>
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<td>DATA PROCESSING CLERK I</td>
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<td><strong>PUBLIC SAFETY, COURT, CODE ENFORCEMENT AND ENGINEERING</strong></td>
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<td><strong>POLICE SALARY (40 HOUR WEEK)</strong></td>
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<td>PARKING CONTROL OFFICER</td>
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<td>POLICE RECORDS CLERK I</td>
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<td>* FIREFIGHTER/EMT</td>
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<td>* FIRE LIEUTENANT</td>
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<td>Position</td>
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<td>Construction Engineer/Engineering Technician</td>
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<td>Building Inspector</td>
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<td>LABOR, LABOR SUPERVISION AND TRADES</td>
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<td>Custodian II</td>
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<td>Public Works Guard</td>
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<td>Maintenance Worker I</td>
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<td>Parking and Traffic Technician</td>
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<td>Sign Fabricator</td>
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<td>Park and Cemetery Supervisor</td>
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<td>PUBLIC UTILITIES</td>
<td>(40 HOUR WEEK)</td>
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<tr>
<td>Meter Reader Helper</td>
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<td>WATER AND WATER POLLUTION CONTROL</td>
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<td>WATER AND WATER POLLUTION CONTROL</td>
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<tr>
<td>Laboratory Technician I/Administrative Secretary</td>
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</table>
SECTION II: THAT THIS ORDINANCE IS PASSED AS AN EMERGENCY MEASURE FOR THE PROTECTION AND PRESERVATION OF THE PEACE, HEALTH, SAFETY AND GENERAL WELFARE OF THE INHABITANTS OF THE CITY OF PAINESVILLE, THE EMERGENCY BEING THE NECESSITY TO AMEND THE CLASSIFICATION AND COMPENSATION PLAN FOR AFFECTED EMPLOYEES, AND THEREFORE, THIS ORDINANCES SHALL BE EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

PASSED:

__________________________________
Paul Hach, Jr.
President of Council

ATTEST:

__________________________________
Valerie Vargo
Clerk of Council
ORDINANCE NO. ____ -17

ORDINANCE AMENDING CHAPTER 518 – ANIMALS OF THE PAINESVILLE CODIFIED ORDINANCES BY ADDING NEW SECTION 518.053 – TETHERING ANIMALS AND PENALTIES THEREFORE, AND DECLARING AN EMERGENCY

WHEREAS, tethering significantly restricts the animals movement and may result in serious injury should the animal become tangled or hooked on objects and are often subject to attacks by other animals and humans; and

WHEREAS, studies prove that continuously tethering dogs become lonely, bored and are often anxious and more likely to bite than unchained does due to psychological damage; and

WHEREAS, reasonable restrictions would help to ensure the safety of an animal that is confined outside and identifies circumstances in which tethering is prohibited along with the identifiable punishments for violating this section.

WHEREAS, the City will utilize these funds to upgrade and remodel the main restroom facility at Kiwanis Recreation Park and further the objectives identified in the Department of Recreation and Public Land’s Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Painesville, Lake County, Ohio:

SECTION I: That Section 518 – ANIMALS IS hereby amended to read as follows:

CHAPTER 518
Animals

518.01 Definitions.
518.02 Animals running at large.
518.03 Livestock permits.
518.04 Nuisance conditions prohibited.
518.05 Abandoning, injuring and hunting animals, livestock or poultry.
518.051 Cruelty to companion animals.
518.06 Annual registration of dogs; tags required.
518.07 Annual licensing of commercial animal establishments; fees.
518.08 First license for commercial animal establishment.
518.09 License not transferable.
518.10 License and registration denial, revocation and reinstatement.
518.11 Impounding and disposition; records.
518.12 Burial of deceased animals.
518.13 Teasing or striking dogs used by the Police Division.
518.14 Injuring or killing dogs used by the Police Division.
518.15 Animal bites; reports and quarantine.
518.16 Relationship to Zoning Ordinance.
518.17 Animal owner liable for damage to public property.
518.18 Limitations on vicious dogs.
518.99 Penalty.

CROSS REFERENCES
See section histories for similar State law
Power to restrain and impound animals - see Ohio R.C. 715.23
Driving animals upon roadway - see TRAF. 304.05, 312.05
Definitions generally - see GEN. OFF. 506.01
Assaulting police dog or horse or assistance dog - see GEN. OFF. 542.12
Offensive odors from places where animals are kept or fed - see GEN. OFF.
518.01 DEFINITIONS.
(a) For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them:

(1) "Animal" means any live or dead dog (Canis familiaris), cat (Felis catus), monkey (nonhuman primate mammal), guinea pig, hamster, rabbit or any other warm-blooded animal which is a domesticated pet, or used for exhibition purposes, or is intended for use in research, testing or experimentation.

(2) "Animal hospital" means any facility which has the primary function of providing medical and surgical care for animals and is operated by a currently licensed veterinarian.

(3) "Cat" means any member of the Felis catus family, male or female, regardless of age.

(4) "Commercial animal establishment" means any pet shop, guard dog service, kennel, shelter, catterie, animal pound (other than that operated by the County or city), animal hospital, business which keeps animals in stock for retail or wholesale trade, or any establishment performing one or more of the principal activities of the aforementioned establishments.

(5) "Dog" means any member of the Canis familiaris family, male or female, regardless of age.

(6) "Health Commissioner" means the County Health Commissioner, or his authorized representative, including any employee of the County Health Department.

(7) "Inspections Chief" means the City Building Official or his authorized representative.

(8) "Keeping" or "harboring" means allowing an animal, livestock or poultry to remain, be lodged or fed within a building, enclosure or yard, or maintaining such animal, livestock or poultry, in one's custody or control.

(9) "Livestock" means horses, ponies, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, swine and any animals normally found in the wild state which are being kept for exhibition purposes or as private pets.

(10) "Owner" means any person, firm, association or corporation owning, keeping or harboring any animal, livestock or poultry.

(11) "Person" means an individual, firm, association, joint stock company, syndicate, partnership or corporation.

(12) "Poultry" means all domesticated fowl and all game birds which are legally held in captivity.

(13) "Running at large" means off the premises of the owner, and not under his/her physical control by leash, cord, chain, tether or other physical control.

(14) "Safety Director" means the Safety Director or his authorized representative.

(15) "Tether" means a rope, chain, cord, or pulley, or similar restraint for holding an animal in place, allowing a radius in which it can move about.

(16) "Vicious animal" means any animal that by its conduct constitutes a physical threat to human beings or other animals which are engaged in lawful pursuits.

(17) "Wild or exotic animal" means any cat other than Felis catus; nonhuman primates other than monkeys; or other canine other than Canis familiaris; poisonous reptile, alligator, crocodile, or lizard over two feet long; snake over six feet long; bear, kangaroo, eagle; poisonous stinging insect or arachnid.

(Ord. 10-86. Passed 5-19-86.)

518.02 ANIMALS RUNNING AT LARGE.
No owner of any animal, livestock, poultry, wild or exotic animal shall permit such animal, livestock, poultry, wild or exotic animal to run at large.

(Ord. 10-86. Passed 5-19-86.)

518.03 LIVESTOCK PERMITS.
(a) No person shall keep a barn, stable or enclosure for any livestock within the City without having first obtained a permit from the Inspections Chief. Such permit shall contain the name, age, breed, description and any special markings peculiar to such livestock.
(b) No permit shall be issued by the Inspections Chief for any livestock unless the following conditions are met:

(1) The sublot or parcel of real property upon which such livestock is kept or harbored shall be not less than one acre in size for each such livestock.

(2) If such livestock is kept or harbored upon property not owned by the owner of such livestock, no permit shall be issued until there has been filed with the Inspections Chief the written consent of the owner of the sublot or parcel of property upon which such livestock shall be kept or harbored.

(3) A stable, barn or enclosure shall be required for the keeping or harboring of livestock. Such stable, barn or enclosure shall meet the requirement of the building and zoning laws and shall be kept in a sanitary condition, and shall not be nearer than 100 feet to a street or any property line or municipal boundary line, nor nearer than 100 feet to any dwelling.

(4) Nondomesticated livestock shall not be permitted unless the permit applicant demonstrates to the satisfaction of the Inspections Chief that:
   A. All reasonable precautions have been taken to securely cage or enclose the livestock and prevent the livestock from running at large; and
   B. Such livestock will not present a threat to the public peace, health and safety if the livestock escapes its cage or enclosure.

(c) The fee for any livestock permit shall be fifteen dollars ($15.00) each for any calendar year or part thereof.

(Ord. 10-86. Passed 5-19-86.)

518.04 NUISANCE CONDITIONS PROHIBITED.

(a) No person shall keep or harbor any animal, livestock, poultry, wild or exotic animal in the Municipality so as to create offensive odors or unsanitary conditions.

(b) No person owning, keeping or harboring any animal, livestock, poultry, wild or exotic animal shall permit such animal, livestock, poultry, wild or exotic animal to dig, urinate, defecate or otherwise damage any public property or private property other than the sublot or parcel owned or occupied by such owner, keeper or harbore of such animal, livestock, poultry, wild or exotic animal; provided that this prohibition shall not apply to private property onto which such owner, keeper or harbore has permission of the owner of such private property to walk the animal, livestock, poultry, wild or exotic animal, and also provided that person owning, keeping or harboring such animal, livestock, poultry, wild or exotic animal shall immediately remove all feces deposited by such animal, livestock, poultry, wild or exotic animal and dispose of same in a sanitary manner.

(c) No person shall keep or harbor any animal, livestock, poultry, wild or exotic animal within the Municipality which, by frequent and habitual howling, yelping, barking or other activity, creates unreasonably loud and disturbing noises of such character, intensity and duration as to disturb the peace and quiet of the community or as to annoy, disturb or endanger the comfort, repose or health of persons occupying property in the neighborhood.

(d) No person shall keep or harbor any animal, livestock, poultry, wild or exotic animal in or about an animal shelter adjoining to or abutting upon any lot upon which another person resides, or any street or highway, so as to constitute a threat to the preservation of the health, safety or general welfare of the public. All places maintained for the harboring or keeping of an animal, livestock, poultry, wild or exotic animal shall be maintained in a clean and sanitary condition free from rats, mice, filth, vermin, rubbish or collection of feces.

(e) No person owning, keeping or harboring any animal, livestock, poultry, wild or exotic animal shall take, lead or carry such animal, livestock, poultry, wild or exotic animal into any store or place of business within the City except the office of a veterinarian or pet shop or other place of business for the purpose of obtaining services therein offered to such animal, livestock, poultry, wild or exotic animal, provided, however, this section shall not apply to a blind person accompanied by a "seeing eye" dog.

(f) No owner or rider shall ride, lead or permit a horse to travel on or traverse any sidewalk, tree lawn or lawn area within the City.

(g) No person shall do any of the following:
   (1) Own, keep or harbor more than three dogs and/or three cats, excepting puppies and kittens under three months old, in or on the premises of any dwelling within
the City, unless the zoning lot upon which the dogs and/or cats are kept have a minimum land area of 3,000 square feet for each dog or cat kept on such zoning lot regardless of the number of persons keeping or harboring dogs or cats on such lot.

(2) Regularly keep or harbor more than two dogs and/or two cats outside of a fully enclosed structure between the hours of 10:00 p.m. and 7:00 a.m.

(3) Regularly keep or harbor one or more puppies or kittens under age three months outside of a dwelling unit.

(h) No person shall keep or permit to be kept any wild or exotic animal. The prohibition shall not apply to pet stores or to circuses or performing acts or other uses which have been duly authorized by the Safety Director. The Safety Director may issue a temporary permit to keep injured or infant wild animals native to the area which have been deemed to be incapable of surviving without assistance. The Safety Director may order the release of any wild animal kept under a temporary permit.

(i) Any person owning a wild or exotic animal at the time of enactment of this chapter, may, pending approval of the Safety Director, obtain a permit to retain such wild or exotic animal provided that:

- A permit application is filed with the Safety Director within forty-five days of the effective date of this chapter.
- The facilities for housing and containment of such wild or exotic animal is inspected and found to be adequate to prevent such animal from escaping or injuring the public or public safety personnel acting in an official capacity.
- An annual permit fee of ten dollars ($10.00) per animal is paid by the owner to the City.
- Upon the death, sale, adoption, exchange, transfer or disposal of such wild or exotic animal, the animal may not be replaced.

(j) Any person owning or harboring any female dog or cat shall, during the period that such animal is in heat, keep it securely confined and enclosed within a building except when out upon such person's property briefly for toilet purposes, and while in the presence of the owner.

(Ord. 10-86. Passed 5-19-86; Ord. 21-07. Passed 9-4-07.)

518.05 ABANDONING, INJURING AND HUNTING ANIMALS, LIVESTOCK OR POULTRY.

(a) No person owning, keeping or harboring any animal, livestock or poultry shall abandon such animal, livestock or poultry.

(b) 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 police officers of the City or a licensed veterinarian acting in an official capacity.

(c) The hunting and trapping of animals, livestock or poultry within the Municipality is prohibited.

(d) No person shall maliciously or willfully administer poison, except a licensed veterinarian acting in such capacity, to a farm animal, dog, cat, poultry or other domesticated animal that is the property of another; or leave it where it may be easily found and eaten by any such animals, either upon his lands or the lands of another.

(e) No person shall:

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

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

(Ord. 10-86. Passed 5-19-86)

518.051 CRUELTY TO COMPANION ANIMALS.

(a) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) “Boarding kennel.” Has the same meaning as in R.C. § 956.01.

(2) “Captive white-tailed deer.” Has the same meaning as in R.C. § 1531.01.

(3) “Companion animal.” Any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept. “Companion animal” does not include livestock or any wild animal.

(4) “Cruelty.” Has the same meaning as in R.C. § 1717.01.

(5) “Dog kennel.” Means an animal rescue for dogs that is registered under R.C. § 956.06, a boarding kennel, or a training kennel.


(7) “Livestock.” Means horses, mules, and other equidae; cattle, sheep, goats, and other bovidae; swine and other suidae; poultry; alpacas; llamas; captive white-tailed deer; and any other animal that is raised or maintained domestically for food or fiber.

(8) “Practice of veterinary medicine.” Has the same meaning as in R.C. § 4741.01.

(9) “Residential dwelling.” 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.

(10) “Torment.” Has the same meaning as in R.C. § 1717.01.

(11) “Torture.” Has the same meaning as in R.C. § 1717.01.

(12) “Wild animal.” Has the same meaning as in R.C. § 1531.01.

(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) Commit any act by which unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;

(2) Omit any act of care by which unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;

(3) Commit any act of neglect by which unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;

(4) Needlessly kill the companion animal;

(5) Deprive the companion animal of necessary sustenance, confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, or 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 deprivation, confinement or impoundment or confinement in any of those specified manners.

(d) No owner, manager, or employee of a dog kennel who confines or is the custodian or caretaker of a companion animal shall knowingly do any of the following:
(1) Torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against the companion animal;

(2) Deprive the companion animal of necessary sustenance, confine the companion animal without supplying it during the confinement with sufficient quantities of food and water, or impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter if it is substantially certain that the companion animal would die or experience unnecessary or unjustifiable pain or suffering due to the deprivation, confinement, or impoundment or confinement in any of those specified manners.

(e) 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) Commit any act by which unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;

(2) Omit any act of care by which unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;

(3) Commit any act of neglect by which unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;

(4) Needlessly kill the companion animal;

(5) Deprive the companion animal of necessary sustenance, confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, or 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 deprivation, confinement, or impoundment or confinement in any of those specified manners.

(f) Divisions (b), (c), (d) and (e) 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 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 R.C. Chapter 4741.

(g) 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 division. 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 division, the county humane society shall use the fine moneys to provide the training that is required for humane agents under R.C. § 1717.06. (R.C. § 959.131)

(h) (1) Whoever violates division (b) of this section is guilty of a misdemeanor of the first degree on a first offense and a felony to be prosecuted under appropriate state law on each subsequent offense.

(2) Whoever violates division (c) of this section 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 division (d) of this section is guilty of a felony to be prosecuted under appropriate state law.
(4) Whoever violates division (e) of this section is guilty of a misdemeanor of the first degree.

(5) A. A court may order a person who is convicted of or pleads guilty to a violation of division (a) of this section to forfeit to an impounding agency, as defined in 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 division (a) 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 R.C. § 959.132.

(6) 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.

(R.C. § 959.99(E))

Statutory reference:
Impoundment of companion animals; notice and hearing, see Ohio R.C. 959.132

518.053 TETHERING ANIMALS

(a) No person shall tether an animal outside of a dwelling, without shelter, in any of the following circumstances:

1. For more than eight (8) consecutive hours in a twenty-four (24) hour period with not less than a one (1) hour period between tetherings;

2. If a heat or cold advisory has been issued by a local or state authority or the National Weather Service;

3. If a severe weather warning has been issued by a local or state authority or the National Weather Service;

4. If the tether is less than fifteen (15) feet in length;

5. If the tether allows the animal to touch the adjacent property boundary line fence or cross the property line or cross onto public property;

6. If the tether is attached by means of a pinch-type, prong-type, or choke-type collar or if the collar is unsafe or is not properly fitted;

7. If the animal is not provided with its needs as identified in 518.05(e)5;

518.06 ANNUAL REGISTRATION OF DOGS; TAGS REQUIRED.

Except for guide dogs registered under Ohio R.C. 955.111 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.

(Ord. 10-86. Passed 5-19-86.)

518.07 ANNUAL LICENSING OF COMMERCIAL ANIMAL ESTABLISHMENTS; FEES.

(a) No person, either as owner or agent, representative, employee or bailee of an owner, shall operate a commercial animal establishment without being licensed for that activity. Any establishment or individual holding such license shall not be required to register individual animals as outlined in Section 518.06. Any person desiring to obtain or annually renew a license to operate a commercial animal establishment shall file an application with the City and pay an appropriate fee, as follows:

1. Each kennel, shelter, catterie: $50.00

2. Each pet shop, grooming shop: $25.00

3. Each guard dog service: $50.00.

(b) No license shall be required of any animal hospital.

(c) Upon the receipt of the license application fee, the City shall refer such application to the Inspections Chief who shall inspect the premises. If the application is
approved by the Inspections Chief, a license shall be issued to the applicant to operate the activity under such conditions as the Inspections Chief shall specify.
   (d) All licenses shall expire one year from the date of issuance. The licensee shall apply to the City for license renewal at least thirty days prior to the license expiration date to ensure continuous licensing.
   (Ord. 10-86. Passed 5-19-86.)
518.08 FIRST LICENSE FOR COMMERCIAL ANIMAL ESTABLISHMENT.
   Any person for the first time beginning to operate a commercial animal establishment shall pay the applicable license fee at least thirty days prior to the start of such operation.
   (Ord. 10-86. Passed 5-19-86.)
518.09 LICENSE NOT TRANSFERABLE.
   Licenses for commercial animal establishments shall not be transferable.
   (Ord. 10-86. Passed 5-19-86.)
518.10 LICENSE AND REGISTRATION DENIAL, REVOCATION AND REINSTATEMENT.
   (a) Withholding or falsifying information of a license or registration application shall be grounds for denial or revocation of such license or registration.
   (b) Any person having been denied a license or registration may not reapply for a period of thirty days. Each reapplication shall be accompanied by a fee established by ordinance.
   (c) No person who has been convicted of cruelty to animals shall be issued a license or registration.
   (d) It shall be a condition of the issuance of any license or registration that the Inspections Chief shall be permitted to inspect all animals and all premises where animals are kept at any time and shall, if permission for such inspection is refused, revoke the license or registration.
   (e) Any license or registration issued shall be subject to revocation in the event such licensee or registrant fails to comply with the terms and conditions of such license or registration, or if the activity licensed becomes a nuisance, health hazard or detriment to the safety and welfare of the residents of the City.
   (f) Any person aggrieved by the denial or revocation of a license or registration may appeal to Council, which body may either issue, reinstate or affirm the denial such license or registration.
   (Ord. 10-86. Passed 5-19-86)
518.11 IMPOUNDING AND DISPOSITION; RECORDS.
   (a) A police officer or animal warden may impound any animal, livestock, poultry, wild or exotic animal found in violation of Section 518.02. If the dog is not wearing a valid registration tag and the owner is not otherwise reasonably determined, notice shall be posted in the pound or animal shelter both describing the dog and place where seized and advising the unknown owner that unless the dog is redeemed within three days, it may thereafter be sold or destroyed according to law. If the dog is wearing a valid registration tag or the identity of the owner, keeper or harborer is otherwise reasonably determined, notice shall be given by certified mail to such owner, keeper or harborer that the dog has been impounded and unless redeemed within fourteen days of the date of notice, it may thereafter be sold or destroyed according to the law. Any dog seized and impounded may be redeemed by its owner, keeper or harborer at any time prior to the applicable redemption period upon payment of all lawful costs assessed against the animal and upon providing the dog with a valid registration tag if it has none.
   (b) A record of all dogs impounded, the disposition of the same, the owner's name and address where known, and a statement of any costs assessed against the dogs shall be kept by any pound keeper.
   (Ord. 10-86. Passed 5-19-86.)
518.12 BURIAL OF DECEASED ANIMALS.
   No owner or possessor of any animal which has died, shall permit the same to lie on any public ground, lane, alley or public lot, or shall bury any animal within 165 yards of
any spring or well, or throw or cause to be thrown the carcass of any such animal into any portion of the Grand River or tributary thereof within the City. (Ord. 10-86. Passed 5-19-86.)

518.13 TEASING OR STRIKING DOGS USED BY THE POLICE DIVISION.
(a) No person shall maliciously or willfully tease or strike dogs used by the Police Division.
(b) No person shall purposely interfere with or meddle with any dog used by the Police Division.
(c) A person violates subsection (a) hereof if he willfully and maliciously taunts, torments, beats or strikes any dog used by the Police Division of the City. A person commits a violation of subsection (b) hereof if he interferes with or meddles with any such dog used by the Police Division or any member thereof in the performance of the functions or duties of the Police Division or of such officer or member. (Ord. 10-86. Passed 5-19-86.)

518.14 INJURING OR KILLING DOGS USED BY THE POLICE DIVISION.
(a) No person shall maliciously or willfully without the consent of the owner injure or kill dogs used by the Police Division.
(b) A person commits the offense of injuring or killing a dog used by the Police Division if he willfully or maliciously tortures, mutilates, injures or kills any dogs used by the Police Division of the City in the performance of the function or duties of such Division. (Ord. 10-86. Passed 5-19-86.)

518.15 ANIMAL BITES; REPORTS AND QUARANTINE.
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 other animal has bitten a person, that dog or other animal shall be quarantined under an order issued by the Health Commissioner. The dog or other animal shall be quarantined by its owner or by a harborer, 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 other animal 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 other animal 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 other animal 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 symptom or behavior suggestive of rabies. (Ord. 10-86. Passed 5-19-86.)

518.16 RELATIONSHIP TO ZONING ORDINANCE.
The keeping or harboring of animals, livestock or poultry shall be permitted only when the requirements of the Zoning Code of the City and of all other applicable laws and ordinances have been met, in addition to the requirements of this chapter. (Ord. 10-86. Passed 5-19-86.)

518.17 ANIMAL OWNER LIABLE FOR DAMAGE TO PUBLIC PROPERTY.
The owner, keeper or harborer of any animal, livestock, poultry, wild or exotic animal which damages or destroys public property shall be held liable for the full value of the property damaged or destroyed, in addition to any penalty imposed for violation of this chapter. (Ord. 10-86. Passed 5-19-86.)
518.18 LIMITATIONS ON VICIOUS DOGS.
   (a) No person, organization, or corporation shall own, keep, harbor, or provide
       sustenance for more than one dangerous or vicious dog, as defined or referred to in
       Ohio R.C. 955.11, regardless of age, in the City, with the exception of puppies for which
       the owner has filed an ownership acknowledgment form in person with the Dog Warden
       of Lake County, prior to reaching seven days of age. The ownership of these puppies
       must be transferred according to Ohio R.C. 955.11 before they are three months of age.
   (b) Any dangerous or vicious dog, as defined or referred to in Ohio R.C. 955.11, which is outside the premises of the dog owner, shall be kept on a leash and muzzled until the dog's return to the premises of ownership.
   (Ord. 21-07. Passed 9-4-07; Ord. 24-12. Passed 6-18-12.)

518.99 PENALTY.
   (a) Whoever violates any provision of this chapter for which no other penalty is
       provided is guilty of a minor misdemeanor.
   (b) Whoever violates Section 518.05(b), 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.
   (c) Whoever violates Section 518.05(d) is guilty of a misdemeanor of the fourth
       degree.
   (d) Whoever violates Section 518.05(e) is guilty of a misdemeanor of the second
       degree.
   (e) Whoever violates Section 518.053 is guilty of a minor misdemeanor on the first
       offense, a misdemeanor of the fourth degree on the second offense, and a
       misdemeanor of the first degree on the third or any subsequent offense.
   Notwithstanding the foregoing penalties, if an animal becomes sick or injured as a result
   of a violation of this section, then whoever violates this section is guilty of a
   misdemeanor of the first degree.
   (f)(e) Whoever violates Section 518.13(a) is guilty of a misdemeanor of the third
       degree.
   (g)(f) Whoever violates Section 518.13(b) is guilty of a misdemeanor of the fourth
       degree.
   (h)(g) Whoever violates Section 518.14 is guilty of a misdemeanor of the first degree.
   (i)(h) Whoever violates Section 518.18 is guilty of a misdemeanor of the first degree.
   (Ord. 10-86. Passed 5-19-86; Ord. 21-07. Passed 9-4-07.)

SECTION II: That this Ordinance is declared to be an emergency
measure necessary for the immediate protection and preservation of the public peace,
health, safety and general welfare of the inhabitants of the City of Painesville, and for
the further need to protect animals given the current weather conditions; and therefore,
this Ordinance shall be effective immediately upon its passage.

PASSED:

__________________________________
Paul W. Hach, II
President of Council

ATTEST:

__________________________________
Valerie Vargo
Clerk of Council
RESOLUTION NO.

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT, INCLUDING ANY AND ALL ENSUING CHANGE ORDERS, WITH THE LOWEST AND BEST BIDDER FOR THE RECONSTRUCTION OF WALNUT STREET, AND DECLARING AN EMERGENCY.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO:

SECTION I. That the City Manager be and he is hereby authorized and directed to advertise for bids and enter into a contract, including any and all ensuing change orders, with the lowest and best bidder for the Reconstruction of Walnut Street from the Lake Metroparks Greenway Trail to Gillette Street, in accordance with specifications on file in the office of the City Manager, for the Engineering Department.

SECTION II. That this Resolution is passed as an emergency measure for the protection and preservation of the peace, health, safety and general welfare of the inhabitants of the City of Painesville, the emergency being the immediate necessity to repave various streets within the City in order to improve safety and decrease the costs of maintenance and repair along with associated labor costs and, therefore, this Resolution shall become effective immediately upon its passage.

PASSED:

_________________________
Paul W. Hach II
President of Council

ATTEST:

___________________________
Valerie Vargo
Clerk of Council
RESOLUTION NUMBER ________________

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER, INCLUDING ANY AND ALL ENSUING CHANGE ORDERS FOR WATERLINE REPLACEMENTS ON PEARL STREET, AUBURN ROAD AND DECLARING AN EMERGENCY.

SECTION I - That the City Manager be and is hereby authorized and directed to advertise for bids and enter into a contract with the lowest and best bidder, to include any and all ensuing change orders, for Waterline Replacements on Pearl Street and Auburn Road.

SECTION II - That this Resolution is passed as an emergency measure for the protection of the peace, health, safety, and general welfare of the inhabitants of the City of Painesville and for the customers in Concord Township served by our water system, the emergency being the immediate necessity to replace aging waterlines, the continued use of which could lead to frequent and costly repairs, and therefore this Resolution shall become immediately effective upon its passage.

PASSED:

_____________________
Paul W. Hach II
President of Council

ATTEST:

_____________________
Valerie Vargo
Clerk of Council
A RESOLUTION AUTHORIZING AND DIRECTING
THE CITY MANAGER TO ENTER INTO A CONTRACT
WITH THE OHIO DEPARTMENT OF TRANSPORTATION
FOR THE PURCHASE OF SODIUM CHLORIDE,
and DECLARING AN EMERGENCY.

Whereas, Section 5513.01B of the Ohio Revised Code provides the opportunity for counties, townships, municipal corporations, port authorities, regional transit authorities, state colleges/universities and county transit boards to participate in contracts of the Ohio Department of Transportation for the purchase of machinery, materials, supplies, or other articles; and,

WHEREAS, the Ohio Department of Transportation is inviting political subdivisions who have expressed an interest in the Department’s Salt Contract to participate in the 2017-18 Winter season; and,

WHEREAS, the City agrees to be bound by the terms of the participation Agreement with the Ohio Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO, NOT LESS THAN TWO-THIRDS MEMBERS THEREOF CONCURRING:

SECTION I. That the City Manager is hereby authorized and directed to complete the attached Participation Agreement with the Ohio Department of Transportation for the purchase of Sodium Chloride (rock salt) for the 2017-2018 Winter season.

SECTION II. That this Resolution is passed as an emergency measure necessary for the protection and preservation of the peace, health, safety, and general welfare of the citizens of the City of Painesville, Ohio, the emergency being the Ohio Department of Transportation’s requirement that the completed Participation Agreement submitted on a timely basis, and, therefore, this Resolution shall become effective immediately upon its passage.

PASSED: _______________________

________________________________
Paul Hach, Jr.
President of Council

ATTEST:

________________________________
Valerie Vargo
Clerk of Council
RESOLUTION NO. ------

A RESOLUTION IMPOSING A TEMPORARY MORATORIUM ON MEDICAL MARIJUANA CULTIVATION, PROCESSING, AND RETAIL DISPENSARY FACILITIES WITHIN THE CITY OF PAINESVILLE, OHIO; AND DECLARING AN EMERGENCY

WHEREAS, on June 8th, 2016 Governor John Kasich signed H.B. 523 into law making Ohio the 25th state to adopt a workable medical marijuana law; and

WHEREAS, H.B. 523 became effective September 8th, 2016 and the law’s rules, policies, and procedures could take up to an additional year to be fully implemented; and

WHEREAS, H.B. 523 created Ohio Revised Code Section 3796.29 which allows a municipal corporation to adopt a Resolution to prohibit, or limit the number of cultivators, processors, or retail dispensaries licensed under the new law; and

WHEREAS, the City of Painesville currently has no regulations that specifically address medical marijuana cultivators, processors, or retail dispensaries; and

WHEREAS, City Staff requires time to thoroughly vet all options available to the City to address in implementation of H.B. 523; and

WHEREAS, City Council is being asked to enact a temporary twelve (12) month moratorium on medical marijuana cultivation, processing, and retail dispensaries in order to more fully review the rules, policies, and procedures created by the Ohio Department of Commerce and the State Medical Board and to thoroughly vet the options presented under O.R.C. 3796.26 with the City of Painesville Planning Commission and City Council; and

WHEREAS, this Resolution should be passed as an emergency measure in order to have the Moratorium in place immediately since HB 523’s effective date was September 8th, 2016; 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 Painesville, Ohio, and its citizens, and to provide for the efficient daily operation of all City Departments of the City of Painesville, Ohio, City Council of the City of Painesville, 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; and NOW, THEREFORE
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PAINESVILLE, OHIO:

Section 1. That the City Council of the City of Painesville, Ohio, hereby imposes a Moratorium on medical marijuana cultivation, processing, and retail dispensary facilities within the City of Painesville, said Moratorium to include the submission, consideration, or approval of all applications for special permits, use permits, building permits, any plans, or any other applications or permits which are or may be filed for permits from the Planning or Zoning Departments for the cultivating, processing, and retail dispensing of medical marijuana;

Section 2. That this Moratorium shall become effective on the date this Resolution, following its passage by City Council, and signed by the President of City Council, shall remain in effect for twelve (12) months following the date upon which it became effective and, thereafter, upon a majority vote of City Council, may be continued in effect, if City Council finds such continuance is required to allow sufficient time for the Planning Commission or other City departments, committees, or commissions to complete the research and recommendation of what action, if any, the City of Painesville should take to safeguard the public health, safety and welfare through the provision of adequate planning, zoning, land-use, or other regulatory controls that are specifically applicable to medical marijuana cultivation, processing, or retail dispensary facilities or the Moratorium may be continued for additional time if City Council so chooses in order for City Council to make its decision whether or not to adopt a Resolution pursuant to ORC 3796.29;

Section 3. That this Moratorium suspends and tolls any time periods, prescribed by law, within which the Planning Commission, or any other official body, of the City of Painesville is required to take action upon an application for a special permit, use permit, building permit or site plan approval, or the like, for facilities cultivating, processing, and retail dispensing of medical marijuana that is or may be pending before the Planning Commission, or any other official or official body of the City of Painesville on the effective date of this Moratorium; and that no such application shall be deemed to be approved by the failure of the Planning Commission, or any other official or official body to approve or deny said application during the time when this Moratorium shall be in effect;

Section 4. That the Law Department and Planning Commission may begin research and return to City Council recommendations the City of Painesville should take to preserve the public health, safety and welfare through the provision of adequate planning, zoning, land-use, or other regulatory controls that are specifically applicable to the cultivating, processing, and retail dispensing of medical marijuana facilities, this recommendation will be prepared and provided to the Planning Commission for review and subsequent recommendation to City Council;

Section 5. 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 6. This City Council finds and determines that all formal actions of this City Council concerning and relating to the passage of this Resolution were taken in an open meeting
of this City Council and that all deliberations of this City Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law; and,

Section 7. That, for all the reasons stated herein, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

PASSED:

________________________________________
Paul W. Hach II
President of Council

ATTEST:

________________________________________
Valerie Vargo
Clerk of Council