

REQUESTS FOR COUNCIL ACTION/DISCUSSION

Finance Committee

- 18-132-7/9 – Adopt 2018 Codification Update
- 18-133-7/9 – Purchase Two (2) Police SUV's – Lebanon Ford
- 18-134-7/9 – Expenditure Over \$15,000 – Up-fit 2 Police SUV's – Hall Public Safety
- 18-135-7/9 – Amendment to Wellness Service Agreement – MCRC
- 18-136-7/9 – Easement – 247 E. Smith Rd.

Special Legislation Committee

- 18-137-7/9 – LGBTQ Inclusive Nondiscrimination Legislation
- 18-138-7/9 – Prohibit Feeding Deer/Wild Animals

7/9/18

REQUEST FOR COUNCIL ACTION

*OK Do not forward
6-19-18*

NO. RCA 18-128-6/25

FROM: Greg Huber, Jonathan Mendel, and Patrick Patton

DATE: June 19, 2018

COMMITTEE REFERRAL: Finance

SUBJECT: New Chapter 909 "USE OF PUBLIC WAYS FOR SMALL CELL WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES" and New Chapter 911 "SMALL CELL DESIGN GUIDELINES"

This requests Council approval for the addition of two new chapters to the City's Codified Ordinances:

1. Chapter 909 "USE OF PUBLIC WAYS FOR SMALL CELL WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES"
2. Chapter 911 "SMALL CELL DESIGN GUIDELINES"

911.11(G) Model ord.

Attached for your review, please find copies of these proposed new chapters.

We have been be advised that these two ordinances should be put iinto effect no later than July 31, 2018. As such, we request that the emergency clause be added to the ordinances approving these new chapters and that the Council place the ordinances on the agenda for the July 9 Council meeting..

Thank you for your consideration.

*Huber -
6/25/18 Ohio Legislation effective 7-31-18*

- Represented by walter + Haverfield Todd Hunt
- Need guidelines in place before takes effect.
- Huber - still thing dont make sense - heavily handed. - Best we can negotiate.
 - will be a few changes before passage.
- John - push for no towers in historic District.

ESTIMATED COST: No Cost

SUGGESTED FUNDING:
Sufficient Funds in Account Number:

Transfer Needed from: To:

New Appropriation Account Number:

Emergency Clause Requested: Yes
Reason: See above for discussion on the emergency clause

COUNCIL USE ONLY:

COMMITTEE RECOMMENDATION:

Council Action Taken: *Hold
6-25-18 Review over holiday -
Can vote on 9th if we
have copy*

Ord./Res. Number:

Date:

AN ORDINANCE ENACTING NEW CHAPTER 909 "USE OF PUBLIC WAYS FOR SMALL CELL WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES" OF THE STREETS, UTILITIES, AND PUBLIC SERVICES CODE.

WHEREAS, Substitute House Bill 478 (Sub. H.B. 478) will go into effect on July 31, 2018; and

WHEREAS, Sub. H.B. 478 amends Ohio Revised Code Chapter 4939 to provide, among other things, that municipalities must permit wireless service providers, cable providers, video service providers, and their designated agents to construct, maintain, modify, operate, or replace small cell facilities and poles/support structures therefor in the public right-of-ways and also to attach small cell wireless facilities to certain municipally owned support structures located in the right-of-way; and

WHEREAS, this Council desires to regulate small cell facilities, new wireless support structures, and the persons and entities who desire to construct, operate, and maintain such facilities in the City; and

WHEREAS, this Council finds that enacting new Chapter 909 "Use of Public Ways For Small Cell Wireless Facilities and Wireless Support Structures" of the Streets, Utilities, and Public Services Code of the Codified Ordinances of the City of Medina, promotes the public health, safety and welfare of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Council of Medina, Medina County, State of Ohio, that:

Section 1. New Chapter 909 "Use of Public Ways For Small Cell Wireless Facilities and Wireless Support Structures" of the Streets, Utilities, and Public Services Code, of the Codified Ordinances of the City of Medina be enacted to read as follows:

**"CHAPTER 909
USE OF PUBLIC WAYS FOR SMALL CELL WIRELESS FACILITIES
AND WIRELESS SUPPORT STRUCTURES**

909.01 OVERVIEW AND PURPOSE; DEFINITIONS.

- (a) The purpose of this chapter is to:
- (1) Provide standards for the construction, installation, modification, operation, and removal of Facilities and Wireless Support Structures in the City's Right-of-Way to protect the health, safety, and welfare of the citizens of the City;
 - (2) Preserve the character of the City, including the City's neighborhoods, downtown, and historic districts and protect property values;

- (3) Give guidance to wireless telecommunications providers to assist such companies in the timely, efficient, safe, and aesthetically-pleasing installation of Facilities and Wireless Support Structures; and
 - (4) To exercise the City's home rule authority and, to the extent legally permitted, not to conflict with or preempt applicable state and federal laws.
- (b) For the purpose of this chapter, and the interpretation and enforcement thereof, the following words and phrases shall have the following meanings, unless the context of the sentence in which they are used shall indicate otherwise:
- (1) "Applicant" means any person or entity who submits an Application pursuant to this chapter.
 - (2) "Application" means the form issued by City Engineer, to be submitted by an Applicant to obtain a Small Cell Use Permit from the City to Collocate a Small Cell Facility and/or to construct, maintain, modify, operate, or replace a Wireless Support Structure.
 - (3) "Accessory Equipment" means equipment used in conjunction with a Small Cell Facility and generally at the same location of the Small Cell Facility, including, but not limited to, electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs.
 - (4) "City" means City of Medina.
 - (5) "Collocation" or "Collocate" means to install, mount, maintain, modify, operate, or replace wireless Facilities on a Wireless Support Structure.
 - (6) "Design Guidelines" means standards applicable to Small Cell Equipment and Wireless Support Structures in the Right-of-Way, established in Chapter 911.
 - (7) "Eligible Facilities or Eligible Support Structure Request" means any request for modification of an existing support structure or base station that does not *substantially change* the physical dimension of such support structure involving Collocation of new Facilities; removal of Facilities; or replacement of Facilities. A substantial change means:
 - (A) A modification that changes the physical dimension of a Wireless Support Structure by increasing the height of the Wireless Support Structure by more than ten percent (10%) or more than ten (10) feet, whichever is greater; and/or by adding an appurtenance to the body of the Wireless Support Structure that would protrude from the edge of the Wireless Support Structure by more than six (6) feet;

- (B) The installation of more than the standard number of equipment cabinets for the technology involved or the installation of more than (4) cabinets, whichever is less;
- (C) The installation for any new ground-mounted equipment cabinets if there are no existing ground-mounted equipment cabinets;
- (D) Any excavation or deployment outside of the current site of the Facility;
- (E) Removal of any concealment elements of the Facilities or the Wireless Support Structure; and
- (F) Any change that does not comply with this chapter, the Design Guidelines set forth in Chapter 911, or state or federal law and regulations.

The threshold for measuring increases that may constitute a substantial change are cumulative, measured from the Facilities as originally permitted (including any modifications that were reviewed and approved by the City prior to the enactment of the federal Spectrum Act on February 22, 2012.)

- (8) "Facilities" means Small Cell Facilities, Accessory Equipment, and Wireless Support Structures.
- (9) "Facilities Operator" means the person or entity responsible for the installation, operation, maintenance, replacement, and modification of Facilities. Facilities Operator includes:
 - (A) Operators;
 - (B) Applicants who applied for consent to Collocate a Small Cell Facility or to construct, maintain, modify, operate, or replace a new Wireless Support Structure pursuant to Ohio Revised Code Section 4939.031(E) and who have obtained a Small Cell Use Permit; and
 - (C) Applicants who applied for consent to Collocate a Small Cell Facility or to construct, maintain, modify, operate, or replace a new Wireless Support Structure pursuant to Ohio Revised Code Section 4939.033 and who have obtained a Small Cell Use Permit.
- (10) "Operator" means a wireless service provider, cable Operator, or a video service provider that operates a Small Cell Facility and provides wireless service, including a wireless service provider, cable operator, or a video service provider that provides information services as defined in the federal "Telecommunications Act of 1996," 110 Stat. 59, 47 U.S.C. 153(20), and services that are fixed in nature or use unlicensed spectrum.

- (11) "Public Way" or "Right-of-Way" means the surface of, and the space within, through, on, across, above or below, any public street, public road, public highway, public freeway, public lane, public path, public alley, public court, public sidewalk, public boulevard, public parkway, public drive, public easement, and any other land dedicated or otherwise designated for a comparable public use, which is owned or controlled by the City or other public entity or political subdivision.
- (12) "Small Cell Facility" means a wireless facility that meets both of the following requirements:
- (A) Each antenna is located inside an enclosure of not more than six (6) cubic feet in volume or, in the case of an antenna with exposed elements, the antenna and all of its exposed elements can fit within an enclosure of not more than six (6) cubic feet in volume; and
 - (B) All other wireless equipment associated with the facility is cumulatively not more than twenty-eight cubic feet in volume. The calculation of equipment volume shall not include electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
- (13) "Small Cell Equipment" means a Small Cell Facility and all Accessory Equipment.
- (14) "Small Cell Use Permit" means the permit granted by the City authorizing the Applicant to Collocate a Small Cell Facility or to construct, maintain, modify, operate, or replace a Wireless Support Structure in the Right-of-Way.
- (15) "Wireless Support Structure" means a pole, such as a monopole, either guyed or self-supporting, street light pole, traffic signal pole, a fifteen-foot or taller sign pole, or utility pole capable of supporting Small Cell Facilities. As used in this chapter, "Wireless Support Structure" excludes all of the following:
- (A) A utility pole or other facility owned or operated by a municipal electric utility; and
 - (B) A utility pole or other facility used to supply traction power to public transit systems, including railways, trams, streetcars, and trolleybuses.

909.02 CONSENT REQUIRED.

- (a) Any person or entity seeking to Collocate a Small Cell Facility in the Right-of-Way, or to construct, maintain, modify, operate, or replace a Wireless Support Structure in the Right-of-Way, shall first file a written Application for a Small Cell Use Permit with the City Engineer in accordance with the requirements in this chapter, Design Guidelines set forth in Chapter 911 of this Code, Ohio Revised Code Chapter 4939, and all applicable state and federal laws and regulations.
- (b) Applicants are strongly encouraged to contact the City Engineer and request a pre-Application conference. This meeting will provide an opportunity for early coordination regarding proposed Facilities, locations, design, Application submittal, and the approval process in order to avoid any potential delays in the processing of an Application and deployment of Facilities in the City.
- (c) A Small Cell Use Permit granted under this chapter shall not convey any right, title or interest in the Right-of-Way, but shall be deemed a permit only to use and occupy the Public Ways for the limited purposes and term stated in the permit, this chapter, and the Design Guidelines forth in Chapter 911 of this Code. Further, no Small Cell Use Permit shall be construed as any warranty of title.

909.03 PERMIT APPLICATION TYPES.

Applicants shall classify their Application as one of the following types:

- (a) Type 1: Eligible Facilities Requests.
- (b) Type 2: Application for Collocation of Small Cell Equipment on a Wireless Support Structure that does not constitute an Eligible Facilities Request.
- (c) Type 3: New Wireless Support Structure. Such applications address construction, modification, replacement, or removal of a Wireless Support Structure within the Right-of-Way. At the time of Application, Applicants shall certify that Small Cell Equipment will be placed on the Wireless Support Structure within 180 days from the date the Small Cell Use Permit is issued.

909.04 CONSOLIDATED CONSENT APPLICATIONS.

- (a) Pursuant to Ohio Revised Code Section 4939.0312, an Applicant may file one consolidated application for up to thirty (30) individual small cell Facilities or thirty (30) individual Wireless Support Structures as long as the facilities or structures for which consent is requested are substantially similar.
 - (1) Small Cell Facilities shall be considered substantially similar when the Small Cell Equipment is identical in type, size, appearance and function.

- (2) Wireless Support Structures shall be considered substantially similar when the Wireless Support Structures are identical in type, size, appearance and function and are to be located in a similar location.
 - (3) Applications for Facilities and Wireless Support Structures cannot be commingled.
- (b) The City may, at its discretion, require separate Applications for any Small Cell Facilities or Wireless Support Structures that are not substantially similar.

909.05 APPLICATION FEE.

- (a) The fee for each application is Two Hundred Fifty Dollars (\$250.00). The fee is adjusted upward by ten percent (10%) every five years, rounded to the nearest Five (5) Dollars, beginning in the year 2023.
- (b) An Application shall not be deemed complete until the fee is paid.
- (c) If Applications are consolidated, then the fee shall be the sum resulting from the fee set forth in subsection (a) multiplied by the total number of Facilities or Wireless Support Structures included in the consolidated Application.

909.06 ATTACHMENT FEE.

- (a) In addition to the Application Fee, an annual fee in the amount of Two Hundred Dollars (\$200.00) shall be paid to the City for each Small Cell Facility attached to a municipally-owned Wireless Support. The fee is adjusted upward by ten percent (10%) every five years, rounded to the nearest five (5) dollars, beginning in the year 2023.
- (b) The first-year attachment fee shall be paid when the collocation is complete, and no later than January 1 each year thereafter. The first-year attachment fee shall not be prorated, regardless of the date that the collocation is complete.

909.07 REQUIRED APPLICATION MATERIALS.

The Applicant must submit the following documentation with each Application.

- (a) Completed Application form including the identity, legal status and federal tax identification number of the Applicant, as well as all affiliates and agents of the Applicant that will use or be, in any way, responsible for the Facilities.
- (b) The name, address, and telephone number of the local officer, agent, or employee responsible for the accuracy of the application to be notified in case of emergency.

- (c) Fully-dimensional, scaled site plan (scale no smaller than one inch equals forty (40) feet). The site plan must include:
 - (1) The exact proposed location of the Facilities within the Right-of-Way;
 - (2) All existing Facilities with all existing transmission equipment;
 - (3) The location of all overhead and underground public utilities, telecommunications, cable, water, sanitary sewer, and storm water drainage utilities in the Public Way within one hundred (100) feet surrounding the proposed Facilities.
 - (4) The legal property boundaries within one hundred (100) feet surrounding the proposed Facilities;
 - (5) Indication of distance between the Facilities and existing curbs, driveways, sidewalks, trees, utilities, other poles, and existing buildings within one hundred (100) feet surrounding the proposed Facilities; and
 - (6) Access and utility easements within one hundred (100) feet surrounding the proposed Facilities.
- (d) Elevation drawings (scale no smaller than one inch equals ten (10) feet) of the proposed Facilities.
- (e) Evidence that the Applicant provided notice by mail to all property owners and other addresses within 300 feet of the proposed Facilities prior to submitting the Application. The notice shall include:
 - (1) Name of the Applicant;
 - (2) Estimated date Applicant intends to submit the Application;
 - (3) Detailed description of the proposed Facilities and the proposed location; and
 - (4) Accurate, to-scale photo simulation of the proposed Facilities. Scale shall be no smaller than one inch equals forty (40) feet.
- (f) A preliminary installation/construction schedule and completion date.
- (g) Structural calculations prepared, stamped and signed by an engineer licensed and registered by the State of Ohio showing that the Wireless Support Structure can accommodate the weight of the proposed small cell equipment.
- (h) Analysis demonstrating that the proposed Facilities do not interfere with the City's public safety radio system, traffic and emergency signal light system, or other City safety communications components. It shall be the responsibility of the

Applicant to evaluate, prior to making the Application for a Small Cell Use Permit, the compatibility between the existing City infrastructure and Applicant's proposed Facilities.

- (i) A landscape plan that demonstrates screening of proposed small cell equipment.
- (j) Drawings of the proposed Facilities. For all equipment depicted, the Applicant must also include, if applicable:
 - (1) The manufacturer's name and model number;
 - (2) Physical dimensions, including, without limitation, height, width, depth and weight with mounts and other necessary hardware; and
 - (3) The noise level generated by the equipment, if any.
- (k) If the Applicant is not an Operator, then the Applicant must provide proof that the Applicant has been engaged by a wireless service provider who will be the end-user of the Facilities.

909.08 APPLICATION REVIEW.

- (a) Applications shall be evaluated in the timeframes as follows:
 - (1) Type 1 Applications 60 days
 - (2) Type 2 Applications 90 days
 - (3) Type 3 Applications 120 days
- (b) Applications shall be reviewed for completeness. If the Application is incomplete, then the Applicant will be notified of the insufficiency, and the timeframes set forth in subsection (a) shall be tolled until the Application is made complete
- (c) The timeframes set out in subsection (a) may also be tolled as follows:
 - (1) If the City receives between fifteen (15) and thirty (30) applications in a thirty-day period, then the City may toll for an additional twenty-one (21) days.
 - (2) If the City receives more than thirty (30) applications in a thirty-day period, then the City may toll for an additional fifteen (15) days for every fifteen (15) applications received.
 - (3) By mutual agreement between the Applicant and the City.
 - (4) When an Applicant submits an underground area waiver pursuant to Section 909.13(d) of the Codified Ordinances, in which case the City may toll for an additional thirty (30) days.

- (d) If two Applicants request to Collocate on the same Wireless Support Structure or two Wireless Support Structures are proposed within a distance that would violate the spacing requirements set forth in Section 909.16, then the City Engineer may resolve the conflict in any reasonable and nondiscriminatory manner.
- (e) If a request for consent is denied, the City shall provide, in writing, its reasons for denying the request, supported by substantial, competent evidence. The denial of consent shall not unreasonably discriminate against the Applicant. Grounds for denying an Application may include, but are not limited to:
 - (1) Failure to provide information required under Section 909.07;
 - (2) Failure to comply with Design Guidelines set forth in Chapter 911;
 - (3) Failure to provide financial surety pursuant to Section 909.15;
 - (4) Failure to remove abandoned Facilities as required under Section 909.12;
 - (5) Conflict with the historic nature or character of the surrounding area;
 - (6) Conflict with planned future improvements in the Right-of-Way; and
 - (7) Failure to comply with generally applicable health, safety, and welfare requirements.

909.09 PERMITTING PROCESS, DURATION, AND TERMINATION.

- (a) Upon approval of its Application, an Applicant shall receive a Small Cell Use Permit indicating that the City has granted the Applicant consent to occupy the Right-of-Way.
- (b) A Small Cell Use Permit issued to an Operator shall have duration of ten (10) years. Permits may be renewed for five year terms.
- (c) A Small Cell Use Permit issued to a Facilities Operator who is not an Operator shall have a term of ten (10) years or the duration of the Facilities Operator's agreement with a wireless service provider provided pursuant to Section 909.06(k), whichever is shorter.
- (d) A Small Cell Use Permit shall not be renewed if the Facilities Operator or the Facilities are not in compliance with all applicable laws and regulations.
- (e) Pursuant to Ohio Review Code Section 4939.0314(E), a Small Cell Use Permit shall be deemed terminated if the Facilities Operator has not completed construction of the Facilities or has failed to attach Small Cell Equipment to a Wireless Support Structure within 180 days of issuance of the permit, unless the delay is caused by:

- (1) Make-ready work for a municipally-owned Wireless Support Structure; or
- (2) The lack of commercial power or backhaul availability at the site, provided that the Operator has made a request for commercial power or backhaul services within sixty (60) days after the Small Cell Use Permit was granted.

If the additional time to complete the installation exceeds 360 days after the issuance of the Permit, then the Permit shall be deemed terminated regardless of the cause of the delay.

- (f) A Small Cell Use Permit for a new Wireless Support Structure shall be deemed terminated if the Facilities Operator fails to attach Small Cell Equipment to the new Wireless Support Structure within 180 days of issuance of the Small Cell Use Permit.
- (g) If the Facilities Operator fails to remit the annual attachment fee required pursuant to Section 909.10, then the Small Cell Use Permit will expire on the ninetieth (90th) day from the date the annual attachment fee was due.
- (h) At any time and upon service of a sixty (60)-day advance written notice to the City, a Small Cell Use Permit may be terminated by the Facilities Operator.
- (i) Upon termination of a Small Cell Use Permit, the Facilities Operator shall restore and rehabilitate all City-owned Wireless Support Structures and the Right-of-Way to their former condition and utility.
- (j) The City shall not issue any refunds for any amounts paid by the Facilities Operator upon termination of the Permit.

909.10 ANNUAL REGISTRATION.

Facilities Operators shall comply with the registration requirements set forth in Chapter 901 of this Code.

909.11 NONCONFORMING FACILITIES.

- (a) Facilities in the Right-of-Way that are legally in existence on the date of the adoption of this Chapter but that do not comply with the requirements of this Chapter may remain in the Right-of-Way but shall be considered a Nonconforming Facility.
- (b) Any person or entity who owns or operates a Nonconforming Facility shall register such facility pursuant to Chapter 901 of this Code within ninety (90) days of the date this ordinance takes effect.
- (c) If a Nonconforming Facility is damaged or destroyed beyond repair, any replacement Facility must be designed in accordance with all provisions of this

Chapter, the Design Guidelines established in Chapter 911, and state and federal law and regulations.

909.12 ABANDONED AND DAMAGED FACILITIES.

- (a) A Facilities Operator shall provide written notice to the City of its intent to discontinue use of any Facilities. The notice shall include the date the use will be discontinued. If Facilities are not removed within 365 days from the date the use was discontinued, the Facilities shall be considered a nuisance and the City may remove the Facilities at the expense of the Facilities Operator.
- (b) In the event that Facilities are damaged, the Facilities Operator shall promptly repair the damaged Facilities. Damaged Facilities shall be repaired no later than thirty (30) days after obtaining written notice that the Facilities are damaged. If the damaged Facilities are not repaired within thirty (30) days, then the damaged Facilities shall be considered a nuisance and the City may repair or remove the Facilities at the expense of the Facilities Operator.

909.13 INSURANCE REQUIREMENTS.

- (a) As a condition of the City's consent to occupy the Right-of-Way, a Facilities Operator must secure and maintain the following liability insurance policies insuring both the Facilities Operator and as additional insureds the City and its elected and appointed officers, officials, employees and agents:
 - (1) Comprehensive general liability insurance with limits not less than:
 - (i) Five million dollars (\$5,000,000.00) for bodily injury or death to each person;
 - (ii) Five million dollars (\$5,000,000.00) for property damage resulting from any one (1) accident; and
 - (iii) Five million dollars (\$5,000,000.00) for all other types of liability.
 - (2) Automobile liability for owned, non-owned and hired vehicles with a limit of three million dollars (\$3,000,000.00) for each person and three million dollars (\$3,000,000.00) for each accident.
 - (3) Worker's compensation within statutory limits and employer's liability insurance with limits of not less than one million dollars (\$1,000,000.00).
 - (4) Comprehensive form premises-operations, explosions and collapse hazard, underground hazard and products completed hazard with limits of not less than three million dollars (\$3,000,000.00).
- (b) Each such insurance policy shall contain the following endorsement:

"It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until ninety (90) days after receipt by the City, by registered mail, of a written notice addressed to the Building Official of such intent to cancel or not to renew."

- (c) Within sixty (60) days after receipt by the City of the notice provided for in subsection (b) above, and in no event later than thirty (30) days prior to the cancellation of the policy, the Facilities Operator shall obtain and furnish to the City a replacement insurance policy meeting the requirements of this Section.

909.14 INDEMNIFICATION.

A Facilities Operator shall indemnify, protect, defend, and hold the City and its elected officials, officers, employees, agents, and volunteers harmless against any and all claims, lawsuits, judgments, costs, liens, losses, expenses, fees to include reasonable attorney fees and costs of defense, proceedings, actions, demands, causes of action, liability and suits of any kind and nature, including personal or bodily injury or death, property damage or other harm for which recovery of damages is sought, to the extent that it is caused by the negligence of the Operator who owns or operates Small Cell Facilities and wireless service in the Right-of-Way, any agent, officer, director, representative, employee, affiliate, or subcontractor of the Operator, or their respective officers, agents, employees, directors, or representatives while installing, repairing, maintaining or removing Facilities in the Right-of-Way.

909.15 FINANCIAL SURETY.

- (a) Each Facilities Operator must procure and provide to the City a bond, escrow, deposit, letter of credit, or other financial surety to ensure compliance with this chapter and Ohio Revised Code Chapter 4939. The financial surety must be in an amount sufficient to cover the cost of removal of all Facilities owned or operated by the Facilities Operator.
- (b) The City may, in its sole discretion, draw on the financial surety to remove abandoned Facilities, remove or repair damaged Facilities, or to repair damage to any City property caused by the Facilities Operator or its agent. In such event, the Facilities Operator shall cause the financial surety be replenished to its prior amount within ten (10) business days after City notifies the Facilities Operator that it has drawn on the financial surety.

909.16 RESERVED SPACE.

The City reserves the right to install, and permit others to install, Facilities in the Right-of-Way. The City may reserve space in the Right-of-Way and on Wireless Support Structures for future utility, safety, or transportation uses. Such space may be reserved in an ordinance or plan approved by the Mayor, City Council, City Engineer, or Planning Commission.

909.17 REMOVAL OR RELOCATION OF FACILITIES

- (a) The City may require a Facilities Operator to remove or relocate Facilities to accomplish construction and maintenance activities. The Facilities Operator shall remove or relocate the Facilities at no cost to the City. If the Facilities Operator fails to remove or relocate the Facilities within ninety (90) days of receiving a request to do so from the City, then the City may remove the Facilities at Facilities Operator's sole cost and expense, without further notice to the Facilities Operator.
- (b) If the Facilities are placed in a location other than the location approved by the City, the Facilities Operator shall relocate the Facilities within thirty (30) days of receiving notice that the Facilities are located improperly.

909.18 NOTICE OF WORK

- (a) A Facilities Operator shall notify the City Engineer of all nonemergency work within ten (10) calendar days prior to performing any upgrades or maintenance on any Facilities, regardless of whether the work requires any permit or consent from the City.

909.19 CONSTRUCTION PERMIT

- (a) Facilities Operators are required to obtain a construction permit pursuant to Chapter 901 of this Code prior to commencing any of the following activities:
 - (1) Collocation of small cell equipment on a Wireless Support Structure;
 - (2) Replacement, modification, repair, or maintenance of small cell equipment;
 - (3) Construction, replacement, modification, repair, or maintenance of a Wireless Support Structure associated with a small cell facility; and
 - (4) Any excavation of the Right-of-Way in connection with the activities described in this subsection (a).
- (b) The construction permit fee shall be the fee set forth in Chapter 901.

909.99 PENALTIES; EQUITABLE REMEDIES.

- (a) Any person or entity found guilty of violating, disobeying, omitting, neglecting or refusing to comply with any of the provisions of this chapter shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each offense. A separate and distinct offense shall be deemed committed each day during or on which a violation occurs or continues.

- (b) Nothing in this chapter shall be construed as limiting any judicial remedies that the City may have, at law or in equity, for enforcement of this chapter.”

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of 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 Ohio Revised Code.

Section 3. This Ordinance shall be in full force and effect from and after the earliest period allowed by law.

AN ORDINANCE ENACTING NEW CHAPTER 911, "SMALL CELL DESIGN GUIDELINES," OF THE STREETS, UTILITIES, AND PUBLIC SERVICES CODE.

WHEREAS, Substitute House Bill 478 (Sub. H.B. 478) will go into effect on July 31, 2018;

WHEREAS, Substitute House Bill 478 amends Ohio Revised Code Chapter 4939 to provide, among other things, that municipalities may adopt reasonable, written design guidelines with objective, technologically feasible criteria to regulate small cell facilities and wireless support structures; and

WHEREAS, this Council finds that enacting new Chapter 911 "Small Cell Design Guidelines," of the Streets, Utilities, and Public Services Code of the Codified Ordinances of the City of Medina, promotes the public health, safety and welfare of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Council of Medina, Medina County, State of Ohio, that:

Section 1. New Chapter 911, "Small Cell Design Guidelines," of the Streets, Utilities, and Public Services Code of the Codified Ordinances of the City of Medina be enacted to read as follows:

**"Chapter 911
SMALL CELL DESIGN GUIDELINES**

911.01 OVERVIEW AND PURPOSE, DEFINITIONS.

- (a) The purpose of these Design Guidelines is to:
- (1) Protect the health, safety, and general welfare of the citizens of the City;
 - (2) Preserve the character of the City's neighborhoods and historic districts and to protect property values;
 - (3) Give guidance to wireless telecommunications providers to assist such companies in the timely, efficient, safe, and aesthetically pleasing installation of Facilities; and
 - (4) To exercise the City's home rule authority and, to the extent legally permitted, not to conflict with or preempt applicable state and federal laws.
- (b) For the purpose of this chapter, and the interpretation and enforcement hereof, the following words and phrases shall have the following meanings, unless the context of the sentence in which they are used shall indicate otherwise:
- (1) "Applicant" means any person or entity who submits an Application pursuant to this chapter.

- (2) "Application" means the form issued by City Engineer, to be submitted by an Applicant to obtain a Small Cell Use Permit from the City to Collocate a Small Cell Facility and/or to construct, maintain, modify, operate, or replace a Wireless Support Structure.
- (3) "Accessory Equipment" means equipment used in conjunction with a Small Cell Facility and generally at the same location as, or in proximity to, the Small Cell Facility including, but not limited to, electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs.
- (4) "City" means City of Medina
- (5) "Collocation" or "Collocate" means to install, mount, maintain, modify, operate, or replace wireless Facilities on a Wireless Support Structure.
- (6) "Design Guidelines" means the standards established in this Chapter 911.
- (7) "Facilities" means Small Cell Facilities, Accessory Equipment, and Wireless Support Structures.
- (8) "Facilities Operator" means the person or entity responsible for the installation, operation, maintenance, replacement, and modification of Facilities. Facilities Operator includes:
 - (A) Operators;
 - (B) Applicants who applied for consent to Collocate a Small Cell Facility or to construct, maintain, modify, operate, or replace a new Wireless Support Structure pursuant to Ohio Revised Code Section 4939.031(E) and who have obtained a Small Cell Use Permit; and
 - (C) Applicants who applied for consent to Collocate a Small Cell Facility or to construct, maintain, modify, operate, or replace a new Wireless Support Structure pursuant to Ohio Revised Code Section 4939.033 and who have obtained a Small Cell Use Permit.
- (9) "Historic district" means a building, property, or site, or group of buildings, properties, or sites that are any of the following:
 - (A) Listed in the national register of historic places or formally determined eligible for listing by the keeper of the national register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the national register, in accordance with section VI.D.1.a.i-v of the nationwide programmatic agreement codified at 47 C.F.R. part 1, Appendix C;

- (B) A registered historic district as defined in section 149.311 of the Ohio Revised Code.
 - (C) A locally designated historic district or landmark established pursuant to Chapter 145 of the Codified Ordinances of Medina, Ohio.
- (10) "Operator" means a wireless service provider, cable operator, or video service provider that operates a Small Cell Facility and provides wireless service, including a wireless service provider, cable operator, or a video service provider that provides information services as defined in the "Telecommunications Act of 1996," 110 Stat. 59, 47 U.S.C. 153(20), and services that are fixed in nature or use unlicensed spectrum.
- (11) "Public Way" or "Right-of-Way" means the surface of, and the space within, through, on, across, above or below, any public street, public road, public highway, public freeway, public lane, public path, public alley, public court, public sidewalk, public boulevard, public parkway, public drive, public easement, and any other land dedicated or otherwise designated for a comparable public use, which is owned or controlled by the City or other public entity or political subdivision.
- (12) "Small Cell Facility" means a wireless facility that meets both of the following requirements:
- (A) Each antenna is located inside an enclosure of not more than six (6) cubic feet in volume or, in the case of an antenna with exposed elements, the antenna and all of its exposed elements can fit within an enclosure of not more than six (6) cubic feet in volume; and
 - (B) All other wireless equipment associated with the facility is cumulatively not more than twenty-eight cubic feet in volume. The calculation of equipment volume shall not include electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services "Small Cell Equipment" means a Small Cell Facility and all Accessory Equipment.
- (13) "Small Cell Equipment" means a Small Cell Facility and all Accessory Equipment.
- (14) "Small Cell Use Permit" means the permit granted by the City authorizing an Applicant to Collocate a Small Cell Facility or to construct, maintain, modify, operate, or replace a Wireless Support Structure in the Right-of-Way.

- (15) "Underground Area" means an area in the Right-of-Way where existing electric utilities, cable facilities, telecommunications facilities and other facilities, other than structures and facilities owned by the City or a transit authority, are located underground.
- (16) "Wireless Support Structure" means a pole, such as a monopole, either guyed or self-supporting, street light pole, traffic signal pole, a fifteen-foot or taller sign pole, or utility pole capable of supporting Small Cell Facilities. "Wireless Support Structure" excludes all of the following:
- (A) A utility pole or other facility owned or operated by a municipal electric utility; and
 - (B) A utility pole or other facility used to supply traction power to public transit systems, including railways, trams, streetcars, and trolleybuses.

911.02 GENERAL STANDARDS.

- (a) Facilities shall not be installed unless the Facilities are compliant with these Design Guidelines as well as Chapter 909 of the Codified Ordinances . All Application requirements, and all applicable local, state, and federal laws.
- (b) A Facilities Operator shall not construct, maintain, modify, operate, or replace any Facilities not clearly depicted in an Application for a Small Cell Use Permit.
- (c) All work shall be performed in a professional manner consistent with the highest standards of workmanship.
- (d) Facilities shall be maintained in good and safe condition and in a manner that complies with all applicable federal, state and local requirements.
- (e) Facilities shall not be installed in any location that causes any interference with the City's public safety radio system, traffic and emergency signal light system, or other City safety communications systems or system components.
- (f) The City may propose an alternative location for proposed Facilities up to 100 feet from the proposed location or within a distance that is equivalent to the width of the Public Way, whichever is greater. The Facilities Operator shall utilize the alternative location unless the Facilities Operator shows that the alternative location is not technically feasible.
- (g) Facilities shall not interfere with existing or planned street trees.
- (h) Signage shall be mounted on all new Facilities providing the Facilities Operator's name, an emergency contact phone number, an informational contact number, and all other information required by law. Unless otherwise prohibited by law, signage shall be discreet in color and shall match the Facilities and surrounding

area and font size used on the sign shall be no smaller than 9 point font and no larger than 14 point font.

- (i) Unless otherwise required by law, all manufacturer stickers and decals shall be removed from Facilities.
- (j) Facilities shall be camouflaged using existing land forms, vegetation, and structures to screen the Facilities from view and to blend in with the surrounding built and natural environment.
- (k) The City may require the Facilities Operator to incorporate additional concealment elements before approving an Application. Concealment elements may include, but shall not be limited to, fencing, public art, strategic placement, and placement within existing or replacement street furniture.
- (l) Facilities shall not have any flashing lights, sirens or regular noise other than a cooling fan that may run intermittently.
- (m) All hardware, including antenna mounting brackets and hardware, antenna mounting posts, cables, shrouds and other equipment mounted shall be painted in a color designated by the City, and the color shall match the Facilities. The City may require the Facilities Operator use a different, non-matching color on a case-by-case basis when the City determines a non-matching color would better fulfil the purposes of these Design Guidelines.
- (n) A Facilities Operator shall remove or paint over any graffiti on the Facilities at Facility Operator's sole expense as soon as practicable, but no later than ten (10) days from the date the Facilities Operator receives notice of the graffiti.

911.03 SPECIFICATIONS FOR COLLOCATION.

- (a) Small Cell Equipment shall not interfere with the primary purpose of a Wireless Support Structure.
- (b) Small Cell Equipment to be attached to a Wireless Support Structure shall be attached at least six (6) feet above ground level. If Small Cell Equipment is projecting toward the street then the Small Cell Equipment shall be installed no less than sixteen (16) feet above ground level.

911.04 ANTENNAS.

- (a) Antennas and Accessory Equipment must be capable of fitting within an enclosure not larger than six (6) cubic feet in volume.
- (b) Antennas and Accessory Equipment shall not increase the overall height of an existing Wireless Support Structure by more than five (5) feet.

- (c) Antennas mounted on a Wireless Support Structure shall be enclosed inside the Wireless Support Structure whenever possible and otherwise within a canister, shroud, or other enclosure. All Accessory Equipment associated with the antenna shall be concealed and shall not visibly protrude from the shroud or canister.
- (d) The width of the canister or other shroud encasing the antenna and Accessory Equipment shall not exceed the width of the narrowest portion of the Wireless Support Structure.
- (e) The enclosure or shroud shall be painted to match or complement the Wireless Support Structure.
- (f) Antennas shall be installed in a manner that minimizes the visual impact to the general public.
- (g) Antennas shall not impair light or views from adjacent window(s).
- (h) Antennas located on the exterior of a Wireless Support Structure shall be top-mounted on a Wireless Support Structure. The City may approve a side-mounted antenna if, in the City's discretion, the side-mounted antenna would be more appropriate given the built environment, neighborhood character, overall site appearance or would promote the purposes in these Design Guidelines.

911.05 WIRELESS SUPPORT STRUCTURE-MOUNTED EQUIPMENT.

- (a) All Wireless Support Structure-mounted Small Cell Equipment other than the antenna(s) and electric meter must be concealed within an equipment cabinet.
- (b) Equipment cabinets shall be mounted flush to the Wireless Support Structure.
- (c) Equipment cabinets shall be stacked together on the same side of the Wireless Support Structure and oriented away from any windows and doorways to minimize visual impacts thereupon.
- (d) The equipment cabinets must be non-reflective and painted, wrapped or otherwise colored to match the Wireless Support Structure.

911.06 GROUND-MOUNTED SMALL CELL EQUIPMENT.

- (a) The City shall not approve the proposed location of ground-mounted Small Cell Equipment unless the Applicant
 - (1) Proposes the ground-mounted equipment in connection with a Collocation; and
 - (2) Shows that the equipment cannot be feasibly placed on the Wireless Support Structure or in an underground vault.

- (b) If technically feasible, Small Cell Equipment should be located in a vault buried underground rather than being ground-mounted. If underground placement is not technically feasible, ground-mounted Small Cell Equipment shall be contained in a shroud or cabinet.
- (c) All ground-mounted Small Cell Equipment shall be installed in a manner that minimizes the visual and ingress/egress impact to the general public.
- (d) Ground-mounted Small Cell Equipment shall be placed as far as practicable from pedestrian sidewalks and shall neither block nor be placed within the sidewalk in any way.

911.07 CABLES.

- (a) All cables, conduit and wiring shall be located inside conduit and inside the Wireless Support Structure or an equipment cabinet.
- (b) Excess cables and wiring shall not be spooled, coiled or otherwise stored on the exterior of the Wireless Support Structure unless within an enclosure. Cables shall not be externally visible.

911.08 ELECTRICAL METERS.

- (a) Facilities Operators shall use flat-rate electric service when available in order to eliminate the need for a meter.
- (b) If a meter is required, then Facilities Operators shall use the smallest and least intrusive electric meter available. If not prohibited by the electric service provider, the electric meter shall be painted to match the Wireless Support Structure.

911.09 UTILITY LINES.

- (a) Service lines shall be undergrounded to avoid additional overhead lines. The undergrounded cables and wires must transition directly into the Wireless Support Structure base without any external junction box.

911.10 SPECIFICATIONS FOR REPLACEMENT OF WIRELESS SUPPORT STRUCTURES

- (a) A Facilities Operator shall be required to replace an existing Wireless Support Structure in the following circumstances:
 - (1) The Wireless Support Structure upon which the Applicant has proposed to Collocate Small Cell Equipment is deemed incapable of bearing the added weight of the Small Cell Equipment; or

- (2) An existing Wireless Support Structure is located within 100 feet or less of the proposed site of a new Wireless Support Structure but the existing Wireless Support Structure is incapable of bearing the additional weight of the Small Cell Equipment.
- (b) Designs for replacement of Wireless Support Structures shall be as architecturally similar as possible to the existing Wireless Support Structure to be replaced unless otherwise approved by the City.
- (1) All luminaire mast arms shall be the same length, arch, and style as the original luminaire arm, unless otherwise specified by the City.
 - (2) The City may require the Facilities Operator to install a new metal Wireless Support Structure rather than a new wood support structure.
- (c) The overall height of a replacement Wireless Support Structure, including proposed Collocated antenna, shall not be greater than forty (40) feet in height above ground level. Notwithstanding the foregoing limitation, the overall height of a replacement Wireless Support Structure, including proposed Collocated antenna, shall not be more than thirty-five (35) feet in height above ground level in the Open Space Conservation District, R-1 Low Density Residential District, R-2 Medium Density Urban Residential District, R-3 High Density Urban Residential District, R-4 Multi-Family Urban Residential District, M-U Multi-Use District, and C-1 Local Commercial District so long as there is no Wireless Support Structure or utility pole taller than thirty feet located within 300 feet of the location of the proposed replacement Wireless Support Structure.
- (d) All existing signs, traffic signals, emergency signal detection units, video detection cameras, video cameras, crosswalk service buttons, crosswalk signals, and any other pedestrian or traffic devices shall be reinstalled or replaced with new units by the Facilities Operator and installed at no cost to the City.
- (e) The concrete Wireless Support Structure foundation for the original Wireless Support Structure shall be removed either partially or completely by the Facilities Operator as instructed by the City.
- (1) If partially removed, the original Wireless Support Structure foundation shall be taken back to a level that is twelve (12) inches below the existing grade and covered with four (4) inches of one-half ($\frac{1}{2}$) inch to three-quarter ($\frac{3}{4}$) inch compose of rock material. The remaining eight (8) shall be native soil and landscaped with natural vegetation that is the same as the surrounding vegetation.
 - (2) If the entire original Wireless Support Structure foundation must be removed, then all foundation materials (concrete, rebar, metals, bolts, etc.) shall be removed. The type of backfill material and compaction required is: (a) one-half ($\frac{1}{2}$) sack slurry for the entire depth in paved areas, and (b) one-half ($\frac{1}{2}$) sack slurry for the entire depth except the top twelve (12)

inches will be native soil in landscaped areas with natural vegetation that is the same as the surrounding vegetation.

911.11 SPECIFICATIONS FOR NEW WIRELESS SUPPORT STRUCTURES

- (a) New Wireless Support Structures shall be designed and constructed to accommodate Small Cell Equipment from at least two (2) wireless service providers on the same Wireless Support Structure.
- (b) New Wireless Support Structures shall maintain a distance of 300 feet from existing monopoles, or utility poles.
- (c) In residential zoning districts, new Wireless Support Structures shall be located at the shared property line between two residential parcels where the parcels intersect the Right-of-Way.
- (d) In non-residential zoning districts, new Wireless Support Structures shall be located between tenant spaces, storefront bays, or adjoining properties at the shared property lines where the parcels intersect the Right-of-Way.
- (e) New Wireless Support Structures shall not interfere with any metered parking space.
- (f) A new Wireless Support Structure shall not be located in front of a building entrance or exit.
- (g) The overall height of a new Wireless Support Structure, including proposed Collocated antenna, shall not be greater than forty (40) feet in height above ground level. Notwithstanding the foregoing limitation, the overall height of a replacement Wireless Support Structure, including proposed Collocated antenna, shall not be more than thirty-five (35) feet in height above ground level in the Open Space Conservation District, R-1 Low Density Residential District, R-2 Medium Density Urban Residential District, R-3 High Density Urban Residential District, R-4 Multi-Family Urban Residential District, M-U Multi-Use District, and C-1 Local Commercial District, so long as there is no Wireless Support Structure or utility pole taller than thirty feet located within 300 feet of the location of the proposed new Wireless Support Structure.
- (h) The City may require the Facilities Operator to install a metal Wireless Support Structure rather than a wood Wireless Support Structure. Unless otherwise specified by the City, new wood Wireless Support Structures are prohibited in the following zoning districts:
 - (1) O-C, P-F, R-1, R-2, R-3, R-4, C-1, C-2, C-3, C-S, M-U and I-1

911.12 HISTORIC DISTRICT REGULATIONS

- (i) Except antennas, all Small Cell Equipment to be located in the Right-of-Way in Historic Districts shall be located in an underground vault or shall be subject to such reasonable, technologically feasible, and non-discriminatory design or concealment measures as the City may specify, as long as such measures do not have the effect of prohibiting the Facilities Operator's provision of reasonable service in the City. Such measures are not considered part of the small cell facility for purposes of facility size restrictions in this chapter or Chapter 909 of the Codified Ordinances. A Facilities Operator shall not install a new Wireless Support Structure in an Historic District. A waiver submitted pursuant to Section 909.13(d) will be considered if the requirements therefor are met.

911.13 UNDERGROUND AREA REGULATIONS

- (a) Whenever any existing electric utilities, cable facilities, telecommunications facilities or other facilities are located underground within a Public Way of the City, the Facilities Operator must also locate its Facilities underground.
- (b) A Facilities Operator may replace an existing Wireless Support Structure or Collocate Small Cell Facilities on an Existing Wireless Support Structure even if the Wireless Support Structure is located in an Underground Area.
- (c) A Facilities Operator shall not install a new Wireless Support Structure in an Underground Area.
- (d) An Operator may request a waiver of the underground placement requirement if the requirement prevents the Operator from achieving its service objective, the requirement has the effect of prohibiting the provision of reasonable service in the City, and the Operator's objective of providing reasonable service in the City cannot be met by placing Facilities at:
 - (1) A location in the public Right-of-Way where the prohibition does not apply;
 - (2) A utility easement the service provider has the right to access; and
 - (3) Other suitable locations or structures made available by the City at reasonable rates, fees and terms.

A request for a waiver of the underground placement requirement will be reviewed and decided by a board comprised of the Mayor, the City Engineer, the Planning and Community Development Director. Within fourteen (14) days of receiving the request, the board shall meet in a public meeting with not less than two (2) days advance written notice to the requesting party, to review and make a decision on the request at that meeting, which decision will be reduced to writing.

- (e) Submission of a waiver request pursuant to subsection (d) is subject to the Facilities Operator's agreement to toll the timeframes set forth in Section 909.08(a) of the Codified Ordinances by thirty (30) days.

911.99 PENALTIES; EQUITABLE REMEDIES

- (a) Any person or entity found guilty of violating, disobeying, omitting, neglecting or refusing to comply with any of the provisions of this chapter shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense. A separate and distinct offense shall be deemed committed each day during or on which a violation occurs or continues.
- (b) Nothing in this chapter shall be construed as limiting any judicial remedies that the City may have, at law or in equity, for enforcement of this chapter."

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of 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 Ohio Revised Code.

Section 3. This Ordinance shall be in full force and effect from and after the earliest period allowed by law.

ORDINANCE _____-18

AN ORDINANCE TO APPROVE, ADOPT AND ENACT
CURRENT REPLACEMENT PAGES TO THE CODIFIED
ORDINANCES OF THE CITY OF MEDINA, OHIO.

WHEREAS: Various ordinances of a general and permanent nature have been passed which should be included in the Codified Ordinances of the City of Medina, Ohio; and

WHEREAS: Certain traffic and misdemeanor ordinances should be revised to comply with current State law; and

WHEREAS: The codification of such ordinances, together with the new matter to be adopted, the matters to be amended and those to be repealed are before the Council.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:

SEC. 1: That the ordinances of the City of Medina, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2018 Replacement Pages to the Codified Ordinances, which are hereby attached to this Ordinance as Exhibit A, are hereby approved and adopted.

SEC. 2: The following sections of the Traffic and General Offenses Codes, as amended, are hereby approved and adopted as amended or enacted so as to conform to enactments of the Ohio General Assembly:

Traffic Code

- 303.04 Road Workers, Motor Vehicles and Equipment Excepted. (Amended)
- 303.081 Impounding Vehicles on Private Residential Property. (Amended)
- 303.082 Tow Away Zones. (Amended)
- 313.09 Driver's Duties Upon Approaching Ambiguous Traffic Signal. (Amended)
- 331.03 Overtaking, Passing to Left; Driver's Duties. (Amended)
- 333.01 Driving Under the Influence. (Amended)
- 335.09 Display of License Plates. (Amended)
- 337.28 Use of Sunscreening, Nontransparent and Reflectorized Materials. (Amended)
- 351.07 Unattended Vehicles: Duties. (Amended)
- 373.02 Riding Upon Seats; Handlebars; Helmets and Glasses. (Amended)

Ord. 106-18
7-9-18

The Walter H. Drane Company
Professional Codification Service

23811 Chagrin Boulevard
Suite 344
Beachwood, Ohio 44122-5525

216-514-1022
E Mail: whdrane1@aol.com
Web Site: www.walterdrane.com

June 15, 2018

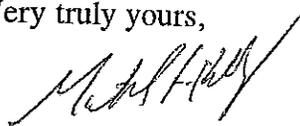
Kathy Patton
Clerk of Council
132 North Elmwood Avenue
Medina, Ohio 44256

Dear Kathy:

Please find enclosed an invoice for our services in preparing the 2018 Replacement Pages and a suggested Adopting Ordinance. The Internet revision should be completed next week.

Please let me know if we can be of further assistance at this time.

Very truly yours,



Michael F. Kelly
President

MFK: sb
Encs.

OK
2-7-18
6-20-18

REQUEST FOR COUNCIL ACTION

No. RCA 18-133-7/9

**From: POLICE DEPARTMENT
Chief Edward R. Kinney**

Mayor's Initials: _____

Committee Finance

ERK

(Signature)

Guidelines: See information on back of form

Date: 6/20/18

Subject: Purchase of 2 Police SUV's from Lebanon Ford

Summary and Background - Purchase of 2-2019 All-Wheel Drive Police Interceptor Explorer units from the currently funded vehicle account.

Estimated Cost: \$58,004.00

Suggested Funding: 106-0101-54417

Sufficient Funds in Account: Yes

Transfer Needed From: _____ **To:** _____

New Appropriation Needed: No

Account No: _____

Emergency Clause Requested: Yes

No

Yes If yes, reason: To replace aging units.

Council Use Only: _____

Committee Recommendation: _____

Council Action Taken: _____

Ord./Res.No: _____

Date: _____

LEBANON FORD

COMMERCIAL VEHICLE CENTER

EXPLORER 4- DOOR 2019 4DR AWD POLICE
 3.7L V6 TIVCT ENGINE
 6-SPEED AUTO TRANSMISSION

Exterior
 BLACK
 Interior
 CHARCOAL BLACK INTERIOR CLOTH
 BUCKETS VINYL REAR SEATS

EXTERIOR

- . 245/55R18 A/S POLICE TIRES
- . 18" H.D. STEEL WHEELS
- . 18" WHEEL HUB CAP
- . FULL SIZE 18" SPARE W/TPMS
- . DUAL POWER MIRRORS
- . INTEGRATED SPOTTER MIRRORS
- . HALOGEN HEADLAMPS
- . PRIVACY GLASS 2ND/3RD ROW
- . DUAL EXHAUST SYSTEM
- . GRILLE - BLACK
- . KEY LOCKS (DR/PASS/LFTGT)
- . EASY FUEL CAPLESS FILLER

FUNCTIONAL

- . ALL WHEEL DRIVE SYSTEM
- . COLUMN MOUNTED SHIFTER
- . HEAVY DUTY 78-AMP BATTERY
- . 220 AMP ALTERNATOR
- . POLICE BRAKES: 4 WHL DISC
- . W/ ABS & TRACTION CONTROL
- . HEAVY DUTY SUSPENSION
- . POWER STEERING W/EPAS
- . ENGINE OIL COOLER
- . TRANSMISSION OIL COOLER
- . POWER LOCKS AND WINDOWS
- . AM/FM SINGLE CD/MP3, 6SPKR
- . ADJUST PEDALS, NON MEMORY
- . BATTERY SAVER FEATURE
- . POWERPOINTS (2)

INTERIOR

- . BLACK VINYL FLOOR COVERING
- . PWR DR SEAT/6-WAY/M LUMBAR
- . MANUAL PASS SEAT - 2-WAY
- . CLOTH BUCKET FRONT SEATS
- . 60/40 SPLIT VINYL REAR
- . TILT STEERING WHL/ CRUISE & AUDIO CONTROLS
- . 1-TOUCH DOWN DRIVER WINDOW
- . A/C W/MANUAL CLIMATE CONTROL, SINGLE ZONE
- . CERTIFIED SPEEDOMETER
- . ENGINE HOUR / IDLE METER
- . CONSOLE MOUNTING PLATE
- . UNIVERSAL TOP TRAY
- . RED / WHITE DOME LAMP

SAFETY/SECURITY

- . 75 MPH REAR-CRASH TESTED
 - . ADVANCETRAC WITH RSC
 - . AIRBAGS - FRONT AND SIDE
 - . AIRBAGS - SAFETY CANOPY
 - . PERSONAL SAFETY SYSTEM
 - . SOS POST CRASH ALERT SYS
 - . TIRE PRESSURE MONITOR SYS
- WARRANTY
- . 3YR/36K MILE WARRANTY

STANDARD STATE BID PRICE \$26,999

Included on this Vehicle
 EQUIPMENT GROUP 500A

Optional Equipment
 2019 MODEL YEAR

- BLACK
- CHARCOAL CLT FRT/VINYL RR
- .3.7L V6 TIVCT ENGINE
- 6-SPEED AUTO TRANSMISSION
- FRONT LICENSE PLATE BRACKET
- HEATED MIRRORS \$59.00
- REAR CARGO LIGHT 17T \$49.00
- SPOT LED LIGHT
- KEYED ALIKE CODE?? \$75.00
- FRONT HEADLIGHT PREP \$124.00
- RR DR HANDLS/LOCKS INOP \$34.00
- POWER WINDOW DISABLE \$24.00
- GRILL LAMP WIRING \$49.00
- SIDE MIRROR LEDS \$395.00
- AFTERMARKET HEADLIGHT FLASHER \$295.00
- REAR AUX A/C \$699.00
- REAR VIEW CAMERA
- DELIVERY FEE \$200.00

YOUR STATE BID IS

\$29,002.00

FRANK BEAVER LEBANON FORD
 614-570-0702

REQUEST FOR COUNCIL ACTION

OK
D. Hammerly
6-20-18

No. RCA 18-134-7/9

From: POLICE DEPARTMENT
Chief Edward R. Kinney
E.R.K.
(Signature)

Mayor's Initials: _____

Committee Finance Only

Guidelines: See information on back of form

Date: 6/20/18

Subject: Up-fitting of 2 Police SUV's by Hall Public Safety Co.

Summary and Background - Up-Fit equipment for 2-2019 All-Wheel Drive Police Interceptor Explorer units from the currently funded account.

Estimated Cost: \$19,930.90

Suggested Funding: 106-0101-54413

Sufficient Funds in Account: Yes

Transfer Needed From: _____ **To:** _____

New Appropriation Needed: No

Account No: _____

Emergency Clause Requested: ~~Yes~~

No **Yes** If yes, reason: ~~To replace aging units.~~

Council Use Only: _____

Committee Recommendation: _____

Council Action Taken: _____

Ord./Res.No: _____
Date: _____



Estimate
EST-5871

Hall Public Safety Upfitters.

Corporate Office
8291 Darrow Rd.
Twinsburg, Ohio 44087
855-387-3911
Hallpublicsafety.com

Remit to/Mailing Address
12400 Beechlawn Ave. N.E.
Alliance, Ohio 44601

Estimate Date : June 12, 2018

Expiration Date : July 12, 2018

P.O. Number : 4821

Sales rep : Jason Hall

Project : 2018 Ford SUV X2

Customer

Medina City Police Department

Attn: Sgt. Marcum
150 W. Friendship St.
Medina, Ohio 44256

#	Item & Description	Qty	Rate	Amount
1	Setina Tall Mans Partition Transfer Kit for a "12-"18 Utility Interceptor with Recess Panels SKU : PT2185ITU12TM	2.00	234.36	468.72
2	Setina Full replacement seat "12-"18 Utility Interceptor with center pull seat belts SKU : QK0634ITU12 (reuse far rear partition)	2.00	679.56	1,359.12
3	Setina Aluminum Push Bumper for "16-"18 Utility Interceptor SKU : PB400SUV-UJINT16	2.00	309.96	619.92
4	Whelen Cencom Carbide with CAN BUS Interface module, 8 push buttons, 4 position slide switch, 7 position rotary knob and traffic advisor buttons SKU : CCSRNT5F	2.00	922.80	1,845.60
5	Whelen Installation Kit for CCSRN5 Series for "16-"18 Utility Interceptor SKU : CC5K1	2.00	0.00	0.00
6	Whelen carbide controller 8 push buttons, 4 position slide switch, 7 position rotary knob and traffic advisor buttons SKU : CANCTL6	2.00 EA	0.00	0.00
7	Whelen Control WC Expansion Module SKU : CANEM16	2.00	167.04	334.08
8	Whelen compact 100 W Composite Speaker SKU : SA315P	2.00	197.82	395.64
9	Whelen SA315 Mount Kit, "13-18" Utility Interceptor Driver Side SKU : SAK52	2.00	0.00	0.00
10	Whelen vertex LED light- Red SKU : VTX609R (tail light)	2.00	79.99	159.98
11		2.00	79.99	159.98

#	Item & Description	Qty	Rate	Amount
	Whelen vertex LED light- Blue SKU : VTX609B (tail light)			
12	Whelen vertex LED light- Clear SKU : VTX609C (back-up light)	4.00	79.99	319.96
13	Whelen ION Duo Red/White SKU : I2D (front corner and push bumper)	4.00	146.16	584.64
14	Whelen ION Duo Blue/White SKU : I2E (front corner and push bumper)	4.00	146.16	584.64
15	Whelen ION super LED light head. Blue SKU : IONB (rear window) **reuse rear side window lights	2.00	110.00	220.00
16	Whelen ION super LED light head. Red SKU : IONR (rear window) **reuse rear side window lights	2.00	110.00	220.00
17	Whelen ION T-Series Linear DUO Blue/White SKU : TL12E (side of push bumper and rear gate)	4.00	136.80	547.20
18	Whelen ION-T Series Linear DUO Red/White SKU : TL12D (side of push bumper and rear gate)	4.00	136.80	547.20
19	Whelen 48" Legacy lightbar with 2 color- Red/Blue with white front and amber rear SKU : GB8SP3J	2.00	1,999.99	3,999.98
20	Whelen Lightbar Mount Kit for "13-17" Utility Interceptor SKU : MK83	2.00	59.99	119.98
21	Havis Premium Fold Up Equipment Tray for "13-17" Interceptor Utility SKU : C-TTP-INUT-2	2.00	210.18	420.36
22	Havis Charge Guard battery saver/timer SKU : CG-X	2.00	89.95	179.90
23	Able 2 Accessory Triplet outlet SKU : 14,0553	2.00 EA	24.79	49.58
24	Secure Idle Ignition System for Interceptor Sedan and SUV SKU : S1240T-1H	2.00	180.00	360.00
25	Sound Off Dome light- red/white LED light, universal mount SKU : ECVDMLTALOO	2.00	60.26	120.52
26	Gamber Johnson Internal Cup Holder SKU : 7160-0846	2.00 EA	34.50	69.00
27	Gamber Johnson Faceplate for Kenwood TK8360 SKU : 7140-0345	2.00 EA	19.55	39.10
28	Gamber Johnson Faceplate for Whelen Cencom SKU : 7160-0339	2.00	13.80	27.60

#	Item & Description	Qty	Rate	Amount
29	Gamber Johnson Faceplate for L3 Flashback SKU : 7160-0522	2.00 EA	19.55	39.10
30	Gamber Johnson 3" Blank Filler Plate SKU : 3130-0155	2.00 EA	5.75	11.50
31	Gamber Johnson 1" Blank Filler Plate SKU : 3130-0153	2.00 EA	4.60	9.20
32	Gamber Johnson 1/2" Blank Filler Plate SKU : 3130-0152	4.00 EA	4.60	18.40
33	Antenna Two way radio antenna and cable	2.00	75.00	150.00
34	Labor to remove needed equipment from old cruiser. Install lightbar, console, mobile radio and antenna, siren/lightbar controller, 6 corner LED kit, push bumper, grill lights, rear side window lights, rear deck lights, MDT system, camera system, front partition with gun rack, rear partition, rear seat and misc. other items, wire in and test.	1.00	0.00	0.00
35	Labor (mobile) SKU : Labor (mobile) Labor (mobile unit)	2.00	2,600.00	5,200.00
36	Misc. wires Misc. wires, connectors and supplies	2.00	150.00	300.00
37	**Reuse- front partition, rear partition, gun rack, rear side window lights, MPD supply console and MDT system.	1.00	0.00	0.00
			Sub Total	19,480.90
			Shipping charge	450.00
			Total	\$19,930.90

Notes

Thank you for your business !!

****Remit to/Mailing Address****

12400 Beechlawn Ave.
Alliance, Ohio 44601

Terms & Conditions

Estimate is good for 30 days

OK
D. Harnett
7-2-18

REQUEST FOR COUNCIL ACTION

No. RCA 18-135-7/9

FROM: Medina Community Recreation Center

Committee: Finance

DATE: 07-02-2018

SUBJECT: Amendment to Wellness Service Agreement

SUMMARY AND BACKGROUND:

The Medina Community Recreation Center (MCRC) respectfully requests Council to authorize the Mayor to sign an amendment to the "Wellness Service Agreement" with the Medina Hospital. Ordinance 56-16.

The MCRC would also like to request the **emergency clause** and to retro the amendment date to 7-1-2018, as the old contract expired 6-30-2018.

Estimated Cost:

Suggested Funding:

sufficient funds in Account No.

- transfer needed from Account No. _____ to Account No. _____
- **NEW APPROPRIATION** needed in Account No. _____

Emergency Clause Requested: YES

Reason: The Mayor and Law Director required changes made to the amendment before the amendment could be approved.

COUNCIL USE ONLY:

Committee Action/Recommendation:

Council Action Taken:

Ord./Res. Ord. 113-18
Date: 7-9-18

**AMENDMENT TO
WELLNESS SERVICE AGREEMENT**

This Amendment ("Amendment") is entered into by and between the City of Medina, for its Medina Community Recreation Center ("MCRC") and Medina Hospital, an Ohio nonprofit corporation ("Hospital") as of July 1st, 2018 and modifies the terms and conditions of the Wellness Agreement between MCRC and CCF effective as of July 1, 2015, as may be amended from time to time (the "Agreement") (CCF Contract Number CW2476889).

WHEREAS, MCRC and Hospital desire to make modifications to the Agreement as set forth in this Amendment;

NOW THEREFORE, in consideration of mutual promises herein contained, the parties hereto agree to amend the Agreement as follows:

1. The initial term of the Agreement expires on June 30, 2018 ("Initial Term"). MCRC and Hospital agree to extend the term of the Agreement through June 30, 2021, unless either party notifies the other in writing of its intent to terminate the Agreement at least thirty (30) days prior to the end of such term. The Initial Term and any extension thereof (each a "Renewal Term") are collectively known as the "Term".
2. Exhibit A to the Agreement is hereby amended by replacing the schedule of funds to be paid by Hospital to MCRC per section 6 with the schedule of funds attached hereto as Addendum A and incorporated herein by reference.
3. The following provision is made a part of the Agreement as follows:

"16. During the Term of this Agreement, MCRC grants to Hospital the right to place and maintain its healthcare related advertising in and around the MCRC premises including, but not limited to, signage located on the exterior of the MCRC building at specified locations and in a format as agreed upon by the parties ("Advertising Opportunities"). Further, MCRC acknowledges and agrees that during the Term, in no event will it offer or permit any Direct Competitor of Hospital to participate in any Advertising Opportunities. For purposes of this Agreement, "Direct Competitor" shall mean any regional hospital located in the Northeast Ohio metropolitan area including, but not limited to, Summa Health System, University Hospitals, Akron Children's Hospital and Crystal Clinic Orthopedic Center. In no event shall the number of Advertising Opportunities offered to Hospital during a Renewal Term materially decrease from the number in place during the Initial Term of this Agreement.

Except as modified by this Amendment, the terms and conditions of the Agreement remain in full force and effect. All capitalized words not defined herein shall have the meaning set forth in the Agreement. This Amendment may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one instrument. In the event of any conflict between this Amendment and the Agreement, this Amendment shall control.

[signatures on the following page]

IN WITNESS WHEREOF, the parties hereto have executed this Amendment through their duly authorized representatives as of the day and year first above written.

CITY OF MEDINA

By: _____

Printed Name: DENNIS HANWELL

Title: MAYOR

Date: _____

MEDINA HOSPITAL

By: _____

Printed Name: _____

Title: _____

Date: _____

LAW DIRECTOR, CITY OF MEDINA

By: _____

Printed Name: GREG HUBER

Date: _____

ADDENDUM A

**Hospital Wellness Agreement Funds
July 1, 2018 - June 30, 2019**

<i>Date</i>	<i>Item & Description</i>	<i>Actual</i>	<i>Estimate</i>
Jul-Jun	Programming Items/Screening Assistance/Promotional Materials/Misc.		\$ 4,000.00
Jun-Aug	Wellness Staff Certifications/New program development		
	Trainings		\$ 1,000.00
	Class equipment/incentives		\$ 1,000.00
	New offerings		\$ 1,000.00
Sep/Oct	Fall Walk N Talk Challenge/CHEF		
	Healthy Medina Promotional items		\$ 500.00
	Prizes		\$ 200.00
Oct	Senior Day		
	Healthy Medina Promotional items		\$ 500.00
Nov	Family First Night		
	Presentation/Handouts		\$ 100.00
	Equipment - boardgames, games, activities		\$ 250.00
	Dinner		\$ 800.00
Nov/Dec	Healthy Medina Promotions		
	Print Advertisements		\$ 500.00
Jan	Healthy Medina Kickoff		
	Healthy Medina Promotional items		\$ 500.00
Feb/Mar	Biggest Loser Competition		
	Healthy Medina Promotional items		\$ 200.00
	Program Tools		\$ 500.00
	Prizes		\$ 1,000.00
Apr/May	Nutrition Challenge/Healthy Eating		
	Healthy Medina Promotional items		\$ 500.00
	Prizes		\$ 200.00
Jun - Aug	Summer Camp Walking Challenge		
	Garmin Vivofit Jrs. (\$50 ea.)~100		\$ 5,000.00
	Healthy Medina Promotional items		\$ 500.00
Jun - Aug	Youth School Popup Education		
	Educational Materials		\$ 500.00
	Healthy Medina Promotional items		\$ 200.00
	Prizes		\$ 150.00
Jun	Safety Day / Kids Day		
	Promotion items		\$ 300.00
	Hospital Logo on Bball Shirts ~ 1250 Kids (.30/screen)		\$ 375.00
	Hospital Logo on Summer Camp Shirts ~ 165 shirts (.30/screen)		\$ 50.00
	Hospital Logo on MCRC Brochures		\$ -
	Hospital Logo with Health related articles for MCRC e-newsletter		\$ -
	Official Wellness Partner link on MCRC website		\$ -

\$ 19,825.00

REQUEST FOR COUNCIL ACTION

*OK
D. H. Harvey
7-2-18*

NO. RCA 18-136-7/9

FROM: Patrick Patton 

DATE: July 3, 2018

COMMITTEE REFERRAL: Finance

SUBJECT: East Smith Road Reconstruction Easement 247 E. Smith Rd

In order to complete the above captioned project, the City must acquire easements to allow various improvements to be completed. One of the necessary easements is a highway easement that must be obtained from the property at 247 E. Smith Road.

The total calculated cost for this easement (based upon the Medina County Auditor's appraised value of the land) is \$3,478.42. The property owner, WENDY KAREN CAMERON (now known as Wendy Payne Smith) has requested payment in the amount of \$4,239.21 for this easement.

This request asks that Council agrees to the additional \$760.79 and accepts the Highway Easement reflecting the total amount of \$4,239.21.

Thank you for your consideration.

ESTIMATED COST: \$ 4,239.21

SUGGESTED FUNDING:

Sufficient Funds in Account Number: 108 0668 54411

Transfer Needed from: To:

New Appropriation Account Number:

Emergency Clause Requested: No

Reason:

COUNCIL USE ONLY:

COMMITTEE RECOMMENDATION:

Council Action Taken:

Ord./Res. Number:

Date:

Perpetual Highway Easement and Right of Way

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of FOUR THOUSAND TWO HUNDRED THIRTY-NINE and 21/100 Dollars (\$4,239.21) and other good and valuable consideration recited herein given to WENDY KAREN CAMERON, hereinafter "Grantor(s)" by the CITY OF MEDINA, Ohio, hereinafter "Grantee", the receipt of which is hereby acknowledged, the Grantor does hereby grant, bargain, sell, transfer and convey unto the Grantee, its successors and assigns, a perpetual right-of-way and easement for the purpose of erecting, constructing, installing and thereafter using, operating, inspecting, maintaining, repairing, replacing and removing ROADWAY PAVEMENT, SIDEWALK, UTILITES AND APPURTENANCES under, across, and through certain land of the Grantor(s) situated in the City of Medina, County of Medina and State of Ohio and more particularly described as follows:

Situated in the City of Medina, County of Medina and State of Ohio, also known as being part of Medina City Lot 51 and being part of lands conveyed to Wendy Karen Cameron by deed recorded on October 22, 1996 as recorded in OR Volume 1239, Page 904 of Medina County Recorder's Records further bounded and described as follows:

Commencing at the southeast corner of said lands conveyed to Wendy Karen Cameron and the southeast corner of said Medina City Lot 51, the same being the point of intersection of the western line of South Jefferson Street having a 66-foot wide Right-of-Way with the northern line of East Smith Road having a 60-foot wide Right-of-Way and the **PRINCIPAL PLACE OF BEGINNING** of the easement herein described;

Thence along the southern line of said lands conveyed to Wendy Karen Cameron and the southern line of said Medina City Lot 51 and the northern line of said East Smith Road, bearing South 89° 38' 03" West, a distance of 30.07 feet to a point thereon;

Thence along a curve to the left with a radius of 30.00 feet, a tangent length of 30.07 feet, a chord which bears North 44° 34' 13" East, for a distance of 42.47 feet, along said arc for a distance of 47.19 feet to a point on the eastern line of said lands conveyed to Wendy Karen Cameron and the eastern line of said Medina City Lot 51 and the western line of said South Jefferson Street;

Thence along the eastern line of said lands conveyed to Wendy Karen Cameron and the eastern line of said Medina City Lot 51 and the western line of said South Jefferson Street, bearing South 00° 29' 37" East, a distance of 30.07 feet to the **PRINCIPAL PLACE OF BEGINNING**, containing 0.0045 acres of land (194 square feet), more or less but subject to all legal highways and all covenants and agreements of record.

Bearings are based on an assumed meridian and are used herein to indicate angles only.

together with the right of reasonable ingress and egress over the immediately adjacent lands of the Grantor(s) for the purpose and use of said easement.

As additional consideration for this easement and right-of-way, the Grantee covenants and agrees as follows:

1. Grantee shall repair any and all damage arising from the installation or subsequent repair, maintenance or reconstruction of ROADWAY PAVEMENT, SIDEWALK, UTILITIES AND APPURTENANCES.
2. Grantee shall replace any driveway, lawn, shrubbery, or other improvement which may be damaged as a result of construction.
3. Within a reasonable time after completion of construction, and in no event later than forty-five (45) days, Grantee will return the ground to its original condition.
4. Grantee will secure and protect all permanent structures within the construction zone.
5. Grantee will pay for all costs of surveying, recording of documents, filing and transfer fees, escrow costs and title expenses, if any.

Grantor(s) covenant and agrees as follows:

1. Grantor will not install, erect or maintain any structure, fixture or device upon the easement which could in any way interfere with Grantee's use of the easement and right-of-way; however, Grantor retains the right to use the surface of the easement area provided said use does not interfere with the uses granted to Grantee.
2. Authorize the City of Medina, its Engineer, and all other officials, assistants, employees, agents and contractors thereof to enter upon the property designated as 247 E. Smith Road, Permanent Parcel No. 028-19B-20-088, Medina City Lot No. 51 with the necessary equipment to remove grass, vegetation, brush, pavement and sidewalk as necessary to allow for the proposed grading for the roadway pavement, sidewalk and curb ramp installation; to install roadway pavement and curb; to install sidewalk and a curb ramp; to complete grading as necessary; to restore the affected areas with topsoil, seed, fertilizer, and mulch; in accordance with the plans and/or specifications as prepared by the City of Medina or its agents during the period of time commencing with the breaking of ground for the above described proposed work and terminating when the work has been completed and/or accepted by the City; and
3. Release the City of Medina, its Engineer, and all other officials, assistants, employees, agents and contractors thereof, from claims of damage, of compensation by reason of the above described work as called for by the said plans and/or specifications provided that the property designated as 247 E. Smith Road, Permanent Parcel No. 028-19B-20-088, Medina City Lot No. 51 is restored to the condition before construction or as close as reasonably possible in conformance with the plans and/or specifications and/or proposed work described above.

All the terms and conditions of this Easement and Right-of-way shall be binding upon and inure to the benefit of the Grantor(s), the Grantee, their heirs, executors, administrator, successors and assigns.

The grant of this Easement and Right-of-way shall constitute a covenant running with the land for the benefit of the Grantee, its successors and assigns.

IN WITNESS WHEREOF, the undersigned have executed this instrument this 24th day of June, 2018.

Grantor: Wendy Karen Cameron /now known as Wendy Payne Smith

Signature: Wendy Karen Cameron
now known as Wendy Payne Smith

Print Name: Wendy Karen Cameron
now known as Wendy Payne Smith

State of Ohio)
County of Medina) SS:

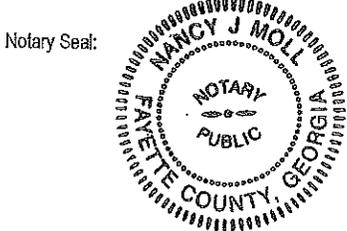
Before me, a Notary Public, in and for said County and State, personally appeared the Grantor, Wendy Karen Cameron / Wendy Payne Smith who acknowledged that he/she/they did sign the foregoing instrument and that the same is his/her/their free act and deed.

In testimony whereof, I have set my hand and official seal at Rocktree City, OH Medina, Ohio, this 24th day of June, 2018.

Notary Signature: Nancy J Moll

Print Name: Nancy J Moll

My Commission Expires: April 26, 2022



This instrument was prepared by:
Gregory Huber, Law Director
City of Medina, Ohio
132 N. Elmwood Avenue
Medina, OH 44256

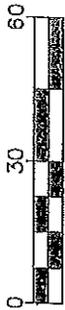
SKETCH OF EASEMENT

Part of Medina City Lot No. 51

Date: September, 2017

Owner: Wendy Karen Cameron

Parcel Number: 028-19B-20-088



SCALE: 1" = 30'

NOTE:
BEARINGS ARE BASED ON AN ASSUMED
MERIDIAN AND ARE USED TO DENOTE
ANGLES ONLY.

LINE TABLE

LINE	LENGTH	BEARING
L1	30.07'	S. 89°38'03" W
L2	30.07'	S. 00°28'37" E

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	BEARING	CHORD
C1	47.19'	30.00'	90°07'40"	30.07'	N 44°34'13" E	42.47'	

CITY OF MEDINA

DEPARTMENT OF ENGINEERING

132 N. ELMWOOD AVENUE
MEDINA, OHIO 44256

CITY JOB No. 1011

SOUTH JEFFERSON
STREET 66' RW

EAST SMITH ROAD 60' RW

PART OF MCL 51
P.N. 028-19B-20-087
243 S. JEFFERSON ST.
HELEN MILLER

PART OF MCL 51
P.N. 028-19B-20-088
247 E. SMITH RD.
WENDY KAREN CAMERON

HIGHWAY EASEMENT
GRANTED TO THE
CITY OF MEDINA
0.0045 ACRES (194 S.F.)

PART OF MCL 51
P.N. 028-19B-20-128
234 S. BROADWAY ST.
THE BOARD OF EDUCATION
OF THE INCORPORATED
VILLAGE OF MEDINA, OHIO

PRINCIPAL PLACE
OF BEGINNING

Medina City Council Presentation
Resource Packet
Table of Contents
June 25, 2018

1. Medina City Resolution
2. LGBTQ-Inclusive Nondiscrimination
3. Ohio Business Competes
4. Municipal LGBTQ-Inclusive Ordinance FAQs
5. Medina Ordinance Recommendations
6. Statement from Pam Miller
7. Statement from Sandy Varndell
8. Statement from Amy Demlow
9. Statement from Joe Matuszewski
10. South Euclid Nondiscrimination Ordinance
11. Akron Nondiscrimination Ordinance
12. Lakewood Nondiscrimination Ordinance

REQUEST FOR COUNCIL ACTION

No. RCA 18-138-7/9

FROM: John Coyne, President of Council

Committee: Special Legislation

DATE: 6/27/2018

SUBJECT: Consider Legislation Prohibiting Feeding of Deer/Wild Animals

SUMMARY AND BACKGROUND:

Discuss the possibility of passing legislation to prohibit the feeding of deer and/or wild animals.

Sample legislation attached.

Estimated Cost:

Suggested Funding:

- sufficient funds in Account No.
- transfer needed from Account No. to Account No.
- NEW APPROPRIATION needed in Account No.

Emergency Clause Requested: No

Reason:

COUNCIL USE ONLY:

Committee Action/Recommendation:

Council Action Taken:

Ord./Res.

Date:

if this message be used exclusively by the addressee(s). This message may contain information that is privileged, confidential and exempt from disclosure under applicable law. Unauthorized disclosure or use of this information is strictly prohibited. If you have received this communication in error, please permanently dispose of the original message and notify John M. Coyne, III immediat .

From: Bill Feeman [mailto:feemandvm@aol.com]
Sent: Monday, June 18, 2018 6:19 PM
To: Coyne, John
Cc: jcoyne@medinaoh.org
Subject: Re: Feeding wildlife

EXT: Use Caution with Links and Attachments.

Thank you. My thought would be to prohibit the feeding of wildlife with the exception of above-ground bird feeders. I would think that could be legally enforceable.

Sent from my iPhone

On Jun 18, 2018, at 5:21 PM, Coyne, John <j...> wrote:

Bill. Thanks for email. I will discuss with law director again but this issue came up with feeding the deer. I believe the law director said if we have such ordinance no one can feed birds or any wildlife I think we discussed it and did not want ordinance that prohibited feeding birds but law director said we had to exclude all feeding. I will double check. Thx.

Sent from my iPhone

On Jun 18, 2018, at 5:15 PM, Bill Feeman <...> wrote:

EXT: Use Caution with Links and Attachments.

Can you please tell me who I should contact to inquire about how to get a city ordinance that prohibits feeding wildlife within city limits? We have a home renter on our street that feeds deer and skunks regularly in their backyard and I find this to be a significant public health risk. Skunks in particular can be carriers of rabies and leptospirosis which can put both animals and humans that may interact with them at risk. My own dog was recently skunked by a skunk and if you have lived through this yourself... you will understand what that means in regards to both your pet and your house. Is this something I can discuss with you? I know other cities have passed similar ordinances in the past.

check what other municipalities have?

ORDINANCE NO. 14-14

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Brooks Compton ON THE 18th DAY
OF August, 2014.

**AN ORDINANCE TO AMEND CHAPTER 618,
ANIMALS, OF THE CENTERVILLE
MUNICIPAL CODE TO PROHIBIT
OUTDOOR FEEDING OF ANIMALS.**

WHEREAS, the City had enacted regulations in the Centerville Municipal Code for dealing with animals, both domestic and wild; and

WHEREAS, the City has determined that the outdoor feeding of animals has caused a nuisance to residents in the vicinity of those animals; and

WHEREAS, the individuals feeding these animals have not assumed ownership nor taken responsibility for the actions of these animals; and

WHEREAS, the City has determined it to be in the best interests of the City to provide regulations to address the failure of individuals who feed these animals, but who have not taken ownership or responsibility for the actions of such animals.

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE
HEREBY ORDAINS:

Section 1. That the following amendment to Chapter 618 of the Centerville Municipal Code is hereby enacted as follows with new language to be added in *italics* and text to be deleted in ~~strikeout~~ as provided in Section 5.02 of the Centerville Charter:

618.17 OUTDOOR FEEDING PROHIBITED.

(A) No person, unless authorized by law, shall knowingly or recklessly leave food or any other type of feed outdoors unattended so as to

attract animals running at large or wild animals. The feeding of one's own animal(s) or wild birds on their premises shall be the exception so long as the feed does not attract animals whether running at large or wild from public property, public ways or private property not owned by the person feeding one's own animal(s).

It shall be prima facie evidence of willful violation of this section if a person, not authorized by law, shall knowingly or recklessly:

- (1) Leave food or any other type of feed outdoors unattended not in the presence of the owner's animal;
or*
- (2) Allow animals running at large, stray or wild animals to feed on one's own property.*

(B) By leaving food or any other type of feed outdoors unattended which does attract animals running at large or stray, the person feeding the animal(s) shall be deemed to be the owner, keeper, harbinger or one who has charge of any such animal(s) running at large or stray for purposes of Sections 618.01, 618.02 and 618.13.

(C) Each charge or service cost for the animal pickup of an animal running at large or stray shall be collected from the owner, keeper, harbinger or one who has charge of any such animal(s) running at large or stray. If the same is not paid within 30 days after mailing notice of such costs to the Owner, such amount shall be certified to the County Auditor for collection, the same as other taxes and assessments are collected.

(D) Whoever violates this section as a first time offender is guilty of a minor misdemeanor.

(E) Whoever violates any provision of this section in a second or subsequent offense shall be guilty of a fourth degree misdemeanor.

Section 2. This ordinance shall be effective from and after the earliest date allowed by law.

PASSED THIS 18th day of August, 2014.



Mayor of the City of
Centerville, Ohio

ATTEST:

Debra A. James
Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 14-14, passed by the Council of the City of Centerville, Ohio on the 18th day of August, 2014.

Debra A. James
Clerk of the Council

Approved as to form, consistency with the
Charter and Constitutional Provisions.
Department of Law
Scott A. Liberman
Municipal Attorney

Kathy Patton

From: Michelle Blazak <mblazak@cityofbrookpark.com>
Sent: Tuesday, June 26, 2018 4:26 PM
To: Kathy Patton
Subject: RE:Prohibit Feeding of Wildlife

Kathy, here you go.

505.30 FEEDING OF STRAY ANIMALS.

No person shall provide food for dogs, cats or other animals or wildlife (with the exception of birds and animals owned by the person) by setting such food out on the exterior portion of the person's home or residence or in close proximity thereof.
(Ord. 8218-1996. Passed 6-4-96.)

Have a great day

Michelle

Michelle Blazak
Clerk of Council
City of Brook Park
6161 Engle Road
Brook Park, OH 44142
Phone: 216-433-1375
mblazak@cityofbrookpark.com
www.cityofbrookpark.com

PLEASE NOTE: This message and any response to it may constitute a public record, and therefore may be available upon request in accordance with Ohio public records law. (ORC 149.43)

Kathy Patton

From: Denise Rosenbaum <drosenbaum@cityofwestlake.org>
Sent: Tuesday, June 26, 2018 4:33 PM
To: Kathy Patton
Subject: RE:Prohibit Feeding of Wildlife

Hi Kathy,

Here is Westlake's code:

505.22 FEEDING OF DEER PROHIBITED.

(a) Definitions. In this Section, "food" means corn, fruit, oats, hay, wheat, alfalfa, salt or mineral blocks, grain, vegetables, human food scraps, commercially sold wildlife feed, birdseed, or livestock feed. "Food" does not include shrubs, live crops, plants, flowers, vegetation, gardens, trees, and fruit or nuts that have fallen from trees to the ground.

(b) Feeding of Deer Prohibited. No person shall intentionally feed deer or make food available for consumption by deer on private or public property within the City of Westlake. A person shall be presumed to have intentionally fed deer, or made food available for consumption by deer, if the person places food or causes food to be placed on the ground or any alternative feed venue outdoors other than bird feeders.

(c) Affirmative Defense. It is an affirmative defense to prosecution under this section if a person places food, in good faith, for the purpose of feeding domestic animals owned and located on the involved property.

(d) Penalty. Whoever violates this section shall receive a warning on the first offense, and is guilty of a minor misdemeanor on subsequent offenses. Penalty shall be as provided in Section **505.99**.
(Ord. 2015-148. Passed 11-19-15.)

Have a good day!

Denise L. Rosenbaum, CMC
Clerk of Council
City of Westlake
27700 Hilliard Boulevard
Westlake, OH 44145



Ph: 440-617-4053
Fax: 440-617-4089
www.cityofwestlake.org

Kathy Patton

From: April Beggerow <ABeggerow@ci.reynoldsburg.oh.us>
Sent: Tuesday, June 26, 2018 4:43 PM
To: Kathy Patton
Subject: RE:Prohibit Feeding of Wildlife

This is about as close as we get and its a code section not really an ordinance..

505.21 HEALTH RISK ANIMALS.

(a) No person shall willfully own, keep, feed, or harbor any dangerous or wild animal within city limits which could constitute a health risk to humans or domesticated animals. These "health risk animals" include, but are not limited to, rodents, raccoons, opossum, skunks, coyotes, wolves, bats, groundhogs, or any other animal capable of passing harmful viruses, fungi, or bacteria such as, but not limited to, rabies, tuberculosis, and encephalitis. Squirrels and wild birds shall be an exception to this section.

(b) Squirrels and wild birds may be fed within city limits providing reasonable efforts are made to avoid access to the feed by other animals covered within (a) of this section.

(c) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 76-96. Passed 6-10-96; Ord. 72-03. Passed 9-8-03.)

You could always add whatever other critter you're having issues with (deer for example)

April L. Beggerow, CMC

Clerk of Council, City of Reynoldsburg
7232 E. Main Street
Reynoldsburg, Ohio 43068
p. 614/322-6836 fax. 614/322-6837

Kathy Patton

From: Schiavoni, Julie <Schiavoni@cityofmentor.com>
Sent: Tuesday, June 26, 2018 5:05 PM
To: Kathy Patton
Subject: RE:Prohibit Feeding of Wildlife

Hi Kathy,
Here are links to our Code with reference to feeding of wildlife:

505.21 Feeding or Harbor of Nuisance Health Risk Animals Prohibited:

<http://whdrane.conwaygreene.com/NXT/gateway.dll?f=templates&fn=default.htm&vid=whdrane:OHMentor>

505.01 Definitions (k) Nuisance Health Risk Animals:

<http://whdrane.conwaygreene.com/NXT/gateway.dll?f=templates&fn=default.htm&vid=whdrane:OHMentor>

505.30 Feral Cat Colonies:

<http://whdrane.conwaygreene.com/NXT/gateway.dll?f=templates&fn=default.htm&vid=whdrane:OHMentor>

I hope above info is helpful. Have a great evening!

Julie A. Schiavoni
Clerk of Council

CITY OF MENTOR | 8500 Civic Center Boulevard |

Mentor, OH 44060

OFFICE (440) 974-5700 FAX (440) 974-5711 schiavoni@cityofmentor.com

the city of choice!SM



*Mentor***505.21 FEEDING OR HARBOR OF NUISANCE HEALTH RISK ANIMALS PROHIBITED.**

- (a) No person within the limits of the City shall knowingly feed and/or harbor any nuisance health risk animals.
 - (b) Medical treatment of any person or domestic animal required because of contact with nuisance health risk animals shall be at the cost of the person found in violation of subsection (a) hereof.
 - (c) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
 - (d) In addition to any penalty proscribed in Section 501.99, the costs of any person or animal being tested for health problems caused by a violation of subsection (a) hereof shall be charged to the person found in violation of said subsection.
 - (e) This section shall not apply to licensed trappers or permitted hunters actively baiting nuisance health risk animals in order to lawfully trap or harvest such animals, or to any feral cat colony caretaker who has registered with an Animal Welfare Organization that is conducting a Trap-Neuter-Return ("TNR") program or the caretaker that is in compliance with all provisions of Section 505.30.
 - (f) It shall be an affirmative defense to the feeding of a feral cat that the cat previously was spayed or neutered. Evidence that the cat was ear-tipped shall constitute proof of this affirmative defense.
- (Ord. 13-O-09. Passed 1-15-13; Ord. 17-O-21. Passed 3-7-17.)

Mentor

505.01 DEFINITIONS.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them:

(a) "Abandoned Cat" means a domesticated cat that an owner has forsaken entirely or neglected or refused to provide care and support.

(b) "Animal" means all non-human vertebrate and invertebrate species whether wild or domestic including but not limited to dogs, cats, cattle, horses, swine, sheep, geese, ducks, goats, turkeys, chickens or other fowl.

(c) "Animal Welfare Organization" means any charitable corporation whose purpose includes promotion of animal welfare and that has been granted 501(c)(3) nonprofit status by the Internal Revenue Service and which has registered with the City to operate within its boundaries.

(c) "Dangerous animal" means an animal satisfying any of the criteria set forth in Section 505.14(b) of this chapter or judicially adjudicated as such pursuant to Section 505.25.

(d) "Ear-tipping" means straight-line cutting of the tip of the left ear of a cat while the cat is anesthetized when done to evidence that the cat has been sterilized and vaccinated.

(e) "Feral cat" shall mean a member of the felis catus genus species that does not reside in a human occupied dwelling and that has never been tamed and socialized to humans.

(f) "Feral Cat Colony" means a group of cats that congregates, more or less, together as a unit. Although not every cat in a Colony may be feral, any non-feral cats that congregate with a colony shall be deemed to be a part of it.

(g) "Feral Cat Colony Caretaker" means any person who takes responsibility for the care and management of a City registered feral cat colony.

(h) "Harbor" includes both active and/or passive conduct.

(i) "Menacing fashion" means that an animal would cause any person being chased or approached to reasonably believe that the animal will cause physical injury to that person.

(j) "Nuisance Animal" means an animal that without provocation and while off the premises of its owner, keeper or harbinger has chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person, but does not include a police dog that while being used to assist one or more law enforcement officers in the performance of their official duties has chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person.

(k) "Nuisance Health Risk Animals" shall mean rats, raccoons, skunks, and deer, and feral cats.

(l) "Owner" means and includes any person or firm having a right of property in an animal, any person or firm who keeps or harbors an animal or has it in his care, or who acts as its custodian and any person or firm who permits the animal to remain at or about any premises owned or occupied by said person or firm.

(m) "Permitted Hunter" means any person who has been authorized to hunt deer by the City of Mentor pursuant to a deer damage control permit issued by the State of Ohio Department of Natural Resources, or any person who has registered with the City of Mentor, has successfully completed the requirements of Section 505.12 and has been issued a valid deer hunting permit by the Chief of Police.

(n) "Physical injury" means any of the following:

(1) Any injury, illness, or other physiological impairment, regardless of its gravity or duration;

(2) Any tangible or intangible damage to property that, in any degree, results in loss to its value or interferes with its use or enjoyment.

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

(p) "Registration" means annual completion of a form provided by the City that documents the 501(c)(3) status of an Animal Welfare Organization, that identifies the officers with their contact information, and that specifies the elements of its Trap Neuter and Return ("TNR") program and how the program will be conducted within the City boundaries.

(q) "Running at large" means an animal satisfying any of the criteria set forth in 505.02(a) or (b).

(r) "Serious injury" means any of the following:

(1) Any physical harm that carries a substantial risk of death;

(2) Any physical harm that involves a permanent incapacity, whether partial or total, or temporary, substantial incapacity;

(3) Any physical harm that involves a permanent disfigurement or a temporary, serious disfigurement;

(4) Any physical harm that involves acute pain of a duration that results in substantial suffering or any degree of prolonged or intractable pain.

(s) "Stray Cat" means a cat that is regularly off the property of the owner, is not under the physical control and restraint of the owner, and is not regularly provided with food by its owner.

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

(u) "TNR" means Trap, Neuter and Return.

(v) "TNR Program" means a program pursuant to which feral and stray cats are trapped, neutered or spayed, vaccinated against rabies, and returned to the location where they congregate, in accordance with this chapter.

(w) "Vicious animal" means an animal satisfying any of the criteria set forth in Section 505.14(c) of this chapter or judicially adjudicated as such pursuant to Section 505.25.

(x) "Wild or exotic animal" means any cat other than felis catus; non-human 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.

(y) "Without provocation" means that the animal was not teased, tormented or abused by a person, or that the animal was not coming to the aid of defense of a person who was not engaged in illegal or criminal activity and who was not using the animal as a means of carrying out such activity.

(Ord. 13-O-09. Passed 1-15-13; Ord. 13-O-09. Passed 1-15-13; Ord. 15-O-49. Passed 6-2-15; Ord. 13-O-58. Passed 7-2-13; Ord. 17-O-21. Passed 3-7-17.)

Mentor

505.30 FERAL CAT COLONIES.

(a) Statement of Purpose. This chapter is intended to provide for the proper and humane management of feral and stray cats in order to avoid, inter alia, breeding of wild and stray cats, the transmission of infectious diseases, and to preserve native wildlife species populations from excessive hunting by feral and stray cats via the management of same through the use of a TNR program.

(b) Feral Cat Colonies. When a Feral Cat Colony is found to exist, a person may via compliance with this chapter maintain and care for the feral cats by providing food, water, shelter and other forms of sustenance, provided that the person registers the Feral Cat Colony under sponsorship with a City registered Animal Welfare Organization.

(c) Feral Cat Colony Caretakers shall be responsible for the following:

(1) Registering the colony with an Animal Welfare Organization pursuant to Section 505.01

(p).

(2) Obtaining the written approval of the owner of any property, or any authorized representative of the owner, to which the Feral Cat Colony Caretaker requires access to provide colony care.

(3) Providing food and water for colony cats in accordance with a regulated schedule that encourages dependence within the colony.

(4) Obtaining proper medical attention for any colony cat that appears to require it.

(5) Taking all appropriate and available steps to have the colony population spayed or neutered by a licensed veterinarian.

(6) Taking all appropriate and available steps to vaccinate the colony population for rabies, preferably with a three-year vaccine, and to make a reasonable attempt to update the vaccinations as warranted and mandated by law.

(7) Ear-tipping the left ear of a colony cat that has been vaccinated and spayed or neutered so that colony cats can be readily identified.

(8) Taking all reasonable steps to (1) remove kittens from the colony after they have been weaned, (2) place the kittens in homes, foster homes, or reputable adoption organizations for the purpose of subsequent permanent placement, and (3) capture and spay the mother cat.

(9) Using due consideration to prevent Feral Cat Colonies from being maintained on public lands, lands managed for wildlife or other natural resources, such as but not limited to Nature Preserves, where the presence of a Feral Cat Colony is a proven threat, and to avoid the taking of rare, threatened or endangered species under Ohio and U.S. law.

(10) Taking all reasonable measures to resolve nuisance complaints resulting from the Feral Cat Colony.

(d) Animal Welfare Organizations that sponsor a Feral Cat Colony Caretaker shall be responsible for reporting quarterly in writing to the City on:

(1) The location of the colony;

(2) The number and gender of all cats within the colony;

(3) A description of individual cats within the colony;

(4) The reproductive status of all cats within the colony;

(5) The number of cats that died or otherwise ceased being a part of the colony;

(6) The number of kittens born to colony cats and their disposition;

(7) The number of cats placed in animal shelters or in permanent homes as companion cats;

(8) The number of cats vaccinated; and,

(9) The number of cats spayed or neutered under it's TNR program conducted for the caretakers.

(e) Withdrawal of Feral Cat Colony Caretaker. In the event that a Feral Cat Colony Caretaker is unable or unwilling to continue in that role, he, or she or it shall notify the Animal Welfare

Organization immediately, which shall in turn immediately notify the City. If no other Feral Cat Caretaker is providing for the colony and if no new Feral Cat Caretaker assumes responsibility for the colony within thirty (30) days, feeding of the colony shall cease by the caretakers(s).

(f) Failure to Adhere to Responsibilities and Revocation of Registration.

(1) If a Feral Cat Colony Caretaker fails to meet all of the requirements of this chapter or has failed to resolve a nuisance complaint related to the Feral Cat Colony, he or she shall be notified of all deficiencies in writing and shall have thirty (30) days to become compliant or resolve the nuisance. If not so resolved within the thirty (30) day period, the Feral Cat Colony registration may be revoked.

(2) It is the affirmative responsibility of the Feral Cat Colony Caretaker, via compliance with the provisions of Section 505.30(b), to reduce the size of the Feral Cat Colony. Any yearly increase in the size of the Feral Cat Colony by virtue of new births and/or adult additions to the colony shall be grounds for revocation of the Feral Cat Colony registration unless the Feral Cat Colony Caretaker shall have developed an approved action plan to reduce the colony's size within the following year. In the event the Feral Cat Colony Caretaker does not timely implement the action plan or, having implemented same, not reduced within the following year the size of the Feral Cat Colony, the registration may be revoked.

(3) No person who has had their registration as a Feral Cat Colony Caretaker revoked shall thereafter act in a manner contrary to Section 505.21.

(h) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(Ord. 17-O-21. Passed 3-7-17.)

BY: Barsky

Granville - Molly Prasher

ORDINANCE NO. 14-07

AN ORDINANCE ENACTING SECTION 505.115 OF THE CODIFIED ORDINANCES TO RESTRICT THE FEEDING OF DEER WITHIN THE VILLAGE OF GRANVILLE

WHEREAS, the supplemental feeding of deer can enhance reproductive rates, foster the transmission of disease, encourage deer to concentrate in specific areas, and make the deer more tolerant of people; and

WHEREAS, the supplemental feeding of deer can also contribute to an artificially high deer population, especially during harsh winters; and

WHEREAS, it is the desire of the Village Council to establish restrictions on the feeding of deer within the Village as part of a deer management program.

NOW, THEREFORE, BE IT ORDAINED BY COUNCIL OF THE VILLAGE OF GRANVILLE, COUNTY OF LICKING, STATE OF OHIO, THAT:

Section 1. That Section 505.115 of the Codified Ordinances be, and the same hereby is, enacted to read as follows:

“505.115 RESTRICTIONS ON THE FEEDING OF DEER

(a) Deer Feeding Prohibited. Except as provided in paragraph (d) below, no person shall intentionally feed deer within the Village.

(b) Feeding Defined. For the purposes of this section, feeding shall include the act of placing or permitting to be placed on the ground, or within five feet of the ground, any device or any fruits, grains, minerals, plants, salt licks, vegetables, seeds, nuts, hay, or any other edible materials that may reasonably be expected to result in deer feeding, unless such items are screened or otherwise protected from deer consumption.

The presumption that the placement of any fruits, grains, minerals, plants, salt licks, vegetables, seeds, nuts, hay, or any other edible materials is for the purpose of feeding deer shall not apply to the following:

- (1) Naturally growing materials, including but not limited to fruit, grain, nuts, seeds, hay, and vegetables.
- (2) Planted materials growing in gardens, as standing crops, or in a wildlife food plot.
- (3) Residue from lawns, gardens & other vegetable materials maintained as a mulch pile.

(4) Stored crops, provided that the crop is not intentionally made available to deer.

(5) Spills of seed materials intended for planting or crop materials that have been harvested if the spills are incidental to normal agricultural operations and such materials are not intentionally made available to deer.

(6) Unmodified, commercially-purchased bird or squirrel feeders or their equivalent.

(7) Temporary, seasonal or ornamental decorations as determined by the Village Manager.

(c) Removal Required. Each property owner shall have the duty to remove any device or materials placed on the owner's property in violation of this section. Alternatively, a property owner may modify such a device or make other changes to the property that prevent deer from having access to the materials or feeding from the device. Failure to remove such materials or to make such modifications within twenty-four (24) hours after notice from the Village shall constitute a separate violation.

(d) Exceptions to Prohibition.

(1) The prohibition in paragraph (a) shall not apply to any health department employee, law enforcement officer or state or federal game official acting within the scope of his or her official duties. Nor shall the prohibition in paragraph (a) apply to feeding activities permitted by the Ohio Division of Wildlife hunting regulations when performed by an individual holding valid local and state deer hunting permits and in those areas where deer hunting is authorized pursuant to Section 505.111.

(2) The prohibition in paragraph (a) shall not apply to feeding that is authorized by the Village Manager on an emergency basis.

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

Section 2. This Ordinance shall take effect from and after the earliest period allowed by law.

PASSED this 17th day of October, 2007.

Melissa Hartfield, Mayor

ATTEST:

Mollie Prasher, Village Clerk

APPROVED AS TO FORM:

D. Michael Crites, Law Director

ORDINANCE NO. 43 -2014

AMENDING CHAPTER 505 – ANIMALS OF THE SYLVANIA CODIFIED ORDINANCES, 1979, AS AMENDED, BY AMENDING SECTION 505.08 – NUISANCE CONDITIONS AND FEEDING OF WILDLIFE AND STRAY ANIMALS PROHIBITED; AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 70-2013, passed October 21, 2013, appropriated an amount not to exceed \$1,500 for the establishment and implementation of a pilot program to help with the stray/feral cat issue in the City of Sylvania, Ohio; and,

WHEREAS, since that time, the issue of stray/feral cats has continued to be a concern; and,

WHEREAS, at the May 19, 2014 meeting of Sylvania City Council, this issue was referred to the Safety Committee to hear public comment and for its review and recommendation; and,

WHEREAS, the Safety Committee met on June 2, 2014 and thereafter at the June 2, 2014 Sylvania City Council meeting, the Chair of the Safety Committee reported that public comments were taken and another Safety Committee meeting was set for July 1, 2014 for continued discussion on this issue; and,

WHEREAS, the Safety Committee met on July 1, 2014 and July 21, 2014 and thereafter, at the July 21, 2014 meeting of Sylvania City Council, reported that it was the recommendation of the Committee that the proposed amendments set forth on the attached “Exhibit A” be approved.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sylvania, Lucas County, Ohio, _____ members elected thereto concurring:

SECTION 1. That Chapter 505 of the Codified Ordinances of Sylvania, 1979, as amended, be and it is, hereby further amended to read as set forth on the attached “Exhibit A.”

SECTION 2. 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 of 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 Ohio Revised Code.

SECTION 3. That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the amendment to this Chapter should be provided for immediately. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by this Charter.

Vote dispensing with the second and third readings: Yeas _____ Nays _____

Passed, _____, 2014, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

505.08 NUISANCE CONDITIONS AND FEEDING OF WILDLIFE AND STRAY ANIMALS
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. A person shall be presumed to be the keeper or harbinger of an animal if such person does or permits any of the following: (1) Knowingly or recklessly feeds such animal food or water; (2) Knowingly allows and/or encourages any animal to remain upon his or her property more than twenty-four (24) hours.
- b) No person shall provide food for any animal or fowl by setting such food out on any public property, or within a 100 yard radius of any private residence or public right-of-way. This section does not apply to animals owned by that person, or to song birds fed from a stationary bird feeder.
- c) Whoever violates this section is guilty of a minor misdemeanor for the first offense, a fourth degree misdemeanor for the second offense, a third degree misdemeanor for the third offense and a second degree misdemeanor for the fourth or subsequent offense.

(Ord. _____-2014. Passed _____-2014.)

Kathy Patton

From: Joan Kemper <jkemper@cityofbayvillage.com>
Sent: Wednesday, June 27, 2018 7:31 AM
To: Kathy Patton
Subject: RE:Prohibit Feeding of Wildlife

Kathy,

Here is Bay Village code re feeding of deer:

505.33 - Feeding of deer prohibited.

(a)
Definitions. In this section *food* means corn, fruit, oats, hay, wheat, alfalfa, salt or mineral blocks, grain, vegetables, human food scraps, commercially sold wildlife feed, birdseed, or livestock feed. "Food" does not include shrubs, live crops, plants, flowers, vegetation, gardens, trees, and fruit or nuts that have fallen from trees to the ground.

(b)
Feeding of deer prohibited. No person shall intentionally feed deer or make food available for consumption by deer on private or public property within the City of Bay Village. A person shall be presumed to have intentionally fed deer, or made food available for consumption by deer, if the person places food or causes food to be placed on the ground or any alternative feed venue outdoors.

(c)
Affirmative defense. It is an affirmative defense to prosecution under this section if a person places food, in good faith, for the purpose of feeding domestic animals owned and located on the involved property.

(d)
Penalty. Whoever violates this Section shall receive a warning on the first offense, and is guilty of a minor misdemeanor on subsequent offenses. Penalty shall be as provided in Section 501.99.

(Ord. 12-37. Passed 5-7-12.)

Joan Kemper, Clerk of Council
Secretary to Boards and Commissions
City of Bay Village, Ohio
350 Dover Center Road
Bay Village, Ohio 44140
440-899-3406
jkemper@cityofbayvillage.com

ORDINANCE NO. 226-2012

TITLE: ANIMAL FEED NUISANCE PREVENTION

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BARBERTON ENACTING AN ORDINANCE WHEREBY LEAVING FOOD UNATTENDED AND AVAILABLE FOR STRAY AND WILD ANIMALS IS PROHIBITED, AND DECLARING AN EMERGENCY.

WHEREAS, leaving pet food unattended for extended periods of time, outside of an enclosed area, attracts rodents, stray pets, and wild animals, creates offensive odors, unsanitary conditions, and encourages the transmission of rabies and other animal diseases.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Barberton, State of Ohio:

SECTION 1. That the within ordinance prohibits leaving animal feed and/or pet food outside in open areas or in enclosed areas such as, but not limited to, open garages, car ports, tool sheds, lean-tos, or under open porches for pets, strays and wild animals. However, food may be left out during daylight hours, provided that the feeding area must be removed and cleaned each day.

SECTION 2. That any matter which attracts animals and is capable of consumption by either domestic and/or wild animals shall meet the definition of "food," "pet food," and/or "animal feed" as it is used in the within ordinance. Bird feeders and squirrel feeders are exempt from the within legislation.

SECTION 3. That only domestic animals kept in yard pens which enclose an area on all sides shall be permitted to have food left unattended for more than 8 hours. In such instances, there shall be permitted to be only enough food to feed the number of animals kept in the pen.

SECTION 4. That it shall be unlawful for any person to leave food unattended as prohibited by the within ordinance. Any person who violates any provision of this ordinance is guilty of a minor misdemeanor. For each violation of the within ordinance, the offending party shall be fined \$50.00. Each day on which a violation of any provision of this ordinance occurs is a separate and distinct offense and shall be punishable as such notwithstanding the fact that the same food is at issue. Prior to prosecution for any offense under this ordinance, the offender shall be given a written warning for the first occasion where a violation is reported and then observed by an enforcement officer. Said written warning shall be addressed to the owner of the property where the food is found.

A person may be found to have violated the within ordinance should that individual be the registered owner of either the pet being kept at the particular residence or the owner of the property the pet is found upon.

SECTION 5. That the within ordinance is to be enforced by personnel of the Summit County Health District and/or the Summit County Division of Animal Control and/or the Barberton Police Department and/or the Barberton Building Department.

SECTION 6. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were meetings open to the public in compliance with the law.

SECTION 7. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience and welfare of the City

of Barberton and the inhabitants thereof, for the reason that immediate enforcement is necessary, and provided it receives the necessary votes required by the City Charter, shall be in full force and effect from and after its passage and approval; otherwise it is to be in full force and effect from and after the earliest period allowed by law.

Passed _____ 2012

Clerk of Council

President of Council

Approved _____ 2012

Mayor

Kathy Patton

From: Valerie Rosmarin <VRosmarin@avonlake.org>
Sent: Wednesday, June 27, 2018 8:45 AM
To: Kathy Patton
Subject: RE: Prohibit Feeding of Wildlife
Attachments: Legislation 6_11_2012 Feeding Wildlife.PDF

Kathy,

We updated our Codified Ordinances in 2012 prohibiting the feeding of wildlife, as follows:

618.13 NUISANCE CONDITIONS PROHIBITED.

(a) No person shall keep or harbor any animal or fowl within the Municipality so as to create noxious or offensive odors or unsanitary conditions which endanger the health, comfort or safety of any other person, or contribute to the damage of real or personal property of any other person.

(b) No person shall intentionally or recklessly provide food within the Municipality to any wild or feral animal so as to create noxious or offensive odors or unsanitary conditions, endanger the health, comfort or safety of any other person, or contribute to the damage of real or personal property of any other person.

(c) As used in division (b), "food" does not include:

(1) Growing plants, including, but not limited to shrubs, trees, flowers, grasses, fruits, grains, nuts, seeds and vegetables; or

(2) Mulch and/or compost, including mulch and/or compost consisting of grains, fruits, vegetable material or residue from lawns, gardens or fields; or

(3) Food dispensed from bird feeders; or

(4) Food authorized by City Council or the Mayor to be fed to wildlife on a temporary basis for a specific public purpose as determined by the City Council or the Mayor; or

(5) Incidental spills, including spills of seed materials from bird feeders or of materials intended for planting or of crop materials that have been harvested if the spills are incidental to the feeding of birds or normal agricultural operations and such materials are not intentionally made available to wild or feral animals (other than birds feeding at such bird feeders); or

(6) Food provided by any Health Department employee, law enforcement officer or State or Federal game official acting within the scope of his or her official duties; or

(7) Food provided pursuant to activities permitted by the Ohio Division of Wildlife hunting regulations when provided by an individual holding a valid State hunting license and in those areas where wildlife hunting is otherwise authorized by law.

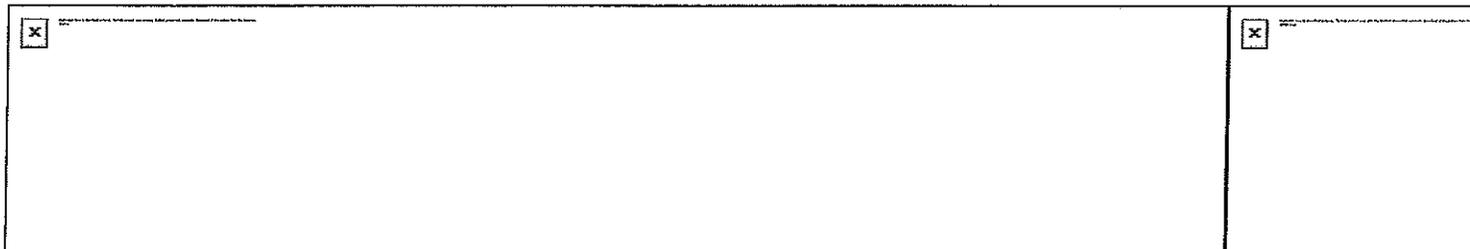
(d) Whoever violates this section and fails to cure such violation within five business days after receipt of notice of violation from the Police Department shall be guilty of a minor misdemeanor and shall be subject to the penalty provided in Ohio R.C. 2901.02(G).

Valerie E. Rosmarin,
Clerk of Council

City of Avon Lake
150 Avon Belden Road
Avon Lake, OH 44012
(440) 930-4121
(440) 930-4107 Fax



From: OMCA Website [mailto:no-reply@omca.us]
Sent: Tuesday, June 26, 2018 4:19 PM
To: kpatton@medinaoh.org
Subject: Prohibit Feeding of Wildlife



[CLICK HERE to reply to this email.](#)

Can you please tell me if your community has legislation prohibiting the feeding of wildlife (i.e. deer, skunks..)? If you please send a copy of your legislation?

Thank you in advance!

Kathy

Kathy Patton - CMC
City of Medina
kpatton@medinaoh.org
(330) 722-9040

***AN ORDINANCE OF THE CITY OF STRUTHERS PROHIBITING
THE FEEDING OF WILD ANIMALS TO BE TITLED SECTION 505.18
IN CODIFIED CHAPTER 505 "ANIMALS AND FOWL" AND
DECLARING AN EMERGENCY.***

NOW, THEREFORE, be it ordained by the Council of the City of Struthers, Ohio, $\frac{3}{4}$'s of all members elected thereto concurring:

NEW SECTION. SECTION 1: Intent

Intentional and unintentional wildlife feeding has increased with urban encroachment into wildlife habitat. Such feeding can lead to conflicts between wild animals and people (including their pets and livestock) and dangerous situations for people and/or result in the wild animal being killed. Unless people take responsibility to remove attractants to discourage unwanted wildlife, negative encounters will occur and wild animals will be killed.

This ordinance provides a tool for law enforcement personnel to warn residents that feeding wildlife is reckless and endangers others' safety as well as their own.

We can co-exist with native wildlife if we recognize and appreciate the important role these animals play in maintaining a healthy ecosystem and ensure that our activities do not adversely alter that role. Living with the natural environment, including wildlife, greatly increases our quality of life but also requires that we take responsibility to keep wild animals wild by not introducing and habituating them to human sources of food.

NEW SECTION. SECTION 2: Definitions

A. "Attractant" means any substance which could reasonably be expected to attract a wild animal or does attract a wild animal, including but not limited to, garbage, food products, pet food, feed, grain or salt.

B. "Person" means any individual, partnership, corporation, organization, trade or professional association, firm, limited liability company, joint venture, association, trust, estate or any other legal entity, and any officer, member, shareholder, director, employee, agent or representative thereof.

C. "Wild animal" means any animal which is not normally domesticated in this state, including but not limited to, bears, coyotes, foxes, mountain lions, deer, opossums, raccoons skunks, seabirds, and bats.

D. "Waterfowl" any bird that frequents the water, or lives about rivers, lakes, etc., on or near the sea; an aquatic fowl, including but not limited to ducks, geese, swans, heron, and egrets.

NEW SECTION. SECTION 3: Prohibitions

Prohibition against Feeding Wild Animals

(1) It shall be unlawful for any person or persons to intentionally feed and wild animals within the City so as to create a nuisance condition as described in subparagraph (2) of this paragraph (C) or in any manner that is likely to attract rodents or other scavenger animals to the City. Feeding wild animals by placing food directly on the ground or in a container that is not at least four feet (4') above the ground shall be deemed a violation of this section.

(2) A nuisance condition shall be deemed to exist for purposes of subparagraph (1) of this paragraph (C) when, as a natural and predictable result of the amount and type of food given a wild animal or animals, and/or the repetitive nature of the feedings, made, the wild animal or animals do any of the following in the City:

- A. Creates a habitat on occupied residential property;
- B. Causes substantial damage to tangible personal property or real property; or
- C. On more than one occasion, leave feces on residential property.

NEW SECTION. SECTION 4: Exceptions

A. The prohibitions of this act shall not apply to:

Feeding of songbirds and other backyard birds permitted

- A. Feeding of other songbirds and other backyard birds shall be permitted outdoors at such times and in such numbers that: (1) Such feeding does not create an unreasonable disturbance that affects the rights of surrounding property owners and renders other persons insecure in the use of their property and; (2) Does not create an accumulation of droppings on the property and surrounding properties and; (3) Does not become an attractant for rodents or other wild animals and, (4) Bird feeders are placed at least five (5') feet above the ground.

NEW SECTION. SECTION 5: Enforcement and Penalties

A. Any person violating any of the prohibitions of this section shall be deemed guilty of a minor misdemeanor for the first offense. For the second and subsequent violations of this section, the violator shall be deemed guilty of a misdemeanor of the fourth degree. In addition, the court may order, at the violator's expense, that the wild animal be

transferred to an appropriate zoological or similar facility. If this is not practical, as an alternative, the court may order, again at the violator's expense, that the wild animal be humanely destroyed by a qualified veterinarian.

SECTION 6: This ordinance is hereby declared to be an emergency measure necessary for the preservation of public peace, health and safety of the inhabitants of the City of Struthers, Ohio. Said emergency exists by reason of the fact, and, as such, this ordinance shall take effect upon its passage and approval by the Mayor.

PASSED IN COUNCIL THIS _____ DAY OF _____, 2010.

CLERK OF COUNCIL

PRESIDENT OF COUNCIL

FILED WITH THE MAYOR THIS _____ DAY OF _____, 2010.

CLERK OF COUNCIL

APPROVED BY THE MAYOR THIS _____ DAY OF _____, 2010.

MAYOR

Save: Prohibiting Feeding of Wild Animals 2010 Ordinance