

CITY OF FAIRVIEW PARK
ORDINANCE NO. 16-44
REQUESTED AND SPONSORED BY COUNCILMAN HINKEL

AN ORDINANCE AMENDING CHAPTER 505 OF THE CODIFIED ORDINANCES OF THE CITY OF FAIRVIEW PARK TITLED “ANIMALS” PROVIDING FOR FURTHER PROHIBITION OF NUISANCE CONDITIONS AND DECLARING AN EMERGENCY

WHEREAS, it is in the best interest of the City of Fairview Park to amend Section 505.02 of the Codified Ordinances of the City of Fairview Park to provide for further prohibition of nuisance conditions and to calculate repeat offenses in total.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FAIRVIEW PARK, COUNTY OF CUYAHOGA AND STATE OF OHIO:

SECTION 1. That Section 505.02 of the Codified Ordinances of the City of Fairview Park is hereby amended as follows:

505.02 NUISANCE CONDITIONS PROHIBITED.

(a) No person shall keep or harbor any animal in the City so as to create offensive odors, excessive noise or unsanitary conditions which are a menace to the health, comfort or safety of the public, or otherwise permit the commission or existence of a nuisance as hereinafter defined.

(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.

~~(b)(c)~~ Any animal, which by biting or frequent and habitual barking, howling or yelping, or in any way or manner injures or disturbs the quiet of any person or the community, or which disturbs or endangers the comfort, repose or health of persons, is hereby declared to be a nuisance. No owner or person having custody of such animal shall harbor or permit it to commit such nuisance.

~~(c)~~ (d) Any animal which scratches, digs or defecates upon any lawn, tree, shrub, plant building or any other public or private property, other than the property of the owner or person in charge or control of such animal, is hereby declared to be a nuisance.

~~(d)~~ (e) No person being the owner or in charge or control of any dog shall allow or permit such dog to commit a nuisance on any school grounds, City park or other public property, or upon any private property other than that of the owner or person in charge or control of such dog without the permission of the owner of such property. Where the owner or person in charge or control of such dog immediately removes all feces deposited by such dog and disposes of the same in a sanitary manner, such nuisance shall be considered abated.

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 any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 3. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare and provide for an immediate change to the ordinance, and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED:
APPROVED:

1st reading: 11.07.16
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council