

REVISED AGENDA

**REGULAR PIQUA CITY COMMISSION MEETING
TUESDAY, APRIL 2, 2013
7:30 P.M. – COMMISSION CHAMBER – 2nd FLOOR
201 WEST WATER STREET
PIQUA, OHIO 45356**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

REGULAR CITY COMMISSION MEETING

CONSENT AGENDA

1. **APPROVAL OF MINUTES**

Approval of the minutes from the March 14, 2013 Piqua City Commission Worksession and the March 19, 2013 Regular City Commission Meeting

OLD BUSINESS

2. **ORD. NO. 3-13** (3rd Reading)

An Ordinance amending section 77.01 – Traffic Schedules adopted, Schedule IV and Schedule VII, of the Piqua Code, relating to four-way stop intersections and traffic control devices pertaining to the South Street/Sunset Drive intersection

3. **ORD. NO. 4-13** (3rd Reading)

An Ordinance amending Chapter 90 of the Piqua Municipal Code to repeal Section 90.28 vicious dogs

4. **ORD. NO. 5-13** (3rd Reading)

An Ordinance amending Chapter 111 of the Piqua Municipal Code (Peddlers and Solicitors)

NEW BUSINESS

5. **RES. NO. R-48-13**

A Resolution of Appreciation for the Public Service of Joe Cline as a City Employee

6. **RES. NO. R-49-13**

A Resolution authorizing the City Manager to enter into an agreement with Burgess and Niple, Inc. for the completion of the Agency for Toxic Substances and Disease Registry Grant received by The City of Piqua at a cost not to exceed \$115,000

Note: Item 7 has been removed

PUBLIC COMMENT

(This is an opportunity for citizens to address the City Commission regarding issues or to provide information. Comments are requested to be limited to five (5) minutes and specific questions should be addressed to the City Manager's office.)

CITY MANAGER'S REPORT

COMMISSIONERS COMMENT

ADJOURNMENT

MINUTES
PIQUA CITY COMMISSION WORK SESSION
THURSDAY March 14, 2013
7:30 P.M.

Piqua City Commission met in a City Commission Work Session at 7:30 P.M. in the Municipal Government Complex Commission Chambers located at 201 W. Water Street. Mayor Fess called the meeting to order. Present were Commissioners Terry, Martin, and Vogt. Absent: Commissioner Wilson. Also present were: City Manager Gary Huff, Law Director Stacy Wall, Finance Director/Assistant City Manager Cynthia Holtzapple, Dave Burtner, Dave Davis, Todd Brandenburg, and Bob Yoxthimer of CDM..

Moved by Commissioner Martin, seconded by Commissioner Terry, to excuse Commissioner Wilson from the March 14, 2013 City Commission Work Session. Voice vote, Aye: Martin, Terry, Vogt and Fess. Nay: None. Motion carried unanimously.

Wastewater Treatment Plant – Future Plans - Discussion

Wastewater Superintendent Dave Davis provided a brief background on the current Wastewater treatment Plant. The last Master Plan was completed in 1986. Mr. Davis explained the reason to do the study and to complete a new Master Plan at this time.

Bob Yoxthimer of CDM Smith came forward and provided a slide presentation on the need for the Wastewater system improvements at this time. Originally it was all about the SSO and the aged facility, as the most recent additions/modifications are 20+ years old. In July of 2012 a Sanitary Sewer System Master Plan and a Wastewater Treatment Plant Facility Plan were submitted.

Mr. Yoxthimer provided information regarding what was needed to bring the City into compliance. Mr. Yoxthimer explained the Sanitary Sewer Master Plan Objectives; the Implementation Plan; the Wastewater Treatment Plant Facility Plan Objectives; Treatment/EQ Cost to Eliminate SSO; Liquid Treatment Alternatives; Biosolids Treatment Process Alternatives Wastewater Treatment Plant Cost Summary; Recommended Improvements; Funding/Financing Options; Permits & Approvals.

Finance Director/Assistant City Manager Cynthia Holtzapple explained the various funding options available to the City including State of Ohio funding options, and conventional revenue bonds.

Mr. Yoxthimer provided a copy of the schedule that was submitted to the Ohio EPA to keep them abreast of the plans the city has for bringing the Wastewater Treatment Plant up to date.

The next steps are to:

- Complete the pilot testing high-rate treatment (BioActiflo) Basis of Design Report
- Prepare WWTP Preliminary Engineering Report (PER)
- Submit Pilot Testing Basis of Design Report & PER to Ohio EPA for approval
- Assess impact on sewer rate
- Begin design

There was discussion concerning all of the information that was presented. Various questions were asked concerning the current SSO and the elimination of the SSO; the number of gallons of water the city provides; and the sale of water to other communities that would like to purchase water from the City of Piqua in the future. All questions were answered. Mayor Fess stated the presentation was a very comprehensive report and very informative and thanked Mr. Yoxthimer.

City Manager Huff stated he just wanted to bring the City Commissioners up to date on the progress of the Wastewater Treatment Plant project.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Piqua City Commission Work Session at 9:00 P.M. Voice vote, Aye: Fess, Vogt, Martin, and Terry. Nay: None. Motion carried unanimously.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

**MINUTES
PIQUA CITY COMMISSION
Tuesday March 19, 2013
7:30 P.M.**

Piqua City Commission met at 7:30 P.M. in the Municipal Government Complex Commission Chambers located at 201 W. Water Street. Mayor Fess called the meeting to order. Also present were Commissioners Martin, Vogt, Terry, and Wilson. Absent: None

OATH OF OFFICE – PIQUA POLICE DEPARTMENT

Police Lieutenant – William D. Thomas

Law Director Stacy Wall administered the Oath of Office as Police Lieutenant to Officer William D. Thomas.

COMMUNITY PARTNERSHIP AWARDS

Frank Barhorst
Dan & Margaret French
Tom Westfall
Peggy Kolker

City Manager Huff gave a brief outline of the Community Partnership Awards. and provided background of some of the services provided by the award winners. Mayor Fess presented the awards to those present: Frank Barhorst, Dan & Margaret French, and Tom Westfall, thanking them all for their service to the citizens of Piqua, and the City of Piqua. All award winners present were very appreciative of their awards and thanked the City.

REGULAR CITY COMMISSION MEETING

Consent Agenda

Approval of the minutes from the March 19, 2013 Regular Piqua City Commission Meeting

RES. NO. R-34-13

A Resolution appointing a member to the Board of Zoning Appeals

This appoints Daniel Patrizio to the Board of Zoning Appeals for a term to expire March 1, 2018.

RES. NO. R-35-13

A Resolution appointing a member to the Civil Service Board

This appoints Stu Shear to the Civil Service Board for a term to expire March 1, 2016.

RES. NO. R-36-13

A Resolution appointing a member to the Downtown District Design Review Board

This appoints Bradley Bulp to the Downtown District Design Review Board for a term to expire March 1, 2016.

RES. NO. R-37-13

A Resolution appointing a member to the Planning Commission

This appoints Cindy Pearson to the Planning Commission for a term to expire March 1, 2018.

RES. NO. R-38-13

A Resolution appointing a member to the Park Board

This appoints Al Cooper to the Bark Board for a term to expire March 1, 2015.

RES. NO. R-39-13

A Resolution appointing a member to the Golf Board

This appoints Doug Eakin to the Golf Board for a term to expire March 1, 2017.

RES. NO. R-40-13

A Resolution appointing a member to the Golf Board

This appoints James Denson to the Gold Board for a term to expire March 1, 2017.

RES. NO. R-41-13

A Resolution appointing a member to the Board of Zoning Appeals as the Planning Commission Representative.

This appoints Mike Taylor to the Board of Zoning Appeals as the Planning Commission Representative for a term to expire January 1, 2014.

Moved by Commissioner Martin, seconded by Commissioner Vogt, to approve the Consent Agenda. Voice vote, Aye: Fess, Wilson, Vogt, Terry, and Martin. Nay: None. Motion carried unanimously.

OLD BUSINESS

ORD. NO. 3-13 (2nd Reading)

An Ordinance amending Section 77.01-Traffic Schedules adopted, Schedule IV and Schedule VII, of the Piqua Code, relating to four-way stop intersections and traffic control devices pertaining to the South Street/Sunset Drive intersection

City Manager Huff stated a request was brought to the Transportation Committee to review the intersections surrounding Pitsenbarger Park for improving/enhancing the safety with regards to pedestrians, bicyclists, and the traffic coming out of the park complex. After review the Transportation Committee voted unanimously to recommend to the City Commission the intersection be changed from a signalized intersection to a multi-way stop intersection.

Commissioner Vogt stated he received a telephone call asking if it would be possible to put a flashing light along with the stop sign. City Manager Huff stated he would be happy to look into it.

Public Comment

No one came forward to speak for or against Ordinance No. 3-13.

After a brief discussion Ordinance No. 3-13 was given a second reading.

ORD. NO. 4-13 (2nd Reading)

An Ordinance amending Chapter 90 of the Piqua Municipal Code to repeal Section 90.28 vicious dogs

Police Chief Bruce Jamison stated at a recent City Commission Work Session he was asked to look into the vicious dog legislation. Coincidentally, there was also a statewide debate on a new law which was eventually passed by the Ohio General Assembly. The new state law includes elements of the ordinance which the City originally enacted in 1994. The Commissioners stated they would like to eliminate duplication of efforts and support the contracted Dog Warden in enforcement of state law; repeal current city ordinances that could conflict with the state law regarding declaration of vicious dogs by the Police Chief; and consider new city ordinances and necessary resources for enforcement if/when any local issues are discovered with county enforcement of the state law. Chief Jamison stated this will remove language not in compliance with State Law, and stated the City would use the Animal Shelter to enforce viscous dog complaints.

Public Comment

No one came forward to speak for or against Ordinance No. 4-13.

After a brief discussion Ordinance No. 4-13 was given a second reading.

ORD. NO. 5-13 (2nd Reading)

An Ordinance amending Chapter 111 of the Piqua Municipal Code (Peddlers and Solicitors)

Police Chief Bruce Jamison stated this Ordinance was also in response to concerns raised at a City Commission Work Session regarding panhandling restrictions. Recently the panhandling has died down at least over the last several weeks. This will tighten up the legislation for panhandling, stated Chief Jamison.

Public Comment

No one came forward to speak for or against Ordinance No. 5-13.

After a brief discussion Ordinance No. 5-13 was given a second reading.

RES. NO. R-42-13

A Resolution approving the Fiscal Year 2013 Community Housing Improvement Program Application and authorizing the City Manager to submit the application

Bill Lutz, Development Program Director came forward and provided a brief explanation of the program. The City of Piqua will apply for \$400,000 in grant money to provide housing services and opportunities to low to moderate income households. This amount has been reduced from \$500,000 to \$400,000 this year and the competition for these funds is much more competitive this year. The City is required to have public participation in developing the application and a public meeting was held on February 4th. The group prioritized the activities for the proposed application and they include: Emergency Monthly Housing Assistance and Home repairs as a high priority, Rental Rehabilitation, New Construction and Private Owner Rehabilitation as a medium priority, and Homebuyer Counseling as a low priority. A second meeting was then held for individuals to comment on the final application. It was noted that the number of awarded grants has dropped from 100 to just 60 this year, so there is some tough competition for the \$400,000, stated Mr. Lutz.

Public Comment

No one came forward to speak for or against Resolution No. R-42-13.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-42-13 be adopted. Roll call, Aye: Vogt, Martin, Terry, Fess, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-42-13 adopted.

RES. NO. R-43-13

A Resolution accepting the recommendations of the Tax Incentive Review Council of the City of Piqua for the purpose of the administration of the City of Piqua's Enterprise Zone Program, as required by Section 5709.85 (C)(1) of the Ohio Revised Code

Bill Lutz, Development Program Director stated since 1996 the City of Piqua has worked with industrial and commercial concerns to enter into ten separate Enterprise Zone Agreements with businesses making extensive capital improvements within their businesses. These agreements provided real and personal property tax exemptions for the businesses. Each Enterprise Zone Agreement is reviewed on an annual basis by the City's Tax Incentive Review Council. The last one of the businesses to receive the Enterprise Zone Agreements is set to expire this year, and the council met to allow the Enterprise Zone Agreement for Crane Pumps and Systems to expire. Mr. Lutz gave a brief outline of their capital expenditures and employment levels, along with the savings on their personal property tax since their agreement began in 2002. The tax Incentive Review Council is recommending to the City Commission that the Crane Pumps and Systems Enterprise Zone be allowed to expire, stated Mr. Lutz.

Public Comment

No one came forward to speak for or against Resolution No. R-43-13

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-43-13 be adopted. Roll call, Aye: Martin, Terry, Fess, Wilson, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-43-13 adopted.

RES. NO. R-44-13

A Resolution awarding a contract to Physio-Control for the purchase of two heart monitor/defibrillators to be placed on medic units at a cost not to exceed \$51,536.90

Fire Chief Mike Rindler stated the Fire Department applied and received a AFG Grant for replacement of two heart monitor/defibrillators to replace two that will be outdate in 2016. The Federal grant will provide 90% of the funding and the most qualified bid was on the State Bid and would like to award the contract to Physio-Control at a cost not to exceed \$51,526.90, stated Chief Rindler.

Public Comment

No one came forward to speak for or against Resolution No. R-44-13

Moved by Commissioner Vogt, seconded by Commissioner Wilson, that Resolution No. R-44-13 be adopted. Roll call, Aye: Terry, Fess, Wilson, Vogt, and Martin. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-44-13 adopted.

RES. NO. R-45-13

A Resolution strongly opposing the passage of HB 5 by the Ohio General Assembly which proposed uniformity measures for Municipal Income Tax and includes tax reform that would significantly and negatively impact Piqua's Municipal Income in the form of unfunded mandates, a substantial loss of annual revenue, new state bureaucracy and declaring an emergency

Finance Director/Assistant City Manager Cynthia Holtzapple provided a brief explanation on the reason for opposing the passage of the HB 5 by the Ohio General Assembly. This bill would dramatically reduce income tax collections as well as impose unfunded mandates and increased administrative costs and bureaucracy. These would all have a detrimental effect on our ability to maintain local services to our citizens. If the bill passes it is estimated the reduction of over

\$500,000 in annual income tax, unfunded mandates to maintain local services to the citizens of Piqua, stated Ms. Holtzaple.

All Commissioners were in agreement to approve the Resolution send the letter opposing HB 5 at this time.

Public Comment

No one came forward to speak for or against Resolution No. R-45-13.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-45-13 be adopted. Roll call, Aye: Fess, Wilson, Vogt, Martin, and Terry. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-45-13 adopted.

RES. NO. R-46-13

A Resolution of authorization to submit an application to the Ohio Department of Transportation's Safety Program for improvements to the Looney Road/Garbry Road intersection

City Manager Huff stated in 2007 the Miami Valley Regional Planning Commission conducted an abbreviated safety study at Garbry Road/Looney Road intersection due to the high number of crashes occurring at the intersection. The study recommended several countermeasures which the city has implemented over the past few years. However, there are still known design deficiencies at that intersection, and the city is evaluating the installation of a roundabout at this intersection to help address the design deficiencies, as well as to help reduce vehicle emission and fuel consumption. The roundabout concept and a rendering was shared with the City Commission at their February 14, 2013 Work Session, stated City manager Huff. The Resolution would allow the City to file an application with the Ohio Department of Transportation's Highway Safety Program for funding for the construction of a roundabout at the Looney Road/Garbry Road intersection. A project letter of support was received from the Miami Valley Regional Planning Commission for this project, and securing funding is just the first step in the process, stated City Manager Huff. The deadline for applying for the grant is April 1, 2013.

There was discussion on the need for the roundabout, the funding of the project, and information was requested regarding crashes at the intersection over the past few years. It was noted that some of the streetscape by the Main Source Bank on High Street was broken down already.

City Manager Huff stated this is not a discussion to proceed with the project at this time, we are just asking for approval to apply for the grant funds, as the project would not be started until 2016-2017 if at all.

Public Comment

Brad Boehringer, Mound Street came forward stating he was in attendance at the February 14th City Commission Work Session, and remembers the plan was brought forward by the Miami Valley Regional Planning Commission. City Manager Huff stated this would possibly help spur development in the area, which would also benefit the community. There was discussion of the four-way stop that is there at this time.

Mayor Fess stated this is the way the city operates; funds have to be applied for long before a project is started.

Frank Barhorst, S. Wayne Street came forward stating he travels on Rt. 161 frequently, and the roundabout located there functions very well and moves traffic in a safe and efficient manner.

Moved by Commissioner Terry. The motion died for a lack of a second. Resolution No. R-46-13 died for a lack of a second on the motion to approve.

RES. NO. R-47-13

A Resolution requesting authorization to enter into an agreement with URS Corp for the Design Services for the Stormwater Master Plan Phase

City manager Huff explained throughout 2012 it was recognized that multiple storm water issues presented themselves within the city. It was decided to budget for, and pursue a storm water master plan in 2013. After soliciting for Request for Qualifications (RFQ's), URS Corp. was selected to provide the Technical Proposal for the design services.

Mike Frommer of URS Corp. came forward and gave a brief overview of their plans.

There was discussion of the work that was needed in south end of town, and the need to work on the lines in all of the areas in town, and this would help to identify where the problems are.

Public Comment

Joe Francis, Parkway Drive, came forward and voiced his concern on what his tax dollars are paying for in conjunction with the stormwater situation and inquiring if there is a separate fund for stormwater. City Manager Huff explained they have hired two new employees to work on the stormwater in the south end of town. Mr. Francis further stated he would like to see the funds used to clean up the basins in town also.

Mayor Fess stated Resolution No. R-47-13 needed to be amended in Section 2: after the word Director to insert the wording: ***certifies the funds are available and***, before the word is. Moved by Commissioner Terry, seconded by Commissioner Vogt to amend Resolution R-47-13 under Section 2: to insert the wording: ***certifies the funds are available and***, before the word is. Roll call, Aye: Fess, Martin, Terry, Vogt, and Wilson. Nay: None. Motion carried unanimously.

Moved by Commissioner Terry, seconded by Commissioner Vogt, that Resolution No. R-47-13 be adopted, as amended. Roll call, Aye: Vogt, Wilson, Martin and Fess, Terry. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-47-13 adopted, as amended.

PUBLIC COMMENT

This is an opportunity for citizens to address the City Commission regarding issues or to provide information. Comments are requested to be limited to five (5) minutes and specific questions should be addressed to the City Manager's office.

No one came forward to speak at this time.

City Manager's Report

City Manager Huff stated the city wanted to extend their condolences to the family of Jerry Jackson Jr. Mr. Jackson was an employee of the Miami County Highway Department who was killed in a tree trimming accident Tuesday March 19, 2013 while on the job.

City Manager Huff stated the Dayton Business Journal ranked the City of Piqua #14th on the list of the largest municipalities in the region, and ranked # 7th in population increase in the region.

City Manager Huff reminded Commissioners of the Monthly Coffee Meeting scheduled at 9:00 A.M. on Thursday March 21 in the Public Works Department.

City Manager Huff announced that Development Department Program Manager Bill Lutz was named one of the 40 under 40 on the list of award winners by the Dayton Business Journal, and we are very proud of him.

Commissioners Comment

Commissioner Wilson stated one of the former City Commissioners Jim Weaver passed away recently. Jim was still concerned about what was happening in the City of Piqua and was always offering information to the Commission when he came across something that would help. Jim will be missed and offered his condolences to his family.

Commissioner Wilson stated he attended the Buffalo Wings & Rings opening stating the food was good and they have 47 televisions on the walls, even having 2 in the men’s restroom so you will never miss anything happening while you are there enjoying the great food.

City Manager Huff stated the owners told him that the Piqua Buffalo Wings & Rings had the 2nd largest grand opening in Franchise history.

Commissioner Terry stated she was out at Buffalo Wings & Rings on Saturday, and the place was packed. Commissioner Terry further commented she did not recognize a lot of the people there stating that there seemed to be a lot of out of town visitors enjoying the new restaurant.

Commissioner Terry congratulated Bill Lutz on his accomplishment, and further stating Bill has been able to secure a vast amount of grant funds for the city, and we are very proud of him. Commissioner Terry also congratulated Lieutenant Thomas on his promotion, and all of the Community Partnership Award winners.

Commissioner Vogt congratulated Lieutenant Thomas on his promotion, and the Community Partnership Award recipients.

Mayor Fess also commented on the death of former Commissioner James R. Weaver, stating he continued his concern for the community even after he left the Commission seat. Mr. Weaver’s death was very unexpected as he was shoveling snow and had a heart attack. Mayor Fess offered her prayers and thoughts to his family.

Mayor Fess commented on the fact the new Buffalo Rings and Wings grand opening was the 2nd largest in the 50 stores franchise history. It goes to show you Piqua is going to bring the people in.

Mayor Fess also congratulated Lieutenant Thomas on his promotion.

Mayor Fess congratulated Bill Lutz, further stating since he is famous now that he had better not get any ideas about leaving the City of Piqua, as we need him here.

Mayor Fess stated she was disappointed Resolution No. R-46-13 did not pass for the submission of the application for the funds for the improvements to the Looney Road/Garbry Road intersection. Mayor Fess stated the Commission has asked the City Manager to help move the city forward, and believes they did a disservice to him by not passing the resolution at this time, as they will miss the April 1 deadline to apply for the funding.

Moved by Commissioner Martin, seconded by Commissioner Wilson, to adjourn from the Regular Piqua City Commission Meeting at 8:40 P.M. Voice vote, Aye: Martin, Terry, Wilson, and Vogt. Nay: None. Motion carried unanimously.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

ORDINANCE NO. 3-13

AN ORDINANCE AMENDING SECTION 77.01 – TRAFFIC SCHEDULES ADOPTED, SCHEDULE IV AND SCHEDULE VII OF THE PIQUA CODE, RELATING TO FOUR-WAY STOP INTERSECTIONS AND TRAFFIC CONTROL DEVICES PERTAINING TO THE SOUTH STREET/SUNSET DRIVE INTERSECTION.

BE IT ORDAINED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SEC. 1: Section 77.01 of the Piqua Code, Schedule IV – FOUR-WAY STOP INTERSECTION, is hereby amended to ADD the following:

SOUTH STREET AND SUNSET DRIVE

and; Section 77.01 of the Piqua Code, Schedule VII – TRAFFIC CONTROL DEVICES, is hereby amended to DELETE the following:

SOUTH STREET AND SUNSET DRIVE

SEC. 2: Section 77.01 of the Piqua Code, Schedule IV Four-way Stop Intersection and Schedule VII Traffic Control Devices, is hereby amended to revise the designation of the intersection;

SEC. 3: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

1st Reading 3-5-2013
2nd Reading 3-19-2013

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

MEETING DATE	March 5, 2013		
	March 19, 2013 (2 nd Reading)		
REPORT TITLE (Should match resolution/ordinance title)	An ordinance amending Section 77.01 – Traffic Schedules Adopted, Schedule IV and Schedule VII of the Piqua Code, relating to four-way stop intersections and traffic control devices pertaining to the South Street/Sunset Drive intersection.		
SUBMITTED BY	Name & Title: Amy Havenar, P.E., City Engineer		
	Department: Engineering		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input checked="" type="checkbox"/> Law Director
	<input type="checkbox"/> Department Director		<input type="checkbox"/> Other:
BACKGROUND (Includes description, background, and justification)	<p>A request was brought before the Transportation Committee to review the intersections surrounding Pitsenbarger Park for means of improving/enhancing the safety of the intersections with regards to pedestrians, bicyclists, and the motorists entering and leaving the park complex. For the purpose of this Ordinance, we are focusing on the intersection of South Street and Sunset Drive. Based upon the study completed, the traffic signal at the intersection of South Street and Sunset Drive does not meet the necessary warrants as per the Ohio Manual of Uniform Traffic Control Devices (OMUTCD).</p> <p>In determining that the traffic signal was not warranted at this location, the study then proceeded to evaluate the justification of a multi-way stop at this intersection. Based upon the criteria for multi-way stops, a multi-way stop is justified and was recommended for intersection.</p> <p>The Transportation Committee voted unanimously at their August 23, 2012 meeting to recommend to the City Commission that this intersection be changed from a signalized intersection to a multi-way stop intersection.</p>		
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	\$0	
	Expenditure \$:	\$0	
	Source of Funds:		
	Narrative	The only financial impact will be for the new stop signs and the new stop ahead signs, which the Sign Shop can make in-house. We will also recognize a long-term savings with not having to maintain/operate the traffic signal at this intersection.	

<p style="text-align: center;">OPTIONS (Include Deny /Approval Option)</p>	1.	Approve the ordinance to amend Section 77.01, Schedule IV and Schedule VII of the Piqua Code relating to four-way stop intersections and traffic control devices pertaining to the South Street/Sunset Drive intersection.
	2.	Do not approve the ordinance and keep the intersection as a signalized intersection.
<p style="text-align: center;">PROJECT TIMELINE</p>	This work would be completed based upon the timeframes identified in the attached Intersection Action Plan	
<p style="text-align: center;">STAFF RECOMMENDATION</p>	Approve the ordinance to allow for the conversion of the South Street/Sunset Drive intersection to a multi-way stop.	
<p style="text-align: center;">ATTACHMENTS</p>	South Street/Sunset Drive Intersection Action Plan	

City of
PIQUA
Ohio

INDIVIDUAL INTERSECTION ACTION PLAN
SOUTH STREET AND SUNSET DRIVE

OVERVIEW

Background: Complaints concerning the existence of a traffic signal at this location continue to be received from the public. The existing traffic control equipment is non-standard by current standards and the age of the equipment makes it difficult to find replacement parts when repairs are needed. Reconstruction/replacement of the traffic signal has been delayed in the past due to concerns about the expense of the necessary work when questions remain about whether or not the signal is warranted. A traffic study completed in 2012 by the City of Piqua Engineering Department determined the intersection characteristics and traffic volumes at this location do not warrant a traffic signal control device.

Recommendation: It is recommended that the traffic signal at this intersection be removed. Based on the relatively balanced traffic volumes on the intersection approaches, a multi-way (3-way) stop control is recommended. A 3-way stop will provide for reduced delays for approach traffic when there is no traffic approaching from the other directions. Consideration to pedestrian needs should also be given special attention here given the residential setting and adjacent park facility.

Intersection Aerial:





**INDIVIDUAL INTERSECTION ACTION PLAN
SOUTH STREET AND SUNSET DRIVE**

WORK PLAN			
OUTREACH	DEPARTMENT	TARGET DATE	DATE COMPLETE
Stakeholder Mailings	Property owners/residents near intersection; Southwest Neighborhood Association.	February 1, 2013	
Public Meeting	Planning Commission Public Hearing	February 12, 2013	
Public Awareness:	Public Notice - PDC, WPTW, Channel 5	March 1, 2013	
	Police Patrols	May 1, 2013 to August 1, 2013	
WORK ITEMS			
Preparation:	DEPARTMENT	TARGET DATE	DATE COMPLETE
1. Meet with property owners to discuss planned improvements	Planning/Engineering	March 1 - 31, 2013	
2. Amend traffic schedule	Engineering	March 5 to April 2, 2013	
3. Specify and fabricate necessary signs (field locate)	Engineering/ Streets	March 25, 2013	
4. Install "Signal Under Study for Removal" for 30 days	Streets	April 11, 2013	
5. Implement 3-way stop; Install new signs and place signal in 3-way flash mode for 90 days.	Streets/ Traffic	May 13 to August 13, 2013	
6. Turn off flashers and bag signal heads for 60 days	Traffic	August 13 to October 14, 2013	
7. Peak hour observation of traffic patterns and motorist behavior; note observations and report findings to City Engineer	Traffic	September 1, 2013	
8. Remove signal heads and generate report closing project - OR - Forward request for work items to be completed to modify operation	Engineering	October 15, 2013	

ORDINANCE NO. 4-13

AN ORDINANCE AMENDING CHAPTER 90 OF THE PIQUA MUNICIPAL CODE TO REPEAL SECTION 90.28 VICIOUS DOGS

WHEREAS, the City of Piqua Municipal Code has had laws and procedures dealing with vicious dogs; and

WHEREAS, the State of Ohio passed HB 14 in 2012 on redefining types of dogs and dog violations; and

WHEREAS, the City of Piqua desires to follow the Ohio Revised Code with regards to defining different types of dogs when there has been a dog attack or dog bite; and

WHEREAS, by repealing Piqua Municipal Code Section 90.28, issues that fell under the purview of that section will now be enforced by the Miami County Dog Warden.

NOW THEREFORE, BE IT ORDAINED BY the Piqua City Commission, a majority of its members concurring that:

SECTION 1. That the City of Piqua hereby amends Chapter 90 of the Piqua Municipal Code as set forth below by repealing Section 90.28 and all references thereto: (deleted language is indicated by strikethrough and added language is underlined)

§ 90.01 DEFINITIONS

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

ANIMAL. Any live, vertebrate creature, domestic or wild.

DOMESTIC ANIMAL. Any non-agricultural animal which is accepted by the general public as tamable and bred as a tamed animal for human purposes.

EXOTIC. Any animal which is foreign and generally not indigenous to the local community, including (but not limited to) the animals identified in § 90.08.

OWNER. Any person, firm or corporation owning, keeping, harboring or having care, custody or control of one or more animals.

WILD. Any animal which generally lives in its original, natural state, and is not normally domesticated.

§ 90.02 SANITARY CONDITIONS REQUIRED.

It shall be unlawful for any person to erect, use, or maintain any building, structure or place for the exercise of any trade, employment, business, or for the keeping or feeding of any animal, or to occupy any dwelling which, by occasioning noxious smells, exaltation, or noisome or offensive smells, become injurious to the health, comfort, or property of individuals or the public, or causes or suffers any offal, filth, or noisome substance to be collected or remain in places to the damage or prejudice of others, or to the public.

§ 90.03 ABANDONMENT; ANIMALS RUNNING AT LARGE.

(A) (1) No owner of a dog, cat, or other domestic animal shall abandon the animal.

(2) Except as otherwise provided in § 90.05(B), no owner of horses, mules, cattle, sheep, goats, swine, dogs, geese or other fowl, or animals shall permit them to run at large upon any public way or upon the land of another.

(B) It shall be unlawful for the owner of any animal to allow the same to be on the lands of the Echo Hills Golf Course.

§ 90.04 CRUELTY TO ANIMALS; CRUELTY TO COMPANION ANIMALS.

(A) No person shall:

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

(2) Impound or confine an animal without affording it, during the confinement, access to shelter from wind, rain, snow, or excessive direct sunlight, if it can reasonably be expected that the animal would otherwise become sick or in some other way suffer. This division does not apply to animals impounded or confined prior to slaughter. For the purpose of this section, **SHELTER** means an artificial enclosure, windbreak, sunshade, or natural windbreak or sunshade that is developed from the earth's contour, tree development, or vegetation;

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

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

(5) Detain livestock in railroad cars or compartments longer than 28 hours after they are so placed without supplying them with necessary food, water, and attention, nor permit the stock to be so crowded as to overlies, crush, wound, or kill each other.

(B) Upon the written request of the owner or person in custody of any particular shipment of livestock, which written request shall be separate and apart from any printed bill of lading or other railroad form, the length of time in which the livestock may be detained in any cars or compartment without food, water, and attention may be extended to 36 hours without penalty therefor. Division (A) of this section does not prevent the dehorning of cattle.

(C) All fines collected for violations of division (A) of this section shall be paid to the society or association for the prevention of cruelty to animals, if there is one in the municipality; otherwise, all fines shall be paid to the general fund.

(D) Cruelty to companion animals.

(1) As used in this section:

COMPANION ANIMAL. Any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept. **COMPANION ANIMAL** does not include livestock or any wild animal.

CRUELTY, TORMENT, and TORTURE. Have the same meanings as in R.C. § 1717.01.

FEDERAL ANIMAL WELFARE ACT. The "Laboratory Animal Act of 1966," Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 U.S.C. 2131 et seq., as amended by the "Animal Welfare Act of 1970," Pub. L. No. 91-579, 84 Stat. 1560 (1970), the "Animal Welfare Act Amendments of 1976," Pub. L. No. 94-279, 90 Stat. 417 (1976), and the "Food Security Act of 1985," Pub. L. No. 99-198, 99 Stat. 1354 (1985), and as it may be subsequently amended.

PRACTICE OF VETERINARY MEDICINE. Has the same meaning as in R.C. § 4741.01.

RESIDENTIAL DWELLING. A structure or shelter or the portion of a structure or shelter that is used by one or more humans for the purpose of a habitation.

WILD ANIMAL. Has the same meaning as in R.C. § 1531.01.

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

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

(a) Torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against the companion animal;

(b) Deprive the companion animal of necessary sustenance, confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, or impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight, if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation, confinement, or impoundment or confinement in any of those specified manners.

(4) Divisions (D)(2) and (D)(3) of this section do not apply to any of the following:

(a) A companion animal used in scientific research conducted by an institution in accordance with the Federal Animal Welfare Act and related regulations;

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

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

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

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

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

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

§ 90.05 NUISANCE CONDITIONS.

(A) (1) No owner shall allow his or her dog, cat or other domestic animal to become a public nuisance. Excessive barking, whining or howling, molesting passers-by, chasing vehicles, attacking other domestic animals, and damaging property shall be considered a nuisance under this section.

(2) The owner or person in charge or control of any animal which scratches, digs, urinates or defecates upon any lawn, tree, shrub, plant, building or any other public or private property (other than the property of the owner of the animal) shall immediately repair any damage and remove all feces deposited by the animal and dispose of same in a sanitary manner.

(B) (1) It shall be unlawful and considered a public nuisance for any person to own, keep, harbor or maintain an agricultural animal on any parcel of land less than five acres in size or within 1,000 feet of any residence other than his or her own.

(2) For the purpose of this section, **AGRICULTURAL ANIMALS** include horses, mules, donkeys, ponies, cattle, swine, sheep, goats, geese, ducks, turkeys, guinea fowl, peacocks, and chickens.

(3) Nothing in this section shall be construed to prohibit the following:

(a) The feeding of ducks and geese at Echo Lake;

(b) The temporary custody of agricultural animals by a licensed veterinarian;

(c) The temporary custody of agricultural animals by a food processing businesses;

(d) The temporary custody of agricultural animals not exceeding three consecutive days per calendar year by any person, firm, corporation or association sponsoring any charitable, promotional, civic or other civic or special event, festival, celebration or fund-raising activity, subject to approval by the Public Works Director at least seven days in advance; or

(e) The custody of agricultural animals by educational institutions.

§ 90.06 RELEASE OF ANIMALS.

An animal confined under the order of either the police, Health Officer, or pound keeper shall not be released until a certificate of release has been issued by the official who orders the confinement.

§ 90.07 PENS FOR RABBITS.

(A) Any person, persons, firm, or corporation who owns, keeps or harbors three or more rabbits on any premises within the corporation limits of the city must keep the same in a building or structure used exclusively for that purpose, and which building or structure shall be located 75 feet or more from any other building, house, or structure which is used for human occupancy or habitation, or where food is sold, served, or otherwise handled. The building or structure must have a ceiling of not less than seven feet in height from the floor, at any point, with sufficient windows and opening to furnish light to all points of the building or structure. Ventilation shall be sufficient so as to furnish six complete changes of air per hour, and all openings must be fully screened so as to keep out flies and other insects. The floor of the building or structure must be of concrete and free from flaws or cracks, and graded and sloped so that the floor will properly drain to a floor drain, which is to be connected to a sanitary sewer and vented. The foundation of the building or structure must be of a height of not less than six inches above the floor level, or have a cement baseboard at least six inches in height.

(B) The hutches, cages, or pens in which the rabbits are kept or harbored must be at least 16 inches in height, 30 inches in width, and 40 inches long. Hutches, cages, or pens shall not be placed or erected on top of each other over three hutches in height. Hutches may have a steel or wood frame. The top and sides must be covered with galvanized wire netting and a -inch mesh galvanized wire floor, with a watertight galvanized iron drip pan of not less than 16-gauge, and shall be large and sufficient enough to catch all drippings and waste. The drip pans shall be at least one inch deep and placed two or more inches under each floor of each hutch, and arranged, built, and erected so that the pans can be taken out for cleaning and flushing. The hutches must be erected so that they will stand away from any wall, and have an aisle of at least four feet in width between the rows of same.

(C) The hutches must also have a proper feed rack and chaff pan for same, but they must be built and erected double, end to end, so one rack and pan can provide for both hutches. Drip pans and floor must be washed, flushed, and disinfected every day from April 1 to October 30, inclusive, of each year, and for the balance of each year the drip pans and floor must be washed, flushed, and disinfected at least every other day. The waste and manure must be kept in tight metal containers with tight and well-fitting lids and disposed of at reasonable intervals. The floor of the building or structure shall be kept free from all obstructions at all times so that it can be easily and readily flushed.

(D) Each hutch, cage, or pen shall contain at any one time not more than one rabbit over six months of age except a doe and litter until the litter reaches six weeks of age.

(E) Notwithstanding any other provision of this chapter, participants in projects sponsored by 4-H Club or similar organizations may apply for exemptions from one or more restrictions contained in § 90.04(A), provided:

(1) The participant establishes his or her bona fide and current affiliation with the 4-H Club or similar organization to the satisfaction of the Health and Sanitation Officer.

(2) The participant submits a comprehensive and written description of his or her proposed project, satisfactory to the city Health and Sanitation Officer (which shall in no event provide for keeping more than 24 rabbits).

(3) The participant maintains and fulfills the project in complete conformity with his or her written description satisfactory to the Health and Sanitation Officer.

§ 90.08 EXOTIC ANIMALS.

(A) It shall be unlawful for any person to keep, maintain or have in his or her possession or under his or her control within the territorial limits of the city any of the following animals:

(1) All poisonous animals, including rear-fang snakes and spiders.

(2) Apes, including chimpanzees (pan); gibbons (hylobates); gorilla (gorilla); orangutans (pongo); and siamangs (Synphalangus).

(3) Baboons (papai, mandrillus).

(4) Bears (ursidae).

(5) Bison (bison).

(6) Cheetahs (acinonyx jubatus).

(7) Crocodilians (crocodilia), 30 inches in length or more.

(8) Constrictor snakes, six feet in length or more.

(9) Coyotes (canis latrans).

(10) Game cocks and other fighting birds.

- (11) Hyenas (*hyaenidae*).
- (12) Jaguars (*panthera onca*).
- (13) Leopards (*panthera pardus*).
- (14) Lions (*panthera leo*).
- (15) Lynxes (*lynx*).
- (16) Foxes (*vulpes*).
- (17) Monkeys, old world (*cercopithecidae*).
- (18) Ostriches (*struthio*).
- (19) Piranha fish (*characidae*).
- (20) Pumas (*felis concolor*), also known as cougars, mountain lions, and panthers.
- (21) Snow leopards (*panthera uncia*).
- (22) Tigers (*panthera tigris*).
- (23) Wolves (*canis lupus*).
- (24) Birds of prey (raptors).

(B) The provisions of this section shall not apply to licensed pet shops, menageries, zoological gardens, and circuses, if the following apply:

- (1) Their location conforms to the provisions of the zoning ordinance of the city.
- (2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
- (3) The keeping of animals, birds, or fowl otherwise prohibited by this section may be permitted by applying for a special permit from the City Manager. Permits may be issued to permit circus performances or other public exhibition or entertainment events. Any person, organization, group or business granted a special permit will be required to comply with the conditions of division (B) and all federal and state regulations and licensing requirements.

§ 90.09 HARBORING BEES,

(A) It is hereby declared a nuisance for any person to keep or harbor bees which cause annoyance to other persons or damage to the property of others.

(B) Upon complaint being made, the City Manager is hereby authorized and directed to notify the owner or keeper of such bees to abate the nuisance and to remove hives or other contrivances, where the bees are kept or harbored, within ten days after being notified thereof. It shall be unlawful for the owner or keeper to fail or refuse to remove the hives or other contrivances where bees are kept or harbored.

§ 90.10 ANIMAL WARDEN.

The City Manager may appoint an Animal Warden for the purposes of enforcing this chapter. Upon appointment, the Animal Warden shall be authorized and empowered to issue and serve citations for violations of any provision of this chapter, impound animals running at large, eliminate dangerous animals, and perform all duties incumbent upon and incidental to the proper enforcement of this chapter.

§ 90.11 HUNTING AND TRAPPING PROHIBITED.

(A) Except as provided hereinafter and in areas identified in § 137.09(F), no person shall hunt or trap any fur-bearing animal within the municipality without express authorization from the City Health Department.

(B) **FUR-BEARING** means any animal, the pelt or hide of which has any commercial value, including, but not limited to minks, weasels, raccoons, skunks, opossums, rabbits, squirrels, woodchucks, muskrats, fox, deer and beaver.

(C) In the event the existence of fur-bearing animals shall constitute a nuisance on any property, the owner or occupant shall notify the Animal Control Officer of this condition. If, in the opinion of the Animal Control Officer, a nuisance condition is found to exist, the officer or the designated animal trapper licensed by the state may engage in trapping of the animal(s).

DOGS

§ 90.25 REGISTRATION REQUIRED.

(A) No owner of any dog over three months of age after January 20 of any year, or brought from outside this state at any time during the year, shall fail to register the dog as required by R.C. § 955.01.

(B) Failure to display the tag issued in connection with the registration required by R.C. § 955.01, on a dog collar, harness, leash or similar device, shall be prima facie evidence of a violation of division (A) of this section.

(C) No person shall obstruct or interfere with anyone lawfully engaged in capturing an unlicensed dog or in making an examination of a dog wearing a tag.

§ 90.26 DOGS RUNNING AT LARGE.

(A) The owner, keeper or harbinger of every dog shall, at all times, keep the dog either confined upon the premises of the owner or firmly secured by means of a collar, chain, or any other device so that it cannot stray from the premises of the owner, keeper or harbinger, or it shall be kept under reasonable control of some person.

(B) A dog shall not be at large if it is:

(1) Securely confined in an automobile which is adequately ventilated;

(2) Being used for hunting purposes;

(3) Being exhibited at a show; or

(4) Engaged in any activity approved by the laws of this state.

(C) If a dog is found at large, in violation of this section, it shall be impounded according to the procedures set out in § 90.10.

§ 90.27 DOGS TO BE KILLED FOR CERTAIN ACTS; OWNER LIABILITY.

Subject to R.C. § 955.261(A)(2) and (3), a dog that is chasing or approaching in a menacing fashion or apparent attitude of attack that attempts to bite or otherwise endanger, or that kills or injures a person, or a dog that chases, threatens, harasses, injures, or kills livestock, poultry, other domestic animal, or other animal that is the property of another person, except a cat or another dog, can be killed at the time of that chasing, threatening, harassment, approaching, attempt, killing or injury. If, in attempting to kill such a dog, a person wounds it, the person is not liable to prosecution under the criminal laws or ordinances that punish cruelty to animals. Nothing in this section precludes a law enforcement officer from killing a dog that attacks a police dog as defined in R.C. § 2921.321.

~~§ 90.28 VICIOUS DOGS.~~

~~(A) Definition.~~

~~(1) A **VICIOUS DOG**, as the term is used in this section means as follows:~~

~~(a) Any dog with a propensity, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals.~~

~~(b) Any dog which has attacked a human being or domestic animal one or more times without provocation.~~

~~(c) In determining whether a dog is vicious, the following criteria may be considered:~~

~~1. If a bite occurred in the attack:~~

~~a. Whether the attack occurred on or off the owner's property;~~

~~b. Whether the events pertaining to the attack warrant a determination that the dog is vicious;~~

~~2. Past citations, bite history and/or vaccination record;~~

~~3. Size and strength of the dog;~~

~~4. Aggressiveness and propensity to bite;~~

~~5. Existing confinement;~~

~~6. Responsibility of owner;~~

~~7. Training background of animal;~~

~~8. Public health, welfare, and safety.~~

~~(2) A vicious dog is **UNCONFINED** as the term is used in this section if the dog is not securely confined indoors or not confined in a securely enclosed and locked cage, pen or structure located upon the premises of the person owning, keeping, or harboring the dog. Any cage, pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground not less than one foot deep.~~

~~(B) *Reporting of vicious dogs and notifications.*~~

~~(1) Upon written complaint that a person owns or is keeping or harboring a vicious dog on premises in the city, the Chief of Police shall cause the matter to be investigated, and if, after the investigation, the facts indicate that the person named in the complaint is, in fact, the owner or is keeping or harboring any vicious dog in the city, he or she shall send written notice to that person, to be~~

~~delivered via certified mail or personally served by a police officer, requiring the person to remove the animal or confine the animal in compliance with division (A)(2) of this section.~~

~~(2) Notice, as herein provided, shall not be required where a vicious dog has previously caused serious physical harm or death to any person, or has escaped and is at large, in which case the Chief of Police shall cause the dog to be immediately seized and impounded, according to the provisions of this chapter, or destroyed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.~~

~~(3) No owner shall permit a vicious dog to be unconfined at any time or in violation of an order of the Chief of Police.~~

~~(C) Appeal.~~

~~(1) Any person(s) to whom notices are directed pursuant to this section may file a written request for a hearing before the City Manager or his or her designee, within the period of compliance for the purpose of defending against the changes by the city.~~

~~(2) A hearing requested pursuant to this section shall be held as soon as practicable after the filing of the request. Persons requesting a hearing shall be advised of the time and place of the hearing. At any hearing the city and the persons to whom notices have been directed may introduce witnesses and evidence as each party deems necessary. The City Manager or his or her designee shall then either affirm, reverse, or modify the order.~~

~~(3) Pending appeal, the Chief of Police may stay the enforcement of this section if, in his or her sole discretion, it is reasonable to do so.~~

~~(D) Seizure and impoundment of vicious dog.~~

~~(1) Notwithstanding any appeal pursuant to division (C) above, the Chief of Police shall cause to be seized and impounded any vicious dog where the person owning, keeping or harboring the animal has failed to comply with the notice sent pursuant to division (B) of this section. Upon seizure and impoundment, the dog shall be delivered to a place of confinement, which may be with any organization which is authorized by law to accept, own, keep or harbor such dogs.~~

~~(2) If, during the course of seizing and impounding any animal, the animal poses a risk of serious physical harm or death to any person, that person, or persons authorized by the Chief of Police, may render the animal immobile by means of tranquilizers or other safe drugs, or if that is not safely possible, then the animal may be destroyed.~~

~~(E) Cost to be paid by responsible persons. Any reasonable cost incurred by the Chief of Police in seizing, impounding, confining or destroying any vicious dog, pursuant to the provisions of division (D) of this section, shall be charged against the owner, keeper or harbinger of the animal, and shall be collected by the Director of Law.~~

~~(F) Keeping of vicious dog prohibited; permits.~~

~~(1) No person shall keep or harbor within the city any vicious dog, whether owned by him or her or not, that has caused serious physical harm or death to any person or dog.~~

~~(2) No person shall keep or harbor within the city any vicious dog, whether owned by him or her or not, that has been determined to be vicious, but has not caused serious physical harm or death to another person or dog, unless the person has been issued a valid permit by the Chief of Police and the person complies with all of the following restrictions:~~

~~(a) The dog must be confined on the premises of the owner, keeper, or harbinger as required by this section.~~

~~(b) The dog shall not be let outside the pen, case or structure of confinement, unless the dog is securely leashed and muzzled or otherwise securely restrained.~~

~~(c) The owner, keeper or harbinger of the dog must comply with R.C. § 955.11 (Transfer and Ownership or Possession of Dog);~~

~~(d) The owner, keeper or harbinger of the dog must comply fully with R.C. § 955.22 (Confinement or restraint of dog; liability insurance) and file documentation as required by the Chief of Police to demonstrate compliance immediately.~~

~~(e) The owner or keeper of any vicious dog that escapes from his or her custody or control and presents a risk of physical harm to persons or property, or both, shall, within one hour after he or she discovers or reasonably should have discovered the escape, report it to a law enforcement officer of the city.~~

~~(G) Repeat offenders. Persons previously convicted of any violation of this section shall not be permitted to own, keep, or harbor any vicious dog in the city without a permit as specified in division (F)(2) of this section.~~

§ 90.29 PERMITTING DOGS TO BITE.

No owner of a dog shall permit such dog to bite or otherwise injure any person not engaged in illegal activity.

§ 90.30 MUZZLING OF DOGS.

(A) The Health Officer is empowered, whenever in his or her opinion it is necessary or advisable and in the interest of the public health, to make a general order directing and requiring owners of dogs within the city to muzzle the same, or to confine or quarantine them, for such time and in such manner as he or she shall deem and consider to be advisable or necessary for the preservation of the public health.

(B) Whenever the Health Officer shall deem it necessary or advisable, in the interest of the public health to cause a dog to be muzzled, confined, or quarantined, he or she shall publish a general notice thereof once in at least two newspapers of the city, directing and requiring any owner(s) of the dog to cause the dog(s) to be muzzled, confined, or quarantined; or in a case where he or she considers any dog to be dangerous to the community, he or she may, by special written notice to the owner thereof, cause the dog to be muzzled, confined, quarantined, or destroyed.

§ 90.31 RABIES IMMUNIZATION AND QUARANTINE.

(A) All dogs in the city over six months of age shall be properly immunized against rabies by their owners. The current rabies immunization tag must be displayed on the dog whenever the animal leaves the property of the owner.

(B) Either the police, Health Officer, or the pound keeper or designee shall be permitted by the owner of an animal which has attacked or bitten a person, to confine or confiscate the animal or to examine the animal at any reasonable time, and daily if desired, after the animal has attacked or bitten a person, to determine whether the animal shows symptoms of rabies.

(C) Whenever a dog or other animal is affected by rabies or suspected of being affected by rabies, or has been bitten by an animal known or suspected to be affected with rabies, the owner of the dog or animal, or any person having knowledge thereof, shall immediately notify either the police, Health Officer, or pound keeper.

§ 90.99 PENALTY.

(A) Whoever violates §§ [90.02](#), [90.03](#), [90.05](#), [90.07](#), [90.09](#), [90.25](#) or [90.26](#) is guilty of a minor misdemeanor on a first offense and of a misdemeanor of the fourth degree on each subsequent offense.

(B) Whoever violates §§ [90.08](#), [90.11](#) or [90.29](#) is guilty of a misdemeanor of the fourth degree.

(C) Whoever violates § [90.04](#)(A) is guilty of a misdemeanor of the second degree. In addition, the court may order the offender to forfeit the animal or livestock and may provide for its disposition including, but not limited to, the sale of the animal or livestock. If an animal or livestock is forfeited and sold pursuant to this division, the proceeds from the sale first shall be applied to pay the expenses incurred with regard to the care of the animal from the time it was taken from the custody of the former owner. The balance of the proceeds from the sale, if any, shall be paid to the former owner of the animal.

(D) (1) Whoever violates § [90.04](#)(D)(2) is guilty of a misdemeanor of the first degree on a first offense and a felony to be prosecuted under appropriate state law on each subsequent offense.

(2) Whoever violates [90.04](#)(D)(3) is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.

(3) (a) A court may order a person who is convicted of or pleads guilty to a violation of § [90.04](#)(D) to forfeit to an impounding agency, as defined in R.C. § 959.132, any or all of the companion animals in that person's ownership or care. The court also may prohibit or place limitations on the person's ability to own or care for any companion animals for a specified or indefinite period of time.

(b) A court may order a person who is convicted of or pleads guilty to a violation of § [90.04](#) (D) to reimburse an impounding agency for the reasonably necessary costs incurred by the agency for the care of a companion animal that the agency impounded as a result of the investigation or prosecution of the violation, provided that the costs were not otherwise paid under R.C. § 959.132.

(4) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of § [90.04](#)(D) suffers from a mental or emotional disorder that contributed to the violation, the court may impose as a community control sanction or as a condition of probation a requirement that the offender undergo psychological evaluation or counseling. The court shall order the offender to pay the costs of the evaluation or counseling.

~~(E) Whoever violates § [90.28](#)(F)(2) shall be guilty of a misdemeanor of the second degree.~~

~~(F) Whoever violates §§ [90.28](#)(B)(3), [90.28](#)(F)(1), or [90.28](#)(G) shall be guilty of a misdemeanor of the first degree.~~

SECTION 2. All other sections of Chapter 90 of the Piqua Municipal Code not repealed or amended herein shall remain in effect as is.

SECTION 3. This Ordinance shall take effect in accordance with the Piqua City Charter.

1st Reading 3-5-2013
2nd Reading 3-19-2013

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CITY COMMISSION CLERK



Commission Agenda Staff Report

MEETING DATE	March 5, 2013 March 19, 2013 (2 nd Reading)			
REPORT TITLE (Should match resolution/ordinance title)	AN ORDINANCE REPEALING VICIOUS DOG ORDINANCE 90.28 AND ASSOCIATED PENALTY SECTIONS.			
SUBMITTED BY	Name & Title: Bruce A. Jamison, CLEE, Chief of Police			
	Department: Police			
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance	
	<input type="checkbox"/> Asst. City Manager/Development		<input checked="" type="checkbox"/> Law Director	
	<input checked="" type="checkbox"/> Department Director; Health		<input type="checkbox"/> Other:	
BACKGROUND (Includes description, background, and justification)	<p>In the summer of 2012, we examined the issue of vicious dog management in Piqua. Due to a tragic attack by two pit bulls on a Piqua citizen, there was considerable public interest. Coincidentally, there was also statewide debate on a new law which was eventually passed by the Ohio General Assembly. The new state law included elements of the ordinance which we originally enacted in 1994.</p> <p>Consensus at the work session provided direction to:</p> <ol style="list-style-type: none"> 1. Eliminate duplication of efforts and support our contracted Dog Warden (the Miami County Animal Shelter), in enforcement of state law. 2. Repeal current city ordinances that could conflict with state law regarding declaration of vicious dogs by the Police Chief. 3. Consider new city ordinances and necessary resources for enforcement if/when any local issues are discovered with county enforcement of the state law. <p>After the work session, we waited to see how state and county regulations and enforcement would unfold. So far, this has been a slow process as they adapt to the new state law effective in May. While this is still a work-in-process, progress continues towards a statewide database of declared dogs and handling the due process requirements for owners of dogs declared as nuisance, dangerous, or vicious in municipal court.</p> <p>We were also asked to look into ways to publicize the location of vicious dogs within the city limits. We have found this to be one of the most difficult parts of the state law to be implemented, and certainly do not have the resources to do any better here in the city. In fact, we would risk providing inaccurate or untimely information because we would be at the mercy of other agencies we</p>			

	cannot control for the information to be reported. We could provide public information regarding the special tags that are required to be displayed on dangerous dogs, but hosting a database is not practical.	
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	None
	Expenditure \$:	None
	Source of Funds:	None
	Narrative:	Repealing this ordinance diverts cost of enforcing Vicious Dog laws to the Miami County Animal Shelter, which must comply with a recently enacted state law that mandates considerable additional responsibilities regarding nuisance, dangerous, and vicious dogs. We currently contract with the shelter for some of their services.
OPTIONS (Include Deny /Approval Option)	1.	Repeal the attached ordinances.
	2.	Deny the repeal and risk liability for failure to enforce.
	3.	Deny the repeal and provide resources for effective regulation and enforcement of the existing ordinance or one amended to be consistent with state definitions.
	4.	
PROJECT TIMELINE	Immediate.	
STAFF RECOMMENDATION	Repeal the current ordinance that is inconsistent with state law.	
ATTACHMENTS	Text of ordinance to be struck.	

ORDINANCE NO. 5-13

AN ORDINANCE AMENDING CHAPTER 111 OF THE PIQUA MUNICIPAL CODE

PEDDLERS AND SOLICITORS

WHEREAS, there have been increased concerns over panhandling and whether the City ordinances adequately addressed concerns in the community; and

WHEREAS, the City Commission held a work session on February 14, 2013, and recommended changes to the ordinance based upon the Police Chief's experiences and recommendations.

NOW THEREFORE, BE IT RESOLVED BY the Piqua City Commission, a majority of its members concurring that;

SECTION 1. That the City of Piqua hereby amends Chapter 111 Peddlers and Solicitors as set forth below: (new language is underlined and deleted language is indicated by strikethrough):

§ 111.01 DEFINITIONS.

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

ITINERANT VENDOR or ***TRANSIENT DEALERS FOR PROFIT***. The activity of any person who intends to engage in or conduct a temporary or transient business of selling goods, wares and merchandise for a period of not more than 120 days and hires, leases or occupies, either in whole or in part, a room, building or other structure for the purpose of conducting his or her business.

PANHANDLING. To beg, ask, or solicit, verbally, in writing, or by gesture or other actions, personal financial assistance to obtain an immediate donation of money or other item having value. Purchase of an item for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is in substance a donation, is a donation for the purpose of this chapter. ~~*PANHANDLING* does not include passively standing or sitting with a sign or other indication that one is seeking donations, without addressing any solicitation to any specific person other than in response to an inquiry by that person.~~

PEDDLING FOR PROFIT. The activity of any person who transports with him or her, for immediate sale and delivery, goods, wares or merchandise, or who offers the immediate performance of services.

PUBLIC PROPERTY. All property owned, controlled, or operated by any governmental entity, including but not limited to governmental offices or facilities, public streets, publicly owned parking lots, schools, libraries, post offices, transit facilities, and other public lands, parks, buildings, or grounds.

REGISTERED SOLICITOR. Any person who has obtained a valid certificate of registration, which certificate is in the possession of the solicitor and prominently displayed on his or her person while engaging in soliciting.

RESIDENCE. Every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

SOLICITING FOR PROFIT. Any one or more of the following activities:

- (1) Seeking to obtain orders from the purchase of goods, wares, merchandise, foodstuffs or services of any kind, character or description whatever, to be delivered or performed in the future.
- (2) Seeking to obtain subscriptions to books, magazines, periodicals and every other type or kind of publication except newspapers of general circulation.

SOLICITING NOT FOR PROFIT. Includes seeking to obtain, by order or otherwise, gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable political, medical, religious, civic or other nonprofit association, organization, corporation or project.

§ 111.02 APPLICABILITY.

This chapter shall not apply to the following.

- (A) Persons selling on behalf of or making or seeking delivery of goods, wares, merchandise, foodstuffs or services sold by an establishment having a permanent place of business that is in good standing with the State of Ohio and the city.
- (B) Persons soliciting and peddling at non-residences.
- (C) Wholesalers.

§ 111.03 APPLICATION FOR SOLICITOR'S CERTIFICATE.

(A) No person, firm or corporation shall engage in the business or activity of soliciting for profit, soliciting not for profit or peddling for profit or being an itinerant vendor or transient dealer for profit within the city without first applying for, receiving and prominently displaying a solicitor's certificate, as provided in this chapter. The certificate shall be carried by the solicitor at all times. Solicitations not for profit by city residents or local organizations located in the city shall not require a solicitor's certificate.

(B) Persons engaged in soliciting for profit or peddling for profit, including itinerant vendors or transient dealers for profit, shall apply to the Police Department for a certificate of registration upon a form provided by the city. The applicant shall truthfully state in full the following information requested on the application.

- (1) Name and address of present place of residence and length of residence at that address, also business address if other than present address.
- (2) Address and place of residence during the past three years if other than present address.
- (3) Age of applicant.
- (4) Physical description of the applicant.
- (5) Name and address of the person, firm or corporation or association whom the applicant is employed or represents and the length of time of employment or representation.
- (6) Name and address of employer during the past three years if other than the present employer.
- (7) Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage.
- (8) Period of time for which the certificate is applied.
- (9) The date, or approximate date, of the latest previous application for certificate under this chapter, if any.
- (10) Has a certificate of registration issued to the applicant under this chapter ever been revoked.
- (11) Has the applicant ever been convicted of any violation of a felony under the laws of the state or any other state or federal law of the United States.
- (12) Names of the three most recent communities where the applicant has solicited house-to-house.

- (13) Proposed method of operation.
- (14) Signature of applicant.
- (15) Social security number of applicant.

(C) All statements made by the applicant on the application or in connection therewith shall be under oath.

(D) The applicant shall submit to fingerprinting and photographing if requested by the Police Department of the municipality in connection with the application for the certificate.

(E) The Chief of Police shall cause to be kept in his or her department an accurate record of every application received and acted on, together with all other information and data pertaining thereto, and all certificates of registration issued under the provisions of this chapter, and of the denial of applications. Applications for certificates shall be numbered in consecutive order as filed, and every certificate issued and any renewal thereof shall be identified with the duplicate number of the application on which it was issued.

(F) No certificate of registration shall be issued to any person who has been convicted of a felony theft offense, fraud offense, sex offense, drug offense, or offense of violence under the laws of the state or any other state or federal law of the United States within five years of the date of the application, nor any person who has been convicted of a violation of any of the provisions of this chapter, nor to any person whose certificate of registration issued hereunder has previously been revoked.

(G) Applications for solicitor's certificates shall be filed with the Police Department and all certificates shall be issued therefrom.

(H) Persons engaged in soliciting not for profit that are not residents of the city, or whose organization is not located within the city, shall complete an application for a nonprofit solicitor's certificate upon a form provided by the city. The applicant shall truthfully state in full the following information requested on the application.

- (1) Applicant's name and address.
- (2) Name, address and purpose of nonprofit cause or organization.
- (3) Name and address of applicant's supervisor or group leader, if any.
- (4) Period of time for which the certificate is applied.
- (5) Proposed method of operation.
- (6) Signature of applicant.

(I) Any certificate of registration issued hereunder shall be revoked by the Chief of Police if the holder of the certificate is convicted of a violation of any of the provisions of this chapter, or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a certificate of registration under the terms of this chapter. Immediately on such revocation, written notice shall be given by the Chief of Police to the holder of the certificate in person or by certified United States mail addressed to his or her residence address as set forth in the application. Immediately on the giving of the notice, the certificate of registration shall become null and void.

(J) The certificate of registration shall state the expiration date thereof.

(K) The Chief of Police should be notified of solicitations not for profit by residents of the city or whose organization is located within the city.

§ 111.04 PANHANDLING REGISTRATION.

(A) No person shall panhandle without a registration issued by the Chief of Police. The registration shall include the name and photograph of the person to whom it is issued. Any person who has been registered shall display the registration in plain view on the front of that person at all times while panhandling. No person whose registration has been revoked shall panhandle for a period of two years following the revocation.

(B) The Chief of Police shall issue the registration, without fee, to any eligible person who presents himself or herself at the Police Department, states his or her true name, presents a photo identification or signs a declaration under penalty of perjury that he or she has no such identification, and permits himself or herself to be photographed and fingerprinted.

(C) A person is ineligible to register if, and only if, within the past five years he or she:

(1) Has pleaded guilty to or been convicted of two or more violations of this § 111.04 (Registration);

(2) Has had a registration revoked pursuant to division (F) below; or

(3) Has pleaded guilty to or been convicted of two or more offenses under the laws of any jurisdiction which involve aggressive or intimidating behavior while panhandling or false or misleading representations while panhandling.

(D) Upon receipt of an application for registration in accordance with division (B) above, the Chief of Police shall issue a temporary registration valid for ten days and shall determine eligibility for a regular registration before the temporary registration expires. An eligible applicant shall receive a regular registration upon determination of the applicant's eligibility. The regular registration shall expire one year from the date of issuance. Along with the registration, the Chief of Police shall give the applicant a copy of this section.

(E) No person shall make a false or misleading representation while applying for registration under this section.

(F) Upon arrest for any violation of §§ 111.04, 111.11, 111.12, 111.13, or 111.14, a panhandler shall release to the arresting officer any registration issued under this section to the arrestee. The arrestee may apply to the Chief of Police for consecutive 30-day temporary registrations pending adjudication of the arrest case. The Chief of Police shall revoke any registration issued under this section to a person who has pleaded guilty to or been convicted of a violation of §§ 111.04, 111.11, 111.12, 111.13 or 111.14, or to a person convicted of two violations of § 111.04.

(G) The City Manager shall direct the Chief of Police to issue the registration if the applicant has met the criteria set forth in this section for issuance of a registration. The applicant may appeal the decision of the City Manager to a court of competent jurisdiction.

§ 111.05 FEES.

For certificates to be issued to solicitors under the provisions of this chapter, each applicant shall pay to the city the sum of \$15. All certificates shall expire on the date specified in the certificate, which shall not exceed 12 months.

§ 111.06 DISPLAY OF CERTIFICATE.

The certificate issued under the provisions of this chapter shall be exhibited in the place of business by itinerant vendor or transient dealer and shall be prominently displayed by the peddler or solicitor at all times when peddling or soliciting, and shall be exhibited to any person being solicited or any police officer on request.

§ 111.07 RESTRICTIONS.

Every person to whom a registration certificate is issued under the terms of this chapter shall be governed by the following rules and regulations.

(A) All circulars, samples or other matter shall be handed to an occupant of the property or left in a secure place on the premises.

(B) No peddler or solicitor shall enter or attempt to enter the house, apartment or dwelling of any resident in the city without an express invitation from the occupant of the house, apartment or dwelling.

(C) No person subject to the terms of this chapter shall make any false, fraudulent, misleading or deceptive statement during the course of that person's soliciting activity within the municipality.

(D) No person subject to this chapter shall make any solicitation where solicitors are notified by sign that peddling or soliciting is prohibited.

(E) No peddler, solicitor, itinerant vendor or transient dealer shall engage in or transact any type of business or solicitation other than that specified on the registration application.

§ 111.08 PROHIBITED ACTS.

(A) No person, while engaged in any profit or non-profit solicitation, shall knock at the door or ring the bell of any home, apartment, apartment building or other dwelling unit in the city upon which is displayed at the entrance a notice which reads "No Peddlers or Solicitors Allowed," or which otherwise clearly purports to prohibit peddlers or solicitors on the premises, unless the peddler or solicitor is or has been invited on the premises by the owner, lessee or occupant thereof.

(B) No peddler, solicitor, itinerant vendor or transient dealer, panhandler, or any person on his or her behalf, shall shout, make any cryout, blow a horn, ring a bell, or use any sound device, including any loudspeaking radio or sound amplifying system, upon any of the streets, alleys, parks or other public places of the city or any private premises in the city, where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which is being proposed to be sold.

(C) No person shall knowingly make a false or misleading representation in the course of soliciting a donation or panhandling. False or misleading representations include, but are not limited to, the following, whether verbal or in writing:

(1) Stating that the donation is needed to meet a specific need, when the solicitor or panhandler already has sufficient funds to meet that need and does not disclose that fact;

(2) Stating that the donation is needed to meet a need which does not exist;

(3) Stating that the solicitor or panhandler is from out of town and stranded, when that is not true;

(4) Wearing a military uniform or other indication of military service, when the solicitor or panhandler is neither a present nor former member of the service indicated;

(5) Wearing or displaying an indication of physical disability, when the solicitor or panhandler does not suffer the disability indicated;

(6) Using any makeup or device to simulate any deformity;

(7) Stating that the solicitor or panhandler is homeless, when he or she is not.

(8) Stating that the solicitor or panhandler has a minor child or other family member they are supporting who suffers from a medical condition, mental or physical disability, or deformity, when in fact that

child or other family member does not suffer from a medical condition, mental or physical disability, or deformity and/or the person soliciting or panhandling does not support that minor child or other family member.

(9) Stating that the person soliciting or panhandling is unemployed when the person soliciting or panhandling is not unemployed.

(10) Interfering or disrupting any activity or event occurring on public property as defined in this section.

§ 111.09 TRANSFERABILITY.

No certificate or registration shall be assigned or transferred. No registrant shall authorize any person, firm or corporation other than the one named to do business. No registrant shall conduct any other business than is listed in his or her application to be transacted. A separate certificate shall be required for each individual peddler or solicitor, whether or not employed by one person, firm or corporation.

§ 111.10 REVOCATION.

Any certificate or registration issued under the provisions of this chapter may be revoked at any time, should the person to whom it is issued be guilty of any fraud, misrepresentation, or unlawful act in connection with his or her business, or is found to be a person not fit to be engaged in such business, or violate any of the provisions of this chapter.

§ 111.11 TIME OF SOLICITING OR PANHANDLING.

No person shall solicit, panhandle or conduct any other activity subject to this chapter after sunset or before sunrise. The times of sunset and of sunrise shall be as published by the United States Naval Observatory.

§ 111.12 PLACE OF PANHANDLING.

No person shall panhandle when either the panhandler or the person being solicited is located at any of the following locations:

- (A) At any bus stop;
- (B) In any public transportation vehicle or facility;
- (C) In any vehicle within the public right-of-way;

(D) Within 20 feet of any entrance or exit of any bank, savings and loan association, credit union, or check cashing business during its business hours or within 20 feet of any automated teller machine during the time it is available for customers' use;

- (E) On private property, unless the panhandler has permission from the owner or occupant; or
- (F) From any person exiting or entering a motor vehicle.

(G) Within 20 feet of any pedestrians waiting in line for service or waiting in line for an event.

(H) Within 20 feet of any pedestrians waiting in line to obtain access to a building.

(I) Within 20 feet of the area of the sidewalk.

(J) Within 20 feet of the entrance or exit of any public facility.

(K) On public property within 20 feet of an entrance to a building.

(L) On public property within 20 feet of an entrance to a parking lot.

§ 111.13 MANNER OF PANHANDLING.

No person shall panhandle in any of the following manners:

(A) By coming within three feet of the person solicited after that person has indicated that he or she does not wish to make a donation;

(B) By blocking the path of a person who attempts to walk or drive away from the panhandler;

(C) By following a person who walks away from the panhandler;

(D) By making unreasonable noise or offensively coarse utterance, gesture, or display or communicating unwarranted and grossly abusive language, either during the solicitation or following a refusal;

(E) By panhandling in a group of two or more persons;

(F) By any statement, gesture, or other communication which a reasonable person in the situation of the person solicited would perceive to be a threat, harassment or intimidation; or

(G) By touching the solicited person without a statement, gesture or other communication that the person being solicited consents to the touching.

§ 111.14 CAUSING A MINOR TO PANHANDLE.

No parent, guardian, or adult person having legal care, control, or custody of a minor shall cause, allow, or procure such minor to panhandle in or upon any public or private property.

§ 111.15 APPEALS.

Any applicant who has applied for a certificate or a panhandling registration in accordance with this chapter and to whom the Chief of Police has, after an investigation, denied a certificate or registration or revoked a certificate or registration, may appeal to the City Manager. Notice of an appeal shall be filed with the City Manager within five days after the denial or revocation by the Chief of Police. The City Manager on appeal may affirm or reverse the action of the Chief of Police. The City Manager shall direct the Chief of Police to issue the certificate or registration if the applicant has met the criteria set forth in § 111.03 or 111.04 for issuance of a certificate or registration.

§ 111.99 PENALTY.

Whoever violates any provision of this chapter shall be deemed guilty of a minor misdemeanor and shall be fined not more than \$100. Each day's violation shall constitute a separate offense. Whoever violated any provision of this chapter after a previous conviction thereof shall be deemed guilty of a misdemeanor of the fourth degree and shall be fined not more than \$250.

SECTION 2. All other sections of Chapter 111 of the Piqua Municipal Code not amended herein shall remain in effect as is.

SECTION 3. This Ordinance shall take effect at the earliest period allowed by City Charter.

1st Reading 3-5-2013

2nd Reading 3-19-2013

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____

REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

MEETING DATE	March 5, 2013 March 19, 2013 (2 nd Reading)		
REPORT TITLE (Should match resolution/ordinance title)	AN ORDINANCE AMENDING CHAPTER 111, PEDDLERS AND SOLICITORS, APPLYING FURTHER RESTRICTIONS TO PANHANDLING		
SUBMITTED BY	Name & Title: Bruce A. Jamison, CLEE, Chief of Police		
	Department: Police		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution
APPROVALS/REVIEWS	<input type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input checked="" type="checkbox"/> Law Director
	<input type="checkbox"/> Department Director;		<input type="checkbox"/> Other:
BACKGROUND (Includes description, background, and justification)	<p>Panhandling registration and restrictions were implemented in Piqua in 2010. Since that time, other local cities dealing with the issue of panhandlers have created ordinances that include more restrictions that we implemented in 2010.</p> <p>Our community has expressed concern over the number of panhandlers and the manner in which panhandling has recently been conducted. In response to this, the Chief of Police presented the additional restrictions found in ordinances of nearby jurisdictions to the Commission at a work session on February 14, 2013. The consensus of the commissioners in attendance was to add any restrictions legally acceptable.</p>		
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	-0-	
	Expenditure \$:	-0-	
	Source of Funds:	n/a	
	Narrative:	The enforcement of the additional restrictions found in this ordinance will be conducted in the normal course of business for the Piqua Police Department.	
OPTIONS (Include Deny /Approval Option)	1.	Approve the attached amendment to provide the police officers additional tools for effective control of panhandlers.	
	2.	Deny the attached amendment and restrict panhandling to the same level it is controlled now.	
	3.		
	4.		
PROJECT TIMELINE	<ul style="list-style-type: none"> • Enforcement of the existing ordinance will continue uninterrupted. • Enforcement of new restrictions in this amendment will begin as soon as legally permissible after it is adopted. • Interest was expressed in waiving three readings of this ordinance by a commissioner during the work session. 		

STAFF RECOMMENDATION	Approve this ordinance.
ATTACHMENTS	Text of applicable additions and modifications to Chapter 111.

RESOLUTION NO. R-48-13

**A RESOLUTION OF APPRECIATION FOR THE
PUBLIC SERVICE OF JOE CLINE AS A
CITY EMPLOYEE**

WHEREAS, Joe Cline has retired as Electrician with the Power Department; and

WHEREAS, his retirement follows 30 years of faithful and dedicated service to the City and its citizens;

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, all members elected thereto concurring, that:

SEC. 1: In recognition and appreciation of the public service of Joe Cline as Electrician with the Power Department, this Commission tenders its unanimous and respectful tribute by this Resolution, which shall be a matter of public and permanent record.

SEC. 2: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

RESOLUTION NO. R-49-13

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH BURGESS AND NIPLÉ, INC. FOR THE COMPLETION OF THE AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY GRANT RECEIVED BY THE CITY OF PIQUA AT A COST NOT TO EXCEED \$115,000

WHEREAS, the City of Piqua received a \$148,000 grant from the Agency of Toxic Substances and Disease Registry of the United States Department of Health and Human Services and

WHEREAS, the grant requires the community to undertake brownfield redevelopment and public health activities; and

WHEREAS, after solicitation of Request for Qualifications, Burgess and Niple, Inc. was adjudicated to be the most qualified firm to complete the work requested and

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that

SEC. 1: The City Manager is authorized to enter into an agreement with Burgess and Niple, Inc. for the work to be completed with the Agency for Toxic Substances and Disease Registry grant received by the City of Piqua.

SEC. 2: The Finance Director certifies the funds are available and is hereby authorized to draw her warrants from time to time on the appropriate account of the city treasury in payment according to contract terms, not exceeding a total of \$115,000;

SEC. 3: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

MEETING DATE	April 2, 2013		
REPORT TITLE <small>(Should match resolution/ordinance title)</small>	A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH BURGESS AND NIPL, INC. FOR THE COMPLETION OF THE AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY GRANT RECEIVED BY THE CITY OF PIQUA AT A COST NOT TO EXCEED \$115,000		
SUBMITTED BY	Name & Title: William Lutz, Development Program Manager		
	Department: Development Department		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input checked="" type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input type="checkbox"/> Department Director		<input checked="" type="checkbox"/> Other: City Planner
BACKGROUND <small>(Includes description, background, and justification)</small>	<p>Late last year, the City of Piqua received a \$148,000 grant from the Agency for Toxic Substances and Disease Registry to undertake a process to further study the health related and development issues dealing with brownfields. It should be noted that the City of Piqua, to this point, is the first and only municipal government in the entire United States to receive this funding from the Agency for Toxic Substances and Disease Registry.</p> <p>The City of Piqua requested qualifications from firms to undertake the work that was approved by the United States Department of Health and Human Services. After reviewing the three proposals, two firms were adjudicated to be the most qualified; Burgess and Niple and the National Brownfield Association. After consultation with both firms, National Brownfield Association withdrew their statement and will act as a subcontractor to Burgess and Niple, Inc.</p> <p>The work to be completed later this summer will include bringing in a team of national experts to the community to review the physical environment and provide concrete guidance and metrics to improve the public health in those areas impacted by brownfields. These experts will interact with public officials, city residents and other stakeholders to gain a better understanding of the brownfield issues facing the community.</p>		
BUDGETING AND FINANCIAL IMPACT <small>(Includes project costs and funding sources)</small>	Budgeted \$:	\$115,000	
	Expenditure \$:	\$115,000	
	Source of Funds:	ATSDR Grant Received by the City of Piqua	
	Narrative	The entire cost of this project is covered by the ATSDR Grant received by the City of Piqua late last year. The	

		entire grant award was \$148,000 and the cost for the contract work is \$115,000. The remaining \$33,000 will be retained by the City of Piqua for administrative costs.
OPTIONS (Include Deny /Approval Option)	1.	Approve the resolution to enter into an agreement with Burgess and Niple for the work to be completed by the ATSDR Grant.
	2.	Do not approve the resolution and risk losing the \$148,000 Grant from the United States Department of Health and Human Resources.
PROJECT TIMELINE	The Project will commence in late April and is expected to be completed by September 30.	
STAFF RECOMMENDATION	Approve the resolution to allow for the ASTDR Project to begin.	
ATTACHMENTS	None.	