

AN ORDINANCE AMENDING CHAPTER 505, C.O.S., ENTITLED “ANIMALS AND FOWL”, PARTICULARLY SECTION 505.18 THEREOF, ENTITLED "DANGEROUS DOGS AND VICIOUS DOGS" AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Section 505.18(l), C.O.S., within seven days of being served a dangerous or vicious dog determination by the Stow Community Service Officer, the owner has a right to appeal said designation to the Public Safety Director or the Mayor;

WHEREAS, the City of Stow proposes to amend Section 505.18(l), C.O.S., for the purpose of requiring notification to victims of the dangerous or vicious dog owner’s request for an appeal and allowing said victims to be heard or submit a written statement at the administrative appeal hearing.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STOW, COUNTY OF SUMMIT AND STATE OF OHIO:

SECTION 1. That Chapter 505, C.O.S., entitled “Animals and Fowl”, particularly Section 505.18(l) thereof, entitled “Dangerous Dogs and Vicious Dogs”, which formerly read:

“505.18 DANGEROUS DOGS AND VICIOUS DOGS.

(l) Appeal of Dangerous Dog or Vicious Dog Determination. The owner of a dog who has been served with a notice pursuant to paragraph (h) of this Section may, within Seven (7) days after receipt of such notice, make a written demand to the Director of Public Safety for a hearing on the question of whether the dog is dangerous or vicious as defined in paragraph (a) of this Section.

Every effort should be made to hold a hearing no later than Ten (10) days following receipt of written demand to the Director of Public Safety and at least Three (3) days notice of the hearing shall be given to the individual who made the written demand for hearing.”

be, and the same is, hereby amended to read henceforth as follows:

“505.18 DANGEROUS DOGS AND VICIOUS DOGS.

(l) Appeal of Dangerous Dog or Vicious Dog Determination. The owner of a dog who has been served with a notice pursuant to paragraph (h) of this Section may, within Seven (7) days after receipt of such notice, make a written demand to the Director of Public Safety for a hearing on the question of whether the dog is dangerous or vicious as defined in paragraph (a) of this Section.

If the event immediately precipitating the Community Service Officer’s designation of a dangerous or vicious dog resulted in physical injury to another person, other than the dangerous or vicious dog owner, or physical injury to another animal owned by someone other than the owner of the dangerous or vicious dog, the Director of Public Safety shall send notice of the request for appeal to the victim or owner of the victim animal at his or her last known address by way of regular U.S. mail within Three (3) days of receiving the written request for appeal from the dangerous or vicious dog owner. Said notice shall state that the victim has a right to be present and a right to be heard at the scheduled hearing. Said notice shall also state that in the event the victim is unable to attend the hearing at the scheduled date and time, the victim may submit a written statement to be read and considered as part of the record at the scheduled hearing.


Every effort should be made to hold a hearing no later than Ten (10) days following receipt of written demand to the Director of Public Safety or the date the notice of appeal was mailed to the victim, whichever is later. At least Three (3) days notice of the hearing shall be given to the individual who made the written demand for hearing and the victim(s) of the event precipitating the dangerous or vicious dog designation.”

SECTION 3. That all other terms and provisions of Chapter 505 not amended herein, be, and the same are, hereby reaffirmed as if fully reappearing herein.

SECTION 4. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees or subcommittees that resulted in those formal actions were in meetings open to the public in compliance with the law.

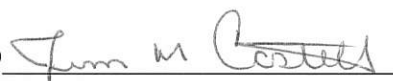
SECTION 5. That this ordinance was adopted pursuant to Section 4.11 Charter, and is hereby declared to be an emergency measure necessary for the immediate preservation of the public health and safety in order to allow for victims of dangerous and vicious dogs to have an immediate right to be notified and be heard at any dangerous or vicious dog appeal hearing, and, pursuant to Section 4.13, Charter, shall take effect upon its adoption by Council and approval by the Mayor, otherwise at the earliest period allowed by law.

ADOPTED BY COUNCIL 8/9/18

ATTEST 
Bonnie Emahiser
CLERK OF COUNCIL


Matt Riehl
PRESIDENT OF COUNCIL


FILED WITH MAYOR 8/13/18

APPROVED 
Jim M. Costello
MAYOR

FILED WITH CLERK 8/13/18

APPROVED AS TO FORM

EFFECTIVE DATE 8/13/18


Amber K. Zibritosky
LAW DIRECTOR