

Village of Mogadore

135 South Cleveland Avenue
Mogadore, OH 44260

Phone: (330) 628-4896 | Fax: (330) 628-5850

Web Site: www.mogadorevillage.org

COUNCIL MEETING AGENDA

Wednesday, May 06, 2026

5:30 p.m.

1. Moment of Reflection – Mr. Yoho
2. Pledge to the flag
3. Roll Call
4. Approval of the Agenda
5. Minutes from April 15, 2026, council meeting presented for changes, corrections, and adoption
6. Comments from the Audience on the pending legislation
7. Committee Reports
8. Old Business
9. New Business -

Resolution 2026-27 – Ms. Van Dike – Sponsor: Finance Committee

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL FUND TO THE STREET FUND, AND DECLARING AN EMERGENCY.

Ordinance 2026-28 – Ms. Miller – Sponsor: Planning & Zoning Committee

AN ORDINANCE ACCEPTING THE ANNEXATION OF 11.47 ACRES OF REAL PROPERTY FROM SPRINGFIELD TOWNSHIP TO THE VILLAGE OF MOGADORE, AND DECLARING AN EMERGENCY.

Ordinance 2026-29 – Ms. Miller – Sponsor: Planning & Zoning Committee

AN ORDINANCE ENACTING A ONE YEAR MORATORIUM ON THE RECEIPT, PROCESSING, ISSUANCE, AND APPROVAL OF ANY APPLICATION FOR A ZONING CERTIFICATE FOR NAICS 518-DATA PROCESSING, HOSTING AND RELATED SERVICES (DATA CENTERS) UNDER THE VILLAGE'S PLANNING AND ZONING CODE, AND DECLARING AN EMERGENCY.

Ordinance 2026-30 – Mr. Yoho – Sponsor: Safety Committee

AN ORDINANCE APPROVING AND ADOPTING THE VILLAGE CYBERSECURITY POLICY, AND DECLARING AN EMERGENCY.

Ordinance 2026-31 – Mr. Yoho – Sponsor: Safety Committee

AN ORDINANCE AMENDING CERTAIN SECTIONS AND ADOPTING NEW SECTIONS OF CHAPTER 90 OF THE CODIFIED ORDINANCES ENTITLED “ANIMALS”, AND DECLARING AN EMERGENCY.

10. Comments

1. Public
2. Council
3. Law Director
4. Village Engineer
5. Clerk-Treasurer
6. Mayor

11. Adjournment

RECORD OF ORDINANCES

Resolution No. 2026-27

Passed _____, 20____

SPONSOR: FINANCE COMMITTEE

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL FUND TO THE STREET FUND, AND DECLARING AN EMERGENCY.

WHEREAS, the Mayor and Clerk-Treasurer have recommended that this Council authorize the transfer of funds from the General Fund to the Street Fund for operating purposes; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the Village to authorize the transfer of funds from the General Fund to the Street Fund as set forth herein.

NOW, THEREFORE BE IT RESOLVED, by the Council of the Village of Mogadore, Counties of Summit and Portage, State of Ohio, that:

SECTION 1: This Council hereby approves the transfer of funds from the General Fund to the Street Fund and the Park and Recreation Fund for operating purposes, as follows:

From: General Fund	\$ 75,000.00
To: Street Fund	\$ 75,000.00

SECTION 2: The Clerk-Treasurer is hereby authorized and directed to effectuate the transfer of funds set forth in Section 1.

SECTION 3: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in this formal action were in meetings open to the public, in compliance with all legal requirements.

SECTION 4: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the residents of the Village of Mogadore and for the purpose of immediately ensuring the current and other financial obligations of the Village of Mogadore are timely met, and, provided this Resolution receives the affirmative vote of at least five (5) members elected or appointed to this Council, it shall take effect and be in force upon its passage by Council and approval by the Mayor, otherwise it shall take effect and be in force at the earliest period allowed by law.

RECORD OF ORDINANCES

Ordinance No. 2026-28

Passed _____, 20__

SPONSOR: PLANNING AND ZONING COMMITTEE

AN ORDINANCE ACCEPTING THE ANNEXATION OF 11.47 ACRES OF REAL PROPERTY FROM SPRINGFIELD TOWNSHIP TO THE VILLAGE OF MOGADORE, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance 2026-06, this Council approved and authorized the annexation of certain real property owned by the Village and located in Springfield Township, Ohio, and consisting of 11.47 acres (the "Real Property"), pursuant to Sections 709.14 to 709.16 of the Ohio Revised Code; and

WHEREAS, pursuant to Ordinance 2026-06, this Council authorized the Mayor to execute a Petition for the purpose of annexing the Real Property to the Village, and further authorized the Law Director to serve as the agent of the Village for the filing of such Petition with Summit County Council and to take all other actions necessary and appropriate to effectuate the Petition; and

WHEREAS, the Mayor subsequently executed the Petition for the purpose of annexing the Real Property to the Village and the Law Director filed the same with Summit County Council; and

WHEREAS, pursuant to Resolution No. 2026-71, the Summit County Council granted the annexation of the Real Property to the Village; and

WHEREAS, the Clerk of the Summit County Council certified a transcript of its proceedings on the adoption of its Resolution to the Clerk-Treasurer, who received the transcript on _____, 2026; and

NOW, THEREFORE BE IT ORDAINED, by the Council of the Village of Mogadore, Counties of Summit and Portage, State of Ohio, that:

SECTION 1: This Council, having reviewed the transcript of proceedings of the Summit County Council, hereby accepts the proposed annexation, and the Real Property is hereby deemed annexed to the Village of Mogadore. The transcript of annexation proceedings is attached hereto as **Exhibit A** and the map of the territory to be annexed is attached hereto as **Exhibit B**.

SECTION 2: Pursuant to the Village's Zoning Code, the Real Property is automatically zoned within the "R-3" Residential District as defined by Section 152.0461 of the Village's Codified Ordinances but may be subsequently rezoned in accordance with Chapter 152 of the Village Codified Ordinances.

SECTION 3: The Clerk-Treasurer is authorized and directed to make five (5) certified copies of this Ordinance, inclusive of attachments, and deliver two copies to the Summit County Fiscal Officer, one copy to the Summit County Engineer, and one copy to the Ohio Secretary of State, and shall further file notice of the annexation, and a copy of this Ordinance, with the Summit Board of Elections within thirty (30) days after it becomes effective, and take any other steps

1 RESOLUTION NO. 2026-071

2

3 SPONSOR Ms. Walters

4

5 DATE March 16, 2026

COMMITTEE Planning

6

7 **A Resolution, pursuant to Sections 709.14 to 709.16 of the Ohio Revised Code, and Section**
8 **125.01 of the Codified Ordinances of the County of Summit, granting the annexation of**
9 **11.47 acres of land in Springfield Township to the Village of Mogadore, in Council District**
10 **8, and declaring an emergency.**

11

12 WHEREAS, the Village of Mogadore (“Village”) adopted Ordinance No. 2026-6
13 approving and authorizing the annexation of 11.47 acres of contiguous land in Springfield
14 Township (“Township”) to the Village (the “Proposed Annexation Territory”) and directing the
15 Village Law Director to serve as the agent and take all actions necessary to effect the annexation
16 in accordance with Section 709.14 through 709.16 of the Ohio Revised Code. The Proposed
17 Annexation Territory is described in the legal description attached hereto as Exhibit A, and
18 depicted in the map attached as Exhibit B; and

19

20 WHEREAS, this Council, on February 9, 2026, received a petition from the Village for
21 the annexation of the Proposed Annexation Territory to the Village pursuant to Section 709.14
22 through 709.16 of the Ohio Revised Code, a copy of which is attached hereto as Exhibit C (the
23 “Petition”); and

24

25 WHEREAS, the Clerk of Council caused the Petition to be entered upon the official
26 journal of this Council at its next regular meeting; and

27

28 WHEREAS, Section 709.16 of the Ohio Revised Code requires this Council to grant the
29 annexation of territory when a municipality petitions this Council to annex territory from an
30 adjacent township when that territory is owned by the municipality and is contiguous to the
31 municipality; and

32

33 WHEREAS, the Proposed Annexation Territory is located in the Township, owned by the
34 Village and contiguous to the Village, and, as such, Section 709.16 of the Ohio Revised Code
35 requires this Council to grant the annexation; and

36

37 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
38 that it is necessary and in the best interest of the County to grant the aforementioned annexation.

39

40 NOW THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State
41 of Ohio, that:

42

43 SECTION 1

44

45 The Council finds that the Petition was properly filed, that the Proposed Annexation
46 Territory is owned by the Village, that the Proposed Annexation Territory is contiguous to the
47 Village, and otherwise satisfies the requirements of Section 709.14 to 709.16 of the Ohio
48 Revised Code.

49

50

51

1 RESOLUTION NO. 2026-071

2 PAGE TWO

3

4 SECTION 2

5

6 Pursuant to Section 709.16, this Council hereby grants Petitioner's petition for
7 annexation of the Proposed Annexation Territory to the Village, as the same is described on
8 Exhibit A and depicted on Exhibit B. Furthermore, pursuant to Section 709.16, the Proposed
9 Annexation Territory shall not be excluded from the Township under Section 503.07 of the Ohio
10 Revised Code.

11

12 SECTION 3

13

14 This Resolution is hereby declared an emergency in the interest of the health, safety and
15 welfare of the citizens of the County of Summit and for the further reason of immediately
16 allowing the County to comply with the requirements of Sections 709.14 to 709.16 of the Ohio
17 Revised Code and Section 125.01 of the Codified Ordinances of the County of Summit in a
18 timely manner.

19

20 SECTION 4

21

22 Provided this Resolution receives the affirmative vote of eight members, it shall take
23 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
24 effect and be in force at the earliest time provided by law.

25

26 SECTION 5

27

28 It is found and determined that all formal actions of this Council concerning and relating
29 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
30 deliberations of this Council and of any of its committees that resulted in such formal action,
31 were in meetings open to the public, in compliance with all legal requirements, including Section
32 121.22 of the Ohio Revised Code.

33

34

35 INTRODUCED March 16, 2026

36

37

38 ADOPTED March 30, 2026

39

40 Signed by:
Monique Willis

41
42 CLERK OF COUNCIL

43

44

45 APPROVED March 30, 2026

46

47 Signed by:
Steve Higgins

48
49 EXECUTIVE

50

51 ENACTED EFFECTIVE March 31, 2026

Signed by:
Erin Dickinson

PRESIDENT OF COUNCIL

Voice Vote – YES: 9 – 0: Darrow, Donofrio,
Higham, Kacyon, Licate, McKenney, Schmidt,
Walters, Wilhite

Absent: Dickinson; Ford

I hereby certify that the foregoing is a true and
correct copy of Resolution
no. 2026-071 as taken from the records on
file in the office of the County of Summit Council.
Monique Willis
12/14/2026 Clerk of Council

**COUNTY OF SUMMIT
REGULAR COUNCIL MEETING MINUTES
March 30, 2026**

A Caucus was held prior to the meeting to discuss Agenda items. Council members Darrow, Donofrio, Higham, Kacyon, Licate, McKenney, Schmidt, Walters, Wilhite were present.

Councilmembers Walters and Wilhite presented a joint commendation with the Executive’s Office to the Archbishop Hoban Girls Basketball Team for their state championship season.

Pamela Pinkney addressed Council with a public comment.

The following items were addressed before Council at the Caucus:

- 2026-079 Larry Moore from the Veterans Service Commission addressed Council on this second reading.
- 2026-083 Andrew Barry from the Law Department and Tom Bellish from Buckeye Energy Brokers, Inc., addressed Council on this first reading passage request.
- 2026-084 Alex Burt from the Department of Public Safety addressed Council on this first reading passage request.
- 2026-085 Stephen Byrne from the Office of Information Technology addressed Council on this first reading passage request.
- 2026-086 Phil Montgomery from the Executive’s Office addressed Council on this first reading passage request.

The Council Regular Meeting was called to order at 05:01 PM in Council Chambers.

ROLL CALL- Present: Mrs. Darrow, Mr. Donofrio, Ms. Higham, Mr. Kacyon, Mr. Licate, Mrs. McKenney, Mr. Schmidt, Ms. Walters, Mr. Wilhite; Absent: Ms. Dickinson, Mr. Ford

MINUTES FOR APPROVAL: Mrs. Darrow moved to approve the minutes of the regular Council meeting held March 16, 2026 and Special Council Meeting held March 23, 2026.

Voice Vote on the motion.

Yes: Darrow, Donofrio, Higham, Kacyon, Licate, McKenney, Schmidt, Walters, Wilhite

Absent: Dickinson, Ford

Minutes were approved 9-0.

ANNOUNCEMENT OF GENERAL INTEREST:

ANNOUNCEMENT FROM EXECUTIVE:

ANNOUNCEMENT OF OFFICEHOLDERS:

FIRST READINGS

2026-083 **A Resolution authorizing the Executive to execute a Master Services Agreement with Dynegy Energy Services (East), LLC d/b/a Dynegy Energy Services, LLC., to supply electricity for the County's opt-out electricity aggregation program, for a twenty-four month term, from 6/1/26 through 5/31/28, at an estimated fixed price of .0995/kWh, for the Executive, and declaring an emergency.**

Sponsor - Executive Shapiro

Staff Contact: Mark Potter, (330) 643-2726, mpotter@summitoh.net

Ms. Walters moved to suspend Council Rule 8.01 (A): the requirement of three readings at a Regular Council meeting.

Voice Vote on the motion.

Yes: Darrow, Donofrio, Higham, Kacyon, Licate, McKenney, Schmidt, Walters, Wilhite

Absent: Dickinson, Ford

Motion passed - Voice Vote: 9-0

Ms. Walters moved to adopt.

Voice Vote on the motion.

Yes: Darrow, Donofrio, Higham, Kacyon, Licate, McKenney, Schmidt, Walters, Wilhite

Absent: Dickinson, Ford

Motion passed - Voice Vote: 9-0

Resolution 2026-083 was adopted.

2026-084 **A Resolution authorizing the Executive, subject to the approval of the Board of Control and Information Technology Board, to execute a purchase contract with Sadler-Necamp Financial Services, Inc. dba Proware, as a Best Practical Source, for a data conversion and establishing an API for on-going data sharing, in an amount not to exceed \$104,500.00, for the Executive's Department of Public Safety, and declaring an emergency.**

Sponsor - Executive Shapiro

Staff Contact: Kent Starks, (330) 643-2074, kstarks@summitoh.net

Mr. Licate moved to suspend Council Rule 8.01 (A): the requirement of three readings at a Regular Council meeting.

Voice Vote on the motion.

Yes: Darrow, Donofrio, Higham, Kacyon, Licate, McKenney, Schmidt, Walters, Wilhite

Absent: Dickinson, Ford

Motion passed - Voice Vote: 9-0

Mr. Licate moved to adopt.

Voice Vote on the motion.

Yes: Darrow, Donofrio, Higham, Kacyon, Licate, McKenney, Schmidt, Walters, Wilhite

Absent: Dickinson, Ford

Motion passed - Voice Vote: 9-0

Resolution 2026-084 was adopted.

2026-085 **A Resolution, subject to approval by the Board of Control, of a blanket purchase order with MNJ Technologies Direct, Inc., at State Term Pricing, subject to ratification by the Information Technology Board, for information technology equipment, in an amount not to exceed \$343,000.00, for the Office of Information Technology, and declaring an emergency.**

Sponsor - Executive Shapiro

Staff Contact: Kent Starks, (330) 643-2074, kstarks@summitoh.net

Mr. Donofrio moved to suspend Council Rule 8.01 (A): the requirement of three readings at a Regular Council meeting.

Voice Vote on the motion.

Yes: Darrow, Donofrio, Higham, Kacyon, Licate, McKenney, Schmidt, Walters, Wilhite

Absent: Dickinson, Ford

Motion passed - Voice Vote: 9-0

Mr. Donofrio moved to adopt.

Voice Vote on the motion.

Yes: Darrow, Donofrio, Higham, Kacyon, Licate, McKenney, Schmidt, Walters, Wilhite

Abstain: Dickinson, Ford

Motion passed - Voice Vote: 9-0

Resolution 2026-085 was adopted.

2026-086 **A Resolution appropriating funds in order to meet projected expenditures for the balance of 2026 as set forth in Exhibit A, for the Executive's Department of Finance and Budget, and declaring an emergency.**

Sponsor - Executive Shapiro

Staff Contact: Kent Starks, (330) 643-2074, kstarks@summitoh.net

Mr. Donofrio moved to suspend Council Rule 8.01 (A): the requirement of three readings at a Regular Council meeting.

Voice Vote on the motion.

Yes: Darrow, Donofrio, Higham, Kacyon, Licate, McKenney, Schmidt, Walters, Wilhite

Absent: Dickinson, Ford

Motion passed - Voice Vote: 9-0

Mr. Donofrio moved to adopt.

Voice Vote on the motion.

Yes: Darrow, Donofrio, Higham, Kacyon, Licate, McKenney, Schmidt, Walters, Wilhite

Absent: Dickinson, Ford

Motion passed - Voice Vote: 9-0

Resolution 2026-086 was adopted.

- 2026-087 **A Resolution confirming the award by the Board of Control of a construction contract with Melway Paving Company, Inc., for the 2026 Summit County 405 Resurfacing Program, in an amount not to exceed \$1,354,193.80, for the Engineer, and declaring an emergency.**
- Sponsor - Executive Shapiro
Staff Contact: Mark Potter, (330) 643-2726, mpotter@summitoh.net
- Committee First Readings
- 2026-088 **A Resolution confirming the award by the Board of Control of a construction contract with Melway Paving Company, Inc., for the 2026 Summit County 422 Resurfacing Program, in an amount not to exceed \$1,287,188.95, for the Engineer, and declaring an emergency.**
- Sponsor - Executive Shapiro
Staff Contact: Mark Potter, (330) 643-2726, mpotter@summitoh.net
- Committee First Readings
- 2026-089 **A Resolution confirming the award by the Board of Control of a construction contract with Barbicas Construction Co., Inc. for the 2026 Summit County 441 Asphalt Concrete (449) Resurfacing Program-North, in an amount not to exceed \$4,442,203.94, for the Engineer, and declaring an emergency.**
- Sponsor - Executive Shapiro
Staff Contact: Mark Potter, (330) 643-2726, mpotter@summitoh.net
- Committee First Readings
- 2026-090 **A Resolution confirming the award by the Board of Control of a construction contract with Barbicas Construction Company, Inc. for the 2026 Summit County 441 Asphalt Concrete (449) Resurfacing Program-South, in an amount not to exceed \$1,113,144.50, for the Engineer, and declaring an emergency.**
- Sponsor - Executive Shapiro
Staff Contact: Mark Potter, (330) 643-2726, mpotter@summitoh.net
- Committee First Readings
- 2026-091 **A Resolution authorizing the Executive, on behalf of the Engineer, to participate in the Ohio Department of Transportation's annual road salt bid, for the Engineer, and declaring an emergency.**
- Sponsor - Executive Shapiro
Staff Contact: Mark Potter, (330) 643-2726, mpotter@summitoh.net
- Committee First Readings

2026-092 **A Resolution confirming the award by the Board of Control of a professional service contract with GovWell Technologies, Inc., for the implementation of the GovWell software modules and services, for a three-year term, with five additional one-year renewal options, in an amount not to exceed \$487,000.00, for the Executive’s Department of Sanitary Sewer Services–Division of Building Standards, and declaring an emergency.**

Sponsor - Executive Shapiro

Staff Contact: Mark Potter, (330) 643-2726, mpotter@summitoh.net

Committee First Readings

2026-093 **A Resolution authorizing the Executive to execute any agreements, memorandums of understanding or other documents necessary to participate with the City of Munroe Falls in applying for Ohio Public Works Commission grant funding for Project Q-463-1 Trudy Avenue Infrastructure Improvement, located in the City of Munroe Falls, in Council District 3, at a cost to the County not to exceed \$110,100.00, for the Executive’s Department of Sanitary Sewer Services, and declaring and emergency.**

Sponsor - Executive Shapiro

Staff Contact: Mark Potter, (330) 643-2726, mpotter@summitoh.net

Committee First Readings

2026-094 **A Resolution authorizing the Executive to execute any agreements, memorandums of understanding or other documents necessary to participate with the Village of Mogadore in applying for Ohio Public Works Commission grant funding for Project Q-969-8 Curtis Street, Kavanaugh Drive and Kester Avenue Infrastructure Improvement, located in the Village of Mogadore, in Council District 8, at a cost to the County not to exceed \$75,000.00, for the Executive’s Department of Sanitary Sewer Services, and declaring and emergency.**

Sponsor - Executive Shapiro

Staff Contact: Mark Potter, (330) 643-2726, mpotter@summitoh.net

Committee First Readings

2026-095 **A Resolution confirming the award by the Board of Control of a construction contract with Technique Roofing Systems, LLC, at TIPS Pricing, for the Juvenile Courthouse and Detention Roof Replacement Project, located in the City of Akron, in Council District 6, for an estimated total cost not to exceed \$878,869.00, for the Executive’s Department of Administrative Services–Physical Plants, and declaring an emergency.**

Sponsor - Executive Shapiro

Staff Contact: Mark Potter, (330) 643-2726, mpotter@summitoh.net

Committee First Readings

- 2026-096 **A Resolution confirming the award by the Board of Control of a professional service contract with HZW Environmental Consultants, LLC for an asbestos and regulated hazardous materials survey at various County buildings, located in the City of Akron, in Council Districts 4 and 6, in an amount not to exceed \$168,000.00, for the Executive’s Department of Administrative Services–Physical Plants, and declaring an emergency.**
Sponsor - Executive Shapiro
Staff Contact: Mark Potter, (330) 643-2726, mpotter@summitoh.net
Committee First Readings
- 2026-097 **A Resolution confirming the award by the Board of Control of a construction contract with AmeriSeal and Restoration LLC, at Cooperative Purchase Pricing, for stairwell coating in the central and north stairwells of the Summit County Parking Deck, located in the City of Akron, in Council District 4, in an amount not to exceed \$167,546.00, for the Executive’s Department of Physical Plants, and declaring an emergency.**
Sponsor - Executive Shapiro
Staff Contact: Mark Potter, (330) 643-2726, mpotter@summitoh.net
Committee First Readings
- 2026-098 **A Resolution confirming the award by the Board of Control of a renewal of the master service agreement with Needl., Inc., dba Aurelian, to process non-emergency calls using an automated voice assistance for various Summit County public safety answering points, for implementation and a one-year term, for the period of 5/1/26 through 4/30/27, in an amount not to exceed \$234,000.00, for the Executive’s Department of Public Safety, and declaring an emergency.**
Sponsor - Executive Shapiro
Staff Contact: Kent Starks, (330) 643-2074, kstarks@summitoh.net
Committee First Readings
- 2026-099 **A Resolution confirming the award by the Board of Control of a Temporary Assistance to Needy Families agreement with Tri-County Jobs for Ohio’s Graduates (“JOG”) for the 2026 Summer Youth Employment Program outreach and eligibility services, for the period of 4/1/26 through 8/31/26, in an amount not to exceed \$150,000.00, for the Executive’s Department of Job and Family Services, and declaring an emergency.**
Sponsor - Executive Shapiro
Staff Contact: Kent Starks, (330) 643-2074, kstarks@summitoh.net
Committee First Readings
- 2026-100 **A Resolution declaring the month of April 2026 as Autism Acceptance Month in Summit County, recognizing all individuals in our community on the Autism spectrum and celebrating the numerous ways in which they contribute to our communities and our lives, for the Executive, and declaring an emergency.**
Sponsor - Executive Shapiro
Staff Contact: Kent Starks, (330) 643-2074, kstarks@summitoh.net
Committee First Readings

2026-101 **A Resolution declaring the month of April 2026 as Minority Health Month in Summit County, recognizing the health inequalities facing minority communities, and encouraging all health organizations to conduct appropriate programs and activities to promote healthfulness in minority communities, for the Executive, and declaring an emergency.**

Sponsor - Executive Shapiro

Staff Contact: Kent Starks, (330) 643-2074, kstarks@summitoh.net

Committee First Readings

2026-102 **A Resolution providing for the issuance and sale of not to exceed \$160,000,000 of bonds of the Akron-Summit County Public Library District for the purpose of constructing, adding to, renovating, remodeling, furnishing, equipping and otherwise improving library buildings and facilities, and acquiring, clearing and improving the sites thereof, and declaring an emergency.**

Sponsor - Executive Shapiro

Staff Contact: Kent Starks, (330) 643-2074, kstarks@summitoh.net

Committee First Readings

2026-103 **A Resolution authorizing various County offices to make expenditures, in a total combined amount not to exceed \$105,000.00, for hospitality items for events to be held in 2026, for the Executive, and declaring an emergency.**

Sponsor - Executive Shapiro

Staff Contact: Kent Starks, (330) 643-2074, kstarks@summitoh.net

Committee First Readings

Routine Agenda Motion(s)

Mr. Schmidt moved to suspend Council Rule 8.01 (A): the requirement of three readings at a Regular Council meeting.

Voice Vote on the motion.

Yes: Darrow, Donofrio, Higham, Kacyon, Licate, McKenney, Schmidt, Walters, Wilhite

Absent: Dickinson, Ford

Motion passed

Mr. Schmidt moved to adopt.

Voice Vote on the motion.

Yes: Darrow, Donofrio, Higham, Kacyon, Licate, McKenney, Schmidt, Walters, Wilhite

Absent: Dickinson, Ford

Motion passed

The Routine Agenda was adopted 9-0.

ROUTINE LEGISLATION UNANIMOUSLY AGREED TO BY COMMITTEE

2026-067 **An Amended Resolution to extend the final design report due date to ~~December 31, 2026~~ March 1, 2027 for Northfield Center Township's Dorwick ditch petition pursuant to Section 6131.12 of the Ohio Revised Code, and declaring an emergency.**

Sponsor - Mr. Wilhite, Ms. Darrow

Staff Contact: Mark Potter, (330) 643-2726, mpotter@summitoh.net

Resolution 2026-067 was adopted.

2026-068 **A Resolution to extend the final design report due date to November 30, 2026 for Coventry Township's Hinman (Penguin area) ditch petition pursuant to Section 6131.12 of the Ohio Revised Code, and declaring an emergency.**

Sponsor - Mr. Wilhite

Staff Contact: Mark Potter, (330) 643-2726, mpotter@summitoh.net

Resolution 2026-068 was adopted.

2026-069 **A Resolution confirming the award by the Board of Control of a construction contract with JD Williamson Construction Co., Inc. for the Snyder Avenue Bridge Design/Build Project, located in the City of Barberton, in Council District 7, for a total amount not to exceed \$1,690,386.70, for the Engineer, and declaring an emergency.**

Sponsor - Executive Shapiro

Staff Contact: Mark Potter, (330) 643-2726, mpotter@summitoh.net

Resolution 2026-069 was adopted.

2026-070 **A Resolution approving the time, place, and expense of the Engineer’s annual meeting of county and township authorities on May 5, 2026, at Lala’s in the Lakes, located in the City of New Franklin, in Council District 7, in an amount not to exceed \$6,000.00, for the Engineer, and declaring an emergency.**

Sponsor - Executive Shapiro

Staff Contact: Mark Potter, (330) 643-2726, mpotter@summitoh.net

Resolution 2026-070 was adopted.

2026-071 **A Resolution, pursuant to Sections 709.14 to 709.16 of the Ohio Revised Code, and Section 125.01 of the Codified Ordinances of the County of Summit, granting the annexation of 11.47 acres of land in Springfield Township to the Village of Mogadore, in Council District 8, and declaring an emergency.**

Sponsor - Ms. Walters

Staff Contact: Mark Potter, (330) 643-2726, mpotter@summitoh.net

Resolution 2026-071 was adopted.

2026-072 **A Resolution authorizing the Executive to execute a lease agreement amendment and renewal with Project: Learn of Summit County for a portion of the 1st floor at 175 South Main Street, located in the City of Akron, in Council District 4, for educational and/or charitable use for the Executive, and declaring an emergency.**

Sponsor - Executive Shapiro, Council as a Whole

Staff Contact: Mark Potter, (330) 643-2726, mpotter@summitoh.net

Resolution 2026-072 was adopted.

2026-073 **A Resolution authorizing the Executive to execute a lease amendment and renewal with Service Corps of Retired Executives Association, Chapter 81 aka Akron Score for a portion of the 2nd floor at 175. South Main Street, located in the City of Akron, in Council District 4, for educational and/or charitable use for the Executive, and declaring an emergency.**

Sponsor - Executive Shapiro, Council as a Whole

Staff Contact: Mark Potter, (330) 643-2726, mpotter@summitoh.net

Resolution 2026-073 was adopted.

2026-074 **A Resolution confirming the award by the Board of Control of a professional service contract with The Great Life Spay Neuter Wellness, LLC for veterinarian services at the Animal Control Facility, for a one-year term, for the period 4/1/26 to 3/31/27, in a total amount not to exceed \$114,400.00, for the Executive's Department of Public Safety, Division of Animal Control, and declaring an emergency.**

Sponsor - Executive Shapiro

Staff Contact: Kent Starks, (330) 643-2074, kstarks@summitoh.net

Resolution 2026-074 was adopted.

2026-075 **A Resolution confirming the award by the Board of Control of a professional service contract with Pay it Forward for Pets, Inc., as a Best Practical Source, to provide Volunteer Coordinator Services at the Animal Control Facility, for a one-year term, for the period of 4/1/26 through 3/31/27, in an amount not to exceed \$95,000.00, for the Executive's Department of Public Safety, Division of Animal Control, and declaring an emergency.**

Sponsor - Executive Shapiro

Staff Contact: Kent Starks, (330) 643-2074, kstarks@summitoh.net

Resolution 2026-075 was adopted.

2026-076 **A Resolution declaring the month of April 2026 as Child Abuse Prevention Month in the County of Summit and encouraging residents to join in this acknowledgement and Wear Blue Day on April 8, 2026, for the Executive, and declaring an emergency.**

Sponsor - Executive Shapiro, Council as a Whole

Staff Contact: Kent Starks, (330) 643-2074, kstarks@summitoh.net

Resolution 2026-076 was adopted.

2026-077 **A Resolution declaring April 1, 2026, as Start by Believing Day throughout the County of Summit, supporting the Start by Believing campaign which raises awareness of survivors of sexual violence, and encouraging all businesses and residents alike to show their support by wearing teal on April 1, 2026, for the Executive, and declaring an emergency.**

Sponsor - Executive Shapiro, Council as a Whole

Staff Contact: Kent Starks, (330) 643-2074, kstarks@summitoh.net

Resolution 2026-077 was adopted.

2026-078 **A Resolution authorizing the Executive to execute an intergovernmental agreement with the Ohio Auditor of State, for the 2025 financial audit for the County of Summit, in an amount not to exceed \$146,981.00, for the Internal Audit Department, and declaring an emergency.**

Sponsor - Executive Shapiro

Staff Contact: Kent Starks, (330) 643-2074, kstarks@summitoh.net

Resolution 2026-078 was adopted.

2026-080 **A Resolution confirming the award of the Board of Control of the contract identified in Exhibit A, as a Best Practical Source, in an amount not to exceed \$200,000.00, and confirming the applicability of confidentiality provisions under Ohio Revised Code §§ 9.64 and 149.433, for the Office of Information Technology, and declaring an emergency.**

Sponsor - Executive Shapiro

Staff Contact: Kent Starks, (330) 643-2074, kstarks@summitoh.net

Resolution 2026-080 was adopted.

SECOND READINGS

2026-079 **A Resolution confirming the award by the Board of Control of a marketing agreement with Alliance Media for the Veterans Service Commission 2026 Advertising Campaign, for a one-year term, from 2/15/26 through 2/14/27, with three options to renew for an additional one-year term, in an amount not to exceed \$250,000.00, for the Veterans Service Commission, and declaring an emergency.**

Sponsor - Executive Shapiro

Staff Contact: Kent Starks, (330) 643-2074, kstarks@summitoh.net

Mr. Donofrio moved to suspend Council Rule 8.01 (A): the requirement of three readings at a Regular Council meeting.

Voice Vote on the motion.

Yes: Darrow, Donofrio, Higham, Kacyon, Licate, McKenney, Schmidt, Walters, Wilhite

Absent: Dickinson, Ford

Motion passed - Voice Vote: 9-0

Mr. Donofrio moved to adopt.

Voice Vote on the motion.

Yes: Darrow, Donofrio, Higham, Kacyon, Licate, McKenney, Schmidt, Walters, Wilhite

Absent: Dickinson, Ford

Motion passed - Voice Vote: 9-0

Resolution 2026-079 was adopted.

Presentation of New Business:

Presentation of Petitions to address Council:

Executive Session

Motion By:

Seconded By:

Motion Type:

For:

Against:

Abstain:

Absent:

Outcome:

Call To Order:

Reason:

Adjournment: Council adjourned at 5:14 pm. The next regular meeting will be held April 13, 2026 at 4:30 pm

All deliberations concerning official business and formal actions by this County Council were conducted in an open public meeting this 30th day of March, 2026.

Signed by:

Monique Willis

Signed by:

Erin Dickinson

CLERK OF COUNCIL

PRESIDENT OF COUNCIL

I hereby certify that the foregoing is a true and correct copy of Council Meeting Minutes no. March 30, 2026 as taken from the records on file in the office of the County of Summit Council.

Monique Willis
 4/14/2026 Clerk of Council

RECORD OF ORDINANCES

Ordinance No. 2026-29

Passed _____, 20____

SPONSOR: PLANNING & ZONING COMMITTEE

AN ORDINANCE ENACTING A ONE YEAR MORATORIUM ON THE RECEIPT, PROCESSING, ISSUANCE, AND APPROVAL OF ANY APPLICATION FOR A ZONING CERTIFICATE FOR NAICS 518-DATA PROCESSING, HOSTING AND RELATED SERVICES (DATA CENTERS) UNDER THE VILLAGE'S PLANNING AND ZONING CODE; AND DECLARING AN EMERGENCY.

WHEREAS, the Village has determined it is in the best interest of the Village and its residents to adopt an ordinance enacting a one (1) year moratorium on the receipt, processing, issuance, and approval of any application for a zoning certificate for NAICS 518-data processing, hosting and related services (Data Centers); and

WHEREAS, the Village anticipates that applications for data centers and related services may be submitted to the Village in the near future given the nature of land usage along the Gilchrist Road and Mogadore Industrial Parkway corridors, as well as other commercial areas of the Village; and

WHEREAS, due to concerns relating to data centers, the Village recognizes that the Planning and Zoning Code needs to be reviewed and updated to ensure proper development can occur within the Village and that the Village has the necessary processes, resources and infrastructure in place to address such growth and demand for data centers; and

WHEREAS, the Village anticipates that the General Assembly of the State of Ohio may adopt legislation in the near future to regulate such data centers, which could conflict with, or prevent other issues with, the Village's Planning and Zoning Code; and

WHEREAS, the Village intends for the moratorium to be in effect for an initial period of one (1) year to complete the review and update of the Planning and Zoning Code, to ensure the Village is fully prepared to address applications for data centers and related services, and to enable the General Assembly of the State of Ohio the ability to legislation in such area; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and it the best interest of the Village to approve a one (1) year moratorium, as described above.

NOW, THEREFORE BE IT ORDAINED, by the Council of the Village of Mogadore, Counties of Summit and Portage, State of Ohio, that:

SECTION 1: This Council believes it is in the best interest of the Village to institute a one (1) year moratorium on the receipt, processing, issuance, and approval of any application for a zoning certificate for NAICS 518-data processing, hosting and related services (Data Centers). This moratorium is necessary to ensure such future developments align with the intent of the Village and

RECORD OF ORDINANCES

Ordinance No. 2026-29

Passed _____, 20____

its residents, to ensure proper development can occur within the Village and that the Village has the necessary processes, resources and infrastructure in place to address such growth and demand for data centers and that such interests are a legitimate public interest necessary to protect the public health, safety and general welfare.

SECTION 2: This Council reserves the right to rescind this moratorium at any point prior to the conclusion of the one (1) year period.

SECTION 3: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in this formal action were in meetings open to the public, in compliance with all legal requirements.

SECTION 4: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the residents of the Village of Mogadore and for the purpose that this measure become effective immediately before the Village receives any application for a NAICS 518-data processing, hosting and related services (Data Centers), within the Village, and, provided this Ordinance receives the affirmative vote of at least five (5) members elected or appointed to this Council, it shall take effect and be in force upon its passage by Council and approval by the Mayor, otherwise it shall take effect and be in force at the earliest period allowed by law.

 President of Council

 Date

 Mayor

 Date

Attest:

 Clerk-Treasurer

RECORD OF ORDINANCES

Ordinance No. 2026-30

Passed _____, 20____

SPONSOR: SAFETY

AN ORDINANCE APPROVING AND ADOPTING THE VILLAGE CYBERSECURITY POLICY, AND DECLARING AN EMERGENCY.

WHEREAS, the State of Ohio has enacted Ohio Revised Code Section 9.64 requiring all local governments and jurisdictions to establish a cybersecurity program; and

WHEREAS, the Village has created a Cybersecurity Policy to safeguard the Village's data, information technology in compliance with Ohio Revised Code Section 9.64; and

WHEREAS, pursuant to Section 9.64(E), the Village's Cybersecurity Policy and any records, documents, or reports related to the cybersecurity program and framework and any reports of cybersecurity incidents or ransomware incidents, are not public records; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the Village to approve and adopt the Village Cybersecurity Policy to enhance the protection of the Village's data and information technology resources, ensure compliance with applicable laws and regulations, and strengthen the Village's overall ability to safeguard against evolving cyber threats.

NOW, THEREFORE BE IT ORDAINED, by the Council of the Village of Mogadore, Counties of Summit and Portage, State of Ohio, that:

SECTION 1: This Council hereby adopts and approves the Village Cybersecurity Policy in compliance with Ohio Revised Code Section 9.64.

SECTION 2: The Mayor, Clerk-Treasurer, Law Director and Information Security Officer are hereby authorized and directed to take all actions necessary to implement the Village's Cybersecurity Policy.

SECTION 3: Pursuant to Ohio Revised Code Section 9.64(E) the Village's Cybersecurity Policy is not a public record for the purposes of Ohio Revised Code Section 149.43 and the Village shall neither permit inspection nor produce the Cybersecurity Policy pursuant to a public records request.

SECTION 4: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in this formal action were in meetings open to the public, in compliance with all legal requirements.

RECORD OF ORDINANCES

Ordinance No. 2026-31

Passed _____, 20____

SPONSOR: SAFETY

AN ORDINANCE AMENDING CERTAIN SECTIONS AND ADOPTING NEW SECTIONS OF CHAPTER 90 OF THE CODIFIED ORDINANCES ENTITLED “ANIMALS,” AND DECLARING AN EMERGENCY.

WHEREAS, Chapter 90 of the Codified Ordinances of the Village, entitled “Animals” provides certain regulations concerning the keeping and licensing of animals in the Village; and

WHEREAS, this Council previously adopted Ordinance No. 2025-30 strengthening the penalties for the violations of Sections 90.01 and 90.27-.31 of the Codified Ordinances of the Village; and

WHEREAS, the State of Ohio recently adopted House Bill 247, further modifying the regulations concerning the keeping and licensing of animals and the associated penalties for such violations; and

WHEREAS, this Council now desires to amend Chapter 90 of the Codified Ordinances to account for the new state regulations and to adopt Sections 90.32, 90.33, and 90.34 to ensure continued compliance and effective enforcement within the Village; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and it the best interest of the Village to further amend Sections 90.01 and 90.27-.31 of the Codified Ordinances of the Village and adopt Sections 90.32, 90.33, and 90.34, as set forth on Exhibit A, attached hereto and incorporated herein by reference.

NOW, THEREFORE BE IT ORDAINED, by the Council of the Village of Mogadore, Counties of Summit and Portage, State of Ohio, that:

SECTION 1: This Council hereby amends Sections 90.01 and 90.27-.31 and adopts Sections 90.32, 90.33, and 90.34 of the Codified Ordinances of the Village as set forth on Exhibit A, attached hereto and incorporated herein by reference.

SECTION 2: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in this formal action were in meetings open to the public, in compliance with all legal requirements.

EXHIBIT A

AMENDMENTS TO SECTIONS 90.01 & 90.27 - 90.31

This Chapter, and any dog-control ordinance adopted under it, shall be interpreted and enforced so as to not conflict with R.C. Chapter 955, including R.C. 955.10.

§90.01 DOGS OR OTHER ANIMALS RUNNING AT LARGE; NUISANCE, DANGEROUS OR VICIOUS DOGS; HEARINGS.

...

(B) Dogs running at large; dangerous dogs; debarked or surgically silenced dangerous dogs.

(1) Definitions.

(a) As used in this §90.01 of these Codified Ordinances, DANGEROUS DOG, NUISANCE DOG and VICIOUS DOG each has the same meaning as in R.C. § 955.11.

(b) As used in this division (B), LEASH and TEATHER do not include electronic leashes.

(c) As used in this division (B), FENCE, ENCLOSURE, and PEN do not include electric fences.

(d) As used in this Chapter, VICIOUS DOG ACT, DANGEROUS DOG ACT, AND NUISANCE DOG ACT have the same meaning as in R.C. § 955.22.

(e) As used in this Chapter, AUTHORIZED PERSON, includes the Mogadore Police Department.

(2) No owner, keeper, or harbinger of any female dog shall permit it to go beyond the premises of the owner, keeper, or harbinger at any time the dog is in heat unless the dog is properly in leash. A violation of this division is a strict liability offense

(3) Except when a dog is lawfully engaged in hunting and accompanied by the owner, keeper, harbinger, or handler of the dog, no owner, keeper, harbinger, or handler shall fail at any time to do the following, in accordance with 955.21:

(a) Keep the dog physically confined or restrained upon the premises of the owner, keeper, or harbinger by a leash, tether, adequate fence, or secure enclosure to prevent escape;

(b) Keep the dog under the reasonable control of some person, by means of a leash.

A violation of this division is a strict liability offense

(4) Except when a dangerous dog is lawfully engaged in hunting or training for the purpose of hunting and is accompanied by the owner, keeper, harbinger, or handler of the dog, no owner, keeper, or harbinger of a dangerous dog shall fail to do either of the following:

(a) While the dog is outdoors, but on the premises of the owner, keeper, or harbinger, securely confine it at all times in a locked pen that has a top, locked fenced yard with fencing that is sufficiently constructed to prevent escape, or other locked enclosure that has a top.

(b) While that dog is inside a residential dwelling or other building on the premises of the owner, keeper, or harborer, and there is an invitee inside the dwelling or building, securely confine the dog at all times inside the dwelling or building so that there is no reasonable probability that the dog comes into contact with the invitee.

(c) While the dog is off the premises of the owner, keeper, or harborer, keep that dog on a chain-link leash or tether that is not more than six feet in length and additionally do at least one of the following: keep the dog in a locked pen that has a top, locked fenced yard with fencing that is sufficiently constructed to prevent escape, or other locked enclosure that has a top; have the leash or tether controlled by a person who is of suitable age and discretion or securely attach, tie, or affix the leash or tether to the ground or a stationary object or fixture so that the dog is adequately restrained and station a person in close enough proximity to that dog so as to prevent it from causing injury to any person; or muzzle that dog.

A violation of this division is a strict liability offense.

(5) No person who has been convicted of or pleaded guilty to three or more violations of division (B)(3) of this section involving the same dog and no owner, keeper, or harborer of a dangerous dog shall fail to do the following:

(a) Obtain liability insurance in an amount, exclusive of interest and costs, that equals or exceeds one hundred thousand dollars, with an insurer authorized to write liability insurance in this state providing coverage in each occurrence because of damage or bodily injury to or death of a person caused by the vicious or dangerous dog if so ordered by a court and provide proof of that liability insurance upon request to any law enforcement officer, county dog warden, or public health official charged with enforcing this section;

A violation of division (B)(5) is a strict liability offense.

(b) Notify the Mogadore Police Department and County Animal Control immediately if any of the following occurs:

1. The dog is loose or unconfined.
2. The dog bites a person, unless the dog is on the property of the owner of the dog, and the person who is bitten is unlawfully trespassing or committing a criminal act within the boundaries of that property.
3. The dog attacks another animal while the dog is off the property of the owner of the dog.

(d) If the dog is sold, given to another person, or dies, notify the County Auditor or Fiscal Officer within ten days of the sale, transfer, or death.

(e) Prior to any training or veterinary care provided to the dog by a trainer or licensed veterinarian, disclose to the trainer or licensed veterinarian, as applicable, that the dog is a vicious or dangerous dog.

(6) No person shall recklessly do any of the following:

(a) Debark or surgically silence a dog that the person knows or has reason to believe is a vicious or dangerous dog;

(b) Possess a vicious or dangerous dog if the person knows or has reason to believe that the dog has been debarked or surgically silenced;

(c) Falsely attest on a waiver form provided by the veterinarian under division (B)(7) of this section that the person's dog is not a vicious or dangerous dog or otherwise provide false information on that written waiver form.

(7) Before a veterinarian debarks or surgically silences a dog, the veterinarian may give the owner of the dog a written waiver form that attests that the dog is not a vicious or dangerous dog. The written waiver form shall include all of the following:

(a) The veterinarian's license number and current business address;

(b) The number of the license of the dog if the dog is licensed;

(c) A reasonable description of the age, coloring, and gender of the dog as well as any notable markings on the dog;

(d) The signature of the owner of the dog attesting that the owner's dog is not a vicious or dangerous dog;

(e) A statement that R.C. § 955.24(C) prohibits any person from doing any of the following:

1. Debarking or surgically silencing a dog that the person knows or has reason to believe is a vicious dog;

2. Possessing a vicious or dangerous dog if the person knows or has reason to believe that the dog has been debarked or surgically silenced;

3. Falsely attesting on a waiver form provided by the veterinarian under R.C. § 955.24(D) that the person's dog is not a vicious or dangerous dog or otherwise provide false information on that written waiver form.

(8) It is an affirmative defense to a charge of a violation of division (B)(6) of this section that the veterinarian who is charged with the violation obtained, prior to debarking or surgically silencing the dog, a written waiver form that complies with division (B)(7) of this section and that attests that the dog is not a vicious or dangerous dog.

(C) Hearing.

(1) The municipal court or county court that has territorial jurisdiction over the residence of the owner, keeper, or harbinger of a dog shall conduct any hearing concerning the designation of the dog as a nuisance dog, dangerous dog, or vicious dog.

(2) If a person who is authorized to enforce this chapter has probable cause to believe that a dog in the person's jurisdiction committed a nuisance dog act, dangerous dog act, or vicious dog act, the person shall proceed as follows:

(a) If the authorized person determines that it is safe to have that dog remain in the custody of the dog's owner, keeper, or harbinger and the dog's act did not result in the killing of a person or serious injury to a person, the authorized person may designate the dog as a nuisance dog, dangerous dog, or vicious dog.

Upon such designation, the dog warden or other authorized person shall notify the owner, keeper, or harbinger of that dog, by certified mail or in person, of both of the following:

(i) That the person has designated the dog a nuisance dog, dangerous dog, or vicious dog, as applicable;

(ii) That the owner, keeper, or harbinger of the dog may request a hearing regarding the designation in accordance with this division (C). The notice shall include instructions for filing a request for a hearing in the county in which the dog's owner, keeper, or harbinger resides.

(b) If the owner, keeper, or harbinger of the dog disagrees with the designation the owner, keeper, or harbinger, not later than ten days after receiving notification of the designation, may request a hearing regarding the determination. The request for a hearing shall be in writing and shall be filed with the court specified in the notice.

(c) If the authorized person holds or intends to hold the dog in custody in accordance with this section, the dog warden or other authorized person shall petition the court that has territorial jurisdiction over the location where the alleged act occurred to hold a hearing to determine whether the court shall issue an order designating the dog in accordance with this section and determine the disposition of the dog.

(3) The court, not later than ten (10) calendar days after receiving the hearing request described in this section or the petition described in this section shall hold the hearing and, at the conclusion of the hearing, issue a final determination concerning whether the dog shall be designated a nuisance, dangerous, or vicious dog and the disposition of the dog. At the hearing, the person who petitioned the court or designated the dog has the burden of proving, by clear and convincing evidence, that the dog committed a nuisance dog act, dangerous dog act, or vicious dog act. The owner, keeper, or harbinger of the dog or the person who designated the dog as a nuisance dog, dangerous dog, or vicious dog may appeal the court's final determination as in any other case filed in that court.

(4) If the authorized person has probable cause to believe that a dog in the person's jurisdiction committed a nuisance dog act, dangerous dog act, or vicious dog act and the authorized person determines that it is safe to have the dog remain in the custody of the dog's owner, keeper, or harbinger, the dog shall be held in the possession of the owner, keeper, or harbinger during the pendency of any hearing conducted under this section or during the pendency of an appeal. Until the court makes a final determination and during the pendency of any appeal, the dog shall be confined or restrained in accordance with the provisions of division (B)(4) that apply to dangerous dogs regardless of whether the dog has been designated as a vicious dog or a nuisance dog rather than a dangerous dog. The owner, keeper, or harbinger of the dog shall not be required to comply with any other requirements established in this Code or the Ohio Revised Code that concern a nuisance dog, dangerous dog, or vicious dog, as applicable, until the court makes a final determination and during the pendency of any appeal.

(5) If the authorized person has probable cause to believe that a dog in the person's jurisdiction committed a nuisance dog act, dangerous dog act, or vicious dog act, during the pendency of a court's determination or appeal under this section, the dog shall be held in the custody of the dog warden or authorized person if one or both of the following occurs:

(a) The authorized person determines that it is not safe to have the dog remain in the custody of the dog's owner, keeper, or harbinger after the commission of the alleged act.

(b) The dog's act killed a person or caused serious injury to a person.

While the dog is being so held, the cost of the holding is the responsibility of the dog's owner, keeper, or harbinger. However, the dog's owner, keeper, or harbinger shall not be responsible for such costs if the court does not determine that the dog be designated as a nuisance, dangerous, or vicious dog.

(6) The court may order a dog that is designated as a dangerous or vicious dog in accordance with this section to be humanely destroyed by a licensed veterinarian or the county dog warden at the owner's expense.

(a) The court shall order a dog that is designated in accordance with this section to be humanely destroyed by a licensed veterinarian or the county dog warden at the owner's expense if the court determines that the dog killed a person or caused serious injury to a person that results in one of the following:

(i) Substantial risk of death;

(ii) Permanent incapacity;

(iii) Serious permanent disfigurement;

(iv) Acute pain of a duration that results in substantial suffering.

(7) The court may order a dog that is designated as a nuisance dog in accordance with this section to be humanely destroyed by a licensed veterinarian or the county dog warden at the owner's expense if the court finds that the dog injured another dog or attempted to bite a person and such attempt resulted in the injury of the person.

(D) Penalty.

(1) (a) Whoever violates division (B)(2) of this section or commits a violation of division (B)(3) of this section that involves a dog that is not a nuisance dog, dangerous dog, or vicious dog shall be guilty of a minor misdemeanor and shall be fined not less than \$50 or more than \$150 on a first offense, and each subsequent offense shall be guilty of a misdemeanor of the fourth degree and shall be fined not less than \$100 or more than \$250 and may be imprisoned for not more than 30 days.

(b) In addition to the penalties prescribed in division (D)(1)(a) of this section, if the offender is guilty of a violation of division (B)(2) of this section or a violation of division (B)(3) of this section that involves a dog that is not a nuisance dog, dangerous dog, or vicious dog, the court may order the offender to personally supervise the dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both.

(2) (a) Whoever commits a violation of division (B)(3) of this section that involves a nuisance dog is guilty of a minor misdemeanor and shall be fined not less than \$100 or more than \$150 on the first offense and on each subsequent offense involving the same dog shall be guilty of a misdemeanor of the fourth degree and fined not less than \$150 or more than \$250 and may be imprisoned for not more than 30 days. Upon a person being convicted of or pleading guilty to a third violation of division (B)(3) of this section involving the same dog, the court shall require the offender to register the involved dog as a dangerous dog.

(b) In addition to the penalties prescribed in division (D)(2)(a) of this section, if a violation of division (B)(3) of this section involves a nuisance dog, the court may order the offender to personally supervise the nuisance dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both.

(3) Whoever commits a violation of division (B)(3) of this section that involves a dangerous dog, or a violation of division (B)(4) of this section is guilty of a misdemeanor of the fourth degree and shall be fined not less than \$150 or more than \$250 and may be imprisoned for not more than 30 days on a first offense and on each subsequent offense involving the same dog shall be guilty of a misdemeanor of the third degree and fined not less than \$250 or more than \$500 and may be imprisoned for not more than 60 days. Additionally, the court may order the offender to personally supervise the dangerous dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both, and the court may order the offender to obtain liability insurance pursuant to division (B)(5) of this section. The court, in the alternative, may order the dangerous dog to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society at the owner's expense. With respect to a violation of division (B)(3) of this section that involves a dangerous dog, until the court makes a final determination and during the pendency of any appeal of a violation of that division and at the discretion of the dog warden, the dog shall be confined or restrained in accordance with division (B)(4) of this section or at the county dog pound at the owner's expense.

(4) (a) Whoever commits a violation of division (B)(3) of this section that involves a vicious dog is guilty of one of the following:

1. A felony to be prosecuted under appropriate state law if the dog kills or seriously injures a person. Additionally, the court shall order that the vicious dog be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society at the owner's expense.

2. A misdemeanor of the first degree and subject to a fine of no less than \$250 or more than \$1,000 and may be imprisoned for not more than 180 days if the dog causes serious injury to a person. Additionally, the court may order the vicious dog to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society at the owner's expense.

(b) If the court does not order the vicious dog to be destroyed under division (D)(4)(a)2. of this section, the court shall issue an order that specifies that § 90.28(D) and divisions (B)(4) to (B)(9) of this section apply with respect to the dog and the owner, keeper, or harbinger of the dog as if the dog were a dangerous dog and that § 90.38 applies with respect to the dog as if it were a dangerous dog. As part of the order, the court shall order the offender to obtain the liability insurance required under division (B)(5)(a) of this section in an amount, exclusive of interest and costs, that equals or exceeds \$100,000. Until the court makes a final determination and during the pendency of any appeal of a violation of division (B)(3) of this section and at the discretion of the dog warden, the dog shall be confined or restrained in accordance with

(5) Whoever violates division (B)(5)(a) or (b) of this section is guilty of a misdemeanor of the fourth degree and shall be fined not less than \$100 or more than \$250 and may be imprisoned for not more than 30 days.

(6) Whoever violates division (B)(6)(a), (B)(6)(b), or (B)(6)(c) of this section is guilty of a felony to be prosecuted under appropriate state law. Additionally, the court shall order that the dog involved in the

violation be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society. Until the court makes a final determination and during the pendency of any appeal of a violation of division (B)(6)(a), (B)(6)(b), or (B)(6)(c) of this section and at the discretion of the dog warden, the dog shall be confined or restrained in accordance with the provisions of division (B)(4) of this section or at the county dog pound at the owner's expense.

(7) Whoever violates division (B)(5)(c) or (B)(5)(d) of this section is guilty of a minor misdemeanor and shall be fined not less than \$50 or more than \$150, and on each subsequent offense involving the same dog shall be guilty of a misdemeanor of the fourth degree and shall be fined not less than \$100 or more than \$250 and may be imprisoned for not more than 30 days.

(8) Whoever violates division (B)(9)(d) of this section is guilty of a minor misdemeanor and shall be fined not less than \$50 or more than \$150, and on each subsequent offense involving the same dog shall be guilty of a misdemeanor of the fourth degree and shall be fined not less than \$100 or more than \$250 and may be imprisoned for not more than 30 days.

(9) (a) If a dog is confined at the county dog pound pursuant to division (D)(3), (D)(4), or (D)(6) of this section, the county dog warden shall give written notice of the confinement to the owner of the dog. If the county dog warden is unable to give the notice to the owner of the dog, the county dog warden shall post the notice on the door of the residence of the owner of the dog or in another conspicuous place on the premises at which the dog was seized. The notice shall include a statement that a security in the amount of \$100 is due to the county dog warden within ten days to secure payment of all reasonable expenses, including medical care and boarding of the dog for 60 days, expected to be incurred by the county dog pound in caring for the dog pending the determination. The county dog warden may draw from the security any actual costs incurred in caring for the dog.

(b) If the person ordered to post security under division (D)(9)(a) of this section does not do so within ten days of the confinement of the animal, the dog is forfeited, and the county dog warden may determine the disposition of the dog unless the court issues an order that specifies otherwise.

(c) Not more than ten days after the court makes a final determination under division (D)(3), (D)(4), or (D)(6) of this section, the county dog warden shall provide the owner of the dog with the actual cost of the confinement of the dog. If the county dog warden finds that the security provided under division (D)(9)(a) of this section is less than the actual cost of confinement of the dog, the owner shall remit the difference between the security provided and the actual cost to the county dog warden within 30 days after the court's determination. If the county dog warden finds that the security provided under division (D)(9)(a) of this section is greater than that actual cost, the county dog warden shall remit the difference between the security provided and the actual cost to the owner within 30 days after the court's determination.

(10) Nothing in this section or Chapter is intended to define, regulate, or establish criminal conduct constituting a felony offense under Ohio law. Any act or omission involving a dog that constitutes a felony under the Ohio Revised Code, including but not limited to violations of R.C. Chapter 955 or other applicable provisions of state law, shall be governed exclusively by state law and prosecuted accordingly.

(E) Local Coordination with County Dog Warden

(1) When the Village Police Department, animal control officer, or any other authorized person designated by the Village investigates, cites, or otherwise takes enforcement action involving a dog that is alleged or determined to be a nuisance dog, dangerous dog, or vicious dog, the enforcing authority shall notify the County Dog Warden of such action within a reasonable time.

(2) The information shared under this division may include, as applicable:

- (a) The identity of the dog and its owner, keeper, or harborer;
- (b) The nature of the alleged or determined conduct;
- (c) Any designation of the dog as a nuisance dog, dangerous dog, or vicious dog;
- (d) The status of any hearing, court order, or appeal.

(3) This division is intended to facilitate coordination with county officials and is supplemental to, and not in conflict with, any notification or registration requirements imposed by state law, including R.C. 955.024.

...

§ 90.27 DOG TAGS.

(A) No owner of a dog, except a dog constantly confined to a dog kennel registered under R.C. Chapter 955 or one licensed under R.C. Chapter 956, shall fail to require the dog to wear, at all times, a valid tag issued in connection with a certificate of registration. A dog found not wearing at any time a valid tag shall be prima-facie evidence of lack of registration and shall subject any dog found not wearing such a tag to impounding, sale, or destruction. A violation of this division is a strict liability offense.

(B) Whoever violates division (A) of this section shall be guilty of a minor misdemeanor and shall be fined not less than \$50 or more than \$150, and on each subsequent offense involving the same dog shall be guilty of a misdemeanor of the fourth degree and shall be fined not less than \$100 or more than \$250 and may be imprisoned for not more than 30 days.

§ 90.28 NUISANCE, DANGEROUS AND VICIOUS DOG DEFINED; TRANSFER OF OWNERSHIP CERTIFICATE; FORM STATING DOG'S PRIOR BEHAVIOR.

(A) As used in this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DANGEROUS DOG.

(a) A dog that has been designated as such in accordance with section 955.23 of the Revised Code or a dog that has previously engaged in a dangerous dog act when evidence of such engagement is presented to a court and the court determines that the dog has engaged in a previous dangerous dog act.

(b) “Dangerous dog” does not include a police dog that has caused injury, other than killing or serious injury, to any person or has killed another dog while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties.

MENACING FASHION. A dog that would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.

NUISANCE DOG.

(a) A dog that has been designated as such in accordance with section 955.23 of the Revised Code or a dog that has previously engaged in a nuisance dog act when evidence of such engagement is presented to a court and the court determines that the dog has engaged in a previous nuisance dog act.

POLICE DOG. A dog that has been trained and may be used to assist one or more law enforcement officers in the performance of their official duties.

SERIOUS INJURY. Any of the following:

- (a) Any physical harm that carries a substantial risk of death;
- (b) Any physical harm that involves a permanent incapacity, whether partial or total, or a temporary, substantial incapacity;
- (c) Any physical harm that involves a permanent disfigurement or a temporary, serious disfigurement;
- (d) Any physical harm that involves acute pain of a duration that results in substantial suffering or any degree of prolonged or intractable pain.

VICIOUS DOG.

(a) A dog that has been designated as such in accordance with section 955.23 of the Revised Code or a dog that has previously engaged in a vicious dog act when evidence of such engagement is presented to a court and the court determines that the dog has engaged in a previous vicious dog act.

(b) “Vicious dog” does not include either of the following:

1. A police dog that has killed or caused serious injury to any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties;
2. A dog that has killed or caused serious injury to any person while a person was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper, or harbinger of the dog.

WITHOUT PROVOCATION. A dog acts **WITHOUT PROVOCATION** when it was not teased, tormented, or abused by a person, or it was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity.

(B) Upon the transfer of ownership of any dog, the seller of the dog shall give the buyer a transfer of ownership certificate that shall be signed by the seller. The certificate shall contain the registration number

of the dog, the name of the seller, and a brief description of the dog. Blank forms of the certificate may be obtained from the County Auditor or Fiscal Officer. A transfer of ownership shall be recorded by the Auditor upon presentation of a transfer of ownership certificate that is signed by the former owner of a dog and that is accompanied by a fee of \$5.

(C) Prior to the transfer of ownership or possession of any dog, upon the buyer's or other transferee's request, the seller or other transferor of the dog shall give to the person a written notice relative to the behavior and propensities of the dog.

(D) Within ten days after the transfer of ownership or possession of any dog, if the seller or transferor of the dog has knowledge that the dog is a dangerous dog, the seller or other transferor shall give to the buyer or transferee, the Board of Health for the district in which the buyer or other transferee resides, and the dog warden of the county in which the buyer or other transferee resides a completed copy of a written form on which the seller shall furnish the following information:

(1) The name and address of the buyer or other transferee of the dog;

(2) The age, sex, color, breed and current registration number of the dog;

(3) In addition, the seller shall answer the following questions which shall be specifically stated on the form as follows:

“Has the dog ever chased or attempted to attack or bite a person? If yes, describe the incident(s) in which the behavior occurred.”

“Has the dog ever bitten a person? If yes, describe the incident(s) in which the behavior occurred.”

“Has the dog ever seriously injured or killed a person? If yes, describe the incident(s) in which the behavior occurred.”

“Has the dog previously been designated a nuisance, dangerous, or vicious dog? If yes, indicate the designation that was assigned, the date of designation, and in which county or city the designation was made.”

The seller or other transferor shall obtain the signature of the buyer or other transferee after a statement on the form that the buyer or other transferee understands that such person is acquiring a dangerous or vicious dog.

(4) The dog warden of the county in which the seller resides furnishes the form to the seller at no cost.

(E) No seller or other transferor of a dog shall fail to comply with the applicable requirements of divisions (B) to (D) of this section. A violation of this section is a strict liability offense.

(F) (1) Whoever violates division (E) of this section because failure to comply with division (B) of this section is guilty of a minor misdemeanor and shall be fined not less than \$50 or more than \$150, and on each subsequent offense involving the same dog shall be guilty of a misdemeanor of the fourth degree and shall be fined not less than \$100 or more than \$250 and may be imprisoned for not more than 30 days.

(2) Whoever violates division (E) of this section because failure to comply with division (C) or (D) of this section is guilty of a minor misdemeanor on a first offense and shall be fined not less than \$50 or more

than \$150, and on each subsequent offense involving the same dog shall be guilty of a misdemeanor of the fourth degree and shall be fined not less than \$100 or more than \$250 and may be imprisoned for not more than 30 days **and of a misdemeanor of the fourth degree on each subsequent offense.**

§ 90.29 FAILURE TO REGISTER DOG OR DOG KENNEL.

(A) No owner, keeper, or harbinger of a dog, including a dangerous or vicious dog, more than three months of age, nor owner of a dog kennel, shall fail to file an application for registration required by R.C. § 955.02 or 955.04, nor shall he or she fail to pay the legal fee therefor.

(B) Whoever violates this section is guilty of a minor misdemeanor and shall be fined not less than \$50 or more than \$150, and on each subsequent offense involving the same dog shall be guilty of a misdemeanor of the fourth degree and shall be fined not less than \$100 or more than \$250 and may be imprisoned for not more than 30 days.

(C) A violation of this section is a strict liability offense.

§ 90.30 HINDERING THE CAPTURE OF UNREGISTERED DOG.

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

(B) Whoever violates this section is guilty of a minor misdemeanor and shall be fined not less than \$50 or more than \$150, and on each subsequent offense involving the same dog shall be guilty of a misdemeanor of the fourth degree and shall be fined not less than \$100 or more than \$250 and may be imprisoned for not more than 30 days.

(C) It is a defense to prosecution under this section that the hindrance, obstruction, resistance, or interference alleged consisted of constitutionally protected speech only.

§ 90.31 UNLAWFUL TAG.

(A) No person shall recklessly own, keep, or harbor a dog wearing a fictitious, altered, or invalid registration tag or a registration tag not issued by the County Auditor or Fiscal Officer in connection with the registration of that animal.

(B) Whoever violates this section is guilty of a minor misdemeanor and shall be fined not less than \$50 or more than \$150, and on each subsequent offense involving the same dog shall be guilty of a misdemeanor of the fourth degree and shall be fined not less than \$100 or more than \$250 and may be imprisoned for not more than 30 days..

§ 90.32 VICIOUS, DANGEROUS, AND NUISANCE DOGS ACTS.

(A)(1) No owner, keeper, or harbinger of a dog that is not an animal shelter for dogs shall negligently, and no animal shelter for dogs that keeps or harbors a dog shall recklessly, fail to prevent the dog from committing a vicious dog act. Whoever violates this division is guilty of a misdemeanor of the third degree on a first offense and a misdemeanor of the second degree on each subsequent offense.

(2) No owner, keeper, or harbinger of a dangerous or vicious dog, including an animal shelter for dogs, shall negligently fail to prevent the dog from committing a vicious dog act that involves injuring or killing a person. Whoever violates this division is guilty of a felony of the third degree.

(B)(1) No owner, keeper, or harbinger of a dog that is not an animal shelter for dogs shall negligently, and no animal shelter for dogs that keeps or harbors a dog shall recklessly, fail to prevent the dog from committing a dangerous dog act. Whoever violates this division is guilty of a misdemeanor of the fourth degree on a first offense and a misdemeanor of the third degree on each subsequent offense.

(2) No owner, keeper, or harbinger of a dangerous or vicious dog, including an animal shelter for dogs, shall negligently fail to prevent the dog from committing a dangerous dog act that involves injuring a person. Whoever violates this division is guilty of a misdemeanor of the first degree.

(C) No owner, keeper, or harbinger of a dog that is not an animal shelter for dogs shall negligently, and no animal shelter for dogs that keeps or harbors a dog shall recklessly, fail to prevent the dog from committing a nuisance dog act. Whoever violates this division is guilty a minor misdemeanor on a first offense and a misdemeanor of the fourth degree on each subsequent offense.

(D) In addition to any other penalty described under this section, and except as provided in division (F) of this section, the court may order a dog that is the subject of an offense under this section to be humanely destroyed by a licensed veterinarian or the county dog warden at the owner's expense if the court finds that the dog did one of the following:

- (1) Committed a vicious dog act;
- (2) Committed a dangerous dog act;
- (3) Injured another dog;
- (4) Attempted to bite a person and such attempt resulted in the injury of the person.

(E) In addition to any other penalty described under this section, the court shall order the dog that is the subject of an offense under this section to be humanely destroyed by a licensed veterinarian or the county dog warden at the owner's expense if, as a result of the offense, the dog kills a person or causes serious injury to a person that results in one of the following:

- (1) Substantial risk of death;
- (2) Permanent incapacity;
- (3) Serious permanent disfigurement;
- (4) Acute pain of a duration that results in substantial suffering.

(F) This section is intended to be consistent with and is adopted pursuant to R.C. § 955.22.

§ 90.33 VICIOUS, DANGEROUS, AND NUISANCE DOG ACTS INVESTIGATIONS.

(A) Any person authorized to enforce this chapter shall investigate any complaint that indicates a possible violation of any provision of this chapter involving a dog.

(B) If, after investigating an alleged violation of this chapter under division (A) of this section, an authorized person does not cite a person for or charge a person with a violation, the authorized person shall notify, in accordance with division (C) of this section, the owner, keeper, or harbinger of the dog that there has been a complaint regarding the dog and that the authorized person investigated a possible violation. The notice shall specify both of the following:

- (1) A citation to the applicable provision or provisions of law at issue;
- (2) Contact information for the authorized person.

(C) The authorized person shall post the notice on the door of the dwelling at which the dog resides within twenty-four hours after the authorized person concludes the investigation.

(D) This section is intended to be consistent with and is adopted pursuant to R.C. § 955.60.

§ 90.34 DOG ATTACK NOTIFICATIONS.

(A)(1) If a health care provider or a licensed veterinarian has knowledge of a person being bitten or injured as a result of an attack by a dog or other non-human mammal, the provider or veterinarian shall report the bite or injury, not later than twenty-four hours after obtaining such knowledge, to the health commissioner of the health district in which the bite occurred.

(2) A person who is bitten or injured as a result of an attack by a dog or other non-human mammal may report the bite or injury to the health commissioner of the health district in which the bite occurred.

(B) A city or general health district board of health shall annually submit a report regarding non-human mammalian bites and injuries occurring in its district to the department of health not later than the first day of March of each year. The report shall include information about the bites and injuries that occurred in the previous calendar year.

(C) This section is intended to be consistent with and is adopted pursuant to R.C. § 955.61.