

**City of Willowick
Lake County, Ohio
Minutes of the December 15, 2020 Committee Meeting**

Meeting was called into session at 6:30 pm.

In attendance:

David Phares - Chairman
Councilman Malta - Committee member
Councilwoman Bisbee - Committee member
Council President Patton
Councilwoman Antosh
Councilwoman Koudela
Mayor Regovich
Law Director Landgraf

The first item on the agenda was farm animals.

Chairman Phares started the discussion by explaining that Willowick does not currently have an ordinance dealing with farm animals. He expressed his opinion that we need to have something in the codified ordinances on this issue. He likes the ordinance that Mentor has which states that no farm animals are allowed on property of less than 2 acres and cannot be within 75 feet of any dwelling except for the owner's dwelling.

Councilwoman Bisbee brought up the question of whether we should consider defining what a farm animal is. Law Director Landgraf stated that our current ordinances define domestic animals and remembers a discussion a few years back about whether chickens were domestic animals or not. She will check on that. She did state that we do need to define what constitutes a farm animal. She feels that Willowick needs to harmonize its ordinance with Mentor's. 2:07

Chairman Phares then read the list of animals that the Mentor farm animal ordinance lists. Law Director Landgraf stated that if we like that definition then we can use it for our ordinance. Councilwoman Antosh asked about foxes, pigs and other animals that are not on the list. She stated that maybe we should list every animal, including exotic animals all together.

Mayor Regovich stated that the Ohio Revised Code has a definition of what a farm animal is and Law Director Landgraf confirmed this. She asked if we wanted to include all farm animals in the ordinance. Animals like dogs and cats could be considered farm animals but won't be on the list and animals like fox and raccoons are not farm animals and can't be domesticated because of disease.

Councilman Malta said what about people who have chickens and sell the eggs and they are not a nuisance. Why prohibit them if they are not a problem today? If you ban chickens we will have as much trouble as we did with cats a few years back. Councilwoman Antosh responded with the comment that if you live near someone who has chickens you might have a different opinion. 5:34

Chairman Phares made it clear that anything we prohibit will automatically be grandfathered in.

He also inquired with Law Director Landgraf whether she could put the list of animals together and she stated she could. She also mentioned that if we use a list from another city we need to be cognizant of what type of city we are getting the list from. It should be a city similar to Willowick. Chairman Phares stated that we should look at surrounding cities in Lake County, like Wickliffe. 7:35

Law Director Landgraf wanted to clarify if we wanted to prohibit these animals based on lot acreage. Chairman Phares stated that it should be two acres. A discussion followed of how many lots there are in Willowick over two acres. Mayor Regovich brought up the issue of humane treatment of animals which is another reason Mentor has the two acres rule. Going with this rule allows for the best treatment for animals.

Chairman Phares also brought up the 75' rule where an animal cannot be kept within 75' of a dwelling, except for the animal's owners dwelling. The committee agreed to include this in the ordinance also. Law Director Landgraf will put together a draft ordinance for the committee to review at the next Safety Committee meeting. 11:47

Exotic animals

The next item on the agenda was exotic animals. Chairman Phares brought up the home that had an abundance of snakes on Beechwood Drive which is what prompted this issue to be on the agenda. He stated that the Ohio Revised Code has a list of exotic animals that we could possibly reference in our ordinance.

Councilman Malta talked about the house on Beechwood and what was going on there. This information was passed on to the Agricultural Department in Columbus but nothing was heard back because the snakes were not poisonous or venomous. The snakes were Restrictors and the family has moved. Mayor Regovich added to the discussion of the Beechwood snakes.

Chairman Phares brought up the provision in the Mentor exotic animals ordinance where you can get a permit to have an exotic animal and it costs \$10 renewable every year. Mayor Regovich felt this is a good option but we may want to consider limiting the number allowed like we do dogs and cats.15:02

Law Director Landgraf stated that perhaps we might have to apply a set of standards for the person or department who is issuing the permits. She will look into putting this together. The next question was who would be responsible for passing out the permits. Chairman Phares suggested the Building and Zoning inspector. Chairman Phares also clarified that we can reference the Ohio Revised Code for the list of animals. 17:48

The grandfather clause would be in effect here also. Law Director Landgraf states that we should put something in the ordinance to the effect of "anyone who has one of these animals needs to apply for a permit and pay the fee" so we know what they have at the time it is enacted.

Councilwoman Antosh mentioned that we should do this with cats and dogs but Chairman Phares brought up the fact that the County Dog Warden already does this through their dog licensing program. She and Mayor Regovich feel that many people don't license their dogs. Chairman Phares wondered who would go around and track this. Councilman Malta agreed that it would be a full time job.

Add a provision for not selling exotic animals also.

ATV and Off Road vehicles

Chairman Phares recounted that the reason for this issue being discussed is because of the house at the corner of Willowick Drive and Crescent Drive. They have a juvenile that drives an ATV up and down the street and around the yard and the neighbors call in complaints to the police.

Councilwoman Antosh mentioned her neighbor who owns multiple motorcycles and has been the cause for complaints also. Someone else on Oakdale has a four-wheeler and around Gebhart and Arnold.

Chairman Phares mentioned a suggestion from Law Director Landgraf about adding a sentence to the Prohibited Operation section that talks about allowing your neighbor to enjoy their property without dust and dirt and noise next door. Another suggestion is to enact the 2 acre rule to essentially prohibit them. Councilwoman Bisbee agrees with tightening up the current ordinance. Mayor Regovich questioned what the punishment is for violating the current ordinance. Chairman Phares mentioned that enforcement of the ordinances is also an issue.

Enforcement puts the police at odds with the homeowners and could create a confrontation and Mayor Regovich questioned whether the police have the right to go into someone's garage and confiscate a vehicle. Law Director Landgraf stated that it is like any other criminal process: They would have to issue a citation and then go to court and the city would have to produce evidence of wrongdoing.

Councilwoman Bisbee asked how prohibition of these vehicles would work. What about people that have them at their house but use them for recreational purposes elsewhere. Will they be prohibited from even having them on their property?

Councilwoman Koudela stated that she has an ATV that she uses to work around the yard. She does not feel that having these types of vehicles is unrealistic and she would not support prohibiting them altogether. It was also mentioned that there are residents who plow driveways with ATV's.

Law Director Landgraf advised that even adding the aforementioned sentence to the Prohibited Operation section would not solve the enforcement issue. 28:35

Councilwoman Antosh mentioned perhaps adding something to the ordinance about only using the vehicle for work purpose and not recreational but it was questioned as to what constitutes work and recreation.

Councilwoman Antosh feels that the police need to start issuing citations more frequently. Chairman Phares will look into ordinances of surrounding cities to see if they handle this issue any differently and it can be discussed further at the next Safety Committee meeting. 30:44

It was decided to take no action on ATV's at this time.

Nuisance 911 calls

Council President Bob Patton wanted this issue discussed at the committee level and his concern stems from the noise issue occurring between neighbors on Carrington Court and Micasa Court. Councilman Malta updated the committee on what is going on there.

Chairman Phares stated that he spoke with Mayor Regovich and Police Chief Turner and neither felt that this was really an issue in the city. At least not enough to warrant an ordinance.

Councilwoman Antosh brought up the Lakewood ordinance about how they penalize and fine residents who keep calling 911 for an incident. Law Director Landgraf stated that Lakewood's ordinance is more about criminal activity whereas the issue in Willowick is just a nuisance complaint. Councilwoman Bisbee questioned how do you determine if something is an emergency or not.

Council President Patton recounted his view on the Carrington/Micasa problem and feels that it reaches a point of harassment when the police are called so many times but no citation is given.

Chairman Phares brought up the two ordinances that Willowick currently has and how they directly reference the Ohio Revised Code. Council President Patton wanted to know what type of sanctions comes with violating these ordinances. Law Director Landgraf stated that it is a Fourth Degree Misdemeanor.

Council President Patton feels that we need to look at surrounding cities to see if there is something else we can add to the current ordinances. He feels that there might be other legislation that is a better fit for what is going on in Willowick.

Law Director Landgraf stated that the Telecommunications ordinance and the 911 abuse ordinance could both be used against the resident on Carrington Court.

It was agreed by the committee to look at surrounding communities and see if there is legislation that Willowick could possibly add to their current ordinances to deal with this issue.

Meeting adjourned at 7:16 pm

