

CHAPTER 505
City of Fairview Park: Animals

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CROSS REFERENCES

- See sectional histories for similar State law
- Owner or keeper liable for damages - see Ohio R.C. 951.10
- Dog registration - see Ohio R.C. 955.01
- Discharging firearms prohibited - see GEN. OFF. [549.12](#)
- Noise control - see GEN. OFF. [557.03](#)(1)

505.01 ANIMALS RUNNING AT LARGE.

The entry of any dog or cat upon any public or private property within the limits of the City, other than the property of the owner or person in charge or control of such dog or cat shall constitute running at large, unless such dog or cat, is securely leashed or under such control by a reasonable person as to prevent the animal from being or creating a nuisance. No person, being the owner or in charge or control of any dog or cat shall permit such animal to run at large within the City limits.

505.02 NUISANCE CONDITIONS PROHIBITED.

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

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

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

(d) No person being the owner or in charge or control of any dog shall allow or permit such dog to commit a nuisance on any school grounds, City park or other public property, or upon any private property other than that of the owner or person in charge or control of such dog without the permission of the owner of such property. Where the owner or person in charge or control of such dog immediately removes all feces deposited by such dog and disposes of the same in a sanitary manner, such nuisance shall be considered abated. (Ord. 74-36. Passed 5-6-74.)

505.03 ABATEMENT OF NUISANCE.

No person, being the owner or in charge or control of any animal shall continue to keep or harbor within this City any animal which is or creates a nuisance as defined by Section [505.02](#), unless such animal is confined or otherwise kept under such strict control as to abate the nuisance.

(Ord. 74-36. Passed 5-6-74.)

505.04 ANNUAL REGISTRATION OF DOGS; TAGS REQUIRED.

(a) Except for guide dogs registered under Ohio R.C. 955.011 and dogs kept by an institution or organization for teaching and research purposes under Ohio R.C. 955.16, no person shall own, keep or harbor a dog more than three months of age without annually registering such dog with the County Auditor. Failure of any dog at any time to wear a valid registration tag shall be prima-facie evidence of lack of registration and subject such dog to impounding and disposition as provided by Ohio R.C. 955.16.

(b) Whoever violates this section is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense. (ORC 955.99(D)).

505.05 VICIOUS ANIMALS.

In addition to other penalties applicable to this chapter, the Municipal Court may order the owner or person in custody or possession of any animal which is determined by the Court to be vicious, or a perennial and continued nuisance, or which constitutes a serious threat to the health or safety of the public, to forthwith remove such animal from the City. If such animal is not removed from the City in compliance with such order, the Court may order the Chief of Police to cause the animal to be impounded and destroyed. (Ord. 74-36. Passed 5-6-74.)

505.06 IMPOUNDING.

In addition to other penalties applicable to violations of this chapter, it shall be the duty of the Police Department to take up and impound every dog or cat found in violation of Sections [505.01](#) to [505.05](#). If a dog is not wearing a valid license tag, the Police Department may turn it over to an officer charged by law with the custody and disposal of such dogs. If such dog is wearing such a tag, the Police Department shall immediately give the licensee, if he can be found, written notice that the dog has been taken up. The dog or cat shall not be released except upon payment of five dollars (\$5.00) to cover the cost of taking it up, plus such additional costs as may be incurred by the City for impounding in an amount not to exceed ten dollars (\$10.00). Any dog or cat not reclaimed within five days of receipt of notice by the licensee or within five days of taking it up, if the licensee cannot be found, shall be destroyed or otherwise disposed of.

505.07 QUARANTINE OF ANIMALS.

Whenever any animal has bitten any person, the Chief of Police may order such animal quarantined in the County dog kennels or in a veterinarian's kennels for a period not longer than ten days from the time of the biting. No owner or person in custody or possession of such an animal shall fail to cause an animal to be quarantined in conformity with such order.

(Ord. 74-36. Passed 5-6-74.)

505.08 MAXIMUM NUMBER OF DOGS PERMITTED.

Not more than two dogs, excepting puppies not over three months old, may be kept in any single-family dwelling, or in any separate suite in a two-family dwelling, multiple-family dwelling or apartment, within this City. "Dwelling" and "suite" as used in this section, include the lot or parcel of land on which the house or building containing the suite is located, and also all out- buildings located on the lot or parcel.

(Ord. 74-36. Passed 5-6-74.)

505.09 BEES.

The maintaining of bees or the erection, placing or maintaining of beehives on any parcel of land within this City is declared to be a nuisance and unlawful unless the bees or beehives are kept and maintained in accordance with the following regulations:

- (a) No more than three colonies of bees or beehives shall be placed or maintained on any one parcel of land.
- (b) No beehive shall be placed or maintained within fifty feet of any building other than the buildings owned or occupied by the keeper of the hives or bees, nor within twenty feet of any boundary line of the parcel.
- (c) Every beehive or colony of bees placed or maintained on premises shall be located at least ten feet above the ground or shall be so screened as effectively to require bees entering or leaving the hives to fly at least ten feet above the level of the ground at the nearest boundary of the parcel owned or occupied by the keeper of the bees unless hives are more than 200 feet from any building.

(Ord. 74-36. Passed 5-6-74.)

505.10 DOGS IN PUBLIC PARKS.

(a) No person owning, keeping, or in charge or control of any dog shall permit such dog to go, enter or remain, either with or without a leash upon any public parks within the City, to wit: Bain Park, Bohlken Park, Grannis Park, Nelson Russ Park, Morton Park, and any other City park hereafter established.

(Ord. 04-39. Passed 12-5-05.)

(b) When a blind person is accompanied by a dog which serves as a guide or leader for him or when such dog is being trained as a guide or leader for a blind person, neither the blind person nor the dog shall be denied the use of facilities of any public park grounds within the City.

(Ord. 74-36. Passed 5-6-74.)

505.11 CRUELTY TO ANIMALS.

(a) No person shall:

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

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

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

505.12 POISONING ANIMALS.

No person shall maliciously, or willfully and without the consent of the owner, administer poison, except a licensed veterinarian acting in such capacity, to any animal that is the property of another. No person shall, willfully and without the consent of the owner, place any poisoned food where it may easily be found and eaten by children or domestic animals, either upon his own lands or the lands of another.

(Ord. 74-36. Passed 5-6-74.)

505.13 CERTAIN ANIMALS PROHIBITED.

No person shall keep any horses, mules, cattle, sheep, goats, pigs, swine or fowl within the corporate limits of the City.

(Ord. 74-36. Passed 5-6-74.)

505.14 HUNTING PROHIBITED.

No person shall hunt, kill or attempt to kill any animal or fowl by the use of firearms, bow and arrow, air rifle or any other means within the corporate limits of the City.

505.15 KILLING OR INJURING ANIMALS.

(a) No person shall maliciously, or willfully, and without the consent of the owner, kill or injure a farm animal, dog, cat or other domestic animal that is the property of another. This section does not apply to a licensed veterinarian acting in an official capacity.

(b) Whoever violates this section, if the value of the animal killed or the injury done amounts to less than three hundred dollars (\$300.00), is guilty of a misdemeanor of the second degree; if the value of the animal killed or the injury done amounts to three hundred dollars (\$300.00) or more, such person is guilty of a misdemeanor of the first degree.

(Ord. 83-17. Passed 2-21-83.)

505.16 REPORT OF ESCAPE OF EXOTIC OR DANGEROUS ANIMAL.

(a) The owner or keeper of any member of a species of the animal kingdom that escapes from his custody or control and that is not indigenous to this State or presents a risk of serious physical harm to persons or property, or both, shall, within one hour after he discovers or reasonably should have discovered the escape, report it to:

(1) A law enforcement officer of the Municipality and the sheriff of the county where the escape occurred; and

(2) The Clerk of the Municipal Legislative Authority.

(b) If the office of the Clerk of the Legislative Authority is closed to the public at the time a report is required by subsection (a) hereof, then it is sufficient compliance with subsection (a) hereof if the owner or keeper makes the report within one hour after the office is next open to the public.

(c) Whoever violates this section is guilty of a misdemeanor of the first degree.
(ORC 2927.21)

505.17 DANGEROUS AND VICIOUS DOGS.

(a) As used in this section:

(1) A. "Dangerous dog" means a dog that, without provocation, and subject to subsection (a)(1)B. hereof, has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person, while that dog is off the premises of its owner, keeper or harbinger and not under the reasonable control of its owner, keeper, harbinger or some other responsible person, or not physically restrained or confined in a locked pen which has a top, locked fenced yard or other locked enclosure which has a top.

B. "Dangerous dog" does not include a police dog that has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger 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) "Menacing fashion" means that a dog would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.

(3) "Police dog" means 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.

(4) A. "Vicious dog" means a dog that, without provocation and subject to subsection (a)(4)B. hereof, meets any of the following:

1. Has killed or caused serious injury to any persons;
2. Has caused injury, other than killing or serious injury to any person, or has killed another dog;
3. Is a pit bull terrier, the ownership, keeping or harboring of such a dog shall be prima-facie evidence of the ownership, keeping or harboring of a vicious dog.

B. "Vicious dog" does not include either of the following:

1. A police dog that has killed or caused serious injury to any person or that has caused injury, other than killing or 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.

C. "Pit bull terrier" as used herein includes, but is not limited to, any American Pit Bull Terrier, any Bull Terrier, any Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contains as an element of its breeding the breed of American Pit Bull Terrier, Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of American Pit Bull Terrier, Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier.

(5) "Without provocation" means that a dog was not teased, tormented or abused by a person, or that the dog 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.

(ORC 955.11)

(b) No owner, keeper or harbinger of a dangerous or vicious dog shall fail to do either of the following:

(1) While that dog is on the premises of the owner, keeper or harbinger, securely confine it at all times in a building, in a locked pen which has a top, locked fenced yard or other locked enclosure which has a top, except that a dangerous dog may, in the alternative, be tied with a leash or tether so that the dog is adequately restrained;

(2) While that dog is off the premises of the owner, keeper or harbinger, keep it 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:

A. Keep that dog in a locked pen which has a top, locked fenced yard or other locked enclosure which has a top;

B. 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 stationary object or fixture so that the dog is adequately restrained and station such a person in close enough proximity to that dog so as to prevent it from causing injury to any person;

C. Muzzle that dog.

(c) No owner, keeper or harbinger of a vicious dog shall fail to obtain liability insurance with an insurer

authorized to write liability insurance in this State providing coverage in each occurrence, subject to a limit, exclusive of interest and costs, of not less than fifty thousand dollars (\$50,000) because of damage or bodily injury to or death of a person caused by the vicious dog. (ORC 955.22)

(d) No owner, keeper or harbinger of a dangerous or vicious dog, shall sell, give, barter or otherwise dispose of such dog without first advising the prospective transferee that it is a dangerous or vicious dog.

(e) If a violation of subsection (b) hereof involves a dangerous dog, whoever violates that subsection is guilty of a misdemeanor of the fourth degree on a first offense and of a misdemeanor of the third degree on each subsequent offense. Additionally, the court may order the offender to personally supervise the dangerous dog that he 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 subsection (c) hereof. The court, in the alternative, may order the dangerous dog to be humanely destroyed by a licensed veterinarian, the Dog Warden or the humane society.

(f) If a violation of subsection (b) hereof involves a vicious dog, whoever violates that subsection is guilty of one of the following:

(1) A misdemeanor of the first degree on a first offense. Additionally, the court may order the vicious dog to be humanely destroyed by a licensed veterinarian, the Dog Warden or the humane society.

(2) A misdemeanor of the first degree if the dog causes injury other than killing or serious injury, to any person.

(g) Whoever violates subsection (c) hereof is guilty of a misdemeanor of the first degree. (ORC 955.99)

Whoever violates subsection (d) hereof is guilty of a misdemeanor of the fourth degree.
(Ord. 88-8. Passed 5-2-88.)

505.18 RABIES VACCINATION OF DOGS AND CATS REQUIRED.

(a) Any person owning, keeping or harboring any dog or cat over the age of three months, shall be required to have such animal currently immunized against rabies by a licensed veterinarian.

(b) All owners or keepers as described in subsection (a) hereof shall maintain a record of such immunization as provided by a veterinarian. Such record will be provided upon request to any law enforcement officer of the City of Fairview Park.

(c) Whoever violates subsection (a) hereof is guilty of a misdemeanor of the fourth degree. Whoever violates subsection (b) hereof is guilty of a minor misdemeanor. Penalties shall be imposed as provided in Section [501.99](#). (Ord. 98-4. Passed 2-17-98.)

505.19 DEAD ANIMALS.

(a) No person and/or property owner within the City of Fairview Park shall dress, butcher or display any dead animal or fowl, including any such animal or parts thereof killed and tagged pursuant to a hunting license issued by the State of Ohio or any other state, and so as to expose such dressed or butchered animal to the view of any person on public or private property.

(b) Whoever violates this Section [505.19](#) of the Code is guilty of a minor misdemeanor for the first offense and if convicted of a second offense is guilty of a fourth degree misdemeanor. When such offense includes more than one animal, each animal will be considered to be a separate violation and each day a separate offense.

(Ord. 05-67. Passed 1-17-06.)

505.20 ANIMAL NEGLECT.

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

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

(2) Deprive an animal of necessary sustenance, or confine an animal without supplying it during the confinement with sufficient quantities of good, wholesome food and clean, potable water;

(3) Impound or confine an animal without affording it, during the impoundment or confinement, with access to adequate shelter to protect the animal from heat, cold, wind, rain, snow, excessive moisture, or excessive direct sunlight, if it can reasonably be expected that the animal would become sick or suffer in any other way as a result of the failure to afford adequate shelter.

A. It shall be prima facie evidence that an animal does not have adequate shelter from the cold if the animal is observed in conditions where the temperature is equal to or less than 32 degrees Fahrenheit and the animal is visibly shivering for at least 5 continuous minutes.

B. It shall also be prima facie evidence that an animal does not have adequate shelter from excessive moisture where the temperature is equal to or less than 32 degrees Fahrenheit and the animal does not have an area of clean, dry bedding sufficient to allow the animal to lie down comfortably.

(4) Keep an animal in an enclosure which does not, at minimum, permit the animal to stand, turn around, and lie down to its full length comfortably.

(5) Keep an animal in an enclosure without adequate ventilation and change of wholesome air.

(6) Keep an animal in a place that is unsanitary, including a place where there is an accumulation of feces or other waste, or foul odor, or insect or rodent infestation.

(b) "Cruelty," "torment," and "torture" include every act, omission, or neglect by which unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue, when there is a reasonable remedy or relief.

(c) Any act, omission or neglect prohibited by this section or any subsections herein may be charged as a separate offense for each animal so affected.

(d) Whoever violates any provision of this section or any subsections herein shall be guilty of animal neglect. Animal neglect shall be a misdemeanor of the second degree on a first offense. Animal neglect shall be a first degree misdemeanor if the offender has been previously convicted of this section or any subsections herein, any offense listed under Chapter 959 of the Ohio Revised Code, or any other state or local ordinance relating to animals, other than a minor misdemeanor. Animal neglect shall also be a first degree misdemeanor if (a) the offense was a contributing factor leading to the death of the animal; (b) the offense was a contributing factor leading to some permanent harm or disability to the animal; or (c) the offense was of such severity or nature that it could be reasonably expected that the animal would have died as a result of the neglect if not for the intervention of a humane agent, dog warden or other law enforcement officer.

(Ord. 11-18. Passed 5-16-11.)

505.21 ANIMAL CRUELTY.

- (a) No person shall knowingly cause unnecessary or unjustifiable pain or suffering to an animal.
 - (b) Any act prohibited by this section or any subsections herein may be charged as a separate offense for each animal so affected.
 - (c) Whoever violates any provision of this section shall be guilty of animal cruelty, a misdemeanor of the first degree.
- (Ord. 11-18. Passed 5-16-11.)

505.22 ANIMAL ABANDONMENT.

(a) No person may negligently leave an animal at a location without making reasonable provision for the animal's continued care. It shall not be a defense to an alleged violation of this section for a person to leave an animal at an animal care facility without the consent of that animal care facility, unless the animal is left in an area specifically designated by the animal care facility for such purposes. For the purpose of this section, "animal care facility" shall mean a veterinary office, animal shelter or other organization or business whose primary purpose is providing care for animals.

(b) Any act prohibited by this section or any subsections herein may be charged as a separate offense for each animal so affected.

(c) Whoever violates this Section shall be guilty of animal abandonment, a misdemeanor of the second degree. Animal abandonment shall be a misdemeanor of the first degree if the offender has been previously convicted of this section, any offense listed under Chapter 959 of the Ohio Revised Code, or any other state or local ordinance relating to animals, other than a minor misdemeanor.

(Ord. 11-18. Passed 5-16-11.)

505.23 DOG TETHER.

- (a) No person who is the owner or keeper of a dog shall negligently chain or otherwise tether a dog outdoors, or permit that dog to be chained or tethered outdoors, unless the tether is of a reasonable length, and is placed in such a manner that the tether could not be reasonably expected to become tangled, or otherwise restrict the dog's freedom of movement within that area.
 - (b) No person who is the owner or keeper of a dog shall negligently tether a dog outdoors, or permit a dog to be tethered outdoors, for more than nine consecutive hours in any one calendar day.
 - (c) No person who is the owner or keeper of a dog shall negligently tether a dog outdoors, or permit a dog to be tethered outdoors, by means of a choke collar or pinch collar.
 - (d) Whoever violates this section shall be guilty of a minor misdemeanor on a first offense, and a misdemeanor of the fourth degree on any subsequent offense.
- (Ord. 11-18. Passed 5-16-11.)

505.24 DOG SHELTER DESIGN STANDARDS.

(a) No person who keeps a dog outside unattended for more than one hour in temperatures of 32 degrees Fahrenheit or less shall fail to provide such dog with a dog house or other shelter which is designed, constructed and maintained in accordance with the following requirements:

(1) The shelter shall be completely enclosed and insulated except for a single entrance large enough for the dog to enter.

(2) The entrance shall be reasonably designed and constructed to prevent wind and precipitation from entering the shelter.

(3) Suitable drainage shall be provided so that water cannot be reasonably expected to gather and stand within ten feet of the shelter, and so the dog has access to a dry area at all times.

(4) The house shall be constructed in accordance with the size of the dog being housed. It shall fit snugly but allow adequate space for the animal to stand up, turn around and lie down in a comfortable position. Dry, comfortable bedding shall be available at all times.

(5) Dogs confined to pens shall have not less than 150 square feet of pen space for each dog so confined.

(b) Whoever violates this section shall be guilty of a minor misdemeanor on a first offense, and a misdemeanor of the fourth degree on any subsequent offense. An alleged violation of the dog shelter design standards is a violation of construction and design standards, and shall be separate and apart from any allegation that a dog is actually kept without adequate shelter.

(Ord. 11-18. Passed 5-16-11.)

505.25 FAILURE TO RESTRAIN DOG IN A MOTOR VEHICLE.

(a) No person who is the operator of a motor vehicle shall negligently permit a dog to ride in the unenclosed bed of a pickup truck, or the unenclosed portion of any motor vehicle, unless that dog is being adequately restrained so that it could not be reasonably expected that the dog could exit the motor vehicle while the motor vehicle is in operation.

(b) Whoever violates this Section shall be guilty of a minor misdemeanor on a first offense, and a misdemeanor of the fourth degree on any subsequent offense. Failure to restrain dog in a motor vehicle shall be a misdemeanor of the second degree if the dog or a person is injured as a result of the offense.

(Ord. 11-18. Passed 5-16-11.)

505.99 PENALTY.

(a) Except as otherwise specifically provided for, whoever violates any provision of this chapter is guilty of a minor misdemeanor. (See Section [501.99](#) for penalties applicable to any misdemeanor classification.)

(b) In addition to any other penalty imposed by a court, for any person convicted of Sections [505.20](#), [505.21](#) or [505.23](#), the court may also impose any or all of the following conditions upon sentencing:

(1) The offender pay restitution to the impounding agency or any other person who provided veterinary care or other care, including reasonably necessary euthanasia services, to an animal as a result of the offense.

(2) The offender be ordered to forfeit any or all of the animals in that person's ownership or care.

(3) As a condition of probation, the offender be required to submit to a mental health assessment and/or treatment.

(4) The court also may prohibit or place limitations or other conditions on the person's ability to own or care for animals, or to reside in a place where animals are kept, for a specified or indefinite period of time, and may, as a condition of probation, require the offender to submit to random announced and unannounced inspections of the offender's residence or other properties to ensure compliance with such restrictions.

(Ord. 11-18. Passed 5-16-11.)