

RESOLUTION

The Board of Trustees of Perry Township, Stark County, Ohio, met in regular session on the 19th day of May, 1992, with the following members present:

Mr. Holmes

~~Mrs. Jackson~~

Mr. Chessler

Mr. Chessler moved the adoption of the following resolution:

WHEREAS, dogs can, and do, create nuisance conditions that may be hazardous, harmful and bothersome to the public, and

WHEREAS, there is a need for the Perry Township Board of Trustees to enact a measure to control dogs and

WHEREAS, Ohio Revised Code §955.221 provides that a board of township trustees may adopt and enforce resolutions to control dogs within the township and that the resolution to control dogs includes, but is not limited to, resolutions concerned with the ownership, keeping or harboring of dogs, the restraint of dogs, dogs as public nuisances, and dogs as a threat to the public health, safety and welfare and

WHEREAS, the following is proposed for the purposes of controlling dogs pursuant to Ohio Revised Code §955.221 within the unincorporated areas of Perry Township, Stark County, Ohio:

SECTION 1.

CHAPTER 1. DEFINITIONS; PROHIBITIONS

Section 1.1 Definitions.

As used in this Resolution, certain terms are defined as follows:

- a) "Whoever" includes owner, keeper, handler or harborer.
- b) "Owner" includes keeper, handler, harborer or person maintaining or responsible for any animal or having the care, custody or control of any animal.
- c) "Registration tag" means the metal tag issued annually by the County Auditor evidencing a registered dog.
- d) "Registered dog" means a dog registered in compliance with Chapter 955 of the Revised Code.
- e) "At large" means off the premises of the owner.
- f) "Permit to run at large" means running at will, roaming away from the premises of the owner, acting on its own initiative and not on a leash or under the immediate control of the owner.
- g) "Impound" means to seize summarily, confine and retain in custody of law.
- h) "Unsecured" means not securely confined indoors, or not securely restrained by means of a collar and chain, pen, fence, or similar physical device, and in such a manner which effectively prevents the animal from going beyond the premises of the owner.
- i) "Animal Warden" means any Dog Warden or Deputy Dog Warden appointed by the County.

Section 1.2 Control of Dogs.

- a) No owner of any dog shall fail at any time to keep any dog either physically confined or restrained upon the premises of the owner by a leash, tether, adequate fence or secure enclosure to prevent escape, or properly on leash and under the immediate control of some person, except when the dog is lawfully engaged in hunting or training for the purpose of hunting and accompanied by the owner.
- b) No dog shall be at large within the township unless securely attached upon a leash held in the hand of a person in a manner which continuously controls the dog, except when the dog is lawfully engaged in hunting or training for the purpose of hunting and accompanied by the owner.

- c) No person being the owner of a dog shall suffer or permit such dog to:
  - 1) Snap at, menace or attempt to bite or attempt to cause physical harm to any other person or animal, while the dog is off the premises of the owner, or while on premises which are not exclusively controlled by the owner;
  - 2) Cause physical harm to the property of another while the dog is off the premises of the owner, or while on premises which are not exclusively controlled by the owner;
  - 3) Bite or otherwise cause physical harm to any person or animal, while the dog is off the premises of the owner, or while on premises which are not exclusively controlled by the owner.
- d) It shall be an affirmative defense to a violation of Divisions (a) and (b) of this Section that the dog was:
  - 1) Securely confined in an automobile or cage which was adequately ventilated; or
  - 2) Being exhibited at a public dog show, zoo, museum or public institution.
- e) No public law enforcement agency or member thereof, or a licensed private law enforcement agency or member thereof, shall be convicted of any violation of this Section where the dog is owned by the agency and at that time engaged in law enforcement activities.
- f) Lack of intent, knowledge or fault on the part of the owner is not a defense to a violation of this Section.
- g) Whoever violates this Section is guilty as set forth in Revised Code §955.99.

### Section 1.3 Female Dogs.

- a) No owner of any female dog shall, during the period such animal is in heat, fail to keep such dog securely confined within a building or upon enclosed lands of the owner, unless such dog is properly in leash and accompanied by the owner.
- b) Lack of intent, knowledge or fault on the part of the owner is not a defense to a violation of this Section.
- c) Whoever violates this Section is guilty as set forth in Revised Code §955.99.

Section 1.4 Nuisance Conditions Prohibited.

- a) No person shall keep or harbor any dog within the township:
  - 1) So as to create offensive odors or unsanitary conditions which are a nuisance or a menace to the health, comfort or safety of the public;
  - 2) Which, by frequent and habitual barking, howling, yelping or any other audible nuisance, creates unreasonably loud and disturbing noises of such a character, intensity and duration as to disturb the peace, quiet and good order of the township;
  - 3) Which molests, menaces or interferes with persons in the public right of way.
  - 4) Which scatters refuse that is bagged or otherwise contained in trash receptacles;
  - 5) Which damages any public or private property not the property of the owner of such animal.
  
- b) No person shall keep harbor or maintain within the township any dog which, by loud, frequent or habitually barking, yelping or howling, disturbs the peaceful living of any person or makes such a noise as is likely to cause inconvenience or annoyance to persons of ordinary sensibilities. It is prima facie unlawful for a person:
  - 1) to keep, harbor or maintain a dog in a residential area where the dog is out of doors unsecured;
  - 2) between the hours of 8:00 p.m. and 7:00 a.m. of the following day to allow the dog to bark, howl or yelp for more than one (1) hour substantially uninterrupted; or
  - 3) between the hours of 7:00 a.m. and 8:00 p.m. to allow the dog to bark, howl or yelp for more than one (1) hour substantially uninterrupted.
  
- c) None of the provisions of Division (a) hereof shall apply to owners, operators or employees of duly licensed veterinary hospitals; owners, operators or employees of duly licensed kennels or animal boarding establishments and handicapped persons when the dog serves as a guide or leader or support dog.
  
- d) Whoever violates this Section is guilty as set forth in Revised Code §955.99.

## Section 1.5 Animal Excretion

- a) The owner or person in charge of every animal shall be responsible for the immediate removal of any excreta deposited by his animal or animals on property, public or private, not owned or possessed by such person.
- b) No person, being the owner or person in charge of any animal, shall fail to immediately remove excreta deposited by his animal or animals on property, public or private, now owned or possessed by such person.
- c) Whoever violates this Section is guilty as set forth in Revised Code §955.99.

NOW, THEREFORE, BE IT RESOLVED that the following is proposed for the purposes of controlling dogs pursuant to Ohio Revised Code §955.221 within the unincorporated areas of Perry Township, Stark County, Ohio:

### SECTION 1.

#### CHAPTER 1. DEFINITIONS; PROHIBITIONS

##### Section 1.1 Definitions.

As used in this Resolution, certain terms are defined as follows:

- a) "Whoever" includes owner, keeper, handler or harborer.
- b) "Owner" includes keeper, handler, harborer or person maintaining or responsible for any animal or having the care, custody or control of any animal.
- c) "Registration tag" means the metal tag issued annually by the County Auditor evidencing a registered dog.
- d) "Registered dog" means a dog registered in compliance with Chapter 955 of the Revised Code.
- e) "At large" means off the premises of the owner.
- f) "Permit to run at large" means running at will, roaming away from the premises of the owner, acting on its own initiative and not on a leash or under the immediate control of the owner.
- g) "Impound" means to seize summarily, confine and retain in custody of law.

- h) "Unsecured" means not securely confined indoors, or not securely restrained by means of a collar and chain, pen, fence, or similar physical device, and in such a manner which effectively prevents the animal from going beyond the premises of the owner.
- i) "Animal Warden" means any Dog Warden or Deputy Dog Warden appointed by the County.

**Section 1.2 Control of Dogs.**

- a) No owner of any dog shall fail at any time to keep any dog either physically confined or restrained upon the premises of the owner by a leash, tether, adequate fence or secure enclosure to prevent escape, or properly on leash and under the immediate control of some person, except when the dog is lawfully engaged in hunting or training for the purpose of hunting and accompanied by the owner.
- b) No dog shall be at large within the township unless securely attached upon a leash held in the hand of a person in a manner which continuously controls the dog, except when the dog is lawfully engaged in hunting or training for the purpose of hunting and accompanied by the owner.
- c) No person being the owner of a dog shall suffer or permit such dog to:
  - 1) Snap at, menace or attempt to bite or attempt to cause physical harm to any other person or animal, while the dog is off the premises of the owner, or while on premises which are not exclusively controlled by the owner;
  - 2) Cause physical harm to the property of another while the dog is off the premises of the owner, or while on premises which are not exclusively controlled by the owner;
  - 3) Bite or otherwise cause physical harm to any person or animal, while the dog is off the premises of the owner, or while on premises which are not exclusively controlled by the owner.
- d) It shall be an affirmative defense to a violation of Divisions (a) and (b) of this Section that the dog was:
  - 1) Securely confined in an automobile or cage which was adequately ventilated; or
  - 2) Being exhibited at a public dog show, zoo, museum or public institution.

- e) No public law enforcement agency or member thereof, or a licensed private law enforcement agency or member thereof, shall be convicted of any violation of this Section where the dog is owned by the agency and at that time engaged in law enforcement activities.
- f) Lack of intent, knowledge or fault on the part of the owner is not a defense to a violation of this Section.
- g) Whoever violates this Section is guilty as set forth in Revised Code §955.99.

**Section 1.3 Female Dogs.**

- a) No owner of any female dog shall, during the period such animal is in heat, fail to keep such dog securely confined within a building or upon enclosed lands of the owner, unless such dog is properly in leash and accompanied by the owner.
- b) Lack of intent, knowledge or fault on the part of the owner is not a defense to a violation of this Section.
- c) Whoever violates this Section is guilty as set forth in Revised Code §955.99.

**Section 1.4 Nuisance Conditions Prohibited.**

- a) No person shall keep or harbor any dog within the township:
  - 1) So as to create offensive odors or unsanitary conditions which are a nuisance or a menace to the health, comfort or safety of the public;
  - 2) Which, by frequent and habitual barking, howling, yelping or any other audible nuisance, creates unreasonably loud and disturbing noises of such a character, intensity and duration as to disturb the peace, quiet and good order of the township;
  - 3) Which molests, menaces or interferes with persons in the public right of way.
  - 4) Which scatters refuse that is bagged or otherwise contained in trash receptacles;
  - 5) Which damages any public or private property not the property of the owner of such animal.

- b) No person shall keep harbor or maintain within the township any dog which, by loud, frequent or habitually barking, yelping or howling, disturbs the peaceful living of any person or makes such a noise as is likely to cause inconvenience or annoyance to persons of ordinary sensibilities. It is prima facie unlawful for a person:
- 1) to keep, harbor or maintain a dog in a residential area where the dog is out of doors unsecured;
  - 2) between the hours of 8:00 p.m. and 7:00 a.m. of the following day to allow the dog to bark, howl or yelp for more than one (1) hour substantially uninterrupted; or
  - 3) between the hours of 7:00 a.m. and 8:00 p.m. to allow the dog to bark, howl or yelp for more than one (1) hour substantially uninterrupted.
- c) None of the provisions of Division (a) hereof shall apply to owners, operators or employees of duly licensed veterinary hospitals; owners, operators or employees of duly licensed kennels or animal boarding establishments and handicapped persons when the dog serves as a guide or leader or support dog.
- d) Whoever violates this Section is guilty as set forth in Revised Code §955.99.

#### Section 1.5 Animal Excretion

- a) The owner or person in charge of every animal shall be responsible for the immediate removal of any excreta deposited by his animal or animals on property, public or private, not owned or possessed by such person.
- b) No person, being the owner or person in charge of any animal, shall fail to immediately remove excreta deposited by his animal or animals on property, public or private, now owned or possessed by such person.
- c) Whoever violates this Section is guilty as set forth in Revised Code §955.99.

BE IT FURTHER RESOLVED that all of these meetings and contemplations were held in public session.

Mr \_\_\_\_\_                     Holmes                     seconded the motion and upon roll call the vote resulted as follows:

Mr. Holmes Yes  
~~XXXXXXXXXX~~ \_\_\_\_\_  
Mr. Chessler Yes

ADOPTED: May 19, 1992.

STATE OF OHIO

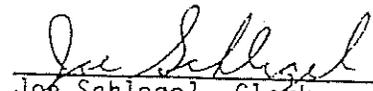
STARK COUNTY

SS:

CERTIFICATE OF CLERK

I, Joe Schlegel, Clerk of the Board of Trustees of Perry Township, Ohio, in whose custody and control the files and records of said Board are required by the laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the original now on file and that the foregoing has been compared by me with said original and that the same is a true and correct copy thereof.

WITNESS my signature, this 19th day of May, 1992.

  
\_\_\_\_\_  
Joe Schlegel, Clerk  
Board of Trustees of  
Perry Township, Stark County, Ohio