RESOLUTION

RESOLUTION # 02-06, DOG CONTROL RESOLUTION

WHEREAS, the State of **Ohio** has granted townships the authority in Ohio Revised Code Section 955.221 to pass resolutions to control dogs, including, but not limited to, resolutions concerning the ownership, keeping, or harboring of dogs, the restraint of dogs, dogs **as** public nuisances, and dogs as a threat to public health, safety **and welfare.**

NOW THEREFORE BE IT RESOLVED by the Board of Township Trustees of Poland Township, Ohio, that:

DOG CONTROL, DANGEROUS AND VICIOUS DOGS

SECTION 1 - Definitions:

A) ***Dangerous dog*** **-** means a dog, that without provocation, and subject to division (A)(1)(b) of this section,

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 harborer **and** not under **the reasonable** control of its owner, keeper, harborer**, 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.

C) *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.

D) ***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.

E)

Vicious dog - means a dog that, without provocation, and subject to division (A)(4)(b) of this section meets any of **the** following:

1. Has **killed** or caused serious injury to any person;

2. Has caused injury**,** other than killing or serious injury to any person, or has killed another dog;

3. Belongs to a breed that is commonly known as a pit bull dog. The ownership, keeping **or** harboring of such a breed of dog shall be prima facie evidence of **the** ownership, keeping or harboring of a vicious dog.

F) *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 harborer** of **the** dog.

G) ***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**.

SECTION 2 - Control and Restraint:

A) As used in this section, *dangerous* ***dog*** and *vicious* ***dog*** have the same meaning as in

Section 1 of this
resolution.

B) No owner, keeper **or** harborer of any female **dog** shall permit it to go beyond **the** premises of the **owner**,
keeper or harborer **at** any time **the** dog is in heat, unless the dog is properly **on** leash.

C) Except when a **dog** is lawfully engaged in hunting and accompanied by **the** owner, keeper, harborer, **or** handler of the dog, no owner, keeper, harborer, **or** handler of any dog shall fail at any time to do **either** of the following:

1. Keep the dog physically confined **or** restrained upon the premises of the owner, keeper**,** or harborer**,** or property of another with **their** permission, by an adequate leash, **tether,** fence, supervision or secure enclosure to **prevent** escape;

2. Keep the dog under reasonable control **of** some person.

D) Except **when** a ***dangerous dog*** **or** ***vicious dog*** is lawfully engaged in hunting or training for **the** purpose of hunting and is accompanied by the owner, keeper, harborer or handler of **the** dog, no owner, keeper or harborer **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** harborer, securely confine **it** at all times in a locked pen **which has** a top and concrete floor, locked **fenced** yard, or **other** locked enclosure which has a top and constructed **in** a manner to **prevent** the dog from escaping under **the** fence or enclosure, except that a dangerous dog may**,** in the alternative, **be tied** with a chain- link **leash or** tether of sufficient strength so that the dog is adequately restrained;

2. **While the** dog is off the premises **of the** owner, keeper **or** harborer, keep that dog on a **chain**-link **leash** or **tether of** adequate strength 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, concrete **floor**, locked **fence** 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 a stationary object or fixture so that the dog is adequately restrained and station such a person in close enough proximity to the dog so as to prevent it from causing injury to any person;

c. Muzzle the dog.

E) The owner, keeper or harborer of a vicious dog or a dog commonly known as a pit bull shall give written notice that such dog is located on his property to all adjacent and contiguous property owners and/or residents and shall register the dog with the township police department during business hours with proof of dog license, rabies inoculation, and liability insurance as provided below.

F) No owner, keeper or harborer 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 one hundred thousand dollars because of damage or bodily injury to or death of a person caused by the vicious dog. The owner, keeper or harborer of a vicious breed of dog commonly known as a pit bull shall in addition to the one hundred thousand dollar liability insurance shall obtain and maintain a one million dollar umbrella liability insurance policy. Proof of said insurance shall be made to the township police department upon their request.

SECTION 3 - Barking and Noisy Dogs:

A) No person shall keep or harbor any dog which howls, yelps or barks or emits audible sounds which are

unreasonably loud or disturbing and persistent in intensity and duration so as to disturb the peace and quiet of the neighborhood or to be detrimental to the life, health and safety of any individual. Such howling, yelping or barking shall be deemed a violation of this section if the howling, yelping or barking is audible outside the premises of the location of said dog and persists continually for a period of five (5) minutes or more between the hours of 8:00 PM to 8:00 AM and for a period of ten (10) minutes or more from 8:00 AM to 8:00 PM.

B) This section shall not apply to the incidental or intermittent howling, yelping or barking of a

dog in

response to **the** presence of a guest, trespasser or other animal in the presence of the dog; or to alert the owner of said dog to an impending threat **or** danger**,** or injury of the dog.

SECTION 4 - Unsanitary Conditions:

A) No person shall keep or **harbor** any dog in the township so as to create noxious **or** offensive odors or

unsanitary conditions which adversely impact the health, comfort or safety of **the** public.

SECTION 5-Damage **to Property:**

A) Any owner, keeper or harborer **of** any dog that injuries or damages public or private property of **one** other than the owner, keeper **or harborer** of the dog shall be strictly liable **to the** injured or damaged party.

B) No owner, keeper or harborer of any dog which **defecates upon** property of another shall fail to

immediately **remove** any and all **feces** deposited by such dog from **the** property **of another**, including **public** parks **or** other public property. The owner **of** or person having charge **of such** dog shall immediately dispose of such feces in a sanitary manner.

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SECTION 6- Prohibition of Certain Vicious Breeds:

A) The keeping and harboring of any cross or **mix breed of** a wolf and dog **shall** constitute a nuisance and

threat to **the health** and **safety** of the general public and shall be **prohibited**.

SECTION 7-Exemptions:

This Resolution does not apply to:

A) The **owner** or person in charge of a dog **that** is assisting a blind, deaf or handicapped person and such

person **either** is unaware that the dog's activities are in violation of this Resolution **or** is unable to comply with **this** Resolution, except for a dangerous or vicious dog, **in** which case this

Resolution shall fully apply.

B) Law Enforcement personnel in charge of a dog **which** is assisting such personnel in the performance of
official duties.

C) A dog lawfully engaged in hunting or legitimate training for the purpose **of** hunting while accompanied by
and under the control **of a** licensed hunter.

D) Veterinary clinics other than the requirement of adequately and securely containing said animals within the
clinic
premises.

SECTION 8-Penalties:

Any violation of this Resolution shall result in a minor misdemeanor**, punishable** by a fine of **up** to one hundred dollars. Each **day of** continued violation of this Resolution shall constitute a separate offense.

In addition, **the** Court in its discretion **may order the** offender to personally supervise the dog that the offender **owns**, keeps **or** harbors, to cause **the** dog to **complete** obedience training, **or do** both; **or in** the alternative, **order** the dangerous dog to be humanely destroyed by a licensed veterinarian, **the** county dog warden, or the county humane **society**.

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