

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 harbinger 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 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 on leash.
- C) 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 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 harbinger, 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, harbinger or handler of the dog, 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 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 harbinger, 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 harbinger 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 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 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 harbinger 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 harbinger of any dog that injures or damages public or private property of one other than the owner, keeper or harbinger of the dog shall be strictly liable to the injured or damaged party.
- B) No owner, keeper or harbinger 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.

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.