

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 Liberty Township, Ohio, that:

SECTION 1: Confinement and Restraint

- (A) As used in this section, "dangerous dog" and "vicious dog" have the same meanings as in Section 955.11 of the Ohio Revised Code.
- (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 in leash.
- (C) No owner, keeper or harbinger of any dog shall fail at any time to keep it either physically confined or restrained upon the premises of the owner, keeper, or harbinger by a leash, tether, adequate fence, supervision or secure enclosure to prevent escape, or under reasonable control of some person, except when the dog is lawfully engaged in hunting accompanied by the owner, keeper, or harbinger or a handler.
- (D) No owner, keeper, or harbinger of a dangerous or vicious dog shall fail to do either of the following except when the dog is lawfully engaged in hunting or training for the purpose of hunting, accompanied by the owner, keeper, harbinger or a handler;
  - (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, 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 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 that dog so as to prevent it from causing injury to any person;

c) Muzzle that dog.

(E) 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 because of damage or bodily injury to or death of a person caused by the vicious dog.

(F) It shall be prima facie evidence that a dog is not under the required control if such dog chases, injures, menaces or kills any person or domestic animal or commits any nuisance upon property other than of its owner, keeper or harbinger.

**SECTION II**                      Barking and Noisy Animals

No person shall keep or harbor any dog which howls or barks or emits audible sounds which are unreasonably loud or disturbing and which are of such a character, intensity and duration so as to disturb the peace and quiet of the neighborhood or to be detrimental to the life and health of any individual.

**SECTION III**                      Unsanitary Conditions

→ 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 IV**                      Damage to Property

(A) Any owner, keeper or harbinger of any dog that injures or damages public property 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 party, The owner of or person having charge of such dog shall immediately dispose of such feces in a sanitary manner.

**SECTION V**                      Exemptions

This Resolution does not apply to:



(1) 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.

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

(3) A dog while actually in the field and lawfully engaged in hunting or legitimate training for the purpose of hunting while accompanied by a licensed hunter.

SECTION VI Penalties

Any violation of this Resolution shall result in a minor misdemeanor. Each day of continued violation of this Resolution shall constitute a separate offense.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1995.

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\_\_\_\_\_  
\_\_\_\_\_

Attest: \_\_\_\_\_

955.11 DEFINITIONS; TRANSFER OF OWNERSHIP CERTIFICATE; FORM STATING DOG'S PRIOR BEHAVIOR

(A) As used in this section:

(1)(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 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 division (A)(4)(b) of this section, meets any of the following:

(i) Has killed or caused serious injury to any person;

(ii) Has caused injury, other than killing or serious injury, to any person, or has killed another dog.

(iii) 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.

(b) "Vicious dog" does not include either of the following:

(i) 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;

----- Page 15615 follows -----

(ii) 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.



----- Excerpt from page 15615 follows -----

(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.

(B) Upon the transfer of ownership of any dog, the seller of the dog shall give the buyer a transfer of ownership certificate that shall be signed by the seller. The certificate shall contain the registration number of the dog, the name of the seller, and a brief description of the dog. Blank forms of the certificate may be obtained from the county auditor. A transfer of ownership shall be recorded by the auditor upon presentation of a transfer of ownership certificate that is signed by the former owner of a dog and that is accompanied by a fee of twenty-five cents.

(C) Prior to the transfer of ownership or possession of any dog, upon the buyer's or other transferee's request, the seller or other transferor of the dog shall give to the person a written notice relative to the behavior and propensities of the dog.

(D) Within ten days after the transfer of ownership or possession of any dog if the seller or other transferor of the dog has knowledge that the dog is a dangerous or vicious dog, he shall give to the buyer or other transferee, the board of health for the district in which the buyer or other transferee resides and the dog warden of the county in which the buyer or other transferee resides a completed copy of a written form on which the seller shall furnish the following information:

- (1) The name and address of the buyer or other transferee of the dog;
- (2) The age, sex, color, breed, and current registration number of the dog.

In addition, the seller shall answer the following questions which shall be specifically stated on the form as follows:

"Has the dog ever chased or attempted to attack or bite a person? If yes, describe the incident(s) in which the behavior occurred."

"Has the dog ever bitten a person? If yes, describe the incident(s) in which the behavior occurred."

"Has the dog ever seriously injured or killed a person? If yes, describe the incident(s) in which the behavior occurred."

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The dog warden of the county in which the seller resides shall furnish the form to the seller at no cost.

(E) No seller or other transferor of a dog shall fail to comply with the applicable requirements of divisions (B) to (D) of this section.