

BOARD OF TOWNSHIP TRUSTEES
ANDERSON TOWNSHIP
HAMILTON COUNTY, OHIO

Mr. Pappas introduced the foregoing resolution and moved its passage. Ms. Stone seconded the motion.

Joshua S. Gerth
Andrew S. Pappas
Robin D. Stone

RESOLUTION NO. 18-1220-20

**LIMITED HOME RULE RESOLUTION
FOR THE CONTROL OF DOGS IN ANDERSON TOWNSHIP
AND DECLARING AN EMERGENCY**

WHEREAS, by virtue of adoption of Resolution No. 03-0918-18, effective October 19, 2003, this Board of Township Trustees ("Board") adopted a home rule government for Anderson Township, County of Hamilton, Ohio ("Township"); and

WHEREAS, under Chapter 504 of the Revised Code, particularly Section 504.04 of the Revised Code, limited home rule townships are empowered to exercise all powers of local self-government within the unincorporated territory of the township other than those powers that are in conflict with the general law; and

WHEREAS, a board of township trustees is authorized by Section 955.221(B)(2) of the Ohio Revised Code to adopt and enforce resolutions to control dogs within the township, if the township is located in a county where the board of county commissioners has not adopted resolutions to control dogs within the unincorporated territories of the county; and

WHEREAS, residents of the Township have requested that this Board place restrictions on the tethering of dogs within the Township; and

WHEREAS, to the knowledge of the members of this Board, the Hamilton County Commissioners have not passed a resolution pertaining to the control of dogs in the unincorporated territories of the Hamilton County, Ohio; and

WHEREAS, Section 959.131 of the Revised Code affords certain protections for animals;

~~NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TOWNSHIP TRUSTEES OF~~
ANDERSON TOWNSHIP, HAMILTON COUNTY, STATE OF OHIO, as follows:

SECTION 1. This Board hereby determines it to be in the best interest of the Township and its residents to implement the following restrictions with respect to the control of dogs in the Township:

(a) No person who confines or who is the owner, custodian or caretaker of a dog shall negligently do any of the following: impound or confine the dog without affording it, during impoundment or confinement, with access to shelter from heat, cold, rain, snow, excess direct sunlight if it can be reasonably expected that the dog would suffer in any way as a result of or due to lack of adequate shelter.

(b) No person who confines or who is the owner, custodian or caretaker of a dog shall tether or permit a dog to be tethered by means of a rope, chain, cord or similar restraint from a fixed point to a dog's collar or elsewhere on the dog, for the purpose of holding the dog in place, which in effect creates a fixed area in which the dog can move about, the radius of which is the length of the tether as follows:

- (i) Between the hours of 10 p.m. and 6 a.m.; or
- (ii) In any area where there is an accumulation of feces or other waste, insect infestation, rodent infestation, foul odor, or another unsanitary or dangerous condition within the radius of the tether.
- (iii) For any amount of time if a Severe Thunderstorm Warning, Tornado Emergency, Tornado Warning, Heat Advisory, Excessive Heat Watch/Warning, Winter Weather Advisory, Winter Storm Watch/Warning, Ice Storm Warning, Blizzard Warning, Wind Chill Advisory, or Wind Chill Watch/Warning as defined by the National Weather Service WFO ILN Weather Product Criteria, has been issued by the National Weather Service, Wilmington, OH.

(c) No person shall use any of the following types of tethers for the dog:

- (i) A tether of less than ten (10) feet in length, or less than four times the length of the dog's body from tip of nose to base of tail, whichever is greater;
 - (ii) A tether the length of which allows the dog to cross the property line on which it is tethered;
 - (iv) A tether that causes injury or pain to the dog because of the material of which it is made or because of the size or weight of the tether; a tether should not weigh more than one-eighth (1/8 th) of a dog's body weight.
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(d) No person shall tether the dog by attaching the tether to the dog by means of a choke collar, pinch collar, or prong collar, as those collars are defined by the Humane Society of the United States.

SECTION 2. Whoever violates any provision contained in SECTION 1 of this Resolution is guilty of a minor misdemeanor. Each day of continued violation of any provision contained in SECTION 1 constitutes a separate offense.

SECTION 3. The preambles hereto are and shall for all purposes be construed to be integral and operative parts of this Resolution.

SECTION 4. Upon majority vote, the Board hereby dispenses with the requirement that this resolution be read on two separate days, pursuant to Section 504.10 of the Revised Code, and authorizes the passage of this resolution upon its first reading.

SECTION 5. If passed by a unanimous vote, pursuant to Section 504.11(B) of the Revised Code, this resolution shall take effect immediately, and shall be posted for fifteen days in five of the most public places in the Township, as previously determined by this Board, which posting is hereby ordered.

SECTION 6. The preambles hereto are and shall for all purposes be construed to be integral and operative parts of this resolution.

SECTION 7. This Board hereby finds and determines that all formal actions of this Board concerning and relating to the passage of this resolution were taken in open meetings of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were taken in meetings open to the public, in compliance with all legal requirements, including (without implied limitation) Section 121.22 of the Revised Code, except as otherwise permitted thereby.

SECTION 8. This resolution is declared to be an emergency measure necessary for the preservation of the public peace, health, safety, and welfare of the Township.

The roll being called by the Fiscal Officer upon the question of passage of the resolution, the vote resulted as follows:

Mr. Gerth yes Mr. Pappas yes Ms. Stone yes

CERTIFICATION

The undersigned, duly elected and acting Fiscal Officer of Anderson Township, Hamilton County, Ohio, hereby certifies that the foregoing is a true copy of a Resolution duly passed at a regular meeting of the Board of Township Trustees of said Township on the 20th day of December,

2018, together with a true record of the roll call vote thereon, and that said Resolution has been duly entered upon the Journal of said Township.

Dated: December 20, 2018

/s/Kenneth G. Dietz
Kenneth G. Dietz
Fiscal Officer
Anderson Township, Ohio

CERTIFICATE OF POSTING

I, Kenneth G. Dietz, Fiscal Officer of Anderson Township, Hamilton County, Ohio, do hereby certify that in accordance with Section 731.25 of the Revised Code, the attached Resolution was posted in accordance with its terms, beginning on December 21, 2018.

This 21st day of December, 2018.

/s/Kenneth G. Dietz
Kenneth G. Dietz
Fiscal Officer