

BOARD OF TRUSTEES
ROOTSTOWN TOWNSHIP, PORTAGE COUNTY, OHIO

Resolution No. 2002-207

A RESOLUTION

"Regulating and controlling certain dogs within the unincorporated areas of the township."

The Board of Trustees of Rootstown Township, Portage County, Ohio met at a regular session, on September 24, 2002 at the Town Hall, with the following members present:

David Armentrout
Diane Dillon
Bonnie Howe

David Armentrout moved the adoption of the following resolution:

Whereas, R.C. 955.221(A) provides that a board of township trustees may control dogs, except the use of any dog that is lawfully engaged in hunting or training for the purpose of hunting while accompanied by a licensed hunter and actually in the field and engaged in hunting or in legitimate training for such purpose, where the county has not taken such action.

Whereas, the board of Portage County commissioners has not adopted resolutions to control dogs within the unincorporated areas of the county.

NOW, THEREFORE, be it resolved by the Board of Trustees of Rootstown Township, Portage County, Ohio, that:

A. Resolved, that:

1. No person being the owner of or having charge of any dog, whether licensed or unlicensed, shall permit it to run at large upon any public place, unenclosed lands, or lands of another. The owner or keeper of every dog shall at all times keep such dog either confined upon the lands of the owner or keeper, or properly in leash. This Section does not apply to any dog that is lawfully engaged in hunting, or training for the purpose of hunting, while accompanied by a licensed hunter and actually in the field and engaged in hunting or such training.
2. The running at large of any ~~dog~~ in or upon any of the places mentioned in Section A.1 is prima-facie evidence that it is running at large in violation of this Resolution.
3. The Portage County Sheriff and deputies or the Portage County dog warden and deputies may impound any dog found in violation of Section A.1 and retain and dispose of such dog pursuant to law.
4. No person shall keep any dog in the Township so as to create noxious or offensive odors, or unsanitary conditions that are, or which could become, a menace to the health, safety, or welfare of the public.
5. No person shall keep any dog within the Township that, by frequent and habitual barking, howling, or yelping, creates unreasonably loud and disturbing noises of such a character, intensity, and duration as to disturb the peace, quiet and good order of the surrounding community; and be it further

Dangerous Dogs

B. Resolved, that:

1. No person owning, keeping, or having the care or custody of a dangerous dog shall suffer or permit such dog to go unconfined on the lands of such person. A dangerous dog is "unconfined" as the term is used in this Section, if such dog is not securely confined or confined in a securely enclosed and locked pen or a dog run area upon the lands of such person. Such pen or dog run area shall also have sides of at least six (6) feet in height and a secure top. The structure shall have a foundation of either concrete or asphalt.

2. No person owning, keeping, or having the care of a dangerous dog shall suffer or permit such dog to go beyond the lands of such person unless the dog is securely muzzled and restrained with a chain having a minimum tensile strength of 300 pounds and not exceeding three (3) feet in length.

3. No person shall own or keep any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging such dog to unprovoked attacks upon human beings or domestic animals.

4. No person shall possess with intent to sell or offer for sale, breed, or buy or attempt to buy within the Township any dangerous dog.

5. Any person owning, keeping, or having the care of any dangerous dog shall maintain a policy of insurance in an amount not less than one hundred thousand (\$100,000) insuring such person against any claim, loss, damage, or injury to persons, domestic animals, or property resulting from the facts of a dangerous dog. Such person shall produce evidence of the insurance upon the request of the board of township trustees.

6. If the board of Township trustees has probable cause to believe that a dangerous dog is being kept or cared for in violation of Sections B.1, B.2, B.3, B.4, or B.5, the board may petition a court of competent jurisdiction to order the seizure and impoundment of the dangerous dog pending trial.

7. As used in this Section, "dangerous dog" means:

- a. Any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to otherwise endanger the safety of human beings or domestic animals;
- b. Any dog that attacks a human being or domestic animal without provocation;
- c. Any dog owned or kept primarily or in part for the purpose of dog fighting or any dog trained for dog fighting;
- d. No dog shall be deemed dangerous if it bites or menaces a trespasser on the property of its owner, if the owner has taken reasonable steps to protect the general public or lawful entrants on the property from attacks by the animal; nor shall any dog be deemed dangerous if it harms or menaces anyone who has tormented or abused it; and be it further

Penalty

C. Resolved, that, pursuant to Ohio R.C. 955.221(C) and Ohio R.C. 955.99(I), and in addition to any other remedy available under law or equity, whoever violates any provision of this resolution is guilty of a minor

misdeemeanor. Each day of continued violation is a separate offense. All fines levied and collected under this resolution shall be distributed according to law to the treasury of the Township, and be it further

D. Resolved, that if any provision in this resolution is in conflict with any section of Ohio R.C. Chapter 955 or any regulation of the Portage County dog warden adopted pursuant to Ohio R.C. Chapter 955, such section or regulation is to govern over the conflicting provision of this resolution.

E. Resolved, that the Township clerk is directed to:

1. Maintain a complete copy of this resolution on file in the Township office, for inspection by the public;
2. Keep copies of this resolution available for distribution to the public at cost;
3. Certify a copy of this resolution to the Portage County Law Library, to be kept on file there; and
4. Post notice of adoption of this resolution in five (5) conspicuous places in the Township for at least 30 days, and also cause such notice to be published in the Record Courier once, for three (3) consecutive weeks. The notice shall clearly identify the resolution and state its purpose, and state that complete copies of the resolution are on file with the Township Clerk and the Portage County Law Library for inspection by the public, and that the Township.

Clerk has copies available for distribution to the public at cost; and be it further

F. Resolved, that this resolution is to become effective and applied throughout the unincorporated area of the Township on the 31st day following the day the notice described in Section F4 is first posted in the Township.

Diane Dillon seconded the motion, and the roll was called on the question of its adoption. The vote was as follows:

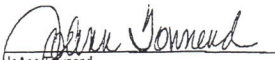
David Armentrout	yes
Diane Dillon	yes
Bonnie Howe	yes

Adopted _____

State of Ohio, Portage County

I, the undersigned clerk of the Township, certify that the foregoing Resolution No. 2008-207 is taken and copied from the record of proceedings of the Township, and that it has been compared by me with the resolution on the record and is a true copy.

Date 10/8/02


JoAnn Townsend
Township Clerk