

LIMITED HOME RULE RESOLUTION 002-2021

*Enacting a Home Rule Resolution
Regulating Dog Control*

Cuyahoga County, Ohio

Be It Resolved by the Township Trustees of Olmsted Township

WHEREAS, this date, April 28, 2021, Trustee Zver moved the adoption of the following Limited Home Rule Resolution:

WHEREAS, by resolution approved by the Board of Trustees on December 4, 2019 (No. 185-2019), the Board adopted a limited home rule government for Olmsted Township, and;

WHEREAS, pursuant to R.C. 504.01, limited home rule government for the Township became effective January 3, 2020, and;

WHEREAS, R.C. 504.4 empowers Olmsted Township to “[e]xercise all powers of local self-government within the unincorporated area of the township, other than powers that are in conflict with general laws” and “[a]dopt and enforce within the unincorporated area of the township local police, sanitary, and other similar regulations that are not in conflict with general laws or otherwise prohibited by division (B)” of R.C. 504.4, and;

WHEREAS, it is the judgment of the Board of Trustees that risks associated with dogs that are unsecured or otherwise running at large are detrimental to public health and safety and constitute a public nuisance, and;

WHEREAS, the Board of Trustees finds it necessary and reasonable to provide for regulations governing dog control within the Township, as necessary for the general health, safety and welfare of the public.

NOW THEREFORE, it is hereby RESOLVED by the Board that:

SECTION A. DEFINITIONS

1. “Direct Control” shall mean that the dog is within sight and hearing distance of the owner, keeper, harborer, or individual having charge of said dog, and that the dog will promptly respond to obedience commands.
2. “Dangerous Dog” shall have the same meaning as set forth in R.C. 955.11(A)(1).
3. “Vicious Dog” shall have the same meaning as set forth in R.C. 955.11(A)(6).
4. “Nuisance Dog” shall have the same meaning as set forth in R.C. 955.11(A)(3).
5. “Police Dog” shall have the same meaning as set forth in R.C. 955.11(A)(4).

6. "Assistance Dog," "Guide Dog," "Hearing Dog," and "Service Dog" shall each have the same meanings as set forth in R.C. 955.011(B).

7. "Olmsted Township Property" shall include all parcels of real property owned or operated by the Olmsted Township Board of Trustees.

SECTION B. OFFENSES

1. No person, being the owner, keeper, harborer, or individual having charge of any dog, shall permit such animal to run at large on the property of another, private or public, within the unincorporated area of the Township, including without limitation, sidewalks and streets, without said owner's consent.

2. No person, being the owner, keeper, harborer, or individual having charge of any dog, shall permit such dog to enter onto the property of another, within the unincorporated area of the Township, unless such dog is securely restrained by a leash or other tether, not to exceed six (6) feet in length.

3. No person, being the owner, keeper, harborer, or individual having charge of any Nuisance Dog, Dangerous Dog or Vicious Dog shall permit any such dog to enter onto or remain on any Olmsted Township Property.

4. 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.

5. 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. 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.

6.

a. 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 and that is accompanied by a fee as prescribed by law.

b. Prior to the transfer of ownership or possession of any dog, upon the buyer 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.

c. Within ten (10) 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 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: (i) the name and address of the buyer or other transferee of the dog; (ii) the age, sex, color, breed, and current registration number of the dog. In addition, the seller shall answer the following questions that shall be 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." The dog warden of the county in which the seller resides shall furnish the form to the seller at no cost according to RC 955.11.

d. No seller or other transferor of a dog shall fail to comply with all applicable requirements of this section.

SECTION C. EXEMPTIONS

This Resolution does not apply to the following

1. A dog while on the property of another, other than the owner, keeper, harborer, or individual having charge of such dog, with the permission and consent of the property owner, so long as the owner, keeper, harborer, or individual having charge of any dog shall, at all times, have such dog physically confined by an adequate fence, secure enclosure, or other appropriate restraint, or under Direct Control.

2. While a dog is lawfully engaged in hunting or training for the purpose of hunting. Under such circumstances, such dog(s) at all other times and in all other respects shall be subject to this Resolution, unless actually in the field engaged in hunting or in legitimate training for such purpose.

3. Police Dogs while controlled in accordance with applicable state regulation.

4. Assistance Dogs, Guide Dogs, Hearing Dogs, and Service Dogs while controlled in accordance with applicable state regulation.

SECTION D. ENFORCEMENT

The requirements and prohibitions of this Resolution may be enforced only upon: (1) complaint by a law enforcement officer who has personally observed facts reasonably supporting a charge alleging a violation; or (2) a written complaint by any person filed with the Olmsted Township Police Department setting forth facts, upon personal knowledge, sufficient to reasonably support a charge alleging a violation.

SECTION E. PENALTIES

A violation of Section B of this Resolution shall constitute an unclassified civil misdemeanor punishable by a civil fine as follows:

1. First Offense - \$25.00
2. Second Offense - \$75.00
3. Third Offense - \$100.00
4. Fourth and Subsequent Offenses - \$250.00

Each day of continued violation constitutes a separate offense.

Further, a violation of Section B of this Resolution may constitute a misdemeanor punishable by imprisonment of not more than thirty (30) days and/or fine as follows:

1. First Offense - \$25.00
2. Second Offense - \$75.00
3. Third Offense - \$100.00
4. Fourth and Subsequent Offenses - \$250.00

Each day of continued violation constitutes a separate offense. (R.C. 955.99(K)).

SECTION F. ADOPTION

1. Upon majority vote, the Board hereby dispenses with the requirement that this Resolution be read on two separate days, pursuant to R.C. 504.10, and authorizes the passage of this Resolution upon its first reading.

2. The Fiscal Officer shall cause a succinct summary of this Resolution to be published in a newspaper of general circulation within the Township once a week for two consecutive weeks. The publication shall contain notice that the complete text of the resolution may be obtained or viewed at the office of the Township Fiscal Officer.

Trustee Abbott seconded the Motion, and thereupon, the votes in favor of this Resolution were recorded and reflected by the signatures hereto.

BE IT FURTHER RESOLVED: that it is hereby found and determined that all formal actions of this Board of Township Trustees concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action, were in a meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted the 28th day of April, 2021.

T. J. Jr.
James M. Kean
J. S. A.D.
Township Trustees

Attest: Brian W. Gillette
Township Fiscal Officer

