

The Board of Trustees (the "Board") of Perry Township, Franklin County, Ohio (the "Township") met in regular session on May 15, 2017, at 7:00 P.M. at 7125 Sawmill Road, Dublin, Ohio 43016, with the following members present:

Chet Chaney  
Andy English  
James Roper

Trustee Chet Chaney introduced the following resolution in writing:

**HOME RULE RESOLUTION LHR-125-17**

**A RESOLUTION PROHIBITING DOGS AND OTHER ANIMALS  
RUNNING AT LARGE**

**WHEREAS**, the Township adopted a limited home rule form of government pursuant to Ohio Revised Code Chapter 504; and

**WHEREAS**, the Board, pursuant to the provisions of Ohio Revised Code 504.04, has the authority to exercise all powers of local self-government within the unincorporated area of the Township; and

**WHEREAS**, it is the opinion of the Board that dogs and other animals running at large is detrimental to public health and safety and constitutes a public nuisance; and

**WHEREAS**, it is the opinion of the Board that the elimination of such a nuisance is beneficial to all residents of the Township; and

**WHEREAS**, it is the intent of this Resolution to prohibit dogs and other animals from running at large in the Township.

**NOW THEREFORE, BE IT RESOLVED THAT THE FOLLOWING REGULATIONS AND PROHIBITIONS SHALL APPLY:**

**I. OFFENSE:**

- A. No person, being the owner, keeper, harbinger, or individual having charge of any animal, or fowl, excepting homing pigeons bearing official bands, shall permit such animal, or fowl 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.
- B. No person, being the owner, keeper, harbinger, 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 leashed by a leash or other tether, not to exceed six (6) feet in length.
- C. Notwithstanding the foregoing, an owner, keeper, harbinger, or individual having charge of a dog shall be exempt from the requirement of Section I(B) of this Resolution:
  - a. On the property of another, other than that of the owner, keeper, harbinger, or individual having charge of such dog, with the permission and consent of the property owner, so long as the owner, keeper, harbinger or individual having charge of said dog shall, at all times, have such dog physically confined or restrained by an adequate fence, secure enclosure or other mechanism to prevent escape, or under "direct control", as defined below.
  - b. "Direct control" shall mean that the dog is within sight and hearing distance of the owner, keeper, harbinger, or individual having charge of said dog, and the dog will respond instantly to the minimum obedience commands of "come", "sit", and/or "stay". The command "come" shall mean that the dog shall

immediately leave the position at which the dog is located at the time said command is given, and return to the individual having given the command. The command "sit" shall mean that the dog shall immediately cease movement in any direction and shall assume a sitting position when such command is given, and remain in such position until otherwise directed. The command "stay" shall mean that the dog shall immediately cease movement in any direction and shall remain in that location until otherwise directed.

II. **PENALTY:** Any violation of Section I(A), (B), or (C) of this Resolution shall be punishable with unclassified civil fine according to the civil find schedule as follows:

1st Violation:	\$125.00
2nd Violation:	\$150.00
3rd Violation and subsequent Violations:	\$200.00

A. If a citation is warranted, the peace officer serving the Township pursuant to the provisions of Ohio Revised Code Section 504.16, shall issue a citation to any such person(s) violating this Resolution, pursuant to the provisions of Ohio Revised Code Section 504.06. The peace officer shall complete the citation by identifying the violation and by indicating the date, time, and place of the violation charged. The peace officer shall sign the citation and without necessary delay file the original citation with the court having proper jurisdiction over the violation. A copy of a citation issued pursuant to this section shall be served pursuant to the Ohio Rules of Civil procedure upon the person who violated this Resolution. The issuance of a citation shall not prohibit the issuance of additional citations, in the event such violation is continued or repeated. The citation shall be the limited home rule citation previously adopted by the Township and shall be in accordance with all of the following:

- a. Advise the person upon whom it is serviced that the person must answer in relation to the violation charged in the citation within fourteen (14) days after the citation is served upon the person;
- b. Indicate the allowable answers that may be made and that the person will be afforded a court hearing if the person denies in the answer that the person committed the violation;
- c. Specify that the answer must be made in person or by mail with the Perry Township Fiscal Officer; and
- d. Indicate the amount of the fine that may be imposed for the violation.

B. An answer to a citation shall be made within fourteen (14) days after the citation is served upon the person and shall be in one of the following forms:

- a. An admission that the person committed the violation, by payment of any fine arising from the violation. Payment of a fine shall be payable to the Fiscal Office of the Township and deposited by the Fiscal Officer into the Township general fund; or
- b. A denial that the person committed the violation.

C. Whenever a person pays a fine pursuant to this section or whenever a person answers by denying the violation or does not submit payment of the fine within the time required under this section, the Township Fiscal Officer shall notify the court having jurisdiction over the violation. The court having jurisdiction over the matter shall proceed in accordance with the provisions of Ohio Revised Code Section 504.07(B). All fines collected under this Resolution shall be deposited into the Township general fund.

III. **OTHER REMEDIES:** Nothing herein shall be construed to impair any common law or statutory causes of actions, or legal remedies available under Ohio Revised Code Chapter 504 therefrom, or of any person or the Township, for any injury or damage arising from other law.

IV. **OPEN MEETINGS COMPLIANCE:** It is found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an

open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements including, without limitation, Ohio Revised Code Section 121.22.

Following its introduction, the Resolution was read by title only.

Trustee, Chet Chaney moved to dispense with the requirement that this Resolution be read on two separate days and hereby authorizes the adoption of this Resolution upon its first reading and the motion was seconded by Trustee, James Roper. Roll was called on the question of dispensing with the second reading and the results were:

<b>Vote Record:</b>	<u>Yea</u>	<u>Nay</u>
Trustee Chet Chaney	<u>  x  </u>	_____
Trustee Andy English	<u>  x  </u>	_____
Trustee James Roper	<u>  x  </u>	_____

Trustee Chaney moved for the adoption of this Resolution and the motion was seconded by Trustee James Roper. Roll was called on the question of adoption and the results were:

<b>Vote Record:</b>	<u>Yea</u>	<u>Nay</u>
Trustee Chet Chaney	<u>  x  </u>	_____
Trustee Andy English	<u>  x  </u>	_____
Trustee James Roper	<u>  x  </u>	_____

Having received a majority vote of the Board, the Resolution was adopted as a nonemergency measure to become effective thirty (30) days after filing with the Township Fiscal Officer.

**First Reading: May 16, 2017**  
**Second Reading: Dispensed with**  
**Effective: June 15, 2017**  
**Adopted: May 16, 2017**

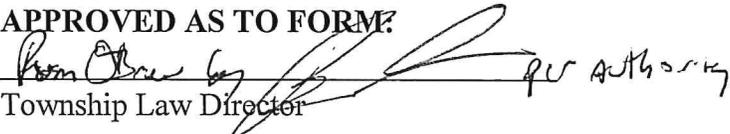
**BOARD OF TOWNSHIP TRUSTEES  
PERRY TOWNSHIP, FRANKLIN  
COUNTY, OHIO**

  
\_\_\_\_\_  
Chet Chaney, Trustee

  
\_\_\_\_\_  
Andy English, Trustee

  
\_\_\_\_\_  
James Roper, Trustee

**Attest:**   
\_\_\_\_\_  
Michele Elliott, Fiscal Officer

**APPROVED AS TO FORM:**  
  
\_\_\_\_\_  
Township Law Director

**CERTIFICATION**

The undersigned Fiscal Officer of the Township hereby certifies that the foregoing is a true copy of a resolution duly passed by the Board of Township Trustees, Perry Township, Franklin County, Ohio and filed with the Township Fiscal Officer on May 16, 2017.

  
\_\_\_\_\_  
Michele Elliott, Perry Township Fiscal Officer