

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-126-17

A RESOLUTION REQUIRING THE DISPOSAL OF ANIMAL WASTE AND PREVENTION OF NUISANCE CONDITIONS

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 improper disposal of animals waste 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 ensure the proper disposal of animal waste in the Township.

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

- I. **OFFENSE:** No person, being the owner, keeper, harborer, or individual having charge of any animal, shall permit said animal to dig and/or defecate on any property, public or private, within the unincorporated area of the Township, other than the property of the owner, keeper, harborer, or individual having charge of any animal, or allow any animal to damage any part of a lawn, tree, shrub, plant, building or other vegetation or property, public or private, other than the property of the owner, keeper, harborer, or individual having charge of any animal, via urination from said animal. The foregoing prohibition shall not apply when the owner, keeper, harborer, or individual having charge of any animal immediately removes all of the feces deposited by said animal and disposes of the same in a safe and sanitary manner.

- II. **PENALTY:** Any violation of Section I 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:

Vote Record:	<u>Yea</u>	<u>Nay</u>
Trustee Chet Chaney	_x_	___
Trustee Andy English	_x_	___
Trustee James Roper	_x_	___

Trustee Chet 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:

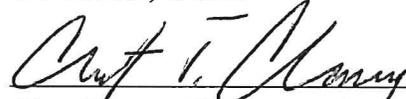
Vote Record:	<u>Yea</u>	<u>Nay</u>
Trustee Chet Chaney	_x_	___
Trustee Andy English	_x_	___
Trustee James Roper	_x_	___

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.

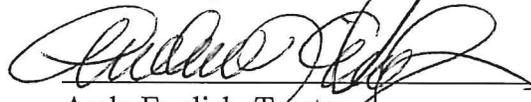
First Reading: May 16, 2017
Second Reading: Dispensed with

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