

Board of Trustees
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MARY MAKLEY WOLFF

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MIAMI TOWNSHIP
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ADMINISTRATION
248-3725 • 248-3730 (FAX)
COMMUNITY DEVELOPMENT
248-3731
SERVICE DEPARTMENT
248-3728
POLICE DEPARTMENT
248-3721
FIRE/EMS
248-3700
PARKS & RECREATION
248-3727

RESOLUTION 2017-18

The Board of Trustees of Miami Township, Clermont County, Ohio met in regular session at the Miami Township Civic Center on May 16, 2017 with the following members present: Ken Tracy, Mary Makley Wolff and Karl Schultz.

MR. SCHULTZ made a motion to adopt the following Resolution:

RESOLUTION RESTRICTING THE TETHERING OF DOGS IN MIAMI TOWNSHIP, CLERMONT COUNTY OHIO AND DISPENSING WITH THE SECOND READING

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 Clermont County Commissioners have not passed a resolution pertaining to the control of dogs in the unincorporated territories of the Clermont County, Ohio; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TOWNSHIP TRUSTEES OF MIAMI TOWNSHIP, CLERMONT 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:

1. Between the hours of 10 p.m. and 6 a.m.
2. 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.
3. The dog must not be put into a situation where the owners have left the dog alone without adequate care or shelter. This is mandated by the Ohio State Law 959.01 which states that no owner or keeper of a dog, cat, or other domestic animal, shall abandon such animal.

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

1. 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; and may cause injury to, or entanglement of, the dog.
2. A tether that does not have swivels on both ends to prevent twisting and tangling, unless a person is in the presence of such dog,
3. A tether the length of which allows the dog to cross the property line on which it is tethered.
4. 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. This resolution shall be enforced under the Ohio Revised Code 955.221(C). The Clerk of the County Court shall collect the fines levied and collected for violations of this resolution and shall distribute them to the Fiscal Officer in accordance with Ohio Revised Code Section 1907.20(C) for credit to the general fund of Miami Township per ORC section 955.99(K). This resolution shall become effective at the earliest time permitted by law.

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

SECTION 4. Notice of the passage of this Resolution shall be posted to the Township's website.

SECTION 5. 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) Revised Code Section 121.22, except as otherwise permitted thereby.

Definition of terms:

- As used in this resolution, “tether” means a rope, chain, cord, dog run or pulley, or similar restraint for holding an animal in place that allows a radius in which the animal can move about.
- As used in this resolution “caretakers” would include people who care for dogs at kennels and doggie daycares or individuals given the responsibility to care for a dog while owners are away.
- As used in this resolution, “shelter” means a place by which an animal can seek refuge from weather elements; is a permanent structure with a waterproof roof that is structurally sound, sufficiently insulated to protect the animal from the elements, with space to change position.

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| First Reading: | <u>May 16, 2017</u> |
| Second Reading: | <u>Dispensed with</u> |
| Effective: | <u>May 16, 2017</u> |

MS. WOLFF seconded the motion to adopt the Resolution. On the roll call being called the vote resulted as follows:

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| Mr. Tracy | <u>AYE</u> |
| Ms. Wolff | <u>AYE</u> |
| Mr. Schultz | <u>AYE</u> |

Resolution 2017-18 was adopted May 16, 2017

ATTEST:



Eric C. Ferry, Fiscal Officer

APPROVED AS TO FORM:


Joseph J. Braun,
Township Law Director

CERTIFICATION OF FUNDS

I hereby certify that at the time of making of this certification the amount required to meet the obligations set forth in this Resolution has been lawfully appropriated for such purpose and is in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrance.


Eric C. Ferry
Fiscal Officer, Miami Township