

**BOARD OF TRUSTEES
SPRINGFIELD TOWNSHIP, HAMILTON COUNTY, OHIO
RESOLUTION NUMBER 22-2018**

**REPEALING LISTED PREVIOUSLY-ENACTED RESOLUTIONS OF THE TOWNSHIP
RELATING TO THE CONTROL OF DOGS AND ADOPTING “THE SPRINGFIELD
TOWNSHIP DOG REGULATIONS,” A COMPREHENSIVE CODE TO BE APPLIED
THROUGHOUT SPRINGFIELD TOWNSHIP.**

WHEREAS, the Board of Trustees of Springfield Township, Hamilton County, Ohio, met in Regular Session on the 13th day of March, 2018 at the Springfield Township Administration Building, 9150 Winton Road with the following members present:

Mark Berning

Joseph Honerlaw

Trustee Berning moved for the adoption of the following Resolution:

WHEREAS, Ohio Revised Code Section 955.221(B)(2) authorizes Ohio townships to adopt and enforce resolutions to control dogs within a township so long as the adopted resolutions are not otherwise in conflict with any provision of the Ohio Revised Code and so long as the township is located in a county where the board of county commissioners has not adopted resolutions to control dogs within the unincorporated areas of the county under that section;

WHEREAS, the Board of Commissioners of Hamilton County have not adopted a resolution to control dogs Within the unincorporated areas of the county pursuant to R.C. 955.22;

WHEREAS, R.C. 955.221(A) authorizes Ohio townships to adopt and enforce resolutions pertaining to the ownership, keeping, or harboring of dogs; the restraint of dogs; dogs as public nuisances; and dog as a threat to public health, safety and welfare;

WHEREAS, R.C. 955.221(C) and R.C. 955.00(K) establish that a violation of a resolution enacted pursuant to R.C. 955.221 is a criminal offense to be enforced through the criminal justice system and charged as a minor misdemeanor, with each day of continued violation being a separate offense;

WHEREAS, the Board of Township Trustees finds that Ohio Revised Code does not address certain important protections for both dogs and residents, including the protection of dogs from being tethered in an inhumane manner and from being left in unsanitary conditions, and the protection of residents and the public from the extreme annoyance of the continually barking of dogs;

WHEREAS, the Board of Township Trustees has attempted to resolve issues involving dogs through the years by a series of unrelated, individual resolutions;

WHEREAS, it has come to the attention of the Board of Township Trustees that compliance with and enforcement of these unrelated resolutions is unduly and unnecessarily cumbersome;

WHEREAS, the Board of Township Trustees wishes to ensure that persons required to comply with the Township's dog regulations and police officers charged with enforcing such regulations are able to easily locate and understand such regulations;

WHEREAS, in order to achieve this goal, the Board of Township Trustees has determined that one comprehensive code, which includes all of the dog regulations for the Township and the penalties for violating such regulations, should be developed;

WHEREAS, the Board of Township Trustees has requested its Chief of Police and Law Director to collect the previously-enacted dog resolutions, to review all such resolutions to determine the current validity of each, and to draft a comprehensive dog regulation code to replace those resolutions which are still valid and to include any new provisions deemed necessary at this time to protect dogs and the public; and

WHEREAS, the Chief of Police and the Township Law Director have completed this task to the best of their abilities.

NOW THEREFORE BE IT RESOLVED BY THE SPRINGFIELD TOWNSHIP BOARD OF TRUSTEES:

SECTION 1: That the following Resolutions regulating dogs in Springfield Township (attached hereto and incorporated herein by reference) are hereby repealed:

Year	No.	Name
1990	46	Prohibiting Frequent and Habitual Howling
2003	151	Resolution Limiting Ownership of Vicious Dogs, Requiring Registration of Vicious Dogs, And Banning Ownership of Unregistered Vicious Dogs Within Springfield Township
2004	212	A Resolution Repealing and Replacing Resolution Number 151-2003 Limiting Ownership of Vicious Dogs, Requiring Registration of Vicious Dogs, And Banning Ownership of Unregistered Vicious Dogs Within Springfield Township
2006	33	A Resolution Repealing and Replacing Resolution Number 212-2004 Limiting Ownership of Vicious Dogs, Requiring Registration of Vicious Dogs, And Banning Ownership of Unregistered Vicious Dogs Within Springfield Township
2007	72	A Resolution Repealing and Replacing Resolution Number 33-2006 Limiting Ownership of Vicious Dogs, Requiring Registration of Vicious Dogs, And Banning Ownership of Unregistered Vicious Dogs Within Springfield Township and Declaring An Emergency
2010	24	Declaring A Moratorium on The Use of Resolution Number 72-2007 to Determine Whether A Dog is Vicious In Springfield Township

SECTION 2: The Springfield Township Dog Regulations which read as follows are hereby adopted:

**CHAPTER 1
SCOPE AND ADMINISTRATION**

**SECTION 101
GENERAL**

101.1 Title. These regulations shall be known as the Springfield Township Dog Regulations, hereinafter referred to as "these regulations."

101.2 Repeal of Prior Resolutions Pertaining to the Control of Dogs in the Township. As is stated with more specificity in Resolution No. 22-2018, these regulations are enacted pursuant to Ohio Revised Code Section 955.221 and repeal and replace all of the previously-enacted resolutions of Springfield Township pertaining to the control of dogs within the Township.

101.3 Scope. The provisions of these regulations shall apply to all dogs in Springfield Township.

101.4 Intent. These regulations shall be construed to secure their expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the behavior of dogs.

101.5 Severability. If a section, subsection, sentence, clause or phrase of these regulations is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of these regulations.

SECTION 102 APPLICABILITY

102.1 General. The provisions of these regulations shall apply to all matters affecting or relating to dogs in Springfield Township. Nothing in these regulations is intended to conflict with any provision of the Ohio Revised Code.

102.2 Existing remedies. The provisions of these regulations shall not be construed to abolish or impair existing remedies of Springfield Township or its officers or agents relating to the registration of dogs, impounding dogs, citation, detention, or removal of nuisance, dangerous, vicious dogs, as prescribed by Ohio law.

CHAPTER 2 DEFINITIONS

SECTION 201 GENERAL

201.1 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of these regulations, have the meanings shown in this chapter.

201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

201.3 Terms not defined. Where terms are not defined in these regulations the usual customary definition shall apply.

201.4 Capitalization. Defined words may begin with an uppercase or lower case letter, interchangeably and without significance as to their meaning.

SECTION 202 GENERAL DEFINITIONS

ACCESSORY BUILDING. An accessory building is a structure located on the same property as a principal building, but incidental and subordinate thereto. Accessory building includes such buildings as sheds and detached garages.

BREEZEWAY. A breezeway is a roofed passageway connecting two buildings, with or without enclosed sides.

CARPORT. A carport is a roofed structure not more than fifty percent (50%) enclosed by walls or doors and attached to the principal building for the purpose of providing shelter to one or more automobiles.

GARAGE, ATTACHED. An attached garage is an accessory structure which is commonly used for the parking or temporary storage of automobiles, boats, trailers and/or yard equipment and which is attached to the principal building on the property.

GARAGE, DETACHED. A detached garage is an accessory structure which is commonly used for the parking or temporary storage of automobiles, boats, trailers and/or yard equipment and which is not attached to the principal building on the property.

HARBORER. A harborer is any person who has possession and control of the premises where a dog lives and acquiesces, even silently, to the dog's presence.

KEEPER. A keeper is any person who has physical control over a dog.

OWNER. An owner is any person to whom a dog belongs.

OUTDOORS. Outdoors means outside of any building.

PERSON. An individual, corporation, partnership or any group acting as a unit.

PORCH, CLOSED. A closed porch is a roofed structure which has one or more enclosed sides and projects from the front, side, or rear wall of a building.

PORCH, OPEN. An open porch is a roofed structure which has one or more unenclosed sides and which projects from the front, side or rear wall of a building.

PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

PRINCIPAL BUILDING. A principal building is the building which houses the principal use of the property. The principal building in a residentially-zoned district is typically the house on the property.

PROPERTY. Property has the same meaning as "premises" as that term is defined herein.

TETHER. A tether is a rope, chain, cord, line, dog run, pulley, or similar device by which a dog is fastened so as to restrict its range of motion.

TOWNSHIP. Township refers to Springfield Township.

CHAPTER 3 TETHERING RESTRICTIONS

**SECTION 301
GENERAL PROHIBITIONS**

301.1 Tethering prohibited: No owner, keeper or harborer of a dog shall tether or allow the dog to be tethered outside, in an accessory building, in any attached garage, in any porch (open or closed), in any breezeway or carport:

- (a) between the hours of 10:00 p.m. and 6:00 a.m.;
- (b) for more than six (6) hours in any twenty-four (24) hour period;
- (c) for any amount of time if a heat or cold advisory or a severe weather warning has been issued by the National Weather Service for the area in which the dog is kept or harbored;
- (d) for any amount of time if the owner, keeper, harborer of the dog or other person over the age of 16 is not present; or
- (e) for any amount of time if the tether:
 - i. is less than twenty (20) feet in length;
 - ii. allows the dog to touch a fence or cross the property line of the property on which the dog is tethered;
 - iii. is attached by means of a pinch-type, prong-type, choke-type, or otherwise unsafe or not properly fitted collar;
 - iv. is likely to cause injury to, or entanglement of, the dog;
 - v. is made of a material that is unsuitable for the dog's size and/or weight or causes any unnecessary discomfort to the dog;
 - vi. restricts the dog to an area that is unsanitary due to an accumulation of feces, urine, other waste, insect or rodent infestation, or foul odor;
 - vii. does not permit the dog to reach clean, potable drinking water at all times while the dog is tethered.

**CHAPTER 4
BARKING OR HOWLING DOGS**

**SECTION 401
GENERAL PROHIBITIONS**

401.1 Unlawful acts. No owner, keeper, or harborer of a dog shall keep or harbor a dog within the Township which, by frequent and habitual barking, howling, yowling, yelping, or other audible sounds, creates unreasonably loud or disturbing noise of such a character, intensity and duration so as to disturb the peace and quiet of the neighborhood or to cause serious disturbance to one or more persons of ordinary sensibilities, inhabiting a residence in the Township.

401.2 Frequent and Habitual Defined. For purposes of this Section, "frequent and habitual" shall be defined as any continuous period of time that exceeds thirty (30) minutes in duration between the hours of 11:00 p.m. and 6:00 a.m. and exceeds forty-five minutes between the hours of 6:00 a.m. and 11:00 p.m.

401.2 Exceptions. This Section does not apply to:

- (a) any dog which is lawfully engaged in hunting or training for the purpose of hunting while accompanied by a licensed hunter. However, such dogs at all other times and in all other respects, shall be subject to this regulation;
- (b) any dog that is owned housed temporarily in a duly licensed veterinary hospital, kennel or animal boarding establishment; and

- (c) any dog which is barking, howling, yowling, yelping or making other audible sounds due to reasonable and continuous provocation of another animal or nearby pedestrian during the continuous period of time that the dog barks. However, in the event that this exception is utilized on a routine basis by a particular dog or dogs, the owner, keeper or harbinger of the dog or dogs will only be excepted from prosecution for a violation of this Section if he/she can demonstrate that he/she has taken remedial steps to change the environment of the dog(s) so as to avoid the exposure to the provocation or that remedial steps cannot reasonably be taken due to the actions of the provoking animals or pedestrians.

**CHAPTER 5
UNSANITARY CONDITIONS**

**SECTION 5
UNSANITARY CONDITIONS**

501.1 Unlawful acts. 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 dog and/or the public.

**CHAPTER 6
ENFORCEMENT**

**SECTION 601
UNLAWFUL ACTS**

601.1 Unlawful acts. It shall be unlawful for a person to be in conflict with or in violation of any of the provisions of these regulations.

**602
PENALTIES AND FINES**

602.1 Violation Penalties. Any person who violates any of these regulations or any regulation or order adopted pursuant to these regulations is guilty of a minor misdemeanor.

602.2 Enforcement. This regulation shall be unforced under Revised Code §§ 955.221(C) and 955.99(K).

602.3 Continuing Violation. Each day of continued violation is a separate offense.

602.4. Fine Distribution. The Hamilton County Clerk of Courts shall collect the fines levied and collected for violations of this regulation and shall distribute them to the Fiscal Officer of Springfield Township in accordance with Revised Code §1907.20(C) for credit to the general fund of Springfield Township.

**SECTION 603
ABATEMENT AND OTHER LAWFUL REMEDIES**

603.1 Abatement of violation. The imposition of the fines and penalties herein prescribed shall not preclude Springfield Township from instituting, by and through its law director, appropriate action to enjoin, restrain, correct or abate a violation, or to stop an illegal act.

SECTION 3: The Township Fiscal Officer shall cause a copy of this Resolution to be posted in five (5) conspicuous places in the Township for a period of thirty (30) days. Additionally, the entire Resolution shall be posted on the Township website and shall be available as a printed document at the Township Administrative Offices during normal business hours. The section headings, numbers, a brief summary, and the availability of “The Springfield Township Dog Regulations” shall be published in a newspaper of general circulation in the Township for three consecutive weeks

Mr. Honerlaw seconded the Motion and roll being called upon its adoption the vote resulted as follows:

Mr. Honerlaw, aye

Mr. Berning, aye

Board of Trustees

CERTIFICATION:

I, Dan Berning, Fiscal Officer, hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Board of Trustees of Springfield Township at a regular scheduled meeting on March 13, 2018.

Signed: _____
Township Fiscal Officer

Approved as to Form: _____
Law Director

CERTIFICATE OF AVAILABILITY AND PUBLICATION

I, Dan Berning, Fiscal Officer of Springfield Township, Hamilton County, Ohio, hereby certify that the foregoing Resolution was made available on March 13, 2018 to the public at the office of the Board, and that the section headings, numbers, a brief summary of the code, and a notice of its availability was published in accordance with the provisions of the Ohio Revised Code in the *Northwest Community Press* on the following dates:

_____, 2018 and

_____, 2018 and

_____, 2018

Dan Berning, Fiscal Officer