

BOARD OF TRUSTEES
BOARDMAN TOWNSHIP, MAHONING COUNTY, OHIO
Resolution No. 16-01-25-04

A resolution for the control of dogs in Boardman Township, specifically the conditions under which a dog may be tethered outdoors.

The Board of Trustees of Boardman Township, Mahoning County, Ohio met in regular session on January 25, 2016 at the Boardman Township Government Center, with the following members present: Brad Calhoun, Tom Costello, and Larry Moliterno.

Mr. Calhoun/Costello/Moliterno moved the adoption of the following resolution:

Whereas, Ohio Revised Code Section 955.221(B)(2) authorizes the Board of Trustees to adopt and enforce resolutions to control dogs within the township that are not otherwise in conflict with any other provision of the Revised Code, if 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 this section;

Whereas, the Board of Commissioners of Mahoning County have not adopted a resolution to control dogs within the unincorporated areas of the county under this statutory section;

Whereas, Ohio Revised Code Section 955.221(A) states that a resolution to control dogs includes, but is not limited to resolutions concerned with the ownership, keeping, or harboring of dogs; the restraint of dogs; dogs as public nuisances; and dogs as a threat to public health, safety, and welfare;

Whereas, this statutory section exempts the use of any dog which is lawfully engaged in hunting or training for the purpose of hunting while accompanied by a licensed hunter when actually in the field and engaged in hunting or in legitimate training for such purpose;

Whereas, the Board of Trustees finds that the current statutes do not protect dogs from being tethered in an inhumane manner and that it has the statutory authority under Ohio Revised Code Section 955.221 to adopt this resolution with respect to the ownership, keeping, or harboring of dogs to fill this vacuum;

Whereas, this resolution may be enforced through the criminal justice system, as Ohio Revised Code Section 955.221(C) states that “[n]o person shall violate any resolution * * * adopted under this section[,]” and Section 955.99(K) provides that whoever violates Section 955.221(C) is guilty of a minor misdemeanor, with each day of continued violation being a separate offense; and

Now, therefore, be it resolved by the Board of Trustees of Boardman Township, Mahoning County, Ohio that the following resolution is adopted:

1. No person shall negligently allow a dog to be tethered outdoors in any of the following circumstances:

(a) For a total of more than six hours in a twenty-four-hour period and for not more than two consecutive hours without at least an hour between tetherings;

(b) 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;

(c) If any of the following applies to the tether:

(i) It is less than twenty feet in length.

(ii) It allows the dog to touch a fence or cross the property line of the owner's, keeper's, or harborer's property.

(iii) It is attached by means of a pinch-type, prong-type, or choke-type collar, or the collar to which it is attached is unsafe or is not properly fitted.

(iv) It may cause injury to, or entanglement of, the dog.

(v) It is made of a material that is unsuitable for the dog's size and weight or that causes any unnecessary discomfort to the dog.

(d) If the dog is not provided with a sanitary environment that is free of an accumulation of feces or other waste and insect or rodent infestation and of foul odor;

(e) If no owner or occupant of the premises where the dog is kept or harbored is present.

2. 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.

3. (a) As used in this resolution, "outdoors" means the dog is not being tethered inside a house or principal building. The term "outdoors" includes a dog tethered inside an accessory building, a porch (open or closed), a breezeway, a garage, and a carport.

(b) As used in this resolution, "accessory building" means a subordinate building, the use of which is customarily incidental to that of the main building, and which is located on the same lot or parcel of land. A shed is included in this definition.

(c) As used in this resolution, "porch (open)" means a roofed structure, having one or more unenclosed sides, projecting from front, side or rear wall of the building, while "porch (closed)" means a roofed structure, having one or more enclosed sides, projecting from front, side or rear wall of the building.

(d) As used in this resolution, a "breezeway" means a roofed passageway connecting two buildings, sometimes with the sides enclosed.

(e) As used in this resolution, "garage" means a detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, boats, and/or trailers.

(f) As used in this resolution, "car port" means 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 motor vehicles.

4. This resolution shall be enforced under R.C. §§ 955.221(C) and 955.99(K) by the appropriate law enforcement officers.

5. Each day of continued violation is a separate offense.

6. 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 Boardman Township.

7. This resolution shall become effective at the earliest time permitted by law.

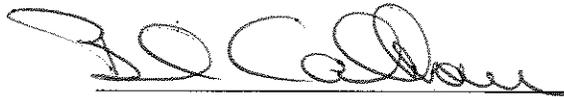
8. If any paragraph, provision, or section of this resolution is held to be invalid by the final decision of any court of competent jurisdiction, then that decision will not affect the validity of the remaining paragraphs, provisions, or sections of this resolution. The Board declares that it would have adopted this resolution and each paragraph, provision, or section thereof despite the fact that one or more paragraphs, provisions, or sections would be declared invalid.

9. The Board finds and determines 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 that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including R.C. § 121.22.

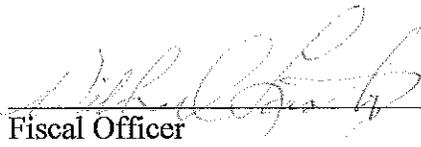
10. This Resolution shall take effect and be in force from and after the earliest time provided by law.

<u>Name</u>	<u>Vote</u>
Brad Calhoun, Trustee	Yes/No/Abstain
Tom Costello, Vice Chair	Yes/No/Abstain
Larry Moliterno, Chair	Yes/No/Abstain

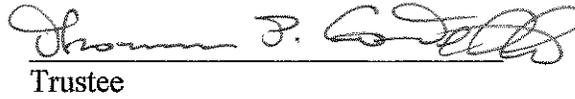
Adopted January 25, 2016


Trustee

Attest:


Fiscal Officer


Trustee


Trustee

CERTIFICATION

State of Ohio, Mahoning County

I, William D. Leicht, fiscal officer of Boardman Township, Mahoning County, Ohio, do hereby certify that the foregoing is taken and copied from the record of proceedings of the township; that the same has been compared by me with the Resolution on said record; and that it is a true and correct copy thereof.

January 25, 2016
Date


William D. Leicht, Fiscal Officer