

RESOLUTION NO.: 09-038
Barking Dogs

The Board of Trustees of Nimishillen Township, Stark County, Ohio met in a Regular Meeting on the 12th day of February 2009, at 7:00 PM, with the following members present:

Lisa R. Shafer
Michael L. Lynch
Allen E. Gress

MR. GRESS moved the adoption of the following resolution:

WHEREAS, pursuant to Ohio Revised Code Section 955.221, the Nimishillen Township Board of Trustees is permitted to adopt a resolution concerning the ownership, keeping or harboring of dogs, the restraint of dogs, dogs as a public nuisance and dogs as a threat to public health, safety and welfare, except when engaged in the field and hunting, or training for hunting and when the County Commissioners have not adopted resolutions to control dogs within the unincorporated areas of the county; and

WHEREAS, the Stark County Board of Commissioners has not adopted any resolution or regulations to control dogs within the unincorporated areas of Nimishillen Township and pursuant to Section 955.221(B)(2) of the Ohio Revised Code this Board determines that the persons who permit dogs to bark, yowl, or yelp for continuous periods of time are causing annoyance and disturbance to residents of the unincorporated areas of Nimishillen Township, Stark County and these dogs are public nuisances and are a threat to public health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED that pursuant to Ohio Revised Code Section 955.221(B)(2) that this Board has determined that the persons who permit dogs to bark, yowl, or yelp for continuous periods of time are causing annoyance and disturbance to residents of the unincorporated areas of Nimishillen Township and such dogs are a public nuisance and are a threat to public health, safety and welfare;

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Board of Trustees for Nimishillen Township, Stark County, Ohio, to adopt the following regulations:

1. No person shall keep or proximately harbor any dog within the unincorporated areas of Nimishillen Township that, by frequent and habitual barking, yowling, or yelping, creates unreasonably loud and disturbing new ways of such a character, intensity and duration as to disturb the public health, safety and welfare of Nimishillen Township residents.
2. The keeping or harboring of a dog shall include any person who allows the dog to habitually remain, lodge, or feed within any dwelling, building, yard or enclosure that the person owns, occupies, leases or rents.
3. The frequent and habitual barking, howling or yelping or a dog shall be defined as any continuous period of time that exceeds fifteen (15) minutes in duration during the nighttime hours or thirty (30) minutes in duration during the daytime hours.
4. This prohibition shall not apply to the use of any dog that is lawfully engaged in hunting or training for hunting and within a company by a licensed hunter. However, such dogs at all times and in all other respects shall be subject to this resolution, unless actually in the field in engaged in hunting or in legitimate training for such purpose.
5. Whoever violates this resolution is guilty of a minor misdemeanor. Each day of continued violation constitutes a separate offense. Fines levied and collected for violation of this resolution shall be distributed by the Clerk of the Canton Municipal Court in accordance with Section 1901.31(A) of the Ohio Revised Code, to the treasury of the Nimishillen Township General Fund, all as is provided in Section 955.99(I) of the Ohio Revised Code.
6. A copy of this resolution shall be certified by the Nimishillen Township Fiscal Officer to the Clerk of the Canton Municipal Court, and to the Canton Municipal Prosecuting Attorney.

MR. LYNCH seconded the motion and upon roll call, the vote resulted as follows:

Allen E. Gress	-	YES
Michael L. Lynch	-	YES
Lisa R. Shafer	-	YES

ADOPTED: February 12, 2009.

CERTIFICATE OF THE FISCAL OFFICER

State of Ohio)
)
County of Stark) §:

I, Barry L. Evans, Fiscal Officer of the Board of Trustees of Nimishillen Township, Stark County, Ohio, in whose custody and control the files and records of said Board are required by the laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the original resolution now on file, and that the foregoing has been compared by me and said original resolution, and that the same is a true and correct copy thereof.

WITNESSED my signature this 12th day of February 2009.

Barry L. Evans, Fiscal Officer of the
Board of Trustees of Nimishillen
Township, Stark County, Ohio