

LIBERTY TOWNSHIP

Resolution No. 05-032 N.C.
R.C.

IN THE MATTER OF ADOPTING A RESOLUTION PROHIBITING THE KEEPING OR HARBORING OF
BARKING OR HOWLING DOGS WITHIN THE UNINCORPORATED TERRITORY OF LIBERTY
TOWNSHIP:

The Board of Trustees of Liberty Township, Delaware County, Ohio met in regular session on the 17th day of January, 2005 at 7:30 p.m. with the following members present: Chairman Kim Cellar, and Robert Cape.

Mr. Cellar moved the adoption of the following Resolution:

WHEREAS, R.C. Section 955.221(B)(2) authorizes the Township to adopt resolution& to control dogs within the township; and

WHEREAS, the Board of Township Trustees of Liberty Township, Delaware County, Ohio, has received numerous and ongoing complaints regarding barking or howling dogs; and

WHEREAS, the Board deems it necessary to control the nuisance of dogs which howl or bark, or emit audible sounds in a manner which disturbs the peace and lives of residents;

NOW THEREFORE BE IT RESOLVED, as follows:

(A) Definitions

Plainly Audible - As used in this Resolution, plainly audible means noise or sound that can be clearly heard and is discernable by a person using normal hearing faculties or ordinary auditory senses not enhanced by any mechanical device, such as a microphone or hearing aid, as barking, howling or other noise being made by a dog.

(B) Barking or Howling Dogs.

1. No owner, keeper or harborer shall keep or harbor within the unincorporated area of the township any dog which, at any time of day or night, continually or intermittently howls or barks, or emits any audible sounds or noises for a period of time exceeding twenty (20) consecutive "total minutes in 1 (one) hour's time" that are of such an intensity so as to be plainly audible at a distance of one hundred (100) feet or more from the property from which the howling, barking or audible sounds or noises emanate and which are disturbing to the peace and quiet of the neighborhood or are detrimental to the life and health of any individual.

2. Any person who shall allow any dog habitually to remain, be lodged or fed within any dwelling, building, yard or enclosure, which that person occupies or owns, shall be considered as harboring such dog.

(C) None of the provisions of division (A) hereof shall apply to the use of any "licensed" dog which is lawfully engaged in hunting or training for the purpose of hunting while accompanied by a licensed hunter or to any dog engaged in herding or corralling of animals for an agricultural purpose "or for the protection of agricultural interests". However, such dogs at all other times and in all other respects, shall be subject to this resolution, unless actually in the field and engaged in hunting or in legitimate training for such purpose.

(D) None of the provisions of division (A) hereof shall apply to owners, operators, or employees of duly licensed veterinary hospitals; owners, operators, or employees of duly licensed kennels or animal boarding establishments; or to blind or disabled persons when the dog serves as an aid, guide or leader.

(E) Whoever violates this resolution is guilty of a minor misdemeanor. Each day of continued violation constitutes a separate offense.

Mr. Cape seconded the motion.

VOTING ON THE RESOLUTION: 2 Yes 0 No

DATE: 1-17-05

APPROVED: Kim Cellar, Chairman

Kim Cellar
John Werner

1-17-05

Robert S. Cape 1-17-05
Robert Cape, D.V.M.