

BROOKFIELD TOWNSHIP

DOG CONTROL ORDINANCE

Adopted: July 5, 2004

This ordinance replaces the prior ordinance enacted by the board of Trustees on February 11, 1997.

Section I

Confinement of dogs; dangerous or vicious dogs; debarked or surgically silenced vicious dogs.

Ohio Revised Code Section 955.22

- (A) As used in this section, “dangerous dog” and “vicious dog” have the same meaning as in section 955.11 of the Ohio Revised code.
- (B) No owner, keeper or harbinger of any female dog shall permit it to go beyond the premises of the owner, keeper or harbinger at any time the dog is in heat unless the dog is properly in leash.
- (C) Except when a dog is lawfully engaged in hunting and accompanied by the owner, keeper, harbinger or handler of the dog, no owner, keeper, or harbinger of any dog shall fail at any time to do either of the following:
- (1) Keep the dog physically confined or restrained upon the premises of the owner, keeper or harbinger or handler by a leash, tether, adequate fence, supervision or secure enclosure to prevent escape;
 - (2) Keep the dog under reasonable control of some person.
- (D) Except when a dangerous or vicious dog is lawfully engaged in hunting or training for the purpose of hunting and is accompanied by the owner, keeper or harbinger or handler of the dog, no owner, keeper or harbinger of a dangerous or vicious dog shall fail to do either of the following:
- (1) While the dog is on the premises of the owner, keeper or harbinger, securely confine it at all times in a locked pen that has a top, locked fence hard, or other locked enclosure that has a top, except that a dangerous dog may, in alternative, be tied with a leash or tether so that the dog is adequately restrained.
 - (2) While the dog is off the premises of the owner, keeper or harbinger, keep that dog on a chain-link leash or tether that is not more than six feet in length and additionally do at least one of the following:
 - (a) Keep that dog in a locked pen that has a top, locked fenced yard, or other locked enclosure that has a top.

(b) Have the leash or tether controlled by a person who is of suitable age and discretion or securely attach, tie or affix the leash or tether to the ground or stationary object or fixture so that the dog is adequately restrained and station such a person in close enough proximately to that dog so as to prevent it from causing injury to any person.

(c) Muzzle that dog.

(E) No owner, keeper, or harbinger of a vicious dog shall fail to obtain liability insurance with an insurer authorized to write liability insurance in this state providing coverage in each occurrence, subject to a limit, exclusive of interest and costs of not less than one hundred thousand dollars because of damage or bodily injury to or death of a person caused by the vicious dog.

(F) No person shall do any of the following:

(1) Debark or surgically silence a dog that the person knows or has reason to believe is a vicious dog.

(2) Possess a vicious dog if the person knows or has reason to believe that the dog has been debarked or surgically silenced.

Section II

Barking and Noisy Animals

A. No person shall fail to keep due regard for the proximity of places of residence of other persons and shall keep or harbor any dog which by loud frequent, habitual, constant or continued barking, howling or yelping, disturbs or annoys any person in the vicinity of such dog where such barking, howling or yelping can be heard outside of the property line of the premises wherein the dog is located or kept.

B. The test in Paragraph A above is how people of common intelligence would understand how such barking, howling or yelping would annoy or disturb an average person, and not some particular person.

C. Without limiting liability under Paragraph A above, a prima-facie case is established hereunder if the barking, howling or yelping described in paragraph A persists for a period of 10 minutes or more between 8PM to 8AM or for a period of 10 minutes or more from 8AM to 8PM.

D. This resolution does not apply to:

1. Veterinary Clinics

2. Law enforcement personnel in charge of a dog, which is assisting such personnel in the performance of official duties.

3. Owners or persons in charge of a dog that is assisting a blind or deaf handicapped person and such person is unaware that the dog's activities are in violation of this resolution or is unable to comply with this resolution.

Section III

- A. 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 public.

Section IV

- A. No owner, keeper or harbinger of any dog which defecates upon the property of another shall fail to immediately remove any and all feces deposited by such dog from the property of another, including public parks and other public property.

Section V

A. Penalties

1. Violations of Section I (O.R.C. 955.22) are as follows:
 - a. Whoever violated division (B) or (C) of section 955.22 of the Ohio Revised Code shall be fined not less than twenty-five dollars or more than one-hundred dollars on a first offense, on each subsequent offense shall be fined not less than seventy-five dollars or more than two hundred fifty dollars and may be imprisoned for not more than thirty days.
 - b. In addition to the penalties prescribed in division (1) (a) of this section, if the offender is guilty of a violation of division (B) or (C) of section 955.22 of the Ohio Revised Code, the court may order the offender to personally supervise the dog that the offender owns, keeps or harbors, to cause that dog to complete dog obedience training, or to do both.
 - c. If a violation of division (D) of section 955.22 of the Ohio Revised Code involves a dangerous dog, whoever violates that division is guilty of a misdemeanor of the fourth degree on a first offense and a misdemeanor of the third degree on each subsequent offense. Additionally, the court may order the offender to personally supervise the dangerous dog that the offender owns, keeps or harbors, to cause the dog to complete dog obedience training, or to do both, and the court may order the offender to obtain liability insurance pursuant to division (E) of section 955.22 of the Ohio Revised Code. The court, in the alternative, may order the dangerous dog to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society.

- d.** If a violation of division (D) of section 955.22 of the Ohio Revised code involves a vicious dog, whoever violates that division is guilty of one of the following:
- 1.** A felony of the fourth degree on a first or subsequent offense if the dog kills or seriously injures a person. Additionally, the court shall order that the vicious dog be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society.
 - 2.** A misdemeanor of the first degree on a first offense and a felony of the fourth degree on each subsequent offense. Additionally, the court may order the vicious dog to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society.
 - 3.** A misdemeanor of the first degree if the dog causes injury, other than killing or serious injury, to any person.

2. Violations of Section II of this ordinance are as follows:

- A.** A violation of Section II, III or IV of this ordinance is violation of section 955.221 of the Ohio Revised Code and is a minor misdemeanor. Each day of the continued violation constitutes a separate offense. Additionally, the township may seek any other legal or equitable actions including injunctive relief, abatement of nuisance and recovery of costs and expenses.