

RESOLUTION REQUIRING REGISTRATION AND TRAINING OF VICIOUS DOGS,
AND EDUCATION OF THEIR OWNERS

No 18-04

WHEREAS, the Board of Trustees has received numerous complaints from residents about vicious dogs within Colerain Township, and has received reports of persons being injured and other dogs being killed by vicious dogs; and

WHEREAS, the Board of Trustees is aware that many owners or harborers of vicious dogs ignore requests from their neighbors and from law-enforcement agencies to confine or restrain their dogs; and

WHEREAS, the Board of Trustees is also aware that it is frequently difficult to prove ownership of a vicious dog; and

WHEREAS, the Board of Trustees has determined that the problem of vicious dogs within Colerain Township adversely impacts the peace and tranquility of neighborhoods within the Township, and has a detrimental effect on the health and safety of residents of the Township and their own pets; and

WHEREAS, the Board of Trustees has determined that there is an increased risk that a dog which has seriously injured or killed another dog will attack a person; and

WHEREAS, sections 955.11, 955.22, 955.221, and 955.99 of the Ohio Revised Code contain provisions for control of dangerous and vicious dogs, as those terms are defined within the Revised Code; and

WHEREAS, section 955.221(B)(2) of the Ohio Revised Code authorizes boards of township 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 within a county where the board of county commissioners has not adopted resolutions to control dogs within the unincorporated areas of the county under said section 955.221 (B)(1); and

WHEREAS, the Board of Trustees appointed a study group of township citizens and law enforcement officers to study the problem of vicious dogs within Colerain Township, and to formulate a recommendation to the Board of Trustees for a resolution to be adopted by the Board pursuant to O R C. Section 955.221; and

WHEREAS, upon the recommendation of the said study group, the Board finds that the most effective control measures, to supplement those set out in the Ohio Revised Code, are those

measures which are not directed at control of any specific breed of dog, but instead are directed at educating the owner and requiring training of any dog determined to be vicious; and

WHEREAS, the Board finds that the provisions of this Resolution are not in conflict with any other provision of the Ohio Revised Code, and declares that the provisions of this Resolution shall be enforced in addition to, and not in place of, any other provision within the Ohio Revised Code.

NOW, THEREFORE, pursuant to the authorization contained in O R C. Section 955.211, BE IT RESOLVED that the following resolution requiring registration and training of vicious dogs, and education of their owners, be and hereby is adopted, as follows:

Section I. Definitions.

A. 1 "Vicious dog" means a dog that, without provocation, meets any of the following:

(a) Has killed or caused serious injury to any person; or

(b) Has killed or caused serious injury to another dog

(both of which are referred to herein as an "Attack Event")

2 "Vicious dog" does not include the following:

(a) a police dog that has killed or caused serious injury to any person or that has caused injury, other than killing or serious injury, to any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties;

(b) a dog that has killed or caused serious injury to any person while that person was committing or attempting to commit a trespass or other criminal offense on the property of the owner.

(c) a dog that has killed or caused serious injury to another dog while said other dog is on the property of the owner of the first dog referred to in this subsection, without said owner's consent.

B. "Without provocation" means that a dog was not teased, tormented, or abused by a person, or that the dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity

Section 2 Registration of Vicious Dogs

- A. Obligation of Registration All persons who own, keep, or harbor a vicious dog within Colerain Township shall register such dog in accordance with the requirements of this section.
- B. Registration Procedure The registration of vicious dogs shall include all of the following:
1. Completion of the Vicious Dog Registration form(s), to be prepared by the Chief of Police, and containing such information as he may reasonably determine to be necessary for the efficient and orderly enforcement of this Resolution;
 2. Certificate of other documentary evidence that the vicious dog has a current, valid Hamilton County Dog License;
 3. Declaration page of an insurance policy or other documentary evidence that the owner, harborer, or keeper of a vicious dog has obtained the liability insurance required by O.R.C. Section 955.22(E), in the amount required by that section, as the same may be from time to time amended;
 4. Payment of the Registration Fee(s), as set forth hereinbelow;
 5. Certificate or other documentary evidence that the vicious dog has received the vaccinations required by law, including but not necessarily limited to vaccinations against rabies and the date upon which such vaccinations were given, and the dates they shall expire;
 6. Certificate or other documentary evidence from a licensed veterinarian that the vicious dog has had a microchip implanted in the body of said dog for identification purposes, and that the microchip has been registered with, and the required fee for lifetime registration of the said dog paid to a bonafide dog registry, together with the address, phone number, email address, of said registry as necessary to access the registry database;
 7. Certificate issued by an organization recognized by the American Kennel Club, confirming that the vicious dog and its owner, harborer, or keeper have successfully completed the training required by said organization to become a "Canine Good Citizen";

Section 3 Registration Deadlines

- A. Upon Moving into Colerain Township, or After an Attack Event. The owner, keeper, or harborer of a vicious dog shall be required to submit to the Colerain Township Police Department the items described in Section 2 (B)(1) through (6) inclusive within 14 days after moving said dog into Colerain Township, or within 14 days after an Attack Event, and shall submit the "Canine Good Citizen" Certificate described in Section 2 (B)(7) within 120 days after moving said dog into Colerain Township, or within 120 days after an Attack Event (hereinafter the "Initial Registration")
- B. Annual Re-registration. After the Initial Registration described above, the owner, keeper, or harborer of a vicious dog shall be required to renew the registration of said dog not later than the first Monday in February each year by submission of the items described in Section 2(B)(1) through (5) inclusive to the Colerain Township Police Department (hereinafter the "Annual Re-registration".)

Section 4 Registration Fees.

- A. The fee for the Initial Registration of a vicious dog shall be \$25.00. However, the Initial Registration fee for a vicious dog which is timely registered after August 1st of each year shall be \$12.50.
- B. The fee for the Annual Re-registration shall be \$10.00 per year.
- C. Persons who do not complete Registration within the deadline set forth herein shall be subject to a late charge of \$25.00, plus fees set forth above, in addition to the other fines and penalties set forth herein.
- D. All registration fees shall be paid into the Colerain Township Police District Fund.

Section 5. Persons Exempt from Registration Requirements

The following persons and organizations are exempt from the registration and insurance requirements of this Resolution:

- A. Persons licensed to practice veterinary medicine and who board or temporarily house or treat vicious dogs, and persons licensed to operate a kennel pursuant to the requirements of the Ohio Revised Code;
- B. Persons housing, boarding, or treating vicious dogs at the request of Colerain Township, SPCA Cincinnati, or any other SPCA;
- C. SPCA Cincinnati

Section 6 Notice to be given to Township upon Transfer of Ownership or Removal of Vicious Dog from Township

The owner, keeper, or harbinger of a vicious dog which has been registered as described herein, or is required to be registered under the terms of this resolution, shall provide written notice to the Colerain Township Police Department within 14 days after the happening of any of the following events:

- A. The vicious dog dies, in which event the notice shall include the date and circumstances surrounding its death;
- B. Ownership of the vicious dog is transferred to another person, in which case the notice shall include the name and address of the transferee;
- C. The owner, keeper, or harbinger of the vicious dog moves out of Colerain Township and removes the dog with him.

Section 7 Prohibition of Unregistered Vicious Dogs; Penalties.

- A. No person shall own, keep, or harbor a dog required to be registered under this resolution, unless such dog is registered as required herein.
- B. Whoever violates this Resolution is guilty of a misdemeanor of the fourth degree as defined in the Ohio Revised Code. Each 120 days that a violation of this Resolution continues shall be deemed to be a separate offense. All fines collected for violation of this Resolution shall be paid into the General Fund

Section 8 Effective Date This Resolution shall be effective at the earliest time permitted by law.

Adopted in regular session on this 11th day of May, 2004.

BOARD OF TRUSTEES,
COLERAIN TOWNSHIP,
HAMILTON COUNTY, OHIO

By: Bernard A. Fiedelcy, Jr.
Bernard A. Fiedelcy, Jr., Trustee

By: Diana Lynn Rielage
Diana Lynn Rielage, Trustee

By: Keith N. Gorman
Keith N. Gorman, Trustee and
President of Board

Attest:

Heather E. Harlow
Heather E Harlow, Clerk

Prepared by and Approved as to Form:

James E. Reuter
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