

**BOARD OF TOWNSHIP TRUSTEES
BLENDON TOWNSHIP
FRANKLIN COUNTY, OHIO**

The Board of Township Trustees (the "Board") of Blendon Township (the "Township"), Franklin County, Ohio met in regular session on June 16, 2017 at 6:30 pm at 6350 South Hempstead Road, Westerville, Ohio 43081, with the following members present:

Stewart Flaherty

Jan Heichel

James Welch

Trustee Stew Flaherty introduced the following resolution in writing:

RESOLUTION NO. 2017-01HR

**RESOLUTION ADOPTING ANIMAL TETHERING REGULATIONS AND
DISPENSING WITH THE SECOND READING AND DECLARING AN EMERGENCY**

WHEREAS, the Board believes there is a need to protect the public health, safety, morals and general welfare as it pertains to tethering of animals in the Township; and

WHEREAS, protection of animals as well of residents will improve the public health and safety of the Township; and

WHEREAS, a limited home rule township may adopt, administer and enforce all powers of local self-government within the unincorporated area of the Township; and

WHEREAS, as a limited home rule township, the Township may impose civil fines pursuant to Ohio Revised Code 504.05, to enforce resolutions adopted under limited home rule;

WHEREAS, the Board has determined that adoption of animal tethering regulations is necessary for the immediate preservation of the public peace, health, safety and welfare of the Township; and

WHEREAS, it is in the best interests of the Township to immediately act to prevent animal cruelty and to establish and adopt the animal tethering regulations thereto as an emergency resolution;

NOW, THEREFORE, BE IT RESOLVED by the Board of Township Trustees of Blendon Township, Franklin County, Ohio, that:

Section 1. ANIMAL TETHERING REGULATIONS. Pursuant to Ohio Revised Code Chapter 504, the Board hereby establishes and adopts, the following animal tethering regulations:

- (a) No person shall tether an animal in any of the following circumstances:
 - (1) For more than six (6) hours total in a twenty-four (24) hour period and not more than two (2) consecutive hours with no less than a one (1) hour period between tetherings;
 - (2) Between the hours of 10:00 p.m. and 6:00 a.m.;
 - (3) If a heat or cold advisory has been issued by a local or state authority or the National Weather Service;

- (4) If a severe weather warning has been issued by a local or state authority or the National Weather Service;
 - (5) If the tether is less than twenty (20) feet in length;
 - (6) If the tether allows the animal to touch the fence or cross the property line or cross onto public property;
 - (7) If the tether is attached by means of a pinch-type, prong-type, or choke-type collar or if the collar is unsafe or is not properly fitted;
 - (8) If the tether may cause injury or entanglement;
 - (9) In a place that is unsanitary, including any place where there is an accumulation of feces or other waste, or foul odor, or insect or rodent infestation;
 - (10) If the tether is made of a material that is unsuitable for the animal's size and weight or that causes any unnecessary discomfort to the animal;
 - (11) If no owner or occupant is present at the premises.
- (b) As used in this section, "tether" means a rope, chain, cord, dog run or pulley, or similar restraint for holding an animal in place, allowing a radius in which it can move about.

Section 2. PENALTY. Any violation of Section 1 of this Resolution shall constitute an unclassified civil fine punishable according to the civil fine schedule as follows:

1 st Violation:	\$150.00
2 nd Violation:	\$250.00
3 rd and subsequent Violations:	\$500.00

(a) If a citation is warranted, the peace officer serving the Township pursuant to Section 504.16 of the Ohio Revised Code shall issue such citation to any person violating this Resolution. The officer shall complete the citation by identifying the violation charged and by indicating the date, time, and place of the violation charged. The officer shall sign the citation and without necessary delay file the original citation with the court having jurisdiction over the violation. A copy of a citation issued pursuant to this section shall be served pursuant to the Ohio Rules of Civil Procedure upon the person who violated this Resolution. The issuance of a citation shall not prohibit the issuance of additional citations, in the event such violation is continued or repeated. The citation shall be the limited home rule citation previously adopted by the Township and shall be in accordance with all of the following:

- (1) Advise the person upon whom it is served that the person must answer in relation to the violation charged in the citation within fourteen days after the citation is served upon the person;
- (2) Indicate the allowable answers that may be made and that the person will be afforded a court hearing if the person denies in the answer that the person committed the violation;
- (3) Specify that the answer must be made in person or by mail with the Prairie Township Fiscal Officer;
- (4) Indicate the amount of the fine that may be imposed for the violation.

(b) An answer to a citation shall be made within fourteen (14) days after the citation is served upon the person and shall be in one of the following forms:

(1) An admission that the person committed the violation, by payment of any fine arising from the violation. Payment of a fine shall be payable to the Fiscal Officer of the Township and deposited by the Fiscal Officer into the Township general fund.

(2) A denial that the person committed the violation.

(c) Whenever a person pays a fine pursuant this section or whenever a person answers by denying the violation or does not submit payment of the fine within the time required under this section, the Township Fiscal Officer shall notify the court having jurisdiction over the violation. The court having jurisdiction over the matter shall proceed in accordance with the provisions of Section 504.07(B) of the Ohio Revised Code. All fines collected under this Resolution shall be deposited into the Township general fund.

Section 3. OTHER REMEDIES. Nothing herein shall be construed to impair any common law or statutory cause of actions, or legal remedies available under Ohio Revised Code Chapter 504 therefrom, of any person or the Township, for any injury or damage arising from other law.

Section 4. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the Township; to prevent animal cruelty and is immediately necessary to promote the health, safety and welfare of residents in the Township.

Section 5. The Board, upon majority vote, hereby dispenses with the requirement that this Resolution be read on two separate days and hereby authorizes adoption of this Resolution upon its first reading.

Section 6. The Township Clerk is hereby directed to provide notice of the adoption of this code, including a summary of the Code, as provided by law.

Section 7. It is hereby found and determined 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 and of any of its committees that resulted in such formal action took place in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 8. This resolution shall take effect at the earliest time allowed by law.

Following its introduction, the resolution was read by the Township Clerk by title only.

Mr. Stew Flaherty moved the adoption of the resolution and the motion was seconded by Mr. Jim Welch. Roll was called on the question of adoption and the results were:


Vote Record:	Yea	Nay
Mr. <u>Jan Heichel</u>	<u>X</u>	___
Mr. <u>Jim Welch</u>	<u>X</u>	___
Mr. <u>Stew Flaherty</u>	<u>X</u>	___

Having received the affirmative vote of all of the trustees, the resolution was adopted as an emergency measure, to become effective immediately after the filing with the Township Clerk.

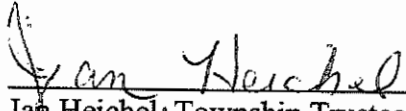
Adopted: June 16, 2017
Effective: June 16, 2017

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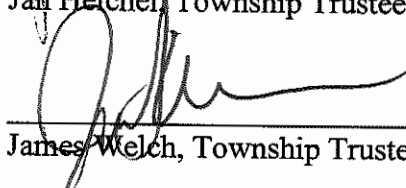
Attest: _____
Wade Estep, Clerk


Stewart Flaherty, Township Trustee

APPROVED AS TO FORM:


Jan Heichel, Township Trustee

Ron O'Brien
Township Law Director


James Welch, Township Trustee

CERTIFICATION

The undersigned Fiscal Officer of Blendon Township, Franklin County, Ohio hereby certifies that the foregoing is a true and exact copy of a resolution duly passed by the Board of Township Trustees of said Township and filed with the Township on June 16, 2017.

Wade Estep, Fiscal Officer
Blendon Township
Franklin County, Ohio

CERTIFICATE OF PUBLICATION

I, Wade Estep, Fiscal Officer of Blendon Township, Franklin Township, Ohio do hereby certify that a summary of this resolution was published in the newspapers listed below and on the dates listed below:

_____ and _____, 20__
_____ and _____, 20__

Wade Estep, Fiscal Officer
Blendon Township, Franklin County, Ohio