

The Board of Trustees of Hamilton Township, County of Warren, Ohio, met at a special meeting, 6:00 p.m. on March 20, 2024 at Hamilton Township, Warren County, Ohio, with the following Trustees present:

Darryl Cordrey – *Board Chair*  
Joseph P. Rozzi – *Board Vice Chair*  
Mark Sousa – *Trustee*

Mr. Cordrey introduced the following resolution and moved its adoption:

**HAMILTON TOWNSHIP, WARREN COUNTY OHIO  
RESOLUTION NUMBER 24-0320A**

**A RESOLUTION PROHIBITING THE KEEPING OR HARBORING OF ANY ANIMAL WHICH GENERATES AN UNREASONABLE AMOUNT OF NOISE ON RESIDENTIAL REAL PROPERTY IN THE UNINCORPORATED TERRITORY OF HAMILTON TOWNSHIP, WARREN COUNTY, OHIO**

**WHEREAS**, Ohio Revised Code 505.172 empowers the Hamilton Township Board of Trustees to adopt regulations and orders that are necessary to control noise generated within any unincorporated Township territory zoned for residential use;

**WHEREAS**, the Board of Trustees previously passed Resolution Number 00-15 on January 5, 2000, and Resolution 00-405B on April 5, 2000, prohibiting the keeping or harboring of unreasonably noisy dogs on any unincorporated real property in the Township; and

**WHEREAS**, the Board of Trustees desires to rescind Resolution Number 00-15 and Resolution Number 00-405B, and replace such resolutions and the prohibitions therein with the present Resolution.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Township Trustees of Hamilton Township, Warren County, Ohio:

**SECTION 1.** Resolution 00-15 and Resolution 00-405B are hereby rescinded and replaced in their entirety with this Resolution.

**SECTION 2.** No person shall, on unincorporated territory in the Township zoned for residential use and which is located within the Township's urban service area boundary (as such boundary may be adjusted by the Township from time to time), keep or harbor any animal that howls, barks, or emits other audible sounds which are unreasonably loud and disturbing, and of such a character, intensity and duration, as to disturb the peace and quiet of surrounding properties according to the average person's ordinary sensibilities, or to otherwise be detrimental to any individual's life and health.

**SECTION 3.** In determining whether a violation of this Resolution exists, consideration should be given to the proximity of neighboring residential properties to the subject property on which the offending animal is harbored, the time of day

during which sound from the offending animal emanates from the subject property, and any other relevant circumstances.

**SECTION 4.** In accordance with R.C. 505.172(E), whoever violates this Resolution is guilty of a misdemeanor of the second degree, and fines levied and collected pursuant to such a charge and/or conviction shall be paid into the Township General Fund.

**SECTION 5.** 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 the Board, and that all deliberations of the Board and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

**SECTION 6.** This Resolution shall take effect on the earliest date allowed by law.

Mr. Rozzi seconded the Resolution and the following being called upon the question of its adoption, the vote resulted as follows:

Darryl Cordrey	Aye	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>
Joseph P. Rozzi –	Aye	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>
Mark Sousa	Aye	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>

Resolution adopted this 20th day of March, 2024.

Attest:



Kurt Weber, Fiscal Officer

Approved as to form:



Brodi J. Conover, Assistant Law Director

I, Kurt Weber, Fiscal Officer of Hamilton Township, Warren County, Ohio, hereby certify that this is a true and accurate copy of a Resolution duly adopted by the Board of Trustees of Hamilton Township, County of Warren, Ohio, at its special meeting on March 20, 2024.

Date: 3/20/2024

  
\_\_\_\_\_  
Kurt Weber, Fiscal Officer

HAMILTON TOWNSHIP BOARD OF TRUSTEES  
WARREN COUNTY, OHIO

**Resolution**

Number 00-405B

Adopted Date 04/05/00

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A RESOLUTION PROHIBITING THE KEEPING OR HARBORING OF ANY  
DOG WHICH CREATES UNREASONABLE NOISE WITHIN THE  
UNINCORPORATED AREA OF HAMILTON TOWNSHIP, WARREN COUNTY,  
OHIO; PROVIDING CIVIL FINES FOR THE VIOLATION OF THE  
RESOLUTION; AUTHORIZING ENFORCEMENT BY INJUNCTION ACTION  
AND FINDING AND DECLARING VIOLATIONS OF THE RESOLUTION TO  
BE A MATTER OF HEALTH OR SAFETY

BE IT RESOLVED, by the Board of Trustees of Hamilton Township, Warren  
County, Ohio, as follows:

(A) No person, within the unincorporated area of Hamilton Township, Warren  
County, Ohio, shall keep or harbor any dog which, by frequent and habitual barking,  
howling or yelping, creates unreasonably loud and disturbing noises of such a  
character, intensity and duration as to disturb the peace, quiet and good order of the  
unincorporated area of the Township.

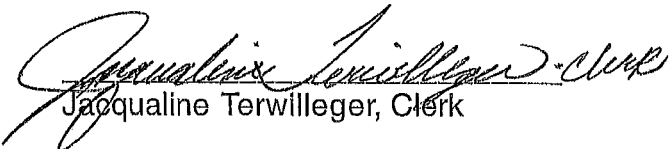
(B) In determining whether a violation of Division (A) of this resolution has  
occurred, consideration should be given to the proximity of places of residence, the  
day and time at which such noise is produced and all other conditions affected by such  
noise.

(C) Any person found to have violated Division (A) of this resolution shall be  
guilty of a minor misdemeanor.

Mr. Bishop moved for adoption of the foregoing resolution, being  
seconded by Mr. Baston. Upon call of the roll the following vote resulted.

Mr. Clyde Baston - Aye  
Mr. O. T. Bishop - Aye  
Mrs. Becky Ehling - Aye

Resolution adopted this 5th. day of April, 2000.

  
Jacqueline Terwilliger, Clerk

**HAMILTON TOWNSHIP BOARD OF TRUSTEES  
WARREN COUNTY, OHIO**

**Resolution**

Number 00-15

Adopted Date 1-5-00

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**A RESOLUTION PROHIBITING THE KEEPING OR HARBORING OF ANY  
DOG WHICH CREATES UNREASONABLE NOISE WITHIN THE  
UNINCORPORATED AREA OF HAMILTON TOWNSHIP, WARREN COUNTY,  
OHIO; PROVIDING CIVIL FINES FOR THE VIOLATION OF THE  
RESOLUTION; AUTHORIZING ENFORCEMENT BY INJUNCTION ACTION  
AND FINDING AND DECLARING VIOLATIONS OF THE RESOLUTION TO  
BE A MATTER OF HEALTH OR SAFETY**

**BE IT RESOLVED**, by the Board of Trustees of Hamilton Township, Warren  
County, Ohio, as follows:

(A) No person, within the unincorporated area of Hamilton Township, Warren  
County, Ohio, shall keep or harbor any dog which, by frequent and habitual barking,  
howling or yelping, creates unreasonably loud and disturbing noises of such a  
character, intensity and duration as to disturb the peace, quiet and good order of the  
unincorporated area of the Township.

(B) In determining whether a violation of Division A of this resolution has  
occurred, consideration should be given to the proximity of places of residence, the  
day and time at which such noise is produced and all other conditions affected by such  
noise.

(C) Any person found to have violated this resolution shall be subject to civil  
fines as follows:

- (1) Upon a first violation - \$100.00
- (2) Upon a second violation - \$250.00
- (3) Upon a third violation - \$500.00
- (4) Upon a fourth or subsequent violation - \$1,000.00

(D) In addition to the civil fines provided for in this resolution, enforcement of  
this resolution may be pursuant to injunction as authorized by Revised Code Section

504.08(A) and in this regard violations of this resolution are hereby found and declared to be a matter of safety or health.

Mr. Bishop moved for adoption of the foregoing resolution, being seconded by Mr. Baston. Upon call of the roll the following vote resulted.


Mr. Clyde Baston - Aye  
Mr. O. T. Bishop- Aye  
Mrs. Becky Ehling - Aye

Resolution adopted this 5<sup>th</sup> day of January, 2000.

  
Jacqueline Terwilleger, Clerk

#### CERTIFICATE OF PUBLICATION

The undersigned does hereby certify that the within Resolution was published once a week for two consecutive weeks in The Western Star newspaper on the 12<sup>th</sup> day of January, 2000 and the 19<sup>th</sup> day of January, 2000.

  
Jacqueline Terwilleger, Clerk

**MICHAEL E. POWELL**

ATTORNEY AT LAW

324 EAST WARREN ST.

LEBANON, OHIO 45086

TELEPHONE (518) 932-3452

FAX (518) 932-8198

December 17, 1999

HON. JACQUALINE TERWILLEGER  
Hamilton Township Clerk  
P. O. Box 38  
8373 Loveland-Maineville Road  
Maineville, OH 45039

In Re: *Barking Dog Resolution*

Dear Jackie:

Enclosed please find the following:

- (1). Resolution prohibiting the keeping or harboring of any dog within the Township which makes unreasonable noise; and
- (2). Publication notice to be published once a week for two consecutive weeks in the Western Star following adoption of the resolution.

The resolution provides for a graduated civil fine structure in the event that it has been violated. In addition, the resolution provides for its enforcement pursuant to an action for injunction.

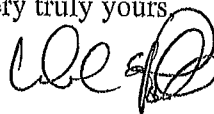
This resolution is based upon the City of Lebanon's barking dog ordinance. The constitutionality of the City of Lebanon's ordinance was challenged approximately 10 years ago. The Court of Appeals for our District found that Lebanon's ordinance did not violate the Constitution as being void for vagueness and therefore found the ordinance valid.

This resolution is clearly a home-rule resolution. Therefore, in order to adopt the resolution, one of the Trustees should introduce it by reading it by title only. A Trustee should then make a motion to dispense with two separate readings of the resolution. When the motion to waive two separate readings is seconded, a roll call vote should be taken upon the motion to dispense with the two separate readings. Upon passage of a motion to dispense with two separate readings, a Trustee should make a motion to adopt the resolution. The resolution may then be adopted by vote of the Trustees. I have not prepared this resolution as an emergency measure. Therefore, it will not become effective for thirty (30) days after it is filed with you.

The publication notice should be published in the Western Star once a week for two consecutive weeks after the resolution is adopted. Please fill in the dates on the certificate of publication.

If anything further is required, please advise me.

Very truly yours,

A handwritten signature in black ink, appearing to read "MEP", with a large, stylized flourish or initial at the end.

Michael E. Powell  
Attorney at Law

MEP/sjl




## NOTICE OF ADOPTION OF RESOLUTION

Please take notice that the Board of Hamilton Township Trustees on the 5<sup>th</sup> day of January, 2000 adopted Resolution No. 00-15 entitled, "A **RESOLUTION PROHIBITING THE KEEPING OR HARBORING OF ANY DOG WHICH CREATES UNREASONABLE NOISE WITHIN THE UNINCORPORATED AREA OF HAMILTON TOWNSHIP, WARREN COUNTY, OHIO; PROVIDING CIVIL FINES FOR THE VIOLATION OF THE RESOLUTION; AUTHORIZING ENFORCEMENT BY INJUNCTION ACTION AND FINDING AND DECLARING VIOLATIONS OF THE RESOLUTION TO BE A MATTER OF HEALTH OR SAFETY.**"

The foregoing resolution provides that " No person, within the unincorporated area of Hamilton Township, Warren County, Ohio, shall keep or harbor any dog which, by frequent and habitual barking, howling or yelping, creates unreasonably loud and disturbing noises of such a character, intensity and duration as to disturb the peace, quiet and good order of the unincorporated area of the Township". In addition the resolution provides a graduated civil fine structure for violation and authorizes enforcement of the resolution by injunction action.

A full text of the resolution is available for review at the offices of the Board of Hamilton Township Trustees located at 8373 Loveland-Maineville Road, Maineville, Ohio 45039 during regular business hours Monday through Friday.

  
Jacqueline Terwilleger, Clerk  
Board of Hamilton Township Trustees

*Please publish for Wed of 1-12-00  
and 1-19-00*

*Thank you  
Jackie*

# FAX COVER SHEET

HAMILTON TOWNSHIP  
8373 MAINEVILLE ROAD  
P.O. BOX 38  
MAINEVILLE, OHIO 45039  
WARREN COUNTY  
PHONE 513-683-8520  
FAX # 513-683-4325



<b>SEND TO</b> Company name <i>Western Star</i>	<b>From</b> <i>Jackie Swollen</i>
Attention <i>Legal Section</i>	Date <i>1-5-00</i>
Office location	Office location
Fax number <i>(513) 932-2257</i>	Phone number <i>(513) 683-8520</i>

Urgent     Reply ASAP     Please comment     Please review     For your information

Total pages, including cover: 2

## COMMENTS

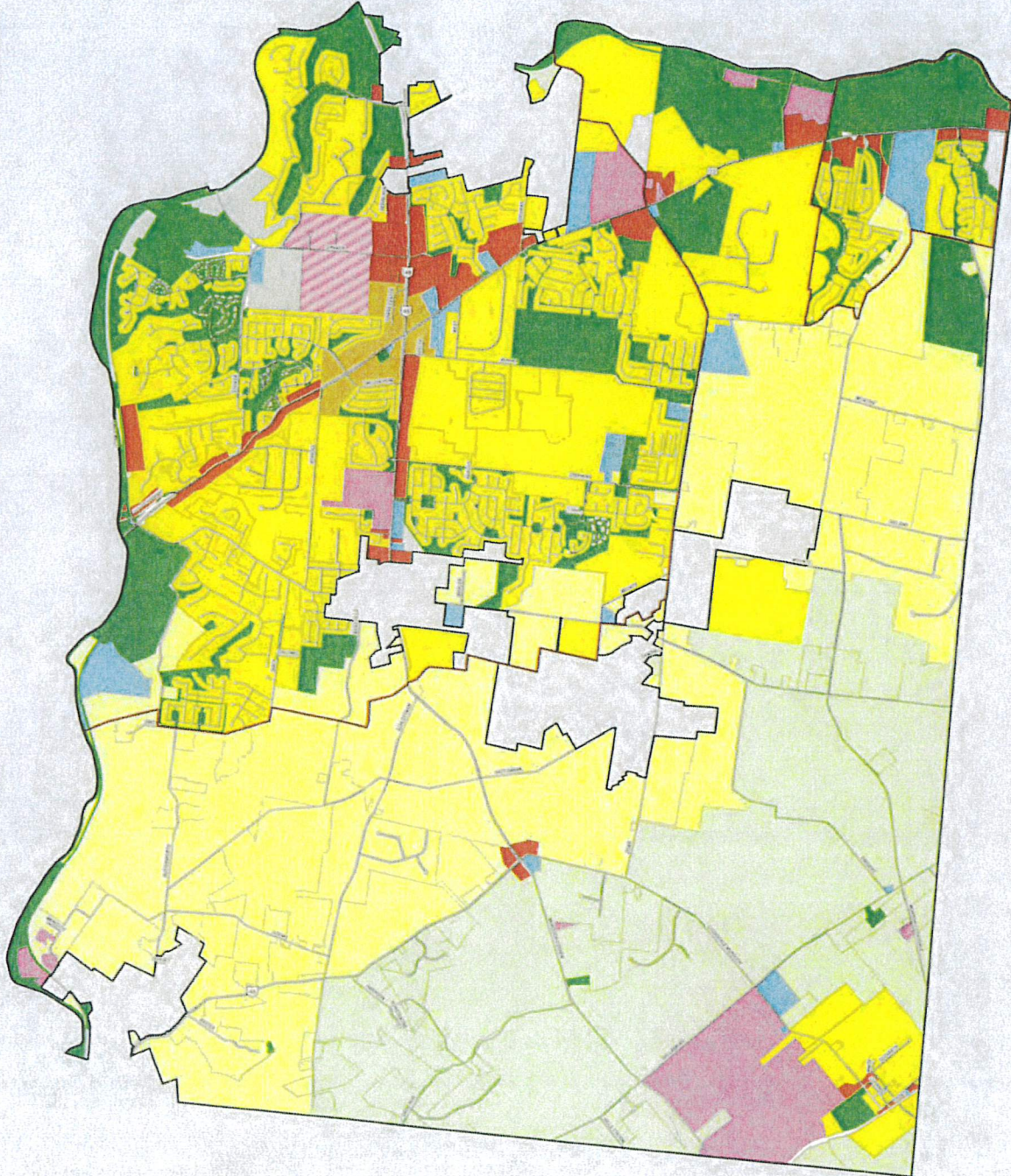
*Please Publish for weeks of  
1-12-00 & 1-19-00*

*Thank you*  
*[Signature]*














# Hamilton Township

## Proposed Future Land Use Map



### Legend

#### Land Use Plan

- |  |   |
|--|---|
|  Agricultural-Rural Residential |  Public-Semi-Public                |
|  Commercial                     |  Parks and Recreational Open Space |
|  Industrial                     |  Rural Residential                 |
|  Industrial/Office              |  Single Family Residential         |
|  Mixed Use                      |  Municipalities                    |
|  |  Urban Service Area Boundary       |



0 0.5 1 Miles