

IN THE COUNTY COMMISSION OF WIRT COUNTY, WEST VIRGINIA

In Re: An Ordinance to establish a Leash Law for dogs for Wirt County; to prohibit owners from allowing their dogs to be at large; to authorize and specify action by the county dog warden, humane society and other law enforcement officers with regard to dogs at large; to provide for the issuance of citations, the assessment of fines and the destruction of dogs for violations thereof.

ORDER

WHEREAS, a County Commission has authority under section six, article twenty, chapter nineteen (19-20-6) of the West Virginia Code, as amended, to promulgate and enforce such ordinances, rules and regulations, consistent with the provisions of article twenty, as it considers necessary or convenient for the control and management of all dogs in the County; and

WHEREAS, the County Commission of Wirt County has received numerous complaints from residents of Wirt County that dogs are running loose, destroying their property, inflicting personal injury and posing a threat to the health and safety of the citizens and their property; and

WHEREAS, county dog wardens and other law enforcement officials are currently without authority to seize and impound dogs running loose if such dogs are properly licensed, or to issue citations to the owners thereof;

NOW, THEREFORE, IT IS HEREBY ORDERED AND ORDAINED BY THE COUNTY COMMISSION OF WIRT COUNTY, WEST VIRGINIA, THAT THE FOLLOWING ORDINANCE ESTABLISHING A LEASH LAW FOR DOGS FOR WIRT COUNTY, IN ACCORDANCE WITH SECTION SIX, ARTICLE TWENTY, CHAPTER NINETEEN, OF THE WEST VIRGINIA CODE, PROHIBITING OWNERS FROM ALLOWING THEIR DOGS TO BE AT LARGE, AUTHORIZING AND SPECIFYING ACTION BY THE COUNTY DOG WARDEN, HUMANE SOCIETY AND OTHER LAW ENFORCEMENT OFFICERS WITH REGARD TO DOGS AT LARGE AND ALLOWING FOR THE ISSUANCE OF CITATIONS, THE ASSESSMENT OF FINES AND THE DESTRUCTION OF DOGS FOR VIOLATIONS THEREOF, IS HEREBY ADOPTED.

1. Definitions

For the purpose of this ordinance, the following words and phrases are herein defined to mean and include:

- a. Dog: Dogs of either sex of any age.

- b. Owner: Any person having a right of property in a dog and any person who keeps or harbors a dog or has a dog in his care or acts as its custodian.
- c. Keeping or Harboring: The act or sufferance of either feeding or sheltering a dog on the premises of the occupant or owner thereof.
- d. At large: A dog shall be deemed to be at large whenever it is not on the owner's property where it has the property owner's written permission to be, or under the immediate physical control of a responsible person capable of physically restraining the dog.

All dogs must have a current tag indicating that the applicable county taxes or fees have been paid and/or any dog which does not have a tag indicating that it has a current rabies vaccination, shall be considered uncontrolled and subject to seizure.

2. Dogs to be confined or on leash

The owner of a dog shall not allow such dog to roam at large in Wirt County. The owner of a dog shall confine such dog on his premises. It shall be unlawful for the owner or keeper of any dog, whether licensed or unlicensed, vaccinated or unvaccinated, to run at large within the boundaries of Wirt County, West Virginia: Provided, that vaccinated dogs shall be permitted to run at large under the following circumstances: (1) While engaged in lawful hunting activity under the supervision of their owners or handlers; (2) while engaged in any lawful training activity under the supervision of their owners or handlers; (3) While engaged in any lawful herding or other farm related activity under the supervision of their owners or handlers. No person shall take any dog onto the streets, sidewalks or public places in the County unless the dog shall be on a leash, or under his/her control.

3. Impounding dogs; redemption

It shall be the duty of the county dog warden and deputy wardens and the humane society officers, or any law enforcement officer, to seize any dog at large in the County, whether licensed or unlicensed.

All dogs seized and impounded as provided for in this ordinance shall be housed and cared for at a designated animal shelter, to be utilized at the discretion of the County Commission, for a period of five (5) days after notice of seizure and impounding shall have been given or posted as required by Chapter 19, Article 20, Section 6 of the State Code of West Virginia. The fees for such impoundment shall be as follows:

Seizing dog and delivery to pound \$100.00.

Housing and care of dog per day \$10.00, until redeemed.

Plus the actual costs of any necessary/required veterinary care.

All persons paying fees and costs shall be given a signed and dated receipt for the total sum collected. If any person shall fail to pay the fees and costs assessed within twenty (20) days of the assessment, the County Commission of Wirt County may institute legal proceedings for collection of the same, including all fees and costs expended in the collection effort.

Dogs may be redeemed only during normal business hours.

4. Citations; penalties

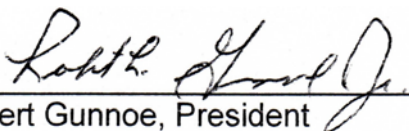
Magistrate Courts and Circuit Courts shall have concurrent jurisdiction with the respect to misdemeanors under this Ordinance.

A citation shall be issued to any owner of a dog found violating this ordinance.

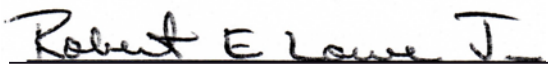
Any person found guilty of, or who pleads guilty to, violating this ordinance shall be guilty of a misdemeanor, and may be assessed a fine of not less than \$25.00 nor more than \$100.00 and costs consistent with those set forth above in paragraph 3, as well as normal statutory costs. The incidence of any one dog at large in any twelve (12) hour period is hereby deemed to constitute a single violation of the ordinance.

This Ordinance will be effective as of the date entered.


Entered this 20th day of August, 2013.



Robert Gunnoe, President



Robert Lowe, Commissioner



Charles Murray, Commissioner

Attest:

Suellen Calebaugh, Clerk