

MINERAL COUNTY BARKING DOG ORDINANCE

The members of the Mineral County Commission hereby find that habitually barking, howling or yelping dogs are a public nuisance and, as such, they are under the jurisdiction of this body. Accordingly, and upon motion duly made and seconded, the following Ordinance is adopted, pursuant to the provisions of West Virginia Code §7-1-3kk, as amended.

NUISANCE: HABITUALLY BARKING OR HOWLING DOGS

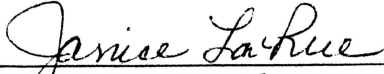
The keeping or harboring of any dog within Mineral County which dog, by frequent and habitual barking, howling or yelping, creates unreasonably loud and disturbing noises of such character, intensity and duration as to disturb the peace, quiet and good order of the neighborhood or such resident or business neighbors as may be in close proximity to such dog, is prohibited.

Any person, who shall allow such dog to habitually remain, be lodged or fed within or on any property, dwelling, building, yard or enclosure, which he/she occupies or owns, shall be considered as harboring such dog and shall be guilty of a misdemeanor and upon conviction thereof, shall be fined \$200.00 for a first offense. Subsequent offenses shall result in fines of at least \$200.00 but not to exceed \$500.00. Any person cited or notified of a first offense violation may, within ten (10) days of such notice and citation, appear at the Office of the Sheriff of Mineral County in the Courthouse or at the Mineral County Dog Pound and upon payment of a fine of \$200.00 shall be discharged from further prosecution or obligation for penalty for such violation. However, any person who has been convicted for a violation of this Ordinance or who has paid a fine for a violation of this Ordinance as hereinabove provided, shall not be eligible for payment at the Office of the Sheriff or the Dog Pound, as provided herein, for a period of two years from the date of such prior conviction or payment, and shall be subject to prosecution on the aforesaid misdemeanor charge by the Magistrate Court of Mineral County.


Appeals from a Magistrate Court finding shall be to the Circuit Court.

Nothing herein shall restrict the bringing of a civil action, in an appropriate court of law, to seek a remedy for imposition of this offending nuisance.

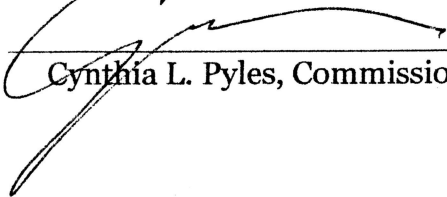
This Ordinance shall become effective on the 1st day of November, 2007.
Adopted this the 25th day of September, 2007.



Janice LaRue, President



Wayne C. Spiggle, Commissioner



Cynthia L. Pyles, Commissioner