

MINERAL COUNTY DOG LEASH ORDINANCE

LEGISLATIVE AUTHORITY

This Ordinance concerns the management and control of dogs in the County of Mineral, State of West Virginia, and is adopted under the authority of Chapter 19, Article 20, Section 6(b) of the Code of West Virginia, as amended.

PURPOSE

This Ordinance is enacted for the purpose of controlling and managing the population of dogs in Mineral County, West Virginia, outside of its incorporated municipalities; to constrain dogs from attacking, wounding, or killing persons, livestock, and other domestic animals; to prevent dogs from forming packs roaming wild in rural areas and posing a threat to the health and safety of the citizens and their property; to better prevent female dogs from having unwanted litters; and to stipulate penalties for violations of this Ordinance.

SECTION I. INTERRELATIONSHIP BETWEEN ORDINANCE AND STATE CODE

This Ordinance is to be administered in conjunction and in addition to the provisions of Chapter 19, Article 20, entitled "Dogs and Cats", Chapter 19, Article 20A, entitled "Vaccination of Dogs and for Rabies", Chapter 7, Article 10 entitled "Humane Officers" and 61-8-19 through 23, of the Code of the State of West Virginia, as amended, and shall be construed and interpreted in conformity therewith.

SECTION II. RESTRAINT OF DOGS BY OWNERS

A. All dogs in the unincorporated areas of Mineral County shall be kept under control or restraint, as described herein, by the owner of the dog or other responsible persons. Dogs not on property owned or leased by the owner of the dog shall be kept on a suitable leash or lead, or be under voice control of the owner or other responsible persons. The County Animal Control Officers and the Mineral County Sheriff's Department are hereby authorized and empowered to seize dogs not under such voice control or on a leash or lead, if such dogs are not on property owned or leased by the owner, and to hold such dogs at the County Animal Shelter in accordance with the provisions of Chapter 19, Article 20, Section 8, of the West Virginia Code, as amended.

B. Any dog not under restraint or control as required by paragraph A of this Section II, shall be subject to confiscation, impoundment, and are subject to disposal by County Animal Control Officers in accordance with the provisions of Chapter 19, Article 20, Section 6, of the West Virginia Code, as amended.

C. Dogs engaged in legal hunting activities, lawful training activities, and lawful herding or other farm related activities shall not be subject to this section of the Ordinance. Provided however such dogs must be vaccinated and wearing all tags as provided by law, as amended.

SECTION III. IMPOUNDMENT OF DOGS AND FEES

A. All dogs seized and impounded by the Dog Warden or his Deputy shall be placed at the County Animal Shelter, where they shall be housed and fed 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 Code of West Virginia, as amended. The fees for such impoundment shall be provided hereinbelow:

B. The owner of all such impounded dogs as defined herein, shall be responsible for the payment of impoundment fees as follows:

Seizing the dog and delivery to pound:	\$20.00
Serving or posting notice to owner:	\$ 5.00
Housing and feeding dog:	\$ 3.50 per day

C. All persons paying pound fees to the Animal Control Officers shall be given a receipt for the total sum collected. Such receipt shall be signed and dated by the Animal Control Officer collecting the pound fees.

D. Dogs not claimed and removed by their owner, or other responsible persons within five days after the giving of the aforesaid notice shall be disposed of in accordance with the provisions of Chapter 19, Article 20, Section 8, of the West Virginia Code, as amended.

SECTION IV. PENALTIES FOR VIOLATION

Any person who violated any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$25.00 (twenty five dollars) nor more than \$100.00 (one hundred dollars) for the first offense and not less than \$100.00 (one hundred dollars) nor more than \$500.00 (five hundred dollars) for any second or subsequent offense, provided

however, any person cited or notified of a violation may appear at the office of the Sheriff of Mineral County in the Mineral County Courthouse within ten (10) days of such notice and citation, and upon payment of a fine of twenty-five dollars (\$25) shall be discharged from further prosecution or obligation for penalty for such violation, also, payment of said fine may be paid to the Animal Control Officer, provided further 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 to the Animal Control Officer, 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 in the appropriate court.

SECTION V. JURISDICTION

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

SECTION VI. DEFINITIONS

The following definitions shall apply to this Ordinance and shall be used in its interpretation and enforcement:

A. Owner - Any person having a right of property in any dog, subject to the provisions of this Ordinance, and any person who keeps or harbors such dogs, or has the dog in his care, or who acts as its custodian, or any person who permits a dog to remain on or about any premises occupied by him.

B. Control or restraint - Dogs shall be considered to be under control or restraint as required by the provisions of this Ordinance if they are secured by suitable leash or lead, or if they remain on property owned or leased by the owner of such dog, or on property owned by persons other than the owner of such dog who have given permission to the owner of such dog to allow the dog to be unleashed on said property, or if they are under voice control of an owner or other responsible person.

C. Legal hunting activities - In order for a dog to be engaged in a legal hunting activity, all of the following must be shown;

- 1) hunting activity must be 500 feet from any dwelling,
- 2) the property on which the hunting occurs must not be posted to prohibit hunting,
- 3) the owner of the dog or other responsible person must have a valid hunting license, and
- 4) all such hunting shall be lawful and in season.

D. Lawful Training Activities - Dogs shall be considered to be lawfully training while participating in such activities reasonably, necessary, and normally incident to training or teaching the dog to perform specific tasks or respond to voice or other commands or directions, which are conducted and supervised by the owner, trainer or handler of such dog.

E. Voice Control - In order to be under voice control, the owner of the dog or other responsible person must be able to demonstrate that the dog readily and consistently responds to verbal commands given by the owner of the dog or other responsible person. If no owner or supervisor is in the immediate vicinity of the dog, the dog is not under voice control in accordance with this Ordinance.

SECTION VII. AMENDMENT OF ORDINANCE

This Ordinance may be amended from time to time by a majority of the members of the County Commission of Mineral County as they deem necessary and appropriate.

SECTION VIII. INTERRELATIONSHIP BETWEEN ORDINANCE AND STATE CODE

All other provisions of State law as set forth in West Virginia Code 19-20-1 et seq. in regard to dogs are hereby adopted as if fully set forth, herein.

SECTION IX. SEVERABILITY

If a court of competent jurisdiction declares any provision of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.

SECTION X. ENACTMENT

ORDAINED THIS 25th DAY OF August, 1998, AND SHALL BECOME EFFECTIVE December 1, 1998.

THE MINERAL COUNTY COMMISSION


D. BLAIR DEREMER, PRESIDENT


ROBERT D. HARMAN


CHARLES L. LOGSDON

Resolution to

Amend Dog Leash Ordinance

WHEREAS, the Mineral County Commission did adopt the Mineral County Dog Leash Ordinance on August 25, 1998 and

WHEREAS, said Leash Ordinance did establish fees and penalties for persons found violating the provision thereof and

WHEREAS, the Mineral County Commission now finds that the fees and penalties established thereby must be amended to reflect current costs, penalties, and fees.

NOW therefore be it resolved that the Mineral County Commission does hereby amend Section III Impoundment of Dog and Fees and Section IV Penalties for Violation of the Mineral County Leash Ordinance as set forth below:

SECTION III. IMPOUNDMENT OF DOGS AND FEES

A. All dogs seized and impounded by the Dog Warden or his Deputy shall be placed at the County Animal Shelter, where they shall be housed and fed 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 Code of West Virginia, as amended. The fees for such impoundment shall be provided herein below:

B. The owner of all such impounded dogs as defined herein, shall be responsible for the payment of impoundment fees as follows:

Seizing the dog and delivery to pound:	\$30.00
Serving or posting notice to owner:	\$25.00
Housing and feeding dog:	\$ 8.00 per day

Owner shall also be charged a fee to reclaim ownership of animal per current fee schedule.

C. All persons paying pound fees to the Animal Control Officers shall be given a receipt for the total sum collected. Such receipt shall be signed and dated by the Animal Control Officer collecting the pound fees.

D. Dogs not claimed and removed by their owner, or other responsible persons within five (5) days after the giving of the aforesaid notice shall be disposed of in accordance with the provisions of Chapter 19, Article 20, Section 8, of the West Virginia Code, as amended. Owner shall be liable for any fees or costs resulting from the disposal of dogs not claimed and removed from the shelter.

SECTION IV. PENALTIES FOR VIOLATION

Any person who violated any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be fined \$200 (Two Hundred Dollars) for the first offense and not less than \$200 (Two Hundred Dollars) nor more than \$500 (Five Hundred Dollars) for any second or subsequent offense, provided however, any person cited or notified of a violation may appear at the office of the Sheriff of Mineral County in the Mineral County Courthouse within ten (10) days of such notice and citation, and upon payment of a fine of \$200 (Two Hundred Dollars) shall be discharged from further prosecution or obligation for penalty for such violation, also, payment of said fine may be paid to the Animal Control Officer, 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 to the Animal Control Officer, as provided herein, for a period of two (2) years from the date of such prior conviction or payment, and shall be subject to prosecution on the aforesaid misdemeanor charge in the appropriate court.

Be it further Resolved that the amendments set forth herein shall become effective the 1st day of August, 2008.

By the Order of the County Commission of Mineral County this the 8th day of July, 2008.

Mineral County Commission

President

Commissioner

Commissioner

Attest:

County Clerk