

BY THE COUNTY COMMISSION OF TAYLOR COUNTY, WEST VIRGINIA

AN ORDINANCE PROVIDING FOR THE CONTROL AND MANAGEMENT OF DOGS WITHIN THE BOUNDARIES OF TAYLOR COUNTY, WEST VIRGINIA, AND PROVIDING FOR THE ARREST, CONVICTION AND PUNISHMENT OF PERSONS VIOLATING THE PROVISIONS THEREOF.

WHEREAS, the County Commission of Taylor County, West Virginia, is authorized by Section 6, Article 20, Chapter 19, of the West Virginia Code, as amended, to promulgate and enforce such ordinances, rules and regulations as it considers necessary or convenient for the control and management of dogs in this County and to provide for the arrest, conviction, and punishment of any person who violates the provisions thereof;

AND WHEREAS, said County Commission does now find it necessary and prudent to enact such an Ordinance for the purpose of protecting persons and property located within this County:

NOW THEREFORE, the County Commission of Taylor County, West Virginia, does ordain as follows:

Section 1. Definitions.

For the purposes of this Ordinance, the following terms shall be given the following definitions:

(a) A "person" shall be interpreted to include any individual, association, partnership, corporation, or other legal entity or organization.

(b) A "dog running at large" shall be interpreted to include any dog found unrestrained on any public property or on any private property owned, leased or occupied by any person other than the person who owns, keeps or harbors such dog without the permission of the owner, lessee or occupant of such property. *Provided, however,* that nothing in this definition shall be purported to keep any vaccinated dog from running at large while engaged in any lawful hunting activity, any lawful training activity, or any lawful herding or other farm-related activity.

(c) A "vicious dog" shall be interpreted to include any dog which, by breeding, training, or nature, has a disposition or propensity to attack or bite any person or animal without provocation. For the purposes of this Ordinance, any dog which is known to have attacked or bitten any person or animal without provocation shall be presumed to be vicious.

Section 2. Prohibited Acts.

(a) It shall be unlawful for any person who owns, keeps or harbors any dog to permit such dog to run at large within this County. It shall further be unlawful for any such person to lead or take any dog unto any public property or unto any private property located within this County which is owned, leased or occupied by another without the consent of the owner, lessee or occupant of such property.

(b) It shall be unlawful for any person who owns, keeps or harbors any dog within this County to maintain such dog in any manner which creates excessive noise, offensive odors or unsanitary conditions which are a menace to the health, comfort, or safety of any other person or persons.

(c) It shall be unlawful for any person who owns, keeps or harbors any dog within this County to permit such dog to disturb the peace, repose, comfort, or health of any other person or persons by frequent and habitual barking, howling, screeching, yelping, or baying.

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(d) It shall be unlawful for any person to own, keep or harbor any vicious dog within this County unless such dog be at all times securely confined in such a manner as to protect the life, limb or property of other persons and other animals. For the purposes of this section, "securely confined" shall mean confined to the property of the owner, keeper, or harbinger by means of a securely enclosed and locked fence, pen, kennel or structure sufficient to protect any person or animal which may lawfully pass through or enter upon such property. The owner, keeper, or harbinger shall also display in a prominent place on the premises at which said dog is confined signs easily readable by the public using the words "Beware of Dog" or other such words warning of the presence of such dog.

It shall further be unlawful for any such person to lead or take any vicious dog unto any public property or unto any private property within this County which is owned, leased or occupied by another unless such dog is securely attached to a leash, no longer than four (4) feet in length, under the direct physical control of owner, keeper, harbinger or some other responsible person and muzzled in a manner sufficient to prevent injury to any person or animal.

Section 3. Enforcement; Seizure of Dogs.

(a) Any law enforcement officer, as well as the Dog Warden of this County, shall be authorized to initiate a criminal action against any and all persons found to be in violation of the provisions of this Ordinance by filing a complaint with the Magistrate Court of this County or by issuing to such person or persons a citation answerable in said Court.

(b) The Dog Warden of this County shall be authorized to seize on sight and impound any dog found within this County to be running at large or any vicious dog which is not secured as required by the previous section. Said Dog Warden shall be responsible for the proper care and final disposition of all dogs so seized and impounded.

If, during the course of such seizure and impoundment, any dog poses a risk of serious physical harm or death to any person, the Dog Warden or any other person authorized thereby may render such dog immobile by means of tranquilizers or other safe drugs. If such immobilization is not possible, said dog may be destroyed by shooting as provided by law.

(c) When any dog is seized and impounded, said Dog Warden shall forthwith give written notice of such seizure and impoundment to the person who owns, keeps or harbors such dog, if such person be known, and shall notify such person that said dog will be sold or destroyed if not redeemed within five (5) days. If the person who owns, keeps or harbors such dog be not known, said Dog Warden shall post a written notice in a conspicuous place in the county courthouse. The notice shall describe the dog and the place where seized and shall advise the unknown owner, keeper or harbinger that such dog will be sold or destroyed if not redeemed within five (5) days.

Section 4. Penalties.

Any person violating the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than One-Hundred Dollars (\$100.00). Each day that any such violation continues shall be deemed a separate offense.

In addition to the foregoing penalties, any person who violates this Ordinance shall be required to pay all costs and fees assessed against any dog seized, impounded, confined and/or disposed of as a result of

said violation, the amount of such costs and fees to be determined from time to time by the County Commission of this County.

Section 5. Repealer; Severability.

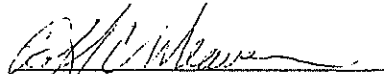
(a) Any and all provisions of any prior ordinance or resolution inconsistent with the provisions of this Ordinance are hereby repealed.


(b) Should any provision of this Ordinance be for any reason adjudged invalid or void by a court of competent jurisdiction, such judgment shall not effect, cancel, or render invalid or void any other provision contained herein.

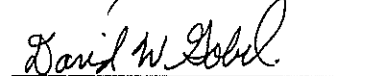
Section 6. Effective Date

This Ordinance shall be in effect from the date of passage.

Enacted by vote of the County Commission of Taylor County, West Virginia, at a meeting duly held on the 3rd day of March, 2003.


Commission President


Commissioner


Commissioner

ATTEST:


Clerk of the County Commission

This document prepared by
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