

ORDINANCE: BC-16-3
MAKING IT UNLAWFUL TO ALLOW DOGS TO RUN AT
LARGE: EXCEPTIONS, PENALTIES.

Sec. 1-- PURPOSE – The purpose of this ordinance is to prevent property damage and /or personal injury due to dogs running at large in Barbour County. Nothing contained in this ordinance shall construed as affecting or negating a person's rights or claims to which he or she is entitled under the laws of the State of West Virginia.

Sec. 2 – DEFINITIONS – For purposes of this ordinance, "running at large" means: a dog that is not properly secured on a leash or off the premises / property of the owner and not under control of the owner, a member of its immediate family or the owner's designee.

Sec. 3 – DOGS RUNNING AT LARGE – It shall be unlawful for the owner or keeper of any dog, of any age, male or female, whether licensed or unlicensed, vaccinated or unvaccinated, to run at large within the boundaries of Barbour County, West Virginia: PROVIDED, that vaccinated and licensed 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.

Sec. 4 – SEIZURE AND IMPOUNDMENT OF DOGS FOUND RUNNING AT LARGE – The county dog warden or his or her deputy may seize on sight and impound any dog found running at large. The county dog warden or his or her deputy shall be responsible for the proper care and final disposition of all impounded dogs. When any dog shall have been seized and impounded, the county dog warden or his or her deputy shall forthwith give notice to the owner of such dog, if such owner be known to the Warden, that such dog has been impounded and that it will be sold or destroyed if not redeemed within five days. If the owner of such dog be not known to the dog warden, he shall post a notice in the county courthouse and the county animal shelter. The notice shall describe the dog and the place where seized and shall advise the unknown owner that such dog will be sold or destroyed if not redeemed within five days.

All complaints must be in writing and signed by the complainant.

Sec. 5 – PENALTY – The first offense will result in a written warning. Any person who, within the following six months, continues to violate the provisions of this ordinance is guilty of a misdemeanor, and upon conviction thereof, such person is subject to a fine of not less than (\$25.00) or more than (\$100.00) Plus Court costs. Further, an owner reclaiming an impounded dog shall pay a fee of twenty five dollars (\$25.00) for the first impoundment, fifty dollars (\$50.00) for the second impoundment, seventy-five (\$75.00) for the third impoundment, one-hundred dollars (\$100.00) for the fourth

impoundment, and one hundred and fifty (\$150.00) for the fifth and any subsequent impoundment, plus ten dollars (\$10.00) for each day the dog has been impounded. Such fees shall be paid into the county treasury where they shall constitute and be set aside in the "dog and kennel fund", as is provided for in West Virginia Code 19-20-10, however nothing in this ordinance would prevent an owner from retrieving his dog from the animal shelter pending a hearing on any complaint.

Sec. 6 – EFFECTIVE DATE –This ordinance shall be in full force and effect upon its passage.

On SEPTEMBER / 01 / 2016 . Ordinance was adopted indefinitely by the County Commission.

STATE OF WEST VIRGINIA, County of Barbour. To-Wit:
I, Connie L. Kaufman, Clerk of the County Commission of said County, do hereby certify that the foregoing writing, with Certificate hereto annexed, was this day produced to me in my office and duty admitted to record.

Witness my hand, *Connie L. Kaufman*, Clerk

CONNIE L. KAUFMAN
BARBOUR COUNTY 08:31:34 AM
Instrument No 222270
Date Recorded 04/07/2017
Document Type ORDIN
Pages Recorded 2
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