

**IN THE COUNTY COMMISSION OF RALEIGH COUNTY, WEST VIRGINIA**

In Re: An Ordinance to establish a Leash Law for dogs for the unincorporated area of Raleigh County; to prohibit owners from allowing their dogs to be at large; to authorize and specify action by 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 Raleigh County has received numerous complaints from residents of Raleigh County that dogs are running loose, destroying their property, inflicting personal injury; and

WHEREAS, humane society officers 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 RALEIGH COUNTY, WEST VIRGINIA, THAT THE FOLLOWING ORDINANCE ESTABLISHING A LEASH LAW FOR DOGS FOR THE UNINCORPORATED AREAS OF RALEIGH 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 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, or on property where it has the property owner's express permission to be, or under the immediate physical control of a responsible person capable of physically restraining the dog.

2. Dogs to be confined or on leash

The owner of a dog shall not allow such dog to roam at large in Raleigh County. The owner of a dog shall confine such dog on his premises. 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 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 such dogs shall be impounded and disposed of in accordance with the provisions of sections six and eight, article twenty, chapter nineteen (19-20-6,8) of the West Virginia Code, as amended.

The owner, keeper or harbinger of any dog seized or impounded under this ordinance may, at any time prior to the expiration of five (5) days from the time that notice of the seizure and impounding of the dog shall have been given or posted as required by state law, redeem the dog by paying to the dog warden or humane society officer, as the case may be, all the costs assessed against such dog, and any fine assessed hereunder.

4. Citations; penalties

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 \$5.00 nor more than \$100.00. 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.

Effective April 1, 1989.

Entered this 37<sup>th</sup> day of February, 1989.

Donald R. Bare, President

Paul H. Flanagan, Commissioner

Vernon F. Barley, Commissioner

Attest:

Betty Riffe, Clerk