

BEFORE THE COUNTY COMMISSION OF POCAHONTAS COUNTY, WEST VIRGINIA

IN RE: MANAGEMENT AND CONTROL OF DOGS

The members of the Pocahontas County Commission (Commission) on this the 5th day of October, 2010, do hereby ORDER that the County's existing dog ordinance of 1995 be replaced with the following, effective upon passage.

1. Dogs Running At Large

All dogs in the unincorporated areas of Pocahontas County shall be kept under control by the owner or supervisor of the dog. Dogs not on property owned or leased by the owner of the dog shall be kept on a leash. The Sheriff's designees are hereby appointed as Dog Wardens and County Humane Officers, as those terms are defined in the West Virginia Code, 1931, as amended, and are collectively designated Pocahontas County Animal Control Officers. Such Animal Control Officers are hereby **authorized to seize dogs not on a leash, if such dogs are not on property owned or leased by the owner, and to hold such dogs at the Animal Control facilities for a period of 5 days or until the owner of such dogs pays the facility fees and costs due** as hereinbelow set forth, whichever time is shorter. Dogs not picked up by the owner within 5 days shall become the property of Pocahontas County and shall be adopted out to suitable owners or may be destroyed, pursuant to the provisions of this Ordinance, by the Animal Control Officers or their agents. See WV State Code, Chapter 19-20A-7, *Enforcement of article*.

Owners of dogs which are permitted to leave waste on public or private property not his or her own should immediately **remove and properly dispose of the waste**. Owners who do not remove such waste from the public or private property not owned or leased by them are guilty of a misdemeanor and shall be fined not less than \$50.00 nor more than \$150.00, upon conviction.

Dogs engaged in legal hunting activities, lawful training activities, law enforcement activities, lawful herding or other farm-business activities shall not be subject to this section of the Ordinance. See WV State Code, Chapter 19-20A-8, in part *providing limited exemption for hunting and farm dogs from county commission or municipality action*.

2. Dogs Not Having Proper Tags and Rabies Vaccination

Any dog which does not have on its collar a tag indicating that the **applicable County taxes or fees** have been paid and/or any dog which does not have a **tag indicating that the particular dog has had its rabies vaccination**, shall be considered uncontrolled and subject to seizure. In addition, all persons who own, keep or harbor a dog which is not vaccinated or revaccinated against rabies, and whoever vaccinates a dog against rabies and fails or refuses to keep and report the required record of such vaccination, or fails or refuses to provide the required tag, or whoever obstructs or interferes in any way with the enforcement of the laws hereto pertaining, shall, upon conviction, be fined not less than \$10.00 nor more than \$50.00, or be confined in the

regional jail not less than 10 days nor more than 60 days, or both.

The Assessor, at the time residents of this County pay the dog tax or fee and receive their dog tag, shall provide a copy of this or any subsequently amended Dog Management Ordinance. The Ordinance shall, also, be available on the County website.

3. Excessively Noisy Dogs

Habitually barking, howling or yelping dogs are hereby found to be and are declared a public nuisance. Pursuant to West Virginia Code § 7-1-3kk, the keeping or harboring of any dog within the County of Pocahontas which dog, by frequent or habitual barking, howling or yelping, creates unreasonably loud or disturbing noises of such character, intensity or duration as to disturb the peace, quiet and good order of the neighborhood or such resident or business neighbors as may be in close enough proximity to such dog to cause such disturbance, 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, owns or over which he/she has control, shall be considered as harboring such dog and shall be guilty of a misdemeanor. Upon a finding by the Magistrate Court of Pocahontas County, that this section of the Ordinance has been violated, such **Magistrate shall impose a fine in the amount of \$100.00 for a first offense. Subsequent offenses shall result in fines of at least \$100.00 but not to exceed \$250.00.** Appeals from a Magistrate Court finding and conviction shall be to the Circuit Court. Such finding and conviction shall not restrict the bringing of a civil action, in an appropriate court of law, to seek a remedy for imposition of this offending nuisance.

4. Impoundment and Fees

When, in the provisions of this Ordinance, Animal Control Officers or law enforcement officers seize dogs and such dogs are housed at the County Animal Control Facilities, **fees for such impoundment** shall be as follows:

Seizure and Delivery of Dog to Facility.....	\$54.00
Serving or Posting Notice to Owner.....	\$20.00
Housing and Feeding Dog Per Diem.....	\$7.00

All Animal Control Officers are hereby authorized to issue citations for violations of this Ordinance.

Passed on FIRST READING this the _____ day of _____, 20_____.

Passed on SECOND READING this the _____ day of _____, 20_____.

Passed on THIRD AND FINAL READING this the _____ day of _____, 20_____.

Martin V. Saffer, President
Pocahontas County Commission

Date