

MONONGALIA COUNTY COMMISSION

COURTHOUSE
MORGANTOWN, WEST VIRGINIA 26505

Florence L. Merow, Commissioner
John W. Pyles, Commissioner
Betty L. Wiley, Commissioner

Telephone: 304 291-7257



ORDINANCE

AN ORDINANCE OF THE COUNTY COMMISSION OF MONONGALIA COUNTY, WEST VIRGINIA, RESTRICTING DOGS FROM RUNNING AT LARGE; ENFORCEMENT; PENALTIES FOR VIOLATIONS; ALL UNDER THE AUTHORITY OF WEST VIRGINIA CODE CHAPTER 19, ARTICLE 20A, SECTION 8, AS AMENDED AND REENACTED

It appearing to the County Commission of Monongalia County, West Virginia, that there exists in Monongalia County, West Virginia, unsafe conditions due to increasing large number of dogs running loose, forming packs in some instances, that some smaller pets have been killed or attacked, children have been bitten going to and from school, that many people are reluctant to allow their children to play on their own property, while others feel it necessary to arm themselves with sticks or mace when walking in their neighborhood, and that there have been many complaints of property damage, gardens damaged, shrubs killed and unsanitary conditions caused by dog feces on lawns, so that the Monongalia County Commission feels that it should restrict dogs from running at large, and implementing a leash law with enforcement and penalties for violations pursuant to the power granted the Commission by Chapter 19, Article 20A, section 8, as amended and reenacted, the Commission hereby adopts the following ordinance and it shall be read as follows:

Section 1. Dogs Running at Large.

(a) No person being the owner of or having charge of any dog shall permit it to run at large upon any public place or upon the premises of another. Dogs not confined on the owner's property shall be maintained on a leash of a length no longer than six feet. The name and address of the owner as well as County license and rabies vaccination tags shall be attached to the collars of all dogs.

(b) The running at large of any such animal in or

upon any of the places mentioned in this section is prima-facie evidence that it is running at large in violation of this section.

(c) This ordinance shall not be applicable to the following:

1. Any vaccinated dog running at large while engaged in any lawful hunting activity;
2. Any vaccinated dog running at large while engaged in any lawful training activity; or,
3. Any vaccinated dog running at large while engaged in any lawful herding or other farm related activity.

Section 2. Trespassing Upon or Damaging Property of Another.

No person having the possession of a dog shall lead or take such dog upon the private property of another without permission, or knowingly permit any such dog to soil on, damage or destroy yards, flowers or shrubbery of another person, or otherwise trespass upon the property of another without permission.

Section 3. Impoundment.

The County has established a dog pound and may keep therein dogs seized under any of the provisions of this ordinance. Any dog found running at large in the County may be seized. The owner or keeper of any dog may retrieve such dog upon paying the fine imposed for the violation of this ordinance, or by posting proper bond pending the trial for the violation of this ordinance, and the impounding fees. If not paid, such dog may be sold and there shall be deducted from the

proceeds of such sale the fine imposed, if any, and the impounding fees, and the residue, if any, shall be paid over to the owner of such dog. If such dog is not sold, it may be properly euthanized and its body disposed of by the County without liability to the owner.

Section 4. Enforcement

(a) This ordinance shall be enforceable by the County Dog Warden, or his assistant(s), or the County Humane Officer(s), whichever the case may be.

(b) The County Dog warden, or his assistant(s), or the County Humane Officer(s), whichever the case may be, shall patrol the County and enforce all ordinances related to dogs, and shall seize on sight and impound any dog found running at large.

(c) When any dog has been seized and impounded, the County Dog Warden, or his assistant(s), or the County Humane Officer(s), whichever the case may be, shall forthwith give notice to the owner of such dog, if such owner is known, that such dog has been impounded and that it will be sold or destroyed if not redeemed within five (5) days. If the owner of the dog is not known to the County Dog Warden, or his assistant(s); or the County Humane Officer(s), whichever the case may be, he shall post a notice at the front door of the Monongalia County Dog Pound, which, for the purposes of this ordinance, shall be deemed an extension of the Monongalia County Courthouse. 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 (5) days.

(d) Reasonable costs and fees, in such amount as may be determined from time to time by Monongalia County Commission shall be assessed against every dog seized and impounded under the provisions hereof, and in this particular, there shall be assessed against every dog seized and impounded an administrative fee of \$7.50, plus a fee of \$5.00 for every day of impoundment.

(e) The owner, keeper or harbinger of any dog seized and impounded under the provisions hereof 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 this section, redeem the same by paying to the County Dog Warden, or his assistant(s), or the County Humane Officer(s), whichever the case may be, or his authorized agent or deputy, all of the costs assessed against such dog.

(f) The County Dog Warden, or his assistant(s), or the County Humane Officer(s), whichever the case may be, is hereby authorized to issue citations including warnings, if warranted in their discretion, for the violation of any County ordinance pertaining hereto.

(g) Nothing herein shall constitute a waiver of any ordinances that provide for the arrest and fine for any other violation of County ordinances, or state laws, related to dogs.

(h) This ordinance will not pertain to barking dogs, the number of dogs per household or any other aspect of pet ownership save that of dogs running at large and other provisions

contained in the law.

Section 5. Penalty and Enforcement.

Whoever violates this ordinance, and is found guilty of violating this ordinance, shall be guilty of a misdemeanor, and upon conviction thereof, such person shall be subject to a fine of not more than One Hundred Dollars (\$100.00). The Magistrate Court of Monongalia County, West Virginia, and the Circuit Court of Monongalia County, West Virginia, shall have concurrent jurisdiction with respect to such misdemeanors.

Section 6. Effective Date.

This ordinance shall become effective on and after passage and upon adoption by the Monongalia County Commission.

PASSED by the County Commission of Monongalia County, West Virginia, on FIRST READING on this 25th day of May, 1995.

A PUBLIC HEARING and SECOND READING were held on the 19th day of June, 1995, after notice of a public hearing on said ordinance was published as a Class III legal advertisement.

A THIRD READING was held on the 22nd day of June, 1995, and upon motion of Betty Wiley and seconded by John Pyles, it is ORDERED that the aforesaid ordinance be, and hereby is APPROVED and ADOPTED by the County Commission of Monongalia County, West Virginia.

DATED This 22nd day of June, 1995.

Florence L. Merow
Florence L. Merow
President

John W. Pyles
John W. Pyles
Commissioner

Betty L. Wiley
Betty L. Wiley
Commissioner