

HARRISON COUNTY COMMISSION
HARRISON COUNTY, WEST VIRGINIA

**AN ORDINANCE RESTRICTING DOGS FROM RUNNING AT
LARGE IN HARRISON COUNTY, WEST VIRGINIA**

In order to promote the health, safety and welfare of the citizens of the County of Harrison and to eliminate the public nuisance created by dogs running at large, Harrison County enacts this Ordinance restricting dogs from running at large as follows:

WHEREAS, pursuant to W. Va. Code Article §19-20-6, the Harrison County Commission has the authority to enact ordinances, issue orders and take other appropriate and necessary actions for the implementation of the provisions contained in this article.

NOW, THEREFORE, BE IT ORDAINED this ^{10TH} day of November, 2016 by the County Commission of Harrison County, West Virginia, hereby adopts this ordinance superseding and revoking all prior ordinances that may have been enacted or in effect relating to dogs running at large.

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 located on the owner's property shall be maintained on a leash, upon a retractable leash or under the direct verbal control of the owner. County license and rabies vaccination tags shall be attached to the collars of all dogs located in the County. License and rabies information will be used to locate the dog owners in the event a dog is picked up by the County Animal Control for violation of this ordinance.
- (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. Before a violation of this Ordinance will have occurred and before said animal will be impounded pursuant to this Ordinance one or more of following conditions must have occurred:
1. Animal witnessed running at large by Harrison County Animal Control officer(s);

2. Animal witnessed running at large by local, state and/or federal law enforcement officer(s);
3. Animal witnessed running at large by another individual with said individual providing sufficient photographic and/or video evidence to support claim.

(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

Notwithstanding the other provisions contained herein, no person having the possession, ownership or control 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. The complainant(s) must be willing to sign a complaint against the owner and agree to testify in court if required.

SECTION 3 – IMPOUNDMENT

The County has established an Animal Control facility and may keep therein dogs seized under any of the provisions of this Ordinance. Any dog found running at large in the County in violation of Section 1 may be seized by the county animal control officer(s). Dogs in violation of Section 2 of the ordinance will not be impounded. The owner or keeper of any dog may retrieve such dog upon paying the fine imposed for the violation of the Ordinance and the appropriate fees charged by Animal Control, or by posting proper bond with the court pending the trial for the violation of this Ordinance, in an amount sufficient to cover the fine and appropriate fees charged by Animal Control and the court. If said dog is not retrieved or if the fines and fees are not paid, such dog may be placed for adoption with the Humane Society of Harrison County or such other authorized agency approved by representatives of the Harrison County Commission. If such dog is not placed for adoption, it may be properly euthanized and its body disposed of by the County without liability to the owner. Notwithstanding any provision contained herein to the contrary, no dog impounded under this Ordinance shall be released to its owner or keeper without proof of a current license and rabies vaccination.

SECTION 4 – ENFORCEMENT

- (A) This Ordinance shall be enforced by the Harrison County Animal Control Officer(s).
- (B) The County Animal Control Officer(s) shall patrol the County and enforce all ordinances related to dogs, and shall seize on sight and impound any dog found running at large in violation of Section 1 of this Ordinance.
- (C) When any dog has been seized and impounded, the County Animal Control Officer(s) shall forthwith give notice to owner of such dog, if such owner is known, that such dog has been impounded and that it will be adopted or euthanized if not redeemed within five (5) days. If the owner of the dog is not known to the County Animal Control Officer(s), a notice shall be posted at the front door or lobby area of the Harrison County Animal Control Facility and the Harrison County Courthouse. The five (5) day time period to redeem the dog shall be business days that the Harrison County Courthouse is open to the public. The notice shall describe the dog, and the place where seized, and shall advise the unknown owner that such dog will be adopted or euthanized if not redeemed within five (5) days as noted above. The five (5) day period to redeem the dog will not apply in contested cases or cases where a trial of the matter has been requested by either party and proper bond posted as provided for in Section 3 of this Ordinance.
- (D) Reasonable costs and fees, in such amount as may be determined from time to time by the Harrison County Commission, shall be assessed against every dog seized and impounded under the provisions hereof.
- (E) The owner, keeper, or harbinger of any dog seized and impounded under the provision 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, posted or published as required by the Section, redeem the same by paying the Harrison County Animal Control Facility all the costs and fines assessed against such dog.
- (F) The County Animal Control Officer(s) is/are hereby authorized to issue citations including warnings, if warranted in their discretion, for the violation of this Ordinance.
- (G) Nothing herein shall constitute a waiver of any ordinance that provides for the arrest and fine for any other violation of County ordinances, or state law, relating to dogs.

SECTION 5 – PENALTY AND ENFORCEMENT

Criminal Penalty:

Whoever violates Section 1 or Section 2 of this Ordinance, and is found guilty of violation of this

Ordinance, will be guilty of a misdemeanor, and upon conviction thereof, such person shall be subject to a fine as follows:

1. First Offense – Warning no fine assessed.
2. Second Offense – Fifty Dollars (\$50.00).
3. Third Offense – Seventy-five Dollars (\$75.00).
4. Fourth or subsequent Offense – One hundred Dollars (\$100.00).

The Magistrate Court of Harrison County, West Virginia, and the Circuit Court of Harrison County, West Virginia, shall have concurrent jurisdiction with respect to such misdemeanors.

SECTION 6 – EFFECTIVE DATE

Passed first reading on the 13TH day of OCTOBER 2016

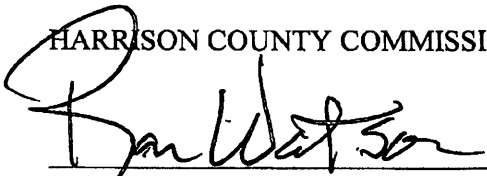
Passed second reading on the 20TH day of OCTOBER 2016

Public hearing held on the 27TH day of OCTOBER 2016

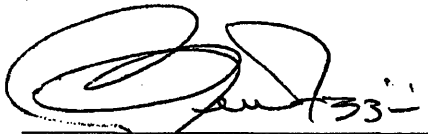
Enacted and passed on the 10TH day of NOVEMBER 2016

This Ordinance is effective upon adoption.


HARRISON COUNTY COMMISSION



President of the Commission



Commissioner



Commissioner

Attest:



Clerk of the County Commission