

Hampshire County Dog Control Ordinance
Hampshire County Ordinance Number 4

LEGISLATIVE AUTHORITY

This ordinance concerns the management and control of dogs in the County of Hampshire, State of West Virginia, and is adopted under the authority of Chapter 19, Article 20 Section 6(b) of the Code of West Virginia, as amended.

PURPOSE

This ordinance is enacted for the purpose of controlling and managing the population of dogs in Hampshire County, West Virginia, outside of its incorporated municipalities; to constrain dogs from attacking, wounding, or killing persons, livestock and other domestic animals; to prevent dogs from forming packs and roaming wild in rural areas; posing a threat to the health and safety of the citizens and their property; to prevent dogs from violating citizens property rights by act of destruction and debris; to better prevent female dogs from having unwanted litters; and to stipulate penalties for violations of this ordinance.

SECTION I. INTERRELATIONSHIP BETWEEN ORDINANCE AND STATE CODE

This ordinance is being administered in conjunction and in addition to the provisions of Chapter 19, Article 20, entitled "Dogs and Cats", Chapter 19, Article 20A, entitled "Vaccinations of Dogs and for Rabies", Chapter 7, Article 10 entitled "Humane Officers" and 61-8-19 through 23, of the Code of the State of West Virginia, as amended, and shall be construed and interpreted in conformity therewith.

SECTION II. RESTRAINT OF DOGS BY OWNERS

A. All dogs in the unincorporated areas of Hampshire County shall be kept under control or restraint, as described herein, by the owner of the dog or other responsible persons. Dogs not on property owned or leased by the owner of the dog shall be kept on a suitable leash or lead, or be under voice control of the owner or other responsible persons. The County Animal Control Officers and the Hampshire County Sheriff's Department are hereby authorized and empowered to seize dogs not under such voice control or on a leash or lead, if such dogs are not on property owned or leased by the owner, and to hold such dogs at an authorized shelter or kennel contracted by the county in accordance with the provisions of Chapter 19, Article 20, Section 8, of the West Virginia Code, as amended.

B. Any dog not under restraint or control as required by paragraph A section II, shall be subject to confiscation, impoundment, and are subject to disposal by the County Animal

Control Officers in accordance with the provisions of Chapter 19, Article 20, Section 6, of the West Virginia Code, as amended.

C. Dogs engaged in legal hunting activities, lawful training activities, and lawful herding or other farm related activities shall not be subject to this section of ordinance. Provided however such dogs must be vaccinated and wearing all tags, including a County Registration tag, as provided by law, as amended.

SECTION III. IMPOUNDMENT OF DOGS AND FEES

A. All dogs seized and impounded by the Animal Control Officer or his Deputy shall be placed at an authorized or contracted by the County shelter, where they shall be housed and fed for a period of five (5) days after notice of seizure and impounding shall have been given or posted as required by Chapter 19, Article 20, Section 6 of the West Virginia Code, as amended. The fees for such impoundment shall be provided herein below:

B. The owner of all such impounded dogs as defined herein, shall be responsible for the payment of impoundment fees as follows:

Seizing the dog and delivery to the shelter:	\$25.00
Serving or posting notice to owner:	\$5.00
Housing and feeding dog:	\$5.00 per day

C. All persons paying shelter/kennel fees to the Animal Control Officers shall be given a receipt for the total sum collected. Such receipt shall be signed and dated by the Animal Control Officer collecting the fees.

D. Dogs not claimed and removed by their owner, or other responsible persons within five days after the giving of the aforesaid notice shall be disposed of in accordance with the provisions of Chapter 19, Article 20, Section 8 of the West Virginia Code, as amended.

SECTION IV. PENALTIES FOR VIOLATION

Any person who violates any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$25.00 (twenty-five dollars) nor more than \$100.00 (one-hundred dollars) for the first offense and not less than \$100.00 (one-hundred dollars) nor more than \$500.00 (five hundred dollars) for any second or subsequent offense, provided however, any person cited or notified of a violation may appear at the office of the County Commission Clerk of Hampshire County in the Hampshire County Courthouse within ten (10) days of such notice or citation and upon payment of a fine of twenty-five dollars (25.00) shall be discharged from further prosecution or obligation for penalty for such violation. Any person who has been convicted for a violation of this ordinance or who has paid a

fine for a violation of this ordinance herein above provided, shall not be eligible for payment at the office of the County Commission Clerk. As provided herein, for payment and shall be subject to prosecution on the aforesaid misdemeanor charge in the appropriate court. All fines will be placed in the Dog Kennel fund.

SECTION V. JURISDICTION

Magistrate Courts and Circuit Courts shall have concurrent jurisdiction with respect to misdemeanors under this ordinance.

SECTION VI. DEFINITIONS

The following definitions shall apply to this ordinance and shall be used in its interpretation and enforcement:

- A. Owner - Any person having a right of property in any dog, subject to the provisions of this ordinance, and any person who keeps or harbors such dogs, or has the dog in his care, or who acts as its custodian.
- B. Control or Restraint - Dogs shall be considered to be under control or restraint as required by the provisions of this ordinance if they are secured by suitable leash or lead, or if they remain on property owned or leased by the owner of such dog, or on property owned by persons other than the owner of such dog who have given permission to the owner of such dog to allow the dog to be unleashed on said property, or if they are under voice control of an owner or other responsible person.

C. LEGAL HUNTING ACTIVITIES- In order for a dog to be engaged in a legal hunting activity, all of the following must be shown;

- 1. hunting activity must be 500 feet from any dwelling,
- 2. the property on which the hunting occurs must not be posted to prohibit hunting,
- 3. the owner of the dog or other responsible person must have a valid hunting license, or engaging in hunting on owners property,
- 4. all such hunting shall be lawful and in season.

D. Lawful Training Activities - Dogs shall be considered to be lawfully training while participating in such activities reasonably, necessary, and normally incident to perform specific tasks or to respond to voice or other commands or directions, which are conducted and supervised by the owner, trainer or handler of such dog.

E. Voice Control - In order to be under voice control, the owner of the dog or other responsible person must be able to demonstrate that the dog readily and consistently responds to verbal commands given by the owner of the dog or other responsible person. If no owner or supervisor is in the immediate vicinity of the dog, the dog is not under voice control in accordance with this ordinance.

SECTION VII. AMMENDMENT OF ORDINANCE

This Ordinance may be amended from time to time by a majority of the members of the County Commission of Hampshire County, as they deem necessary and appropriate.

SECTION VIII. INTERRELATIONSHIPS BETWEEN ORDINANCE AND STATE CODE

A. All other provisions of the State law as set forth in West Virginia Code 19-20 et seq. in regard to dogs are hereby adopted as if fully set forth, herein.

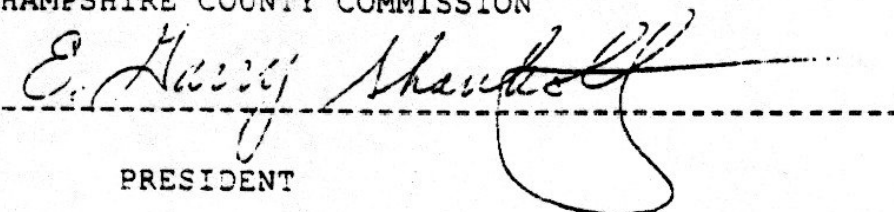
SECTION IX. SEVERABILITY

If a court of competent jurisdiction declares any provisions to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this ordinance shall continue to be separately and fully effective.

SECTION X. ENACTMENT

ORDAINED THIS 28 DAY OF May AND SHALL BECOME
EFFECTIVE May 28, 2002

HAMPSHIRE COUNTY COMMISSION



PRESIDENT