

IN THE COUNTY COMMISSION OF FAYETTE COUNTY, WEST VIRGINIA

ORDER

WHEREAS, West Virginia Code, Chapter 19, Article 20, Section 6, as amended, provides for a promulgation and enforcement of such ordinances, rules and regulations consistent with the provisions of Article 20, as necessary or convenient for the control and management of all dogs in the county by the County Commission, and

WHEREAS, the County Commission of Fayette County, West Virginia, has been made aware of the fact that dogs are running loose, destroying property, and inflicting personal injury; and

WHEREAS, the County Dog Warden 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; and

WHEREAS, it is the desire of the Commissioners of Fayette County, West Virginia, to protect its citizens and property from dogs running at large; and

WHEREAS, the Commissioners of Fayette County, West Virginia, desire to authorize and specify action by the County Dog Warden and other law enforcement officers in regard to such dogs running at large and to provide for the issuance of citations, assessment of fines, and the destruction of dogs for violation thereof.

NOW, THEREFORE, BE IT HEREBY ORDERED AND ORDAINED by the County Commission of Fayette County, West Virginia, that the following ordinance establishing a leash law for dogs for the unincorporated areas of Fayette County, West Virginia, in accordance with West Virginia Code, Chapter 19, Article 20, Section 6, as amended; prohibiting owners from allowing their dogs to be running at large; authorizing and specifying action by the dog warden and other law enforcement officers with regard to dogs running at large; and providing for the issuance of citations, the assessment of fines and the destruction of dogs for violations of this ordinance, is hereby adopted:

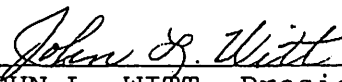
1. It shall be unlawful for the owner of any dog to permit or allow such dog to run or be at large within the county. For the purpose of this section, a dog shall be deemed to be "at large" when off the property or premises of its owner or custodian and not under the control of the owner or custodian, or his agent, either by leash, cord or chain. "Property," for the purposes of this section, shall not refer to a town house, condominium or such other property as may be held in common. "Owner," for the purposes hereof, shall be deemed any person who has a property right in a dog, any person who keeps or harbors a dog or has a dog in his care or acts as its custodian, or such person who regularly feeds a dog.

This section shall not apply to any owner while engaged in a supervised, formal obedience training class or show, or during formally sanctioned field trials or while engaged in lawful hunting with a dog during open season or during bona fide hunting or field trial dog training, or any other lawful training activity, or while engaged in any lawful herding or other farm related activity. It shall be unlawful for the owner of a dog to place such dog or allow it to be placed in the custody of any other person not physically capable of maintaining effective control of such dog.

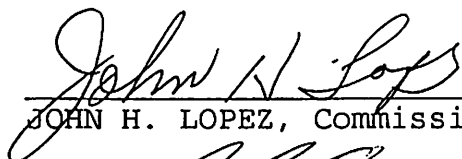
2. Any dog running at large in the county, whether licensed or unlicensed, shall be seized by the county dog warden or any law enforcement officer. All dogs seized in accordance with the provisions hereof shall be impounded at the County Humane Association facilities in accordance with the provisions of West Virginia Code, Chapter 19, Article 20, Section 6 and 8, as amended.
3. The owner 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 impoundment of the dog shall have been given or posted as required by state law, redeem the dog by paying to the proper authority having

- jurisdiction thereof, all costs assessed against such dogs, and any fine assessed hereunder.
4. The owner of any dog found in violation of this ordinance shall be issued a citation therefor.
 5. Any person found to be guilty of permitting a dog to run at large shall be guilty of a misdemeanor and may be assessed a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for each violation hereof. A separate violation shall be deemed to have occurred after notification to the owner that the dog is running at large and after the passage of twelve hours.
 6. Any time that a citation is issued to the owner of a dog within two (2) weeks of the issuance of a citation for the same offense involving the same dog, the minimum fine shall be One Hundred Dollars (\$100.00).

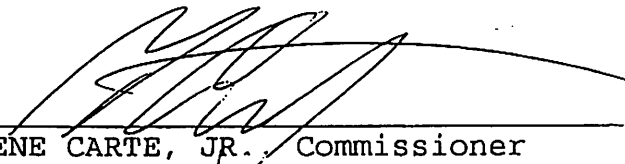
ENTERED this 28th day of August, 1996.



JOHN L. WITT, President



JOHN H. LOPEZ, Commissioner



GENE CARTE, JR., Commissioner