

**In the County Commission of
Preston County, West Virginia**

**An Ordinance of the County Commission of Preston County, West Virginia,
regulating dogs running at large pursuant to WEST VIRGINIA CODE Sections
19-20A-8 and 7-1-3kk, as amended and reenacted.**

Section 1 - Purpose

1.1 This Ordinance is enacted for the purpose of regulating uncontrolled dogs running at large and forming packs; menacing or injuring persons; killing or attacking animals, including livestock, domestic pets, and other wild animals; causing property damage and unsanitary conditions by trespassing on property; preventing the transmission of disease; limiting uncontrolled reproduction of dogs; and placing the responsibility for the care and control of dogs with their owners or custodians.

Section 2 - Legal Authority for Ordinance

2.1 The County Commission of Preston County has legal authority to adopt this Ordinance pursuant to Chapter 19, Article 20A, Section 8, relating to the control and management of dogs in the county, and Chapter 7, Article 1, Section 3kk, relating to public nuisances, in the WEST VIRGINIA CODE, all as amended and reenacted. This Ordinance also relates to Chapter 19, Article 20 (Dogs and Cats), Chapter 19, Article 20A (Vaccination of Dogs and Cats for Rabies), Chapter 19, Article 20B (Spaying or Neutering of Dogs or Cats); Chapter 7, Article 10 (Humane Officers), and Chapter 61, Article 8, Sections 19 to 23, in the WEST VIRGINIA CODE.

Section 3 - Jurisdiction

3.1 This Ordinance is effective for all areas of Preston County including incorporated municipalities.

**Section 4 - Dogs Running at Large,
Trespassing Upon, or Damaging Another's Property**

4.1 No dog shall be allowed to run at large in any public place or upon the property of another person and no owner or custodian of a dog may allow said dog to run at large in any public place or upon the property of another person.

4.2 No owner or custodian of a dog may allow said dog upon the private property of another person, or knowingly permit any such dog to soil or otherwise damage yards, flowers, or shrubbery of another person, or otherwise trespass upon the property of another person without the permission of said other person.

4.3 When any dog is taken from the owner or custodian's property, that dog shall be maintained on a lease, under the control of the owner or custodian.

4.4 Any dog which is not located on its owner or custodian's property shall wear a collar that includes the name and address of the owner or custodian, a current County tax license, and a current rabies vaccination tag.

Section 5 - Exceptions

5.1 Pursuant to W. VA. CODE § 19-20A-8 this Ordinance shall not apply to any vaccinated dog while engaged in any lawful hunting activity, lawful training activity, or other lawful herding or farm related activity.

Section 6 - Seizure and Impoundment

6.1 Any dog in violation of this Ordinance may be immediately seized on sight by any County Dog Warden or Humane Officer and then transported and impounded at the County dog pound.

6.2 As an alternative to seizing said dog any County Dog Warden or Humane Officer may, in their discretion, issue a warning citation for violation of this Ordinance.

6.3 When any dog has been seized and impounded, the County Dog Warden or Humane Officer who seized said dog, shall forthwith issue a citation for violation of this Ordinance to the owner or custodian of said dog and file a copy of the citation with the Preston County Magistrate Court.

6.4 The County Dog Warden or Humane Officer shall also provide a notice to the owner or custodian of such dog, if the identity of such person is known. The notice shall describe the dog, the time and place where the dog was seized, and shall advise the owner or custodian that said dog may be sold or destroyed if said owner or custodian has not posted the required bond or resolved their citation within five (5) days of said seizure. Said notice may be personally delivered to said owner or custodian or posted on the door of their residence. If the identity of the owner or custodian of the seized dog is not known, the notice shall be posted at the Preston County Courthouse Annex in a designated location.

6.5 The owner or custodian of any seized dog may retrieve such dog from the County dog pound by showing verification to the personnel at the pound that they have either paid the fine and costs imposed by the Court for violation of this Ordinance, or that they have posted the required bond, including any impoundment fees imposed by the County dog pound pending a trial for the violation of this Ordinance, or that the citation has been dismissed by the Court.

6.6 If the owner or custodian of the seized dog has not posted the required bond or otherwise resolved their citation within five (5) days of the seizure said dog may be sold or destroyed. If the dog is sold there shall be deducted from the proceeds of the sale all impounding fees and any fine and court costs imposed. Any additional monies from said sale shall be paid over to the owner of said dog. If the dog is not sold it may be destroyed according to law without liability to the owner.

Section 7 - Fees for Impoundment

7.1 Reasonable costs and fees shall be assessed by the Preston County Commission against the owner or custodian of any dog seized and impounded pursuant to this Ordinance and a schedule for said costs and fees shall be set by the Commission and amended for time to time.

Costs and Fee Schedule

One-time fee for seizure and impoundment of dog	\$50
Daily fee for keeping dog at dog pound	\$10 per day
Any necessary veterinary care	Actual cost

Section 8 - Penalties, Court Jurisdiction, and Other Provisions

8.1 Any person who violates this ordinance, and is found guilty of violating this ordinance, shall be guilty of a misdemeanor, and upon conviction thereof, said person shall be subject to a fine of not more than One Hundred Dollars (\$100.00) plus the court costs of said proceeding.

8.2 The Magistrate Court and Circuit Court of Preston County, West Virginia, shall have concurrent jurisdiction with respect to any violations of this Ordinance.

8.3 Nothing herein shall constitute a waiver or otherwise interfere with the provisions of any other laws or ordinances regulating dogs.

Section 9 - Passage and Effective Date

9.1 This Ordinance shall become effective on and after its final passage and adoption by the County Commission of Preston County, West Virginia on the 7th day of December 2015.

By the Preston County Commission



Craig Jennings, President



Don Smith, Commissioner



Dave Price, Commissioner

Attested to:



Linda Huggins
County Clerk of Preston County