

AN ORDINANCE PROHIBITING INDIVIDUALS FROM OWNING OR HARBORING ANY DOG OR DOGS WHICH CONTINUALLY BARK AND CAUSE A DISTURBANCE OF THE PEACE IN TUCKER COUNTY, WEST VIRGINIA

WHEREAS, it has been determined by the County Commission of Tucker County, West Virginia, that barking dogs have become a problem in Tucker County. Barking dogs have caused residents to be unable to sleep, transact business and has also impaired their health; and that it has become necessary to enact an ordinance prohibiting any person to own or harbor any dog or dogs which continually bark and cause a disturbance of the peace in Tucker County, West Virginia; and

NOW THEREFORE, be it ordained by the County Commission of Tucker County, West Virginia, in regular meeting assembled:

That it shall be prohibited for any person to own or harbor any dog or dogs which continually bark and cause a disturbance of the peace in Tucker County, West Virginia.

"Disturbance of the Peace" means unreasonably loud noise that causes annoyance or alarm to another person and who persists in such conduct after being requested to desist by a law-enforcement officer acting in his lawful capacity."

If any person who owns or harbors any dog or dogs which continuously bark and fails to quiet them after being requested to quiet said dog or dogs by a law-enforcement officer acting in his lawful capacity, shall be guilty of "Disturbance of the Peace", a misdemeanor, and upon conviction thereof, shall be fined not more than one hundred dollars (\$100.00).

ENACTED and ORDAINED this the 26th day of October 1995.

TUCKER COUNTY COMMISSION

By: [Signature]
President

Attest:

[Signature]
Clerk
STATE OF WEST VIRGINIA,
Tucker County Clerk's Office:

Be it remembered that on this 26th day of Nov., 1995
the foregoing [Signature], with the certificate
thereto, was this day presented in said office and admitted to record.

9:04 Am.

Teste: [Signature], Clerk

TUCKER COUNTY

DOG ORDINANCE

SECTION

1. Areas of Tucker County which ordinance effect
2. Annual Dog Head Tax
3. Seeing Eye Dogs and Dogs Assisting the Handicap
4. Offenses Concerning License Tags
5. Dogs Running at Large
6. Keeping a Vicious Dog
7. Duty of owner of a Dog Biting Persons
8. Inducing Dogs to Fight or Annoy Persons or Animals
9. Bringing Dogs into the County
10. Impounded Dogs
11. Violations and Penalties
12. Disposal Fee
13. Animal Cruelty Fee
14. Confinement of Female Dogs

1. This ordinance upon passage, shall be enforced within all areas of Tucker County, excluding areas within the boundaries of, and under the jurisdiction of any Municipality within the county of Tucker. Municipalities with their own Dog Ordinance in effect, will be granted the services of the county dog warden, upon surrender of their dog tax fees to the county.

2. Annual Dog Head Tax: A duty of keepers, and/or dog owners of all dogs will be required to report said ownership and to pay the appropriate Head Tax to the Tucker County Assessor. Dog Tags will be issued following payment of said tax, and said dog tags must be affixed to the appropriate dog's collar.

(a) There is hereby imposed upon each person keeping a dog within that area of the county, not located within a municipality unless otherwise designated by that municipality, hereafter known as "the county". Any dog of the age of six months or older will be required by its owner to pay an annual head tax of \$6.00 within a municipality and \$3.00 outside municipality boundaries, this fee is to be paid to the Assessor of Tucker County.

(b) It shall be the duty of each person who owns, keeps, or harbors a dog above the age of six months in the said county of Tucker to report such ownership to the Assessor.

(c) Each person reporting a dog to the county assessor pursuant to subsection (b) of this section shall pay to the assessor that amount of the head tax prescribed in subsection (a) of this section for each dog he is required to report, and he shall attach to the collar of each such dog the proper registration tag furnished to him by the assessor, and retain within his possession the certificate of registration furnished to him by the assessor for each dog.

(d) The annual head tax on dogs imposed by subsection (a) of this section is for a fiscal year rather than a calendar year.

3. All dogs which are used to aid a handicap person, such as a "Seeing Eye Dog" are exempted from the head tax imposed by subsection (a) of Section 1, but their owners or custodians shall annually apply for and be issued a dog license tags upon display of proper rabies vaccination or inoculation or vaccination certificate, without charge to the owner.

4. Offenses Concerning License Tags: No person shall attach a license tag to any dog to which it was not issued or remove a license tag from the collar of any dog without the consent of the owner.

5. Dogs Not Permitted to Run at Large: No dog, whether wearing a license tag or not, shall be permitted to run at large within the county, if any complaints are received regarding said animal. Any dog in violation of this section shall be subject to impoundment.

a. First complaint of dog running at large will require a visit from dog warden, at which time a written warning will be given to owner.

b. If same said dog is seen running at large by the dog warden after written warning has been given, the owner will then be fined \$25.00 and given days to pay such fine at the Magistrate's Office. Owner must show proof of current rabies vaccine and proof of up to date county fees. If current proof of rabies and county fees are not paid up to date owner will be given 14 days to show proof or be fined \$10.00.

c. The owner of any impounded dog by the dog warden will be required to pay \$25.00 to redeem said dog. If dog has not been spayed or neutered (unless used for professional breeding) the owner will be suggested to pay a \$40.00 deposit to assure animal will be spayed or neutered within sixty (60) days. Should same animal be impounded an additional time and has not been spayed or neutered within the 60 day period the owner shall forfeit the previous \$40.00 to the County and an additional deposit of \$40.00 will be required.

6. Keeping a Vicious Dog: No person shall own, keep or harbor any dog known to him to be vicious, dangerous or in the habit of biting or attacking persons, whether or not such dog wears a tag or muzzle, and upon satisfactory proof that such dog is vicious, dangerous or in the

habit of biting or attacking persons, the animal warden or any police officer may cause such dog to be impounded and disposed of in a humane manner.

7. **Duty of Owner of a Dog Biting Any Person:** Any dog, whether licensed or not, who bites any person shall be taken by its owner or custodian forthwith to a veterinarian for confinement and observation, or shall be securely confined on the premises of its owner or custodian and in either case, the owner or custodian shall forthwith notify the county health officer of the county.

8. **Inducing Dogs to Fight or Annoy Persons or Animals:** No person entice, induce, urge or cause any dog to engage in or prolong a fight within the county and no person shall induce or cause any dog to run after, bark at, frighten or bite any person or animal lawfully passing along or standing in or on any street or highway within the county.

9. **Bringing Dogs into the County:** Except for persons duly authorized herein, no persons shall entice any properly licensed dog into any enclosure for the purpose of taking off its collar, harness or tag, or, for such purpose, decoy or entice any dog out of the enclosure or house of its owner or possessor, or seize or molest any dog which is held or led by any persons, or bring any dog into the county for the purpose of impounding or killing such animal.

10. **Impounded Dogs:** Any dog caught in violation of section 5 of this ordinance shall be impounded by the County Dog Warden for a period of not more than 5 days.

Said Owner of such animal shall have the opportunity to redeem, claim and regain ownership of the impounded dog by appearing at said dog shelter before the fifth day of impoundment, identifying said animal and showing proof of ownership, providing said owner/keeper fulfills the procedures set forth in section 5 of this ordinance, to redeem such animal.

(11) **Violations and Penalties:** A violation of any section of this chapter shall

be punishable by a fine of not more than \$100.00 for separate violation, unless otherwise prescribed.

- (12) Persons wishing the dog warden to dispose of their unwanted dogs will be required to pay a fee of \$25.00
- (13) There will be a \$3.00 per day per dog kept for animal cruelty or dog kept to be quarantined 10 days for rabies. If owner is known owner will be required to pay \$3.00 per day per dog plus \$15.00 to have dog disposed of in a humane manner.
- (14) Female dogs in estrus shall be confined in a building or in a secure enclosure for twenty-five (25) days

This ordinance became effective on the date of passage which was the 25th of January, 1995.

Jerome V. DiBacco
Jerome V. DiBacco, President

Arlie C. Davis
Arlie C. Davis, Commissioner

Sam Eichelberger
Sam Eichelberger, Commissioner

I, SHERRY L. SIMMONS, CLERK OF THE COUNTY COMMISSION OF TUCKER COUNTY, A COURT OF RECORD IN AND FOR SAID COUNTY AND STATE DO CERTIFY THAT THE FOREGOING AND ANNEXED WRITING IS A TRUE COPY OF :

Tucker County Dog Ordinance

RECORDED IN THE CLERK'S OFFICE OF THE SAID COUNTY COURT ON THE 22nd DAY OF March 2000, AS FULL AND COMPLETE AS THE SAME IS NOW RECORDED IN SAID OFFICE IN Order BOOK NO. 20, PG. 114.

IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND AND THE SEAL OF SAID COURT (WHICH IS MY OFFICIAL SEAL) AT MY OFFICE, IN SAID COUNTY, THIS 10th DAY OF August, 20 08.

Sherry Simmons

Clerk of the County Commission of
Tucker County, West Virginia

Sherry Simmons

