

**ORDINANCE MAKING IT UNLAWFUL TO ALLOW DOGS TO RUN AT
LARGE:
EXCEPTIONS, PENALTIES.**

Sec. 1 – **Purpose** – The purpose of this ordinance is to prevent property damage and/or personal injury due to dogs running at large in Preston County. Nothing contained in this ordinance shall be construed as affecting or negating a person’s rights or claims to which he or she is entitled under the laws of the State of West Virginia.

Sec. 2 – **Definitions**- For purposes of this ordinance, “running at large” means: a dog that is not properly secured on a leash or on the owner’s or keeper’s property or under his or her verbal or electronic control.

Sec. 3 – **Dogs Running At Large**- It shall be unlawful for the owner or keeper of any dog, of any age, male or female, whether licensed or unlicensed, vaccinated or unvaccinated, to run at large within the boundaries of Preston County, West Virginia: Provided, that vaccinated dogs shall be permitted to run at large under the following circumstances: (1) While engaged in lawful hunting activity under the supervision of their owners or handlers; (2) while engaged in any lawful training activity under the supervision of their owners or handlers; (3) While engaged in any lawful herding or other farm related activity under the supervision of their owners or handlers.

Sec. 4 –**Seizure and Impoundment of Dogs Found Running at Large** – The county dog warden or his or her deputy may seize on sight and impound any dog found running at large. The county dog warden or his or her deputy shall be responsible for the proper care and final disposition of all impounded dogs. When any dog shall have been seized and impounded, the county dog warden or his or her deputy shall forthwith give notice to the owner of such dog, if such owner be known to the warden, that such dog has been impounded and that it will be sold or destroyed if not redeemed within five days. If the owner of such dog be not known to the dog warden, he shall post a notice in the county courthouse and the dog pound. The notice shall describe the dog and the place where seized and shall advise the unknown owner that such dog will be sold or destroyed if not redeemed within five days.

All complaints must be in writing signed by the complainant.

Sec. 5 – **Penalty** – The first offense will result in a written warning. Any person who, within the following six months, continues to violate the provisions of this ordinance is guilty of a misdemeanor, and, upon conviction thereof, such person is subject to a fine of no more than one hundred dollars. Further, an owner reclaiming an impounded animal shall pay a fee of fifty dollars (\$50.00) for the first impoundment, seventy-five dollars (\$75.00) for the second impoundment, one-hundred dollars (\$100.00) for the third impoundment, and one hundred and fifty dollars (\$150.00) for the fourth and any subsequent impoundment, plus ten dollars (\$10.00) for each day the dog has been impounded. Such fees shall be paid into the county treasury where they shall constitute and be set aside in the “dog and kennel fund”, as is provided for in West Virginia Code 19-20-10, however nothing in this ordinance would prevent an owner from retrieving his animal from the pound pending a hearing on any complaint.

Sec. 6- **Effective Date**- This ordinance shall be in full force and effect upon its passage.

On March 27, 2000 Ordinance was adopted indefinitely by the County Commission.