

RANDOLPH COUNTY DOG/CAT ORDINANCE

WHEREAS, the Randolph County Commission has determined that it is necessary to adopt the following ordinance to meet its objectives of protection of the public health safety and general welfare,

An ORDER establishing a Dog/Cat Ordinance for Randolph County for the control and containment of dogs/cats within Randolph County is hereby implemented. THEREFORE, be it enacted and ordained by the Randolph County Commission of Randolph County, West Virginia, as follows:

ARTICLE I - GENERAL PROVISIONS

The intent of this order is to promote the general health, welfare and safety of residents of Randolph County OUTSIDE incorporated towns and cities, in regard to the control and containment of dogs/cats in Randolph County.

ARTICLE II- AUTHORITY

The authority for this ordinance is §19 and 20A of the West Virginia State Code. Section §19-20-1 through Section §19-20-23 and Section §19-20A-8 shall be adhered to by the citizens of Randolph County. Pertinent sections are described below:

§19-20-1 Dogs subject to taxation: declared to be personal property and any dog above the ages of six (6) months shall be subject to taxation.

§19-20-2 Collection of head tax on dogs.

§19-20-5 Wearing of registration tags; Every registered dog shall at all times wear a valid registration tag.

§19-20-6 County Dog Warden; rules and regulations for dog control; prosecution and violation of ordinance.

§19-20-8 Impounding and disposition of dogs; costs and fees.

§19-20-9 Failure to register dog or kennel; alteration or forging of registration certificate or tag; penalties

§19-20-9A Dogs and cats; rabies observation - Any dog or cat which bites a person, the owner shall forthwith confine and quarantine the animal for a period of fourteen (14) days.

§19-20-11 Assessment of dog as personal property. Owners of any dog above the age of six (6) months shall be permitted to place a value on such dog and have such dog assessed as personal property in the same manner and at the same rate as personal property.

§19-20-12 Dogs, other animals and reptiles protected by law; Unlawful killing or stealing of: Any person intentionally and unlawfully killing, injuring or poisoning such dog, cat, other animal or any reptile shall be guilty of a misdemeanor.

§19-20-13 Dog running at large; liability of owner. Any owner or keeper of any dog who permits such dog to run at large shall be liable for any damages inflicted upon the person or property of another by such dog while running at large.

§19-20-14 Dog killing, wounding or worrying livestock or poultry – recovery of damages. The owner or keeper of the dog shall be held liable for the livestock.

PENALTIES FOR VIOLATIONS OF THESE SECTIONS MAY BE FOUND IN WEST VIRGINIA STATE CODE SECTION §19-20-19: 20a AND ACCOMPANYING SECTIONS.

ARTICLE III – RESPONSIBILITY

- A. All dogs and cats located OUTSIDE the incorporated towns and cities of Randolph County are the responsibility of their owner. Dogs must be tagged and shall be kept in the confinement of the owner's property and shall be on a leash and effectively controlled by its owner or any other person given charge of the animal when not confined on the owner's property. Cats need to be tagged, but being of a nocturnal nature are not required to be confined. Dog and cat tags shall include proof of vaccination and the dog /cat owner's name and two ways to contact.
- B. Exceptions: Vaccinated dogs with tags may run at large while engaged in any lawful hunting activities, or run at large while engaged in any lawful herding or other farm related activity. Control of the dog during these activities is the responsibility of the owner. (WV CODE §19-2-A-8).
- C. All dogs and cats located OUTSIDE the incorporated towns and cities of Randolph County shall be kept in a residence or in a shelter that is a wooden box consisting of four (4) functional sides with a functional roof and a functional floor. One side must contain an entrance. The shelter for each dog or cat must be the appropriate size for each animal. From the beginning of fall to the beginning of spring, the shelter shall be filled with straw or other proper bedding sufficient to keep the animals warm. While plastic barrels are an acceptable form of shelter as long as the conditions above are met, metal barrels are prohibited to be used as shelters.
- D. All dogs and cats located OUTSIDE the incorporated towns and cities of Randolph County shall be provided adequate food and water at least every 24 hours.

ARTICLE IV – VACCINATIONS, DOGS AND CATS

- A. Vaccination of dogs and cats. All dogs and cats shall be properly vaccinated or immunized against rabies with a vaccine capable of producing immunity for two (2) years. Dogs and cats **MUST** be vaccinated by the age of six (6) months. (WV Code §19-20A-2)

ARTICLE V – QUARANTINE

- A. The provisions of the order shall not exempt any dog or cat from any quarantine established by or any confinement order required by the State of West Virginia Commissioner of Agriculture relating to the establishment of a quarantine.

ARTICLE VI – VICIOUS DOGS AND RUNNING AT LARGE

A. It shall be unlawful OUTSIDE the incorporated towns and cities of Randolph County for any owner or person in control of a dog known by its owner to be aggressive towards adults, children or any other animal to:

- 1) Knowingly or willfully allow his/her dog to intimidate or harm in any manner any individual in Randolph county.
- 2) Knowingly or willfully allow his/her dog to intimidate or harm in any manner any other domestic animal on its own property or on a leash and effectively controlled by its owner or any other person given charge of the animal.
- 3) Knowingly or willfully allow his/her dog to intimidate or harm in any manner any wild animal located in Randolph County except for those lawfully licensed to hunt during designated seasons.

PROCEDURE FOR HANDLING VIOLATIONS OF ARTICLE VI

1. The complainant shall contact the owner of such dog if known and alert said owner to the dog running loose.
2. If said animal continues to run at large said complainant may contact the Dog Warden.
3. Said complainant shall provide the Dog Warden with the time and method whereby the complainant contacted said owner if said owner was known.
4. The Dog Warden will investigate said complaint and where said complaint is substantiated, the Dog Warden may, on a first offense, issue a written warning citation to said owner.
5. The Dog Warden, upon receipt of a second or subsequent complaint on same animal, will investigate and upon substantiating a second or subsequent complaint against same dog/owner, the Dog Warden may in his/her discretion issue a written citation to said owner for violation of this ordinance.

PENALTIES FOR VIOLATIONS OF ARTICLE VI

1. First written citation - Minimum \$10.00 and up to a \$100.00 fine, plus court costs.
2. Second Written citation - Minimum \$50.00 and up to a \$200.00 fine, plus court costs.
3. Third Written citation - Minimum \$100.00 and up to a \$500.00 fine, plus court costs.

ARTICLE VII - KEEPING A VISCIOUS DOG

A. No person OUTSIDE the incorporated towns and cities of Randolph County shall own, keep or harbor any dog known to him to be vicious, dangerous or in the habit of biting or attacking a person, 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 a person, the animal warden or any police officer may cause such dog to be impounded and disposed of in a humane manner.

ARTICLE VIII - DOG WARDEN

- A. The Randolph County Dog Warden and his deputies may **seize on sight and impound** any dog more than six (6) months of age found not wearing a valid registration or identification tag, except dogs kept constantly confined in a registered dog kennel. (WV CODE §19-20-60)
- B. The Randolph County Dog Warden is hereby authorized to issue citations in violation of Article VI.

ARTICLE IX - EFFECTIVE DATE

This order is effective August 6, 2020 and replaces the Randolph County Dog Ordinance adopted December 20, 1995.

This order made and entered of record this 6 day of August, 2020.

Approved First Reading July 16, 2020

Approved Second Reading Aug. 6, 2020

Randolph County Commission

By: [Signature]

President

Date: 7-16-20

Attest: Brenda Wiseman

Date: 8-6-2020