

# MONONGALIA COUNTY COMMISSION

243 HIGH STREET, ROOM 202  
COURTHOUSE  
MORGANTOWN, WEST VIRGINIA 26505

L.W. "Bill" Bartolo, Commissioner  
Eldon A. Callen, Commissioner  
Asel Kennedy, Commissioner

Telephone: 304 291-7257



## AMENDED ORDINANCE

### AN ORDINANCE OF THE COUNTY COMMISSION OF MONONGALIA COUNTY, WEST VIRGINIA, RESTRICTING DOGS FROM RUNNING AT LARGE; ENFORCEMENT; PENALTIES FOR VIOLATIONS; ALL UNDER THE AUTHORITY OF WEST VIRGINIA CODE CHAPTER 19, ARTICLE 20A, SECTION 8, AS AMENDED AND REENACTED

It appearing to the County Commission of Monongalia County, West Virginia, that there exists in Monongalia County, West Virginia, unsafe conditions due to increasing large number of dogs running loose, forming packs in some instances, that some smaller pets have been killed or attacked, children have been bitten going to and from school, that many people are reluctant to allow their children to play on their own property, while others feel it necessary to arm themselves with sticks or mace when walking in their neighborhood, and that there have been many complaints of property damage, gardens damaged, shrubs killed and unsanitary conditions caused by dog feces on lawns, so that the Monongalia County Commission feels that it should restrict dogs from running at large, and implementing a leash law with enforcement and penalties for violations pursuant to the power granted the Commission by Chapter 19, Article 20A, section 8, as amended and reenacted, the Commission hereby adopts the following amended ordinance and it shall be read as follows:

#### Section 1. Dogs Running at Large.

No person being the owner of or having charge of any dog shall permit it to run at large upon any public place or upon the premises of another. Dogs not confined on the owner's property shall be maintained on a leash of a length no longer than six feet. The name and address of the owner as well as County license and rabies vaccination tags shall be attached to the collars of all dogs.

The running at large of any such animal in or upon any of the places mentioned in this section is prima-facie evidence that it is running at large in violation of this section.

This ordinance shall not be applicable to the following:

Any vaccinated dog running at large while engaged in any lawful hunting activity;

Any vaccinated dog running at large while engaged in any lawful training activity;  
or,

Any vaccinated dog running at large while engaged in any lawful herding or  
other farm related activity.

## Section 2. Trespassing Upon or Damaging Property of Another.

No person having the possession of a dog shall lead or take such dog upon the private property of another without permission, or knowingly permit any such dog to soil on, damage or destroy yards, flowers or shrubbery of another person, or otherwise trespass upon the property of another without permission.

## Section 3. Impoundment.

The County has established a dog pound and may keep therein dogs seized under any of the provisions of this ordinance. Any dog found running at large in the County may be seized. The owner or keeper of any dog may retrieve such dog upon paying the fine imposed for the violation of this ordinance, or by posting proper bond pending the trial for the violation of this ordinance, and the impounding fees. If not paid, such dog may be sold and there shall be deducted from the proceeds of such sale the fine imposed, if any, and the impounding fees, and the residue, if any, shall be paid over to the owner of such dog. If such dog is not sold, it may be properly euthanized and its body disposed of by the County without liability to the owner.

## Section 4. Enforcement

This ordinance shall be enforceable by the County Dog Warden, or his assistant(s), or the County Humane Officer(s), whichever the case may be.

The County Dog Warden, or his assistant(s), or the County Humane Officer(s), whichever the case may be, shall patrol the County and enforce all ordinances related to dogs, and shall seize on sight and impound any dog found running at large.

When any dog has been seized and impounded, the County Dog Warden, or his assistant(s), or the County Humane Officer(s), whichever the case may be, shall forthwith give notice to the owner of such dog, if such owner is known, that such dog has been impounded and that it will be sold or destroyed if not redeemed within five (5) days. If the owner of the dog is not known to the County Dog Warden, or his assistant(s); or the County Humane Officer(s), whichever the case may be, this ordinance shall provide for absolute declaration of convenience by providing vital information to the public for contact to include:

Monongalia County Canine Adoption Center  
106 Lockside Drive  
Morgantown, West Virginia  
Phone: 304 – 291-7267  
Hours of Operation: Monday, Wednesday and Friday  
10:00a.m. to 4:30 p.m.

Tuesday and Thursday  
10:00 a.m. to 6:00 p.m.

Impoundment/Pick up Fees and any outstanding fees for payment of a citation to be obtained by calling 304, 291-7267.

Owner must provide current proof that County Dog Tax has been paid; and must have proof of current rabies vaccination.

Notice including the above mentioned information shall be posted at the Gate of the Canine Adoption Center.

Reasonable costs and fees, in such amount as may be determined from time to time by Monongalia County Commission shall be assessed against every dog seized and impounded under the provisions hereof and shall be posted within the office of the Canine Adoption Center.

The owner, keeper or harbinger of any dog seized and impounded under the provisions hereof may, at an time prior to the expiration of five (5) days from the time the dog shall have been seized redeem the animal by paying to the County Dog Warden, or his assistant(s), or the County Humane Officer(s), whichever the case may be, or his authorized agent or deputy all of the costs assessed against such dog.

The County Dog Warden, or his assistant(s), or the County Humane Officer(s), whichever the case may be, is hereby authorized to issue citations including warnings, if warranted in their discretion, for the violation of any County ordinance pertaining hereto.

Nothing herein shall constitute a waiver of any ordinances that provide for the arrest and fine for any other violation of County ordinances, or state laws, related to dogs.

This ordinance will not pertain to barking dogs, the number of dogs per household or any other aspect of pet ownership save that of dogs running at large and other provisions contained in the law.

#### Section 5. Penalty and Enforcement.

Whoever violates this ordinance, and is found guilty of violating this ordinance, shall be guilty of a misdemeanor, and upon conviction thereof, such person shall be subject to a

fine of not more than One Hundred Dollars (\$100). The Magistrate Court of Monongalia County, West Virginia, and the Circuit Court of Monongalia County, West Virginia, shall have concurrent jurisdiction with respect to such misdemeanors.

Section 6. Effective Date.

This amended ordinance shall become effective on and after passage and upon adoption by the Monongalia County Commission and shall supersede the original ordinance adopted the 22<sup>nd</sup> day of June, 1995.

PASSED by the Monongalia County Commission on FIRST READING the 21<sup>st</sup> day of November, 2012.

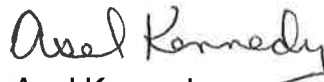
A SECOND READING and PUBLIC HEARING were held the 12<sup>th</sup> day of December, 2012, after notice of the public hearing on said ordinance was published as a Class II legal advertisement.

UPON Motion of Commissioner Callen, seconded by Commissioner Kennedy, it is ordered that the aforesaid ordinance be adopted by the County Commission of Monongalia County, West Virginia.

DATED:



L. W. Bartolo  
President



Asel Kennedy  
Commissioner



Eldon A. Callen  
Commissioner