

**BEFORE THE COUNTY COMMISSION OF PUTNAM COUNTY, WEST VIRGINIA**

**RE: PUTNAM COUNTY ANIMAL NUISANCE ORDINANCE**

WHEREAS, Section 11, Article IX of the Constitution of West Virginia and West Virginia Code §7-1-3 provide that county commissions have the superintendence and administration of the internal police and fiscal affairs of their counties;

WHEREAS, West Virginia Code §7-1-3kk authorizes a county commission to enact ordinances, issue orders and take other appropriate and necessary actions for the elimination of hazards to public health and safety and to abate anything which the commission deems to be a public nuisance within a county;

WHEREAS, the County Commission of Putnam County, West Virginia, hereby finds that any dog in the zoned unincorporated areas of Putnam County, which by frequent or long continued noise by barking, howling, crying or in any other noise-making manner, disturbs the peace, comfort or quiet of any person or neighborhood within the vicinity of such animal constitutes a public nuisance;

Now, THEREFORE, the County Commission of Putnam County, West Virginia sitting in regular session the 28<sup>th</sup> day of January, 2021 hereby approves and adopts the following "Putnam County Animal Nuisance Ordinance";

The adoption having been moved by Commissioner Foster, and duly seconded by Commissioner Ellis, the vote on passage of the motion was as follows:

Ronald R. Foster	Aye
R. Andrew Skidmore	Aye
C. Brian Ellis	Aye

President Foster declared the Ordinance approved and passed.

WHEREFORE, it is therefore ADJUDGED and ORDERED that the attached Putnam County Animal Nuisance Ordinance be adopted.

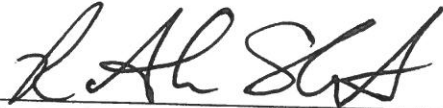
Entered this 9<sup>th</sup> day of February, 2021.



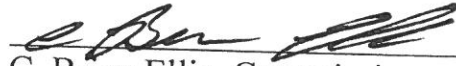
THE PUTNAM COUNTY COMMISSION



Ronald R. Foster, President



R. Andrew Skidmore, Commissioner



C. Brian Ellis, Commissioner



# PUTNAM COUNTY ANIMAL NUISANCE ORDINANCE

## I. JURISDICTION.

- (a) That W.Va. Code §7-1-3kk authorizes the Putnam County Commission to “enact ordinances, issue orders and take other appropriate and necessary actions for the elimination of hazards to public health and safety and to abate or cause to be abated anything which the commission determines to be a public nuisance.”; and
- (b) That W.Va. Code §19-20-6 authorizes a county commission to promulgate and enforce ordinances that are necessary or convenient to the management and control of all dogs in the county, or any portion thereof; and
- (c) That W.Va. Code §7-1-3kk further provides that “The ordinance may provide for a misdemeanor penalty for its violation.”; and
- (d) That W.Va. Code §7-1-3kk further provides that “The ordinance may further be applicable to the county in its entirety or to any portion of the county as considered appropriate by the county commission.”; and
- (e) The Magistrate Court of Putnam County and the Circuit Court of Putnam County shall have concurrent jurisdiction with respect to misdemeanors under this Ordinance.

## (a) PROHIBITIONS.

It shall be unlawful for any person to own, maintain, or otherwise, by act or omission, to keep a dog which by frequent or long continued noise by barking, howling, crying or in any other noise-making manner, disturbs the peace, comfort or quiet of any person or neighborhood within the vicinity of such animal.

The Ordinance shall be applicable to all zoned unincorporated areas of Putnam County, West Virginia.

## (b) PENALTIES.



It is a misdemeanor for any person to violate any provision of Section (a) of this Ordinance.

- i. For the first offense, the penalty shall be a fine of One Hundred Dollars, plus any applicable court cost(s);
- ii. For a second offense, the penalty shall be a fine of Three Hundred Dollars, plus any applicable court cost(s); and
- iii. For a third or subsequent offense, the penalty shall be a fine of One Thousand Dollars, plus any applicable court cost(s).

Any violation of this Ordinance also constitutes a public nuisance.

**(c) ENFORCEMENT.**

This Ordinance may be enforced by any Putnam County Humane Officer, and any law enforcement agency, including but not limited to, the Putnam County Sheriff and any Deputy Sheriff, West Virginia State Police, West Virginia Department of Natural Resources and any municipal police officer.


**(d) SEVERABILITY.**

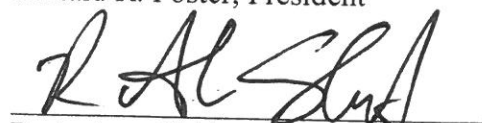
If any clause, paragraph, subparagraph, section or subsection of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby but shall remain in full force and effect.

**(e) EFFECTIVE DATE.**

This Ordinance is effective upon passage.

THE PUTNAM COUNTY COMMISSION

  
\_\_\_\_\_  
Ronald R. Foster, President

  
\_\_\_\_\_  
R. Andrew Skidmore, Commissioner




  
C. Brian Ellis, Commissioner

Adopted: February 9, 2021

STATE OF WEST VIRGINIA, Putnam  
County Commission Clerk's Office  
02/11/2021. The foregoing Court Order  
together with the certificate of its  
acknowledgment, was this day presented  
in said office and admitted to record

Teste:  Clerk

STATE OF WEST VIRGINIA, PUTNAM COUNTY CLERK'S OFFICE  
I, Brian Wood, Clerk of Putnam County Commission do  
hereby certify that this foregoing is a true and correct  
copy and transcript from the record of my office.  
Given under my hand and seal of said commission,  
at Winfield, West Virginia, this the 11 day of Feb 2021  
BRIAN WOOD, CLERK, PUTNAM COUNTY COMMISSION  
By:  Deputy

