

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

**RE: Vicious Dog Ordinance**

WHEREAS, West Virginia Code §7-1-14 authorizes a county commission to adopt ordinances, rules and regulations to prevent animals from becoming a public nuisance or risk to the public health or safety or the environment;

WHEREAS, West Virginia 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 a county;

WHEREAS, West Virginia Code §7-1-3kk authorizes a county commission to enact ordinances, issue orders and take other appropriate and necessary action 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, vicious dogs running at large are dangerous to the public and constitute a public nuisance;

WHEREAS, it is often difficult to determine that a dog is dangerous or vicious before it attacks someone or another domesticated animal;

WHEREAS, on December 22, 2009, this Commission duly adopted a "Vicious Dog Ordinance" on December 22, 2009 which included specific language regarding dogs commonly referred to as "Pit Bulls";


WHEREAS, this Commission finds that the Ordinance provides sufficient safety precautions and penalties regarding vicious or dangerous dogs regardless of the dog's breed;

Now, THEREFORE, the County Commission of Putnam County, West Virginia, sitting in regular session this 4<sup>th</sup> day of May 2010 hereby amends and re-enacts the Putnam County Vicious Dog Ordinance as follows:

Commission President moved to strike from the definition of "Vicious Dog" in Article III, "or (3) is commonly referred to as a 'Pit Bull' or is clearly a mix thereof", and to insert the term "or" before "(2)" in the same definition. Commissioner Stephen A. Andes seconded the amendment. The vote on the amendment was as follows:

Stephen A. Andes  
R. Joseph Haynes  
Gary O. Tillis

Aye  
Aye  
Nay

  
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Putnam County Clerk  
Brian Wood County Clerk  
BK 92 PG 782-786

President Haynes declared the amendment duly adopted; and called for a vote on the Ordinance as amended. The vote thereon was as follows:

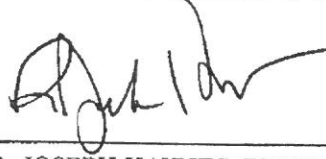
Stephen A. Andes	<u>Aye</u>
R. Joseph Haynes	<u>Aye</u>
Gary O. Tillis	<u>Aye</u>

WHEREFORE, it is therefore ADJUDGED and ORDERED that the attached Putnam County Vicious Dog Ordinance, as amended, be adopted and re-enacted.

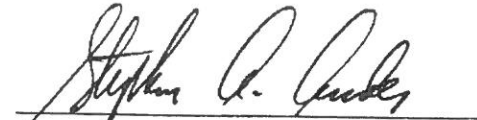
IT IS SO ORDERED.

ENTERED this 4<sup>th</sup> day of May 2010.

PUTNAM COUNTY COMMISSION



R. JOSEPH HAYNES, PRESIDENT

  
STEPHEN A. ANDES, COMMISSIONER  
GARY O. TILLIS, COMMISSIONER

## PUTNAM COUNTY VICIOUS DOG ORDINANCE

### I. JURISDICTION.

This Ordinance is effective throughout Putnam County, West Virginia, including municipalities.

The Magistrate Court of Putnam County and the Circuit Court of Putnam County shall have concurrent jurisdiction with respect to misdemeanors under this Ordinance.

### II. DEFINITIONS.

*Dog* means canine regardless of its age.

*Enclosure* means a structure or fence that is at least six feet high, forming or causing an enclosure, designed to prevent a dog from escaping, and that is securely locked and prevents the entry of young children.

*Owner* means an individual who has lawful title to a dog, or is the keeper or harbinger of the dog. A parent or legal guardian shall be deemed the owner of a dog maintained by or on behalf of a minor.

*Vicious Dog* means any dog that (1) chases or bites, or attempts to chase or bite, without provocation, any human being or other domesticated animal; or (2) exhibits, without provocation, aggressive or combative behavior toward a person or other domesticated animal; provided that, the dog is not used by law enforcement.

### III. PROHIBITIONS.

It is unlawful for an Owner to:

- a. Have a Vicious Dog running at-large in Putnam County, West Virginia;
- b. Have the Vicious Dog in the Owner's home unless maintained so that any person or domesticated animal who lawfully enters the home is protected from attack by the Vicious Dog;
- c. Have the Vicious Dog outside the Owner's home, but on the Owner's premises, unless confined in an Enclosure so that it cannot make contact with any child or trespasser who enters onto the land; or

- d. Have the Vicious Dog off the Owner's property, unless on a leash no longer than four-feet long and maintained by the Owner so that it cannot make physical contact with any other person or animal.

**IV. PENALTIES.**

It is a misdemeanor for an Owner to violate any provision of this Ordinance.

- a. For a first offense, the possible penalty is a fine no more than One Thousand Dollars.
- b. For a second offense, the possible penalty is a fine not less than Three Hundred Dollars nor more than Two Thousand Dollars.
- c. For a third or subsequent offense, the possible penalty is a fine not less than Three Hundred Dollars nor more than Two Thousand Dollars, or confinement in jail for not more than One Year, or both.

Any violation of this Ordinance also constitutes a public nuisance.

**V. ENFORCEMENT.**

This Ordinance may be enforced by any humane officer or any law enforcement agency, including but not limited to, the Sheriff, State Police, State Department of Natural Resources and any municipal police officer.

In addition to the penalties set forth herein and otherwise provided by law, the humane officer or law enforcement officer may immediately take into custody, upon either private or public property, any Vicious Dog maintained in violation of this Ordinance.

Upon impoundment, the humane officer shall provide for the care of the Vicious Dog. The humane officer may petition a court of jurisdiction for an order transferring title to the Putnam County Commission. The Owner is responsible for all expenses incurred in housing the Vicious Dog, including legal fees and, if necessary, termination of the Vicious Dog.

**VI. 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.

**VII. EFFECTIVE DATE.**

This Ordinance is effective upon passage.

Amended and Re-enacted May 4, 2010.

STATE OF WEST VIRGINIA, Putnam  
County Commission Clerk's Office  
05/07/2010. The foregoing Court Order  
together with the certificate of its  
acknowledgment, was this day presented  
in said office and admitted to record.

Teste:  Clerk