

Animal Cruelty & Canine Tethering Ordinance

BROOKE COUNTY ANIMAL CRUELTY & CANINE TETHERING ORDINANCE

Authority: Authority to regulate and manage dogs and cats-W. V. Code 19-20-6: Authority to prevent cruelty to animals, impose penalties for violation- W. V. Code 7-1-14: cruelty to animals, fines for animal cruelty- W. V. Code 61-8-19.

Purpose: This ordinance limits the tethering of dogs and prohibits leaving dogs outside in severe weather conditions. This ordinance also regulates outdoor pens and shelters for dogs.

Section 1. Tethering of Dogs

(A) TETHERING:

- 1) The dog must be properly fitted with and wearing a non-choke harness or collar made of leather, nylon or similar material. Choke, prong, martingale or greyhound collars shall not be used;
- 2) The tether must be attached to the dog's harness or collar and not directly to the dog's neck;
- 3) Tether must not be unreasonably short or unreasonably heavy based on the breed or size of the dog;
- 4) The dog is not tethered outside during extreme weather, including, but not limited to, extreme heat or extreme cold, thunderstorms, tornadoes, or floods, unless adequate food, potable water, shade, shelter and protection is provided, as provided in Section 3 below;
- 5) The dog must be tethered in such a fashion so as to prevent it from entering upon neighboring property, public roads or sidewalks;

Section 2. Shelter and Confinement Area

(A) GENERAL- A person in charge or control of any dog which is kept outdoors or kept in an unheated enclosure shall provide the dog with shelter and bedding as prescribed in this section as a minimum.

- 1) **SHELTER:** Animals must be provided with adequate shelter to provide for their health and welfare. A shelter that protects the animal from inclement weather, wind, and direct rays of the sun, shall be provided and accessible to each dog. A shaded area must be provided that is sufficient to protect the animal from the direct rays of the sun. Examples of inadequate shelter include, but not limited to, drums, of any kind, cardboard or other disposable boxes, vehicles in any manner utilized.

- 2) **BUILDING SPECIFICATIONS:** The shelter shall include a moisture-proof and wind proof structure of suitable size to accommodate the dog and allow retention of body heat. It shall be made of durable material with a solid, moisture-proof floor or a floor raised at least two inches from the ground. The structure shall be provided with a sufficient quantity of suitable bedding material which would promote retention of body heat.

(B) **CONFINEMENT AREAS-** A confinement area must provide sufficient space to allow each animal to turn about freely and to easily stand, sit and lie in a normal position. If the animal is maintained in an outdoor confinement area, the space shall contain a shade shelter that complies with the following sections.

- 1) **SHADE:** Shade from the direct rays of the sun.

Section 3. Extreme Weather. Dogs shall not be maintained/kept outside during extreme weather, including, but not limited to, extreme heat or cold, based on the breed, size and age of the dog, severe thunderstorms, tornadoes, or flood.

Section 4. Jurisdiction. The Magistrate Court of Brooke county shall have jurisdiction with respect to misdemeanors under this ordinance.

Section 5. Enforcement; Penalties for Violation of 1, 2, 3.

(A) **Enforcement:**

- 1) **First Offense:** Any humane officer or law enforcement officer who determines an animal is kept in violation of any section of this ordinance shall issue a warning to the owner or guardian of the animal or property owner on which the violation is present. The owner or guardian will be given a reasonable amount of time to correct the violation, not to exceed 72 hours.
- 2) **Additional Offense(s):** For each subsequent offense, the owner shall be punishable by a fine of not less than three hundred nor more than two thousand dollars. In addition, any humane officer or law enforcement officer may, on or after the third offense, take into custody, upon either private or public property, an animal which clearly shows evidence of cruel or inhumane treatment as set forth in this ordinance.

(B) **Fines and Penalties**

In addition to the fines and penalties imposed by this section, any defendant convicted of a violation under this ordinance shall pay the Brooke County Animal Shelter or other animal care provider, as a penalty, all reasonable expenses incurred for the care, treatment, and boarding of any animal taken into custody pursuant to this ordinance. If the owner does not correct the violation or cannot make payment to the BCAS then the animal shall become property of the BCAS.

Section 6. Effective Date.

This ordinance will take effect on 11/19/19.