MORGAN COUNTY CANINE RESTRAINT AND OUTDOOR ENCLOSURE ORDINANCE

Authority: Authority to regulate and manage dogs and cats WV Code Chapter 19-20-6; Authority to prevent cruelty to animals, impose penalties for violations Chapter 7-1-14.

Purpose: To provide for proper restraint, shelter, protection and care for dogs.

Section I, Permanent Restraint Requirements

a. It shall be unlawful for any person to tether, fasten, chain, tie, restrain or cause a dog to be fastened, chained, tied or restrained to any stationary or inanimate object by means of a rope, chain, strap or other physical restraint for the purpose of confinement without adequate shelter and water as defined in Section 2 of this Ordinance for more than ten (10) hours, cumulatively, in any twenty-four hour period.

b. The dog must be tethered by a properly fitted non-choke collar or a body harness to a tether that is at least four (4) times the body length of the dog, measured from the dog's nose to the back of the hindquarters and which is free from entanglement. It is recommended that the tether be a minimum of 10 feet in length.

c. The tether shall have swivels at both ends and all areas of confinement shall be maintained as to provide a safe and healthy environment for the dog.

d. An individual found chaining or tethering an animal in violation of this section has thirty (30) days to provide other means of confinement, as long as the other conditions of confinement and care are being met. The grace period is null and void immediately if the owner, at any time during the grace period, is not in compliance with WV Code Chapter 61-8-19 and Chapter 7-10-4 and any other applicable laws relating to animals.

e. Individuals who do not comply within the thirty (30) day grace period are subject to fines and penalties stipulated in Section 4 of this Ordinance.

Section 2, Shelter and Permanent Outdoor Enclosure Requirements

a. A Permanent Outdoor Enclosure shall be defined as any enclosure used for the purpose of confinement for more than ten (10) hours, cumulatively in any twenty-four hour period.

b. Proper shelter, including protection from the weather and elements, shall be provided at all times. The shelter for a dog shall have a weatherproof roof (defined as having no gaps,) enclosed sides, a doorway, and a solid floor. No interior surfaces shall be metal, except for roof. The shelter shall have an entryway that the dog can easily enter and be sufficient in size for a dog to stand, turn around, lie down, and exit in a natural manner. The shelter shall have adequate ventilation and protection from temperature extremes at all times.

c. Bedding, such as wood shavings, straw or other material shall be provided in sufficient quantity for insulation. Bedding shall be kept dry.

d. Shade, separate from the shelter, either natural or manmade, shall be available at all times to a tethered dog or a dog confined to a permanent outdoor enclosure.

e. Any dog confined within a permanent outdoor enclosure must have adequate space for exercise. The following are suggestions from Morgan County Animal Control:
    - Small dogs defined as 35 lbs and under must have 100 square feet with an allowance of two small dogs within one, 100 square feet outdoor enclosure.
    - Medium dog defined as 35-60 lbs must have 100 square feet for permanent outdoor enclosure per dog.
    - Large dog defined as 60-100 lbs must have 150 square feet for permanent outdoor enclosure per dog.
    - Ex-large dog defined as 100 lbs or greater must have 240 square feet for permanent outdoor enclosure per dog.

Section 3, Care Requirements

a. Any person owning or having care, control or custody of a dog shall provide daily food that is free from contamination and is of sufficient quantity and nutritive value to maintain the animal in good health.

b. Adequate water which provides easy access to clean, fresh, potable water of a drinkable temperature in sufficient volume and suitable intervals to maintain normal hydration for each animal.

c. The dog must receive care and medical treatment for injuries, parasites and disease, sufficient to maintain the dog in good health.

d. Any outdoor area where a dog is confined must be kept free of excretions and contaminated materials and cleaned regularly.

Section 4, Penalties

Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $100 (one hundred dollars,) provided however, any person cited or notified of a violation may appear at the office of the Morgan County Commission in the Morgan County Courthouse within ten (10) days of such notice and citation, and upon payment of a fine of $50.00 (fifty dollars) shall be discharged from further prosecution or obligation for penalty for such violation, provided further however, any person who has been convicted for a violation of this Ordinance or who has paid a fine for a violation of this Ordinance as herein above provided, shall not be eligible for payment at the Office of the County Commission, as provided herein, for a period of two years from the date of such prior conviction or payment, and shall be subject to prosecution on the aforesaid misdemeanor charge in the appropriate court.

Enacted and ordained this 21st day of January, 2010, effective immediately.

MORGAN COUNTY COMMISSION
BY:

Brenda J. Hutchinson

Brenda J. Hutchinson, President

Thomas R. Swaim

Thomas R. Swaim

Stacy A. Dugan

Stacy A. Dugan

Attest:

Debra A. Kesecker

Debra A. Kesecker, County Clerk