

Town of Bath
ORDINANCE 2007-06

AN ORDINANCE ESTABLISHING GUIDELINES FOR ANIMAL CONTROL IN THE TOWN OF BATH AND SETTING FORTH PUNISHMENT FOR VIOLATIONS AGAINST SAID ORDINANCE. THIS ORDINANCE ALSO SUPERSEDES ANY AND ALL ORDINANCES PERTAINING TO THE SUBJECT MATTER.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF BATH, MORGAN COUNTY, WEST VIRGINIA, AS FOLLOWS:

Any dog is hereby declared to be personal property within the laws of the State of West Virginia;

The Town of Bath Police shall seize and/or impound on sight any dog older than six months of age not wearing a valid registration tag within 24 hours after said seizure the owner(s) will be notified; five days after notice animal can be adopted or humanely destroyed.

Any owner or keeper (feeds or keeps an animal) of any dog which permits such dog to run at large shall be liable for any damage upon the person or property of another by such dog, while running at large. Any person found to be in violation of this section of this ordinance upon first offense shall be fined a minimum of \$50.00, not to exceed \$100.00. Upon second offense a minimum of \$100.00, not to exceed \$150.00, in addition to damages, if applicable.

No person may walk a dog on any public property unless such person possess and use a sanitary and practical means for prompt disposal of animal excrement. Any person violating this section will be warned on first offense and fined \$25.00 per offense thereafter.

No person shall tether, fasten, chain, tie, or restrain a dog, or cause a dog to be tethered, fastened, chained, tied or restrained, to a dog house, fence, or any other stationary object, unattended for a significant amount of time, which such dog is on the owner's property or on the property of the owner's landlord.

However, a person may:

- a) Attach a dog to a running line, pulley, or trolley system at least fifteen feet in length for a dog less than 50 pounds and 25 feet for a dog more than 50 pounds. A dog cannot be tethered by means of a choke collar or pinch/prong collar or any type of chain around the neck.
- b) Confine a dog within a fenced yard with a dimension of at least 100 square feet per dog. Such enclosure will be enclosed on all four sides and of sufficient height to prevent the dog from escaping.

- c) If the dog lives inside the home, it is permitted to be outside on owner's property with no containment system as long as owner has voice control.

Adequate shelter must be maintained for outside dogs. Shelter must be sanitary and of sound construction. Shelter must be fully enclosed on four sides and of sufficient height or prevent the dog from escaping.

Persons found in violation of this ordinance will be given a warning and fourteen days to correct the problem. Persons who fail to comply within the fourteen-day period will be fined not less than \$50.00 and not more than \$150.00, and the dog will be confiscated. The Morgan County Humane Society will be given a one- to five-day assessment period and the right of first refusal to assume ownership of dogs confiscated under this ordinance. If the Morgan County Humane Society assumes ownership, fifty percent of the proceeds from the fine will be forwarded to them to help with costs incurred from seized animals.

If an animal is confiscated under this ordinance, the owner will not be allowed to possess another dog on his/her property or landlord's property while residing in the Town of Bath.

Enforcement of this ordinance, including seizure of animals, will be carried out by the Town of Bath/Berkeley Springs Police Department.