

WV Code 19-20-26 Commercial Dog Breeder Inspections – County Responsibilities

County Commission –County commissions are authorized to charge a fee to commercial dog breeders and shall deposit the fees collected in a specially designated account to be used for animal shelters, animal rescue and spay neuter programs administered by county animal shelters or other humane organizations.

- No commercial dog breeder may breed dogs without a business registration certificate in accordance with section three, article twelve, chapter eleven of this code and a valid business license issued by the locality in which the dog breeding operation is located.
- Commercial dog breeder” means any person who:
 - Maintains **11 or more** unsterilized dogs over the age of 1 year for the exclusive purpose of actively breeding;
 - Is engaged in the business of breeding dogs as household pets for direct or indirect sale or for exchange in return for consideration;
- “Class I Commercial Dog Breeder” means a commercial dog breeder that possesses **11 to 30** unsterilized dogs over the age of 1 year at any one time for the exclusive purpose of actively breeding.
- “Class II Commercial Dog Breeder” means a commercial dog breeder that possesses **more than 30** unsterilized dogs over the age of 1 year at any time.
 - The fee for a Class I commercial dog-breeding permit shall be an amount determined by the county commission, not to exceed **\$250** per year. The fee for a Class II commercial dog breeding permit shall be an amount determined by the county commission, not to exceed **\$500** per year

County Law Enforcement/Humane Officers – (during biannual/twice yearly inspections) Check that breeder:

1. Obtained an annual certification by a licensed veterinarian that the dog is in suitable health for breeding. (yearly for each breeding dog)
2. Maintains current, valid rabies certificates for every dog pursuant to article 20a of this chapter.
3. Include the breeder’s annual permit number on any advertisement for the sale of a dog
 - a. If selling directly to the public, post a conspicuous notice containing the breeder’s name, address and annual permit number on each cage;
4. Provide for the humane treatment of dogs in accordance with 61-8-19 of this code.
5. Provide dogs with easy and convenient access to adequate amounts of clean food and water. Food and water receptacles must be regularly cleaned and sanitized. All enclosures must contain potable water that is not frozen, is substantially free from debris and is readily accessible to all dogs in the enclosure at all times unless otherwise directed by a veterinarian for the health of the dog.
6. Provide veterinary care without delay when necessary.
7. Maintain adequate staffing levels to ensure compliance with this section;
8. Maintain adequate housing facilities and primary enclosures that meet the following minimum requirements

- a. Housing facilities and primary enclosures must be kept in a sanitary condition and in good repair; must be sufficiently ventilated at all times to minimize odors, drafts, ammonia levels and to prevent moisture condensation; must have a means of fire suppression, such as functioning fire extinguishers or a sprinkler system on the premises; and must have sufficient lighting to allow for observation of the dogs at any time of day or night;
 - b. Housing facilities and primary enclosures must enable all dogs to remain dry and clean;
 - c. Housing facilities must provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to the dogs;
 - d. Housing facilities must provide sufficient shade to simultaneously shelter all of the dogs housed therein;
 - e. A primary enclosure must have solid floors that are constructed in a manner that protects the dogs' feet and legs from injury;
 - f. Primary enclosures must be placed no higher than forty-two inches above the floor and may not be placed over or stacked on top of another cage or primary enclosure
 - g. Feces, hair, dirt, debris and food waste must be removed from primary enclosures and housing facilities at least daily or more often if necessary to prevent accumulation and to reduce disease hazards, insects, pests and odors;
9. Ensures all dogs in the same enclosure at the same time must be compatible, as determined by observation. Breeding females in heat may not be in the same enclosure at the same time with sexually mature males, except for breeding purposes. Breeding females and their litters may not be in the same enclosure at the same time with other adult dogs. Puppies under twelve weeks may not be in the same enclosure at the same time with other adult dogs, other than the dam or foster dam unless under immediate supervision;
10. Sick dogs shall be isolated sufficiently so as not to endanger the health of other dogs.
11. No previous animal cruelty violations. It is unlawful for a commercial dog breeder to operate if he or she has been convicted of animal cruelty in any local, state or federal jurisdiction.

Note: (Fines up to \$1000 per violation)

Excluded under this code:

*Any person who keeps or breeds dogs **exclusively** for the purpose of herding or guarding livestock or farm animals, hunting, tracking or exhibiting in dog shows, performance events or field and obedience trials are not considered under this code. **(note that none of these animals could be advertised or sold as household pets)**; and, any person who holds an occupational permit from, and has registered a greyhound kennel name with, the West Virginia Racing Commission*

Prepared by:

West Virginia Chapter of Humane Society of the United States

The Federation of Humane Organizations of West Virginia (FOHO WV)