

## **Fayette County Amended 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, or cause a dog to be tethered, fastened, chained, tied or restrained to any stationary or inanimate object by means of a rope, chain, strap or other physical restraint:

(1) between the hours of 10 p.m. and 6 a.m.;

(2) or without adequate shelter, as defined in Section 2 of this Ordinance;

(3) or in the case of extreme weather conditions, including conditions in which:

i. the actual or effective outdoor temperature is below 30 degrees Fahrenheit or above 95 degrees Fahrenheit;

b. The dog must be tethered by a properly fitted non-choke collar or a body harness, which is free from entanglement. The tether must be no less than 10 ft. in length. Tethers, such as tow chains or logging chains are prohibited.

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. Individuals who do not comply are subject to penalties stipulated in Section 3 of this Ordinance.

e. The provisions set forth in this section shall not apply to healthy dogs engaged in legal hunting activities, lawful training activities, lawful herding or other farm related activities, assuming they are at least 6 months of age.

### **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.

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, including a wind break during certain times of the year.

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

d. Shade, separate from the proper shelter, either natural or manmade, shall be available at all times to a tethered dog or a dog confined to a permanent outdoor enclosure when temperatures rise above 80 degrees.

### **Section 3. Enforcement; Penalties for Violation**

#### **a. Enforcement:**

- 1) First offense: Any humane officer or law enforcement officer who determines an animal is being kept in violation of any section of this ordinance shall at minimum, issue a written warning to the owner or guardian of the animal or property owner on which the violation is present. If notice to comply has been given, the owner or guardian will be allowed a reasonable amount of time to correct the violation, not to exceed 72 hours.
- 2) Second Offense: If, after receiving a written warning, the animal continues to show evidence of cruelty or inhumane treatment as set forth in this ordinance, the animal shall be seized and the owner or guardian of the animal shall be guilty of a misdemeanor. Upon conviction thereof, the owner or guardian shall be fined not less than three hundred nor more than two thousand dollars. Additionally, the owner shall be banned from ownership for a period of five years.

b. If at the time of seizure the defendant desires to prevent disposition of the animal by the humane officer prior to adjudication, a cost of care bond must be paid to the New River Humane Society or other animal care provider in the amount of three hundred dollars per 30 day period, due five days from the date of seizure. If adjudication does not occur within the first 30 days, subsequent cost of care payments are due 30 days from each prior payment until the case is resolved. The defendant shall immediately forfeit all ownership rights by failing to pay the cost of care bond within the required timeframe. Upon conviction, all interest in the impounded animal shall transfer to the humane officer for disposition in accordance with reasonable practices for the humane treatment of animals.

c. In addition to the fines and penalties imposed by this section, any defendant convicted of a violation under this ordinance shall pay the New River Humane Society 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.