

JEFFERSON COUNTY COMBINED ANIMAL ORDINANCE

Section 1. Title; Authority; Applicability; Purpose

A. Title. This ordinance shall be known and may be cited as the “Jefferson County Combined Animal Ordinance.”

B. Authority/State Law Incorporated. This ordinance is enacted pursuant to W. Va. Code § 7-1-3kk; W. Va. Code § 19-20-1 *et seq.*; W. Va. Code § 19-20A-1 *et seq.*; W. Va. Co § 7-10-1; W. Va. Code § 19-20-19A; and W. Va. Code § 61-8-19 *et seq.* and related statutes. All owners and custodians of animals must comply with applicable state licensing and rabies vaccination requirements.

C. Applicability. This ordinance applies throughout Jefferson County, West Virginia.

D. Purpose. The purposes of this ordinance are to: (1) protect public health, safety, and welfare by controlling dogs running at large; (2) prevent attacks on persons and animals; (3) manage impoundment, redemption, and humane disposition; (4) abate public nuisances; (5) establish minimum tethering and confinement standards; (6) identify and regulate dangerous/vicious dogs; (7) prevent cruelty and neglect; and (8) place responsibility on owners and custodians for proper care, maintenance, and compliance with licensing and rabies requirements under state law.

E. No breed-specific regulation. No dog shall be deemed dangerous or vicious based solely on breed.

Section 2. Definitions

For purposes of this ordinance:

A. Adequate food means access to and provision of food in sufficient quantity and quality to maintain each dog in good health, accessible to each dog.

B. Adequate water means provision of potable water in a suitable manner, volume, and at suitable intervals to maintain normal hydration for each dog’s age, condition, size, and type.

C. Adequate shelter means provision of and access to shelter suitable for each dog’s age, condition, size, and type, having a roof, enclosed sides, a doorway, and a solid floor; with no interior metal surfaces other than the roof; sufficient in size for the dog to stand, turn around, lie down, and exit naturally; and providing reasonable protection from weather.

D. Adequate space means:

1. Confinement. Permanent outdoor enclosures shall provide at least: (i) 100 sq. ft. per small dog (≤ 35 lbs.), provided that two small dogs may share at least 100 sq. ft.; (ii) 100 sq. ft. per medium dog (> 35 – 60 lbs.); (iii) 150 sq. ft. per large dog (> 60 – 100 lbs.); and (iv) 250 sq. ft. per extra-large dog (> 100 lbs.).
2. Tethering. A tether that (i) is appropriate to the dog’s age and size; (ii) is attached by a properly applied non-choke collar, halter, or harness configured to reasonably protect from injury; and (iii) is at least four times the dog’s body length (nose to base of tail). When freedom of movement would endanger the dog, temporary and appropriate restriction consistent with professionally accepted standards constitutes adequate space.

E. Collar means a well-fitted device, appropriate to the dog's age and size, encircling the neck to minimize trauma or injury. A collar for tethering must be at least as large as the dog's neck plus one (1) inch. Choke collars shall not be used for tethering.

F. Confine means to place or keep a dog within a Permanent Outdoor Enclosure.

G. Permanent Outdoor Enclosure means any outdoor enclosure used for dog confinement more than fourteen hours, cumulatively, in any twenty-four-hour period reasonably constructed to prevent the dog from escaping.

H. Tether means a rope, chain, cable, or similar line by which a dog is fastened to a stationary or inanimate object so as to limit its range of movement.

I. Tethering means restraining a dog through use of a tether. The term does not include use of a hand-held leash for walking or a lead line used in the owner or caretaker's physical presence for training or exercise.

J. Control means any of the following: (1) secured by a leash; (2) restrained by a fence on property owned or leased by the owner or supervisor; (3) restrained and confined to the owner's property by electronic means; or (4) under the direct supervision of the owner or appointed supervisor while on property owned or leased by the owner or supervisor.

K. Residential area means any subdivision, development, or other area used primarily for residential purposes located in Jefferson County but not within a municipality.

L. Household means any dwelling unit serving as a residence; multi-unit structures may contain multiple households.

M. Public nuisance. The County finds that excessive barking/howling/yelping is a public nuisance and means (1) any dog or dogs that excessively bark, howl, or yelp intermittently or continuously for more than one hour in a manner that creates unreasonably loud and disturbing noise of such character, intensity, and duration as to disturb the peace, quiet, and good order or (2) any barking, howling or yelping that persists for thirty minutes or longer and is audible inside adjacent residential structures and (3) that gives rise to complaints from residents of two different adjacent properties. It shall be a defense if the barking is provoked by outside causes such as thunderstorms, fireworks or other provocations.

N. Legal hunting activity means hunting of game in season by properly licensed persons (unless exempt by law) on property where hunting is not prohibited.

O. Dangerous or vicious dog means:

1. A dog that, without provocation, has killed or inflicted severe injury on a person; or
2. A dog that has killed or inflicted severe injury upon a domestic animal, horse, or livestock when not on the offending dog owner's real property; or
3. A dog that has approached a person when not on the dog owner's real property in a vicious or terrorizing manner, in an apparent attitude of attack, as determined by Jefferson County Animal Control upon the sworn affidavit of at least two eyewitnesses; or
4. Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

P. Owner means any person or legal entity having a possessory property right in a dog.

- Q. Owner's real property means real property owned or leased by the dog's owner, excluding any public right-of-way and any common area of a condominium, apartment complex, townhouse, or subdivision development.
- R. Severe injury means physical injury that results in broken bones, disfiguring lacerations, or requires surgery or hospitalization.
- S. Injury means a bite that breaks the skin and results in bleeding.
- T. Any fine or penalty herein does not include court costs, which will be assessed by the respective court.

Section 3. Dogs Running at Large; Control; Tags; Exceptions

A. Control required. Dogs in Jefferson County shall be kept under Control by the owner or supervisor. Dogs not on property owned or leased by the owner shall be kept on a leash. Dogs on County property shall be kept on a leash unless in a designated, fenced dog park area on County property in which dogs are officially permitted off leash.

B. Tags required. Whenever a dog is off the owner's property, a County license and current rabies vaccination tags shall be attached to the collars of all dogs as required by W. Va. Code § 19-20-5, 6 and W. Va. Code § 19-20A-1 *et seq.*, including 19-20A-4. Any dog lacking a current county license tag and/or rabies tag shall be deemed uncontrolled and subject to seizure.

C. Seizure authority. The Dog Warden/Animal Control Officer, Humane Officer, or any duly sworn Law Enforcement officer with jurisdiction is authorized to seize dogs not under Control or without required tags and to impound them as provided herein and by state law, including W. Va. Code § 19-20-6.

D. Exceptions. This section does not apply to dogs engaged in legal hunting activity and/or training, law enforcement activities and training, search and rescue activities and training, lawful herding, or other legitimate farm-related activities not in residential areas pursuant to W. Va. Code § 19-20A-8.

Section 4. Owner Waste Removal (Dogs)

A. Duty to remove. The owner or custodian of any dog shall immediately remove and properly dispose of the dog's feces from any public place or private property not owned or leased by the owner or custodian. Failure of the owner to do so is hereby deemed to be a public nuisance.

B. Penalty. A violation of this section is a misdemeanor punishable by a fine of not less than \$50 nor more than \$100 per offense.

Section 5. Impoundment; Notice; Redemption; Disposition; Fees

A. Holding and notice. All seized dogs shall be housed and cared for at the Jefferson County Animal Control facility for seven (7) days after notice of seizure and impoundment has been given or posted as required by W. Va. Code § 19-20-6. Animal Control shall scan all animals for microchip upon seizure.

B. Redemption. During the seven-day period, the owner or owner's agent may redeem the dog upon proof of ownership, payment of all fees and costs under this section, proof of current licensing and rabies vaccination, and proof of identity in the form of valid Government issued ID.

C. Disposition. Dogs not redeemed within seven (7) days become the property of the County and shall be: (1) placed for adoption to a suitable owner or recognized animal rescue organization, or (2) humanely destroyed if no responsible new owner is available, consistent with state law. The original owner of a dog or the owner's agent may reclaim the dog at any time up to adoption by compliance with B above.

D. Fees. The following fees are due upon redemption and are collectible as costs of impoundment:

1. Seizure and delivery to pound: \$50.00 per dog. Repeat occurrences will be subject to an increased fee per occurrence at \$50.00 per instance.
2. Housing and care: \$25.00 per day per dog.
3. Necessary or required veterinary care: actual cost of care.

E. Collection. All persons paying fees and costs shall receive a signed and dated receipt. Unpaid fees and costs outstanding after thirty (30) days from assessment may be collected by the County Commission through legal proceedings, including recovery of associated costs and fees.

Section 6. Nuisance Barking/Howling/Yelping in Residential Areas

A. Offense. It is unlawful for any owner or custodian of any dog in any Residential area to permit barking, howling, or yelping that constitutes a Public Nuisance as defined herein.

B. Complaints and process.

1. A person may report a violation to law enforcement or Animal Control. An officer may investigate and determine if the complaint meets the requirements of Section 2M hereinabove, and if appropriate, file a sworn criminal complaint in the Jefferson County Magistrate Court. The complaint shall set forth the essential facts, identify complainants (with addresses/phone numbers), the alleged owner/custodian, witnesses, and the approximate area of impact. The report must affect two (2) or more residences in the approximate area of impact.
2. Upon a finding of a first violation, the Magistrate may suspend fines and impose an improvement period for a first violation.
3. In the alternative, the Magistrate may impose a fine of not less than \$50 nor more than \$300 for a first violation plus court costs.
4. A second violation within six months: fine of not less than \$100 nor more than \$500 plus court costs.
5. A third or subsequent violation within six months: fine of not less than \$200 nor more than \$500 plus court costs.
6. Repeated similar violations beyond twenty-four hours of the initial incident constitute separate offenses.

D. Exemptions. This section does not apply to: (1) dogs exempted by state or federal law; (2) legitimate farming activities, including herding; or (3) dogs engaged in Legal Hunting Activity.

E. Commercial Kennels. Commercial kennels may be operated in conformance with this section provided they are commercially licensed, insured, and are permitted by and operated in compliance with all applicable provisions of the Jefferson County zoning and subdivision ordinances.

E. Appeals. Appeals shall be taken to the Circuit Court pursuant to the applicable Rule.

F. Civil actions preserved. Nothing herein limits any person's right to pursue civil remedies for public or private nuisance or other causes of action allowed by law.

Section 7. Tethering and Confinement Standards; Care Requirements

A. General care when tethered or confined. Any person owning or having care, control, or custody of a dog that is tethered or confined shall provide adequate food, adequate water, adequate space, and adequate shelter, and shall provide adequate care and medical treatment for injuries, parasites, and disease sufficient to maintain the dog in good health. Outdoor areas must be kept reasonably free of excretions.

B. Estrus. Every person owning or harboring a female dog shall keep such dog confined in a building or secure enclosure for twenty-five (25) days during the period of estrus.

C. Permanent Outdoor Enclosures. When a dog is kept outdoors more than fourteen (14) hours cumulatively in any twenty-four (24) hour period, it must be confined in a permanent outdoor enclosure or fenced in yard that:

1. Meets the adequate space minimums in this Ordinance;
2. Is constructed of chain link or similar material with all sides enclosed and of sufficient height and strength to prevent escape by the specific animal confined within;
3. Utilizes locks on all gates at least as secure as the child proof locks used to secure pool enclosures;
4. Provides adequate shelter and protection from weather and elements at all times (*see* Section D4 - Weather for guidelines);
5. Provides shade, natural or man-made, at all times;
6. Provides sufficient bedding to permit reasonable retention of body heat, kept reasonably clean and dry;
7. Is maintained to be reasonably sanitary and free of hazards;
8. Provides adequate space for exercise;
9. The use of an electric security fence is allowed for confinement, but the owner or supervisor shall face penalties, as appropriate, if the dog(s) escape and run loose off of property; and
10. Residences with dog doors accessible to the residence or garage are exempt from the adequate shelter component.

D. Tethering limitations and requirements.

1. Duration. It is unlawful to tether a dog to any stationary or inanimate object for more than fourteen (14) hours cumulatively in any twenty-four-hour period.
2. Equipment. A dog must be fitted with and wear a properly fitted non-choke collar or body harness of leather, nylon, or similar material. The tether must be attached to the collar or harness (not directly to the neck), be free from tangles, weigh no more than one-eighth of the dog's body weight, and include a swivel on at least one end to minimize entanglement. The tether shall be at least four times the dog's body length (nose to base of tail) and not

less than six feet for dogs under 20 pounds. It is recommended that tethers be at least twelve (12) feet where feasible.

3. Location. A tethered dog must be at least fifteen (15) feet from the edge of any public road or sidewalk and tethered so as to prevent injury, strangulation, or entanglement.
4. Weather. No dog may be tethered outside during extreme weather, including extreme heat and/or below freezing temperatures, thunderstorms, snow storms, tornadoes, floods, or other natural disasters.
5. Age/condition. No dog under six (6) months of age may be tethered. No sick or injured dog may be tethered.
6. Pulley/running-line/trolley systems. If used, the tether must be at least fifteen (15) feet in length and strung at least four (4) feet but not more than seven (7) feet above ground. Each dog must be tethered separately, and tethers must be set to avoid contact with obstacles, edges, or fences that could cause injury, strangulation, or fence access.
7. Short-term exceptions. Temporary restraint is permitted during lawful training, veterinary treatment, grooming, or law enforcement training, or when a dog is being held, walked, or exercised on a hand-held leash.
8. Adequate food, water and shelter should be available even when tethered for circumstances as listed above and/or for unforeseen circumstances (sudden weather events, delays in returning, etc.).

E. Penalties; warnings. A violation of this section is a misdemeanor. An Animal Control officer may issue a warning citation allowing up to fifteen (15) days to conform tethering/confinement to this ordinance; the warning period is void immediately if the owner or caretaker fails to comply with W. Va. Code § 61-8-19. An officer may issue a citation without a warning for repeat or serious violations. Upon conviction, the fine shall not exceed \$100 per violation, consistent with W. Va. Code § 19-20-6(c) and related statutes.

Section 8. Dangerous or Vicious Dogs

A. Determination; seizure. Jefferson County Animal Control is designated to determine whether probable cause exists that a dog is Dangerous or Vicious. An Animal Control or Law Enforcement officer may seize a dog before making a final determination if the definitional requisites appear to be met and seizure is necessary for public safety. During investigations and court proceedings, Animal Control shall keep, maintain, and observe the dog at the County facility beyond any rabies-quarantine period when reasonably necessary for public safety and a complete assessment. Cost of confinement shall be borne by the dog owner if Court finds the dog Dangerous or Vicious.

B. Evaluation. Officers shall use a recognized standard guide for dog-bite severity, including the Dr. Ian Dunbar Dog Bite Scale, to assist in assessing injuries and appropriate charging, together with all other evidence.

C. Notice; hearing. Any determination that a dog is Dangerous or Vicious shall be communicated in writing to the owner, stating reasons and summoning the owner to Magistrate Court for alleged violations of this ordinance and applicable state law, including W. Va. Code § 19-20-21 and other related statutes. Upon satisfactory proof before a Magistrate or Circuit Judge that a dog is vicious, dangerous, or in the habit of biting or attacking persons or other animals, the court may authorize the humane officer to cause the dog to be humanely destroyed in accordance with state law or the owner may retain said animal by complying fully with the conditions in 8E below.

D. Quarantine. If the dog(s) have been determined to be vicious and/or dangerous and are the subject of court proceedings, said dog(s) will be maintained at the Jefferson County Animal Control through the court proceedings unless the owner(s) meet the standards listed in 8E below. Jefferson County Animal Control will inspect the property, enclosures and safety precautions and obtain reasonable assurance that the dog(s) are housed in conformance with all applicable rules before the owner(s) may reclaim the dog(s) prior to the completion of the court process.

E. Special license; conditions. Any person who keeps a dog generally considered to be vicious for the purpose of protection shall obtain a special license from the County Assessor and pay the required fee, \$10, in addition to the regular dog license, as provided in W. Va. Code § 19-20-21. While a dog is subject to a special license or a court's dangerous/vicious designation, the owner shall:

1. Properly post the property with "Beware of Dog," "Dangerous Dog," and "No Trespassing" signage at conspicuous locations.
2. Keep the dog in a secure, locked enclosure designed to prevent escape and any public contact.
3. Muzzle and leash the dog when off the owner's real property; off-property handling shall be by an adult only.
4. Maintain additional homeowners' liability coverage applicable to injuries caused by the dog, if reasonably available in the insurance market.
5. Permit Animal Control to conduct reasonable, periodic compliance checks on enclosures and conditions.

F. Disposition: adoption. If a dog is judicially determined to be vicious or dangerous or in the habit of biting or attacking persons or other animals, the Magistrate may order humane destruction consistent with state law. Dogs judicially determined to be vicious or dangerous shall not be made available for public adoption.

G. Costs. A dog judicially determined to be vicious/dangerous is a public nuisance. The owner shall reimburse the County for all reasonable costs of seizure, housing during legal proceedings, veterinary care, humane disposition, and administrative expenses. Nothing in this Ordinance is intended to limit civil or criminal liability for medical/veterinary costs of injured persons or animals to the extent provided by law.

H. Exceptions. No police dog or dog owned or controlled by any Law Enforcement Office shall be subject to this Section. No dog shall be deemed vicious/dangerous solely by breed. No dog shall be deemed vicious/dangerous where the bite, attack, or injury was sustained by a person who (i) was committing a crime on the premises occupied by the dog's owner; (ii) was committing a willful trespass or other tort on those premises; or (iii) was provoking, tormenting, or physically abusing the dog.

I. Appeals. A finding of violation or a dangerous/vicious determination may be appealed to the Circuit Court pursuant to West Virginia Law.

Section 9. Animal Cruelty; Coordination with State Law

A. Prohibited conduct (local). In addition to other offences defined by State Code, no person shall intentionally, knowingly, or recklessly cruelly mistreat, abandon, or withhold proper sustenance (including food, water, shelter that protects from the elements, exercise, or necessary medical

treatment to sustain normal health and fitness or to end suffering); bait or harass any animal; cruelly chain, tether, or confine any animal outside; or leave any animal unattended in a motor vehicle when physical injury or death is likely; or train or possess any domesticated animal for the purpose of seizing, detaining or maltreating any other domesticated animal.

B. Exemptions. This section does not prohibit: (1) actions by a licensed veterinarian consistent with accepted standards of veterinary care; (2) actions by a law enforcement officer for public health and safety; or (3) acts in self-defense or defense of another person or animal.

Section 10. Enforcement; Penalties; Appeals

A. Enforcement. This ordinance may be enforced by the County Dog Warden/Animal Control Officer, Humane Officer, the Sheriff, and any duly sworn officer having jurisdiction in Jefferson County.

B. Penalties. Except where a different penalty is expressly provided herein, a violation of this ordinance is a misdemeanor punishable by a fine not to exceed \$100 per offense. Penalties set in Sections 4, 6, and 7 govern those sections consistent with W. Va. Code § 7-1-3kk.

C. Continuing offenses. Each day a violation continues constitutes a separate offense.

D. Appeals. Appeals from Magistrate Court may be taken to the Circuit Court pursuant to West Virginia Law.

Section 11. Severability; Construction

A. Severability. If any provision of this ordinance is held invalid or ineffective, such decision shall be limited to the specific provision declared invalid, and the remaining provisions shall remain in full force and effect.

B. Liberal construction. This ordinance shall be liberally construed to effectuate its purposes of protecting public health, safety, and welfare.

Section 12. Repealer; Effective Date

A. Repealer. This ordinance repeals the Leash Law Ordinance adopted July 8, 2004 (effective September 1, 2004), the Nuisance Barking/Howling Ordinance adopted October 9, 2008, and the Dog Tethering and Confinement Ordinance adopted October 29, 2015 (effective December 1, 2015), and all amendments thereto, to the extent of any conflict, and replaces them with this consolidated ordinance.

B. Effective date. This ordinance shall take effect upon adoption of the County Commission and filing with the County Clerk.

Adopted by majority vote of the Jefferson County Commission at a duly called meeting on the 2nd day of April, 2026.



President
County Commission of Jefferson County, West Virginia

