

# JEFFERSON COUNTY DOG TETHERING AND CONFINEMENT ORDINANCE

**Purpose:** To provide for proper restraint, shelter, protection and care for dogs who are tethered or confined in Jefferson County, West Virginia.

## **I. Definitions**

- a. "Adequate food" means access to and the provision of food that is of sufficient quantity to maintain each animal in good health; and is accessible to each animal.
- b. "Adequate space" means:
  - 1. When a dog is confined, the standards for "adequate space" are:
    - i. Small dogs (defined as 35 lbs and under) must have 100 square feet of permanent outdoor enclosure, *provided* that two small dogs may be confined within the same 100 square foot outdoor enclosure.
    - ii. Medium dogs (defined as 35-60 lbs) must have 100 square feet of permanent outdoor enclosure per dog.
    - iii. Large dogs (defined as 60-100 lbs) must have 150 square feet of permanent outdoor enclosure per dog.
    - iv. Extra-large dogs (defined as 100 lbs or greater) must have 250 square feet of permanent outdoor enclosure per dog.
    - v. More than one dog may be confined in the same enclosure provided the above space standards are met.
  - 2. When a dog is tethered, "adequate space" means a tether that i) is appropriate to the age and size of the animal; ii) is attached to the animal by a properly applied collar, halter, or harness configured so as to reasonably protect the animal from injury; and iii) is at least four (4) times the body length of the dog measured from the dog's nose to the base of its tail. *Provided*, that this definition does not apply when the animal is being walked by its owner or caretaker on a leash or is attached by a tether to a lead line. *Provided*, that when freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space.

- c. "Adequate shelter" means provision of and access to shelter that is suitable for the age, condition, size, and type of each animal. The shelter for a dog pursuant to this section shall have a roof, enclosed sides, a doorway, and a solid floor. No interior surfaces shall be metal, except for the 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 provide reasonably adequate protection from weather conditions.
- d. "Adequate water" means provision of and access to potable water that is provided in a suitable manner, in sufficient volume, and at suitable intervals, to maintain normal hydration for the age, species, condition, size and type of each animal.
- e. "Collar" means a well-fitted device, appropriate to the age and size of the animal, encircling and attached to the animal's neck in such a way as to minimize trauma or injury to the animal. A collar for tethering must be at least as large as the dog's neck plus one inch. Choke collars shall not be used in tethering.
- f. "Confine" for the purpose of this ordinance means to place or keep a dog within a permanent outdoor enclosure.
- g. A "Permanent Outdoor Enclosure" shall be defined as any enclosure used for the purpose of dog confinement for more than sixteen hours, cumulatively, in any twenty-four hour period. Such enclosure shall be constructed of chain link or a similar type of material with all four sides enclosed. The enclosure shall be of sufficient height to prevent the dog from escaping the enclosure.
- h. "Tether" means a rope, chain, cable, or the like, by which an animal is fastened, chained, tied or restrained to any stationary or inanimate object by means of a rope, chain, strap or other physical restraint so as to limit its range of movement.
- i. "Tethering" means the act of restraining a dog through the use of a tether.
- j. The definition of "tether," "tethered," or "tethering" shall not include using a leash to walk a dog, or when a leash or lead line is used in the physical presence of an owner or other caretaker for training purposes.

## **II. Care Requirements**

- a. Any person owning or having care, control or custody of a dog that is tethered or confined as defined herein shall provide the dog with adequate food while the dog is tethered or confined.
- b. Any person owning or having care, control or custody of a dog that is tethered or confined as defined herein shall provide the dog with adequate water while the dog is tethered or confined.
- c. Any person owning or having care, control or custody of a dog that is tethered or confined as defined herein shall provide the dog with adequate space while the dog is tethered or confined.
- d. Any person owning or having care, control or custody of a dog that is tethered or confined as defined herein shall provide the dog with adequate shelter while the dog is tethered or confined.
- e. Any person owning or having care, control or custody of a dog that is tethered or confined as defined herein shall provide adequate care and medical treatment for injuries, parasites and disease, sufficient to maintain the dog in good health while the dog is tethered or confined.
- f. Any outdoor area where a dog is tethered or confined as defined herein must be kept reasonably free of excretions
- g. *Provided*, that these requirements do not apply when the animal is being walked by its owner or other caretaker on a leash or is attached to a tether to a lead line in the presence of a caretaker for purposes of exercise or training.

### **III. Permanent Outdoor Enclosure Requirements**

- a. It shall be unlawful to restrain a dog outside for more than sixteen (16) hours in any twenty-four hour period unless the dog is confined in a permanent outdoor enclosure as defined herein.
- b. Adequate shelter, including protection from the weather and elements, shall be provided at all times in any permanent outdoor enclosure.
- c. Shade, either natural or manmade, shall be available at all times to a dog that is confined.
- c. Bedding, shall be provided in sufficient quantity for insulation to allow reasonable retention of the dog's body heat. Bedding shall be kept reasonably clean and dry.

- d. All areas of confinement shall be maintained as to provide a safe and healthy environment for the dog and shall be reasonably free of hazards.
- e. Any dog confined within a permanent outdoor enclosure must have adequate space for exercise.

#### **IV. Tethering 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 tethering, for more than sixteen (16) hours, cumulatively, in any twenty-four hour period.
- b. If a dog is tethered pursuant to this section, 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 base of its tail and which is free from entanglement and does not weigh more than 1/8<sup>th</sup> of the body weight of the animal. The tether shall have swivels on at least one end and so mounted and situated to minimize the risk of entanglement. It is recommended that the tether be a minimum of 12 feet in length.
- c. Shade, either natural or manmade, shall be available at all times to a dog that is tethered.
- d. If a dog is tethered for more than two hours, the dog must be provided with adequate shelter, space, food, and water as defined in Section I of this Ordinance.

#### **V. Penalties**

- a. It is declared unlawful for an owner or caretaker of a dog to violate any of the provisions of this Ordinance.
- b. Any person who violates any provision of this Ordinance, shall be guilty of a misdemeanor, shall be issued a citation for violation of the Ordinance, and upon conviction thereof shall be fined for each violation not more than \$100 (one hundred dollars) and shall be subject to prosecution on the aforesaid misdemeanor charge in the appropriate court, pursuant to W.Va. Code 19-20-6(c) and related statutes.
- c. *Warning Period:* Any person found by Animal Control officers to be confining or tethering an animal in violation of this Ordinance may be issued a warning citation and be allowed up to fifteen (15) days to provide

means of tethering or confinement that conform to the requirements of this ordinance. *Provided* the warning period is void immediately if the owner or caretaker, at any time during the warning period, fails to comply with W.Va. Code 61-8-19. *Provided* the Animal Control officer may, but is not required to, issue a second warning to a person who has received a prior warning, but may instead issue a citation under the terms of this ordinance.

- b. Any person who is issued a warning citation and does not conform the keeping of their dogs to the requirements of this Ordinance within the time period provided in the warning citation may be issued a citation immediately and is thereupon subject to fines and penalties stipulated in this Ordinance.

## **VII. Severability**

If any portion of this ordinance shall be found by a Court of competent jurisdiction to be invalid, the remainder of this Ordinance shall remain in full force and effect.

## **VII. Authority:**

WV Code Chapter 7-10-1, et. seq.; Chapter 19-20-1, et. seq.; Chapter 19-20A-1, et. seq.; Chapter 61-8-19, and related statutes.

Enacted and ordained by lawful majority vote at a duly called meeting this \_\_\_\_\_ day of \_\_\_\_\_, 2015, effective immediately.

JEFFERSON COUNTY COMMISSION  
BY:

\_\_\_\_\_  
Jane Tabb, President

Attest:

\_\_\_\_\_  
Clerk