

Greenbrier County Leash Ordinance 2008

1. Definitions.

For the purpose of this ordinance, the following words and phrases are herein defined as follows:

- (a) "Dog" – the genus and species known as *Canis familiaris*.
- (b) "Owner" – any person having a right of property in a dog or any person who keeps or harbors a dog or has it in his or her care, and any person who permits a dog to remain on or about any premises occupied by him or her.
- (c) "At Large" – a dog shall be deemed to be at large whenever it is not confined within the premises of the owner, not firmly secured by means of a collar and chain or other device so that it cannot stray beyond the premises on which it is secured, not physically restrained on a leash, and not under the immediate physical control of a responsible person capable of physically restraining the dog.

2. Dogs to be confined, secured, on leash, or under control; Penalties.

(a) It shall be unlawful for the owner or keeper of any dog to fail to keep at all times, within Greenbrier County, such dog either:

- (1) Confined within the premises of the owner;
- (2) Firmly secured by means of a collar and chain or other device so that it cannot stray beyond the premises on which it is secured;
- (3) Physically restrained on a leash; or
- (4) Under the immediate physical control of a responsible person capable of physically restraining the dog.

(b) Any person found guilty of violating this ordinance is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than five dollars nor more than one hundred dollars

3. Impounding dogs; Redemption.

It shall be the duty of the Greenbrier County Animal Control Officer or any law enforcement officer to seize any dog at large in Greenbrier County, whether licensed or unlicensed. All such dogs shall be impounded and disposed of in accordance with the provisions of sections six and eight, article twenty, chapter nineteen [W.Va. Code §§ 19-20-6, 8] of the West Virginia Code, as amended.

The owner, keeper or harbinger of any dog seized or impounded under this ordinance may, at any time prior to the expiration of five (5) days from the time that notice of the seizure and impounding of the dog shall have been given or posted as required by state law, redeem the dog by paying to the Greenbrier County Animal Control Officer or his or her authorized agent or

deputy all of the costs assessed against the dog, and by providing a valid certificate of registration and registration tag for the dog.

4. Reasonable costs and fees.

Reasonable costs and fees shall be assessed against every dog seized and impounded under this ordinance. The cost shall be a valid claim in favor of the county against the owner, keeper or harborer of any dog seized and impounded under this ordinance and not redeemed or sold, pursuant to section eight, article twenty, chapter nineteen [W.Va. Code §§ 19-20-6, 8] of the West Virginia Code, as amended, and the costs shall be recovered by the sheriff in a civil action against the owner, keeper or harborer.

5. Exceptions.

This ordinance shall not apply to:

(a) a dog that is actively engaged in a legal hunting activity, including training, and such dog is monitored or supervised by its owner or keeper and is on land that is open to hunting or on land on which the owner or keeper has obtained permission to hunt or to train a dog, or if such dog, without the owner's direction or encouragement, travels onto the land of another in pursuit of an animal or wild bird;

(b) a dog that is actively engaged in the shepherding or herding of livestock for farm purposes; or

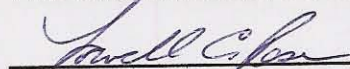
(c) a dog being lawfully used as a service animal or being used by any municipal, county or State Police department or agency in the performance of the functions and duties of such department or agency.

6. Amendment.

This ordinance may be amended after notice and public hearing.

DECEMBER 2, 2008

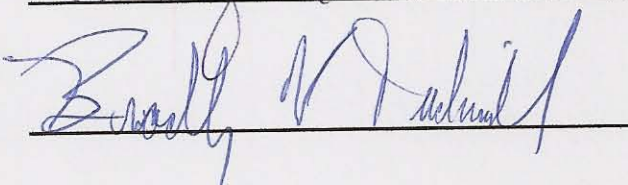
THE GREENBRIER COUNTY COMMISSION



Lowell C. Rose, President



Betty D. Crookshanks, Commissioner



Bradley W. Tuckwiller, Commissioner