

BEFORE THE COUNTY COMMISSION OF BERKELEY COUNTY, WEST VIRGINIA

The members of the Berkeley County Commission hereby find that habitually barking, howling or yelping dogs are a public nuisance and, as such, they are under the jurisdiction of this body. Accordingly, and upon motion duly made and seconded, the following Ordinance is adopted, pursuant to the provisions of § 7-1-3kk, *Code of West Virginia*, as amended.

NUISANCE: HABITUALLY BARKING OR HOWLING DOGS

The keeping or harboring of any dog within the County of Berkeley which dog, by frequent and habitual barking, howling or yelping, creates unreasonably loud and disturbing noises of such character, intensity and duration as to disturb the peace, quiet and good order of the neighborhood or such resident or business neighbors as may be in close proximity to such dog, is prohibited.

Any person who shall allow such dog to habitually remain, be lodged or fed within or on any property, dwelling, building, yard or enclosure, which he/she occupies or owns, shall be considered as harboring such dog and shall be guilty of a misdemeanor. Upon a finding by the Magistrate Court of Berkeley County, that the Ordinance has been violated, such Magistrate shall impose a fine in the amount of \$100.00 for a first offense. Subsequent offenses shall result in fines of at least \$100.00 but, not to exceed \$250.00.

Appeals from a Magistrate Court finding shall be to the Circuit Court.

Nothing herein shall restrict the bringing of a civil action, in an appropriate court of law, to seek a remedy for imposition of this offending nuisance.

This Ordinance shall be effective on the 1st day of October, 2003.

Done this 28th day of August, 2003, at Martinsburg, Berkeley County, West Virginia.

Howard L. Strauss, President

John E. Wright, Commissioner

Steven C. Teufel, Commissioner

Amended this __2nd_ day of _February_, 2006.

Howard L. Strauss, President

Steven C. Teufel, Commissioner

Ronald L. Collins, Commissioner

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