

At a regular session of the County Commission of Harrison County, West Virginia, held at the Courthouse thereof, on the 15TH day of MARCH, 2017, the following Order was made and entered:

SUBJECT: Order adopting W.Va. Code §19-20-26 (Commercial dog-breeding operations) and setting the permit fees at \$250.00 for Class I and \$500.00 Class II commercial breeders. All permit fees shall be deposited in a specially designated account to be used for the benefit of the Harrison County Animal Control Facility. Commercial dog breeding regulations will go into effect sixty days from the date of this Order.

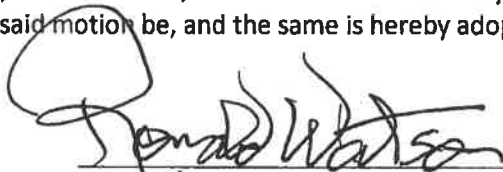
The following motion was offered by BERNIE L. FAZZINI, Commissioner.

The County Commission of Harrison County, West Virginia hereby adopts W. Va. Code §19-20-26 (Commercial Dog-Breeding Operations) and setting the permit fees at \$250.00 for Class I and \$500.00 Class II commercial breeders. All permit fees shall be deposited in a specially designated account to be used for the benefit of the Harrison County Animal Control Facility. Commercial dog breeding regulations will go into effect sixty days from the date of this Order.

The adoption of the foregoing motion having been moved by BERNIE L. FAZZINI, Commissioner, the vote thereon was as follows:

Ronald R. Watson, Commissioner	<u>YES</u>
Bernie L. Fazzini, Commissioner	<u>YES</u>
David L. Hinkle, Commissioner	<u>YES</u>

WHEREUPON, Ronald R. Watson, Commissioner, declared said motion duly adopted; and it is therefore **ADJUDGED** and **ORDERED** that said motion be, and the same is hereby adopted.




 Ronald R. Watson, Commissioner



 Bernie L. Fazzini, Commissioner



 David L. Hinkle, Commissioner

Attested by: 

 Susan J. Thomas
 Clerk of the County Commission

Harrison County
 Susan J Thomas, Clerk
 Instrument 201700009596
 03/30/2017 @ 08:48:50 AM
 ORDINANCE
 Book 1 @ Page 39
 Pages Recorded 11

ORDINANCE
Harrison County Commission
Commercial Dog Breeding Operations

All commercial dog breeding operations are required, under the West Virginia Code, to (1) possess a valid business license issued by the State of West Virginia and (2) obtain an annual permit from the Harrison County Commission as required.

Permit fees for Commercial Dog Breeders are as follows:

- Class I Commercial Breeder \$250.00 per year.
- Class II Commercial Dog Breeder \$500.00 per year.

Class I Commercial Dog Breeder: a commercial dog breeder that possesses eleven to thirty unsterilized dogs over the age of one year at any one time for the exclusive purpose of actively breeding

Class II Commercial Dog Breeder: a commercial dog breeder that possesses more than thirty unsterilized dogs over the age of one year at any one time for the exclusive purpose of actively breeding.

WEST VIRGINIA CODE §19-20-26.
Commercial dog-breeding operations.

(a) As used in this section:

- (1) "Advertisement" means any media used to promote the sale of dogs including, but not limited to, the internet, newspapers, flyers, magazines, radio, television, bulletins and signs.
- (2) "Commercial dog breeder" means any person who:
 - (A) Maintains eleven or more unsterilized dogs over the age of one year for the exclusive purpose of actively breeding;
 - (B) Is engaged in the business of breeding dogs as household pets for direct or indirect sale or for exchange in return for consideration; and
 - (C) Commercial dog breeder shall not include:
 - (i) Any person who keeps or breeds dogs exclusively for the purpose of herding or guarding livestock or farm animals, hunting, tracking or exhibiting in dog shows, performance events or field and obedience trials; and
 - (ii) With respect to greyhound dogs only, any person who holds any occupational permit from, and has registered a greyhound kennel name with, the West Virginia Racing Commission.

- (3) "Class I Commercial Dog Breeder" means a commercial dog breeder that possesses eleven to thirty unsterilized dogs over the age of one year at any one time for the exclusive purpose of actively breeding.
 - (4) "Class II Commercial Dog Breeder" means a commercial dog breeder that possesses more than thirty unsterilized dogs over the age of one year at any time.
 - (5) "Housing facility" means a structure in which dogs are kept that provides them with shelter, protection from the elements and protection from temperature extremes.
 - (6) "Primary enclosure" means a structure that restricts a dog's ability to move in a limited amount of space, such as a room, cage or compartment.
- (b) No commercial dog breeder may breed dogs without a business registration certificate in accordance with section three, article twelve, chapter eleven of this code and a valid business license issued by the locality in which the dog breeding operation is located, if the locality so requires.
- (c) A commercial dog breeder shall:
- (1) Obtain a permit annually to operate, as required by the County Commission in which the commercial dog breeding operation is located. County Commissions are authorized to charge a fee to commercial dog breeders and shall deposit the fees collected in a specially designated account to be used for animal shelters, animal rescue and spay-neuter programs administered by county animal shelters or other humane organizations. The fee for a Class I commercial dog-breeding permit shall be an amount determined by the county commission, not exceed \$250 per year. The fee for a Class II commercial dog breeding permit shall be an amount determined by the County Commission, not to exceed \$500 per year;
 - (2) Breed female dogs only after the breeder has obtained an annual certification by a licensed veterinarian that the dog is in suitable health for breeding;
 - (3) Dispose of dogs only by gift, sale, transfer, barter or euthanasia by a licensed veterinarian;
 - (4) Maintain current, valid rabies certificates for every dog pursuant to article twenty-a of this chapter;
 - (5) Include the breeder's annual permit number on any advertisement for the sale of a dog;
 - (6) If selling directly to the public, post a conspicuous notice containing the breeder's name, address and annual permit number on each cage;
 - (7) Provide for the humane treatment of dogs in accordance with section nineteen, article eight, chapter sixty-one of this code;
 - (8) Provide dogs with easy and convenient access to adequate amounts of clean food and water. Food and water receptacles must be regularly cleaned and sanitized. All enclosures must contain potable water that is not frozen, is substantially free from debris and is readily accessible to all dogs in the enclosure at all time unless otherwise directed by a veterinarian for the health of the dog;

- (9) Provide veterinary care without delay when necessary;
- (10) Maintain adequate staffing levels to ensure compliance with this section; and
- (11) Maintain adequate housing facilities and primary enclosures that meet the following minimum requirements:
 - (A) Housing facilities and primary enclosures must be kept in a sanitary condition and in good repair; must be sufficiently ventilated at all times to minimize odors, drafts, ammonia levels and to prevent moisture condensation; must have a means of fire suppression, such as functioning fire extinguishers or a sprinkler system on the premises; and must have sufficient lighting to allow for observation of the dogs at any time of day or night;
 - (B) Housing facilities and primary enclosures must enable all dogs to remain dry and clean;
 - (C) Housing facilities must provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to the dogs;
 - (D) Housing facilities must provide sufficient shade to simultaneously shelter all of the dogs housed therein;
 - (E) A primary enclosure must have solid floors that are constructed in a manner that protects the dogs' feet and legs from injury;
 - (F) Primary enclosures must be placed no higher than forty-two inches above the floor and may not be placed over or stacked on top of another cage or primary enclosure;
 - (G) Feces, hair, dirt debris and food waste must be removed from primary enclosures and housing facilities at least daily or more often if necessary to prevent accumulation and to reduce disease hazards, insects, pests and odors;
 - (H) All dogs in the same enclosure at the same time must be compatible, as determined by observation. Breeding females in heat may not be in the same enclosure at the same time with sexually mature males, except for breeding purposes. Breeding females and their litters may not be in the same enclosure at the same time with other adult dogs. Puppies under twelve weeks may not be in the same enclosure at the same time with other adult dogs, other than the dam or foster dam unless under immediate supervision; and
 - (I) Sick dogs shall be isolated sufficiently so as not to endanger the health of other dogs.
- (d) To ensure compliance with state animal care laws and regulations, commercial dog breeding locations are subject to biannual inspections by animal control officers or law-enforcement officers.
- (e) It is unlawful for a commercial dog breeder to operate if he or she has been convicted of animal cruelty in any local, state or federal jurisdiction.
- (f) Any commercial dog breeder who violates any provision of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 per violation. In any proceeding brought

pursuant to the provisions of this section, a circuit judge or magistrate may grant a person accused of violating this section an improvement period not to exceed one year upon such terms and conditions as the judge or magistrate may determine. Upon successful completion of the improvement period the judge or magistrate shall dismiss the charges.

- (g) Nothing in this section exempts a facility licensed by the United States Department of Agriculture from compliance.
- (h) Nothing in this section prevents any local, state or federal law-enforcement agency from investigating animal cruelty in commercial dog breeding operations.
- (i) Attached and included by reference are the following:
 - a. Harrison County Commercial Dog Breeder Permit Information and Instructions
 - b. Harrison County Commercial Dog Breeder - Sample

Date of First Reading: FEBRUARY 22, 2017
Date of Second Reading: MARCH 08, 2017
Date of Third and Final Reading: MARCH 15, 2017

This Ordinance will be effective sixty (60) days from adoption or completion of the third and final reading.

Harrison County Commercial Dog Breeder Permit Information & Instructions

Only "Commercial Dog Breeders" are required to obtain a county permit

A "**Commercial Dog Breeder**" means any person who (1) maintains 11 or more unsterilized dogs over the age of 1 year for the exclusive purpose of actively breeding and (2) is engaged in the business of breeding dogs as household pets for direct or indirect sale or for exchange in return for consideration.

Individuals excluded from the permit process: (1) any person who keeps or breeds dogs exclusively for the purpose of herding or guarding livestock or farm animals, hunting, tracking or exhibiting in dog shows, performance events or field and obedience trials and (2) any person who holds an occupational permit from, and has registered a greyhound kennel name with the West Virginia Racing Commission.

Each Applicant Must Submit a Copy of a Valid West Virginia Business License

Proof of Valid Business Registration – Each Applicant must submit a copy of a valid West Virginia Business License. Business registration information is available at www.wvtax.gov or by calling (304) 344-2068 or 1-800-982-2075.

Permit Types

Class I Commercial Dog Breeder – A commercial dog breeder that possesses 11 to 30 unsterilized dogs over the age of 1 year at any one time for the exclusive purpose of actively breeding.

Class II Commercial Dog Breeder – A commercial dog breeder that possesses more than 30 unsterilized dogs over the age of 1 year at any time.

Annual Permit Fees

Class I Commercial Dog Breeder – Annual Permit Fee \$250.00

Class II Commercial Dog Breeder – Annual Permit Fee \$500.00

Once issued a permit number, the breeder is required to display the permit number on any advertisement for the sale of a dog.

Harrison County Planning Department
301 West Main Street
Clarksburg, WV 26301
Phone 304-624-8690 Fax 304-626-1070

Harrison County Commercial Breeder Licensee Checklist

Date: _____ Location: _____
Number of dogs: _____ License number: _____
Person Inspecting: _____

BK0001 PG0045

I. Weather Conditions

- 1. Temperature: _____
- 2. Conditions: Sunny _____
Cloudy _____
Raining _____
Snowing _____

II. Condition of animals

- Obtained an annual certification by a licensed veterinarian that the dog is in suitable health for breeding. (yearly for each breeding dog) yes _____ no _____ See attached list
- Maintains current, valid rabies certificates for every dog pursuant to article §19-20a-2 of this chapter. Yes _____ No _____ See attached listed
- Include the breeder's annual permit number on any advertisement for the sale of a dog
 - If selling directly to the public, post a conspicuous notice containing the breeder's name, address and annual permit number on each cage; Yes _____ No _____
- Provide for the humane treatment of dogs in accordance with §61-8-19 of this code.
- Provide dogs with easy and convenient access to adequate amounts of clean food and water. Food and water receptacles must be regularly cleaned and sanitized. All enclosures must contain potable water that is not frozen, is substantially free from debris and is readily accessible to all dogs in the enclosure at all times unless otherwise directed by a veterinarian for the health of the dog.
- Remarks regarding the animal(s):

III. Food

- 1. What type of container is being used: _____
- 2. Is the container accessible to the animal(s)? Yes _____ No _____
- 3. Is there any food in the container? Yes _____ No _____

- (9) Provide veterinary care without delay when necessary;
- (10) Maintain adequate staffing levels to ensure compliance with this section; and
- (11) Maintain adequate housing facilities and primary enclosures that meet the following minimum requirements:
 - (A) Housing facilities and primary enclosures must be kept in a sanitary condition and in good repair; must be sufficiently ventilated at all times to minimize odors, drafts, ammonia levels and to prevent moisture condensation; must have a means of fire suppression, such as functioning fire extinguishers or a sprinkler system on the premises; and must have sufficient lighting to allow for observation of the dogs at any time of day or night;
 - (B) Housing facilities and primary enclosures must enable all dogs to remain dry and clean;
 - (C) Housing facilities must provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to the dogs;
 - (D) Housing facilities must provide sufficient shade to simultaneously shelter all of the dogs housed therein;
 - (E) A primary enclosure must have solid floors that are constructed in a manner that protects the dogs' feet and legs from injury;
 - (F) Primary enclosures must be placed no higher than forty-two inches above the floor and may not be placed over or stacked on top of another cage or primary enclosure;
 - (G) Feces, hair, dirt debris and food waste must be removed from primary enclosures and housing facilities at least daily or more often if necessary to prevent accumulation and to reduce disease hazards, insects, pests and odors;
 - (H) All dogs in the same enclosure at the same time must be compatible, as determined by observation. Breeding females in heat may not be in the same enclosure at the same time with sexually mature males, except for breeding purposes. Breeding females and their litters may not be in the same enclosure at the same time with other adult dogs. Puppies under twelve weeks may not be in the same enclosure at the same time with other adult dogs, other than the dam or foster dam unless under immediate supervision; and
 - (I) Sick dogs shall be isolated sufficiently so as not to endanger the health of other dogs.
- (d) To ensure compliance with state animal care laws and regulations, commercial dog breeding locations are subject to biannual inspections by animal control officers or law-enforcement officers.
- (e) It is unlawful for a commercial dog breeder to operate if he or she has been convicted of animal cruelty in any local, state or federal jurisdiction.
- (f) Any commercial dog breeder who violates any provision of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 per violation. In any proceeding brought

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Phone 304-624-8690 Fax 304-626-1070

Harrison County Commercial Breeder Licensee Checklist

Date: _____ Location: BK0001 PG0045

Number of dogs: _____ License number: _____

Person Inspecting: _____

I. Weather Conditions

- 1. Temperature: _____
- 2. Conditions: Sunny _____
 Cloudy _____
 Raining _____
 Snowing _____

II. Condition of animals

- Obtained an annual certification by a licensed veterinarian that the dog is in suitable health for breeding. (yearly for each breeding dog) yes _____ no _____ See attached list
- Maintains current, valid rabies certificates for every dog pursuant to article §19-20a-2 of this chapter. Yes _____ No _____ See attached listed
- Include the breeder's annual permit number on any advertisement for the sale of a dog
 - If selling directly to the public, post a conspicuous notice containing the breeder's name, address and annual permit number on each cage; Yes _____ No _____
- Provide for the humane treatment of dogs in accordance with §61-8-19 of this code.
- Provide dogs with easy and convenient access to adequate amounts of clean food and water. Food and water receptacles must be regularly cleaned and sanitized. All enclosures must contain potable water that is not frozen, is substantially free from debris and is readily accessible to all dogs in the enclosure at all times unless otherwise directed by a veterinarian for the health of the dog.
- Remarks regarding the animal(s):

III. Food

- 1. What type of container is being used: _____
- 2. Is the container accessible to the animal(s)? Yes _____ No _____
- 3. Is there any food in the container? Yes _____ No _____

- 4. What type of food is being fed? Dog food _____ Other _____
- 5. Is the food free from fecal matter, urine, insects, mud or other debris?
 - a. Yes _____ No _____
- 6. If multiple animals are in one enclosure is the quantity of feed containers sufficient to enable all the animals have access to the food?
 - a. Yes _____ No _____
- 7. How often is the container cleaned? _____
- 8. How often are the animals fed? _____
- 9. Where are the animals fed? Indoors _____ Outdoors _____
- 10. Remarks: _____

IV. Water

- 1. What type of container is being used? _____
- 2. Is the container accessible to the animal(s)? Yes _____ No _____
- 3. Is there any water in the container? Yes _____ No _____
- 4. What is the source of water? City/Tap _____ Well _____ Creek/Pond _____
Other _____
- 5. Is the water free from fecal matter, urine, insects, mud or other debris? Yes _____ No _____
- 6. How often are the animals given water? _____
- 7. Where are the animals? Indoors _____ Outdoors _____
- 8. How often are the containers cleaned? _____
- Remarks: _____

V. Veterinarian Care Provide veterinary care without delay when necessary.

- Are any animals in need of vet care? Yes _____ No _____
- Remarks _____

VI. Staffing Maintain adequate staffing levels to ensure compliance with this section;

- 1. Is staffing adequate? Yes _____ No _____
- Remarks _____

VII. Housing

Maintain adequate housing facilities and primary enclosures that meet the following minimum requirements. Housing facilities and primary enclosures must be kept in a sanitary condition and in good repair; must be sufficiently ventilated at all times to minimize odors, drafts, ammonia levels and to prevent moisture condensation; must have a means of fire suppression, such as functioning fire extinguishers or a sprinkler system on the premises; and must have sufficient lighting to allow for observation of the dogs at any time of day or night.

A. Sanitation

1. Are there any dead animal(s) present? Yes ___ No ___
2. How often is the fecal material picked up? _____
4. Is there an odor problem? Yes ___ No ___
2. If the animal(s) is confined to a cage, pen, or enclosure of any kind, how often is the facility cleaned and disinfected? _____

- Remarks: _____

B. Confinement

Are the animals confined? Yes _____ No _____

1. How are the animals confined? Fenced yard _____
 Chain _____
 Rope _____
 Pen _____
 Building _____
 Other _____

Primary enclosures must be placed no higher than forty-two inches above the floor and may not be placed over or stacked on top of another cage or primary enclosure

3. If the animals are confined, does he/she have adequate space to stand up, sit down, and run around? Yes _____ No _____
4. If the animal(s) is confined on a tether, what type of collar is being used?

5. Remarks: _____

C. Shelter

1. Shelter provided? Yes ___ No ___

2. Dog house _____ In building _____ Carport _____ Shed _____ Barn _____ Other _____
Housing facilities and primary enclosures must enable all dogs to remain dry and clean
3. The shelter is made of what type of material? _____
4. Is the shelter enclosed? Yes _____ No _____
5. Does the shelter have a waterproof roof? _____
6. How many sides does the shelter have? _____
7. Does the shelter have a floor? Yes _____ No _____
The flooring is made of what material? _____
A primary enclosure must have solid floors that are constructed in a manner that protects the dogs' feet and legs from injury
8. Is there any type of bedding available? Yes _____ No _____
9. The bedding consists of what material? _____
10. Does the animal(s) have access to the shelter? Yes _____ No _____
11. Is the shelter free of fecal matter, urine, insects, mud, or other debris? Yes _____ No _____
Feces, hair, dirt, debris and food waste must be removed from primary enclosures and housing facilities at least daily or more often if necessary to prevent accumulation and to reduce disease hazards, insects, pests and odors
12. If the animal(s) is confined to the shelter, is he/she able to get adequate exercise? Yes _____ No _____
13. Is the animal(s) sheltered indoors? Yes _____ No _____
14. If the temperature is below 40 degrees, does the shelter have protection from the wind? _____
Housing facilities must provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to the dogs
15. Do all animals have access to shade? _____
Housing facilities must provide sufficient shade to simultaneously shelter all of the dogs housed therein

Please check the following:

_____ All dogs in the same enclosure at the same time must be compatible, as determined by observation.

_____ Breeding females in heat may not be in the same enclosure at the same time with sexually mature males, except for breeding purposes.

_____ Breeding females and their litters may not be in the same enclosure at the same time with other adult dogs.

_____ Puppies under twelve weeks may not be in the same enclosure at the same time with other adult dogs, other than the dam or foster dam unless under immediate supervision

_____ Sick dogs shall be isolated sufficiently so as not to endanger the health of other dogs.

- Are any sick dogs isolated? Yes _____ No _____

_____ There must be no previous animal cruelty violations. It is unlawful for a commercial dog breeder to operate if he or she has been convicted of animal cruelty in any local, state or federal jurisdiction.

_____ Please check the following tax tags for all dogs over 6 months old. See attached list

Remarks _____

Harrison County Commercial Breeder Permit

Permit Number: 001 Date: _____

Owner Name: _____

Business Name: _____

Address: _____

Permit Type: _____

Signature of County Personnel: _____ Date: _____

Harrison County Commercial Breeder Permit

Permit Number: 004 Date: _____

Owner Name: _____

Business Name: _____

Address: _____

Permit Type: _____

Signature of County Personnel: _____ Date: _____