

MERCER COUNTY SPAY-NEUTER ORDINANCE

Section 1 SPAYING AND NEUTERING

It is the purpose of these sections to promote the health, safety and general welfare of the residents of Mercer County by reducing the number of stray dogs and cats. The Mercer County Commission finds that each year hundreds of dogs and cats run at large and are a threat to public health by the possibility of becoming rabid and constitute a public nuisance. It is the purpose of this section to eliminate the possible threat to public health and to abate a public nuisance by restricting the breeding practices of pet owners and breeders through legislation that is both reasonable and enforceable.

It shall be unlawful to own, possess, or keep in Mercer County any dog or cat over the age of six (6) months that has not been spayed or neutered except as provided herein.

(a) Owners must alter any dogs and cats owned by them or within their possession unless:

1. The pet is less than 6-months old; or
2. The owner has obtained an unaltered-animal permit from the County Clerk to keep the pet intact with the cost of such permit to be \$50.00 for the life of the animal; or
3. A licensed veterinarian states in writing that the animal is medically unfit to undergo the procedure; or
4. The animal is kept in the County for fewer than 30 days in a one (1) year period.

(b) To qualify for an unaltered-animal permit, the owner must:

1. Satisfy the County Clerk that the permit is sought for a proper purpose or purchase a breeding permit.
2. Have the pet examined regularly by a licensed veterinarian; and
3. Have the pet vaccinated annually; and
4. Have the pet housed properly; and
5. Have had no more than one (1) violation of the animal code in the preceding 24 months.

Section 2

Any person cited with violation of this article shall have his or her citation dismissed if there is proof of compliance with the terms of this article within thirty (30) days of the date of the issuance of a summons for violation of this article.

Section 3

The Animal Control Officer servicing Mercer County shall issue a citation for any violation of this article.

Section 4

Any person convicted of violating this article shall be fined \$125.00 for each violation.

Section 5

BREEDING PERMIT

(a) No person shall cause or allow any dog or cat owned, harbored or kept within Mercer County to breed without first obtaining a breeding permit, as described below. The term "breeding permit" means a written authorization, issued annually by the County Clerk, giving its lawful holder permission to breed a dog or a cat.

(b) Each breeding permit shall be valid for one year from the date of issuance, and may be renewed annually before its expiration date. Each applicant for such a permit shall pay an annual fee of thirty dollars (\$30.00) per dog or cat. A separate permit must be obtained for each owned dog or cat which is allowed to breed.

(c) The Animal Control Officer shall enforce the animal breeding permit program to allow the breeding of dogs and cats that are not sterilized consistent with criteria herein. Under no circumstances shall such a permit be issued to a person who has been convicted of animal cruelty or neglect. All breeding permits shall contain the following terms and conditions:

1. The owner of a female dog or cat that is not sterilized shall not allow the breeding of more than one litter per animal in any household within the permit year. Notwithstanding this provision, the County Clerk is hereby authorized, upon application of a permittee, to allow on a one time basis the breeding of up to two (2) dog or cat litters per breeding animal within any domestic household within a permit year. In the event that a permittee is forced to euthanize a litter of dogs or cats

for medical reasons, the County Clerk may authorize the breeding of one additional litter of dogs or cats within the same permit year by the permittee without penalty;

2. No offspring may be sold, adopted, bartered, or otherwise transferred, whether for compensation or otherwise, until it has reached the age of at least seven (7) weeks;

3. No offspring may be sold, adopted, bartered or otherwise transferred until immunized against common diseases. The sale, adoption, bartering or transfer of a dog or cat shall include a statement signed by the seller or adopter attesting to the signatory's knowledge of the animal's health, and the animal's immunization history;

4. Any holder of a breeding permit who advertises to the public the availability of any dog or cat for sale, adoption, or transfer, whether for compensation or otherwise, must prominently display the permit number in any such advertisement. Further, the breeding permit holder must provide the permit number to any person who purchases, adopts or receives any animal from the permit holder and include the permit number on any receipt of sale or transfer document;

5. Commercial establishments that sell dogs or cats bred within the Mercer County shall prominently display the breeding permit number(s) of the breeder(s) whose dogs and cats are sold in said establishments and any other pertinent information required by the County Clerk. Commercial establishments that sell dogs and cats which were not bred within Mercer County shall prominently display the name and address of the breeder(s) of such dogs and cats and any other pertinent information required by the County Clerk.

6. Any breeding permit holder selling or otherwise transferring a dog or a cat, whether for compensation or otherwise, shall submit to the County Clerk the

name, address and telephone number of the animal's new owner within five (5) days from the sale or other transfer, on a County approved form.

Section 6

(a) The penalty for conviction of violation of Section 5 shall be a fine of one hundred fifty dollar (\$150.00) for each violation. This penalty shall not be waived by the transfer or abandonment of the animal by the noncompliant owner.

(b) The County Clerk may revoke any permit issued pursuant to this section upon a finding that the permit holder has violated its terms and conditions. Such a finding shall be made only after giving the owner of the animal in question notice of the violations and an opportunity to explain such violations to the County Clerk.

BEFORE THE COUNTY COMMISSION OF MERCER COUNTY, WEST VIRGINIA

RE: SPAYING AND NEUTERING

WHEREAS, West Virginia Code §7-1-14 authorizes a county commission to adopt ordinances, rules and regulations to prevent animals from becoming a public nuisance or risk to the public health or safety or the environment; and

WHEREAS, West Virginia Code §19-20-6 authorizes a county commission to promulgate and enforce ordinances that are necessary or convenient to the management and control of all dogs in a county; and

WHEREAS, West Virginia Code §7-1-3kk authorizes a county commission to enact ordinances, issue orders and take other appropriate and necessary action for the elimination of hazards to public health and safety and to abate anything which the commission deems to be a public nuisance within a county; and

WHEREAS, dogs and cats running at large can be dangerous to the public and constitute a public nuisance; and

Now, THEREFORE, the County Commission of Mercer County, West Virginia, sitting in regular session this _____ day of November, 2011, hereby approves and adopts the following "Mercer County Spaying and Neutering Ordinance".