

At a Regular Session of the County Commission of Raleigh County, West Virginia, held at the Raleigh County Commission office, on the 7th day of July, 2015, 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 by the Humane Society of Raleigh County, Inc. Commercial dog breeding regulations will go into effect sixty days from the date of this Order.

The County Commission of Raleigh 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 by the Humane Society of Raleigh County, Inc. Commercial dog breeding regulations will go into effect sixty days from the date of this Order. A copy is attached and made a part hereof.

The adoption of the foregoing Motion having been moved by:

Linda Kay Epling, Commissioner, and duly seconded by: Byrd E. White, III, Commissioner and all Three Commissioners voting in the affirmative, the Ordinance is hereby Adjudged and Ordered that said motion be, and the same is hereby adopted.



David L. Tolliver, President



Linda K. Epling, Commissioner



Byrd E. White, III, Commissioner

Raleigh County Dog Breeders Ordinance

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

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 means a commercial dog breeder that possesses eleven to thirty unsterilized dogs over the age of one year at any time for the exclusive purpose of actively breeding. A 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. All permit fees go to the Humane Society of Raleigh County, Inc. to support humane endeavors.

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 an 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 to 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 times 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.

Raleigh County Commercial Dog Breeder Permit Information & Instructions

Only "Commercial Dog Breeder" 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.

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.

Permit Application

Complete and Submit to Sheriff of Raleigh County or his designee

Name of Owner: _____

Name of Business: _____

Physical Address: _____

Mailing Address: _____

Phone Number: _____

Current Number of Dogs Used for Breeding: _____

West Virginia Business License Number: _____

*Each Applicants Must Submit a Copy of a Valid West Virginia Business License

Permit Type - Class I or Class II: _____

Class I - 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. **Annual Permit Fee \$250.00**

Class II - A commercial dog breeder that possesses more than 30 unsterilized dogs over the age of 1 year at any time. **Annual Permit Fee \$500.00**

Signature of Applicant: _____ Date: _____

Raleigh County Commercial Dog Breeder Permit

This Permit is Non-Transferable and Non-Refundable

Permit Number: _____

Owner: _____

Business Name: _____

Physical Address: _____

Mailing Address: _____

Phone: _____

Number of Dogs: _____

West Virginia Business License Number: _____

Permit Type: Class I Class II

THIS PERMIT IS NOT VALID UNLESS SIGNED AND APPROVED BY THE SHERIFF
OF THE RALEIGH COUNTY OR HIS DESIGNEE.

Sheriff or Designee

Cost _____

Date Issued _____

**This permit is in compliance with the Raleigh County Commercial
Dog Breeders Ordinance and West Virginia Code 19-20-26**

WV Commercial Breeder Licensee Biannual Checklist

Note: There are 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.

Breeder Information:

Breeder Name: _____

Address: _____

License Number: _____

of Dogs: _____

Weather conditions (circle one): Sunny Cloudy Rainy Snow

Temperature: _____

Condition of animals:

Obtained an annual certificate by a licensed veterinarian that the dog is in suitable health for breeding. (Yearly for each breeding female). Yes No

Maintains current valid rabies certificates for every dog pursuant to article 20a of West Virginia Code. Yes No

Include the breeder's annual permit number on any advertisement for the sale of a dog or 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

Provides for the humane treatment of dogs: Yes No

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 a dog: Yes No

Remarks regarding condition of animals:

Are any animals in need of veterinary care? Yes No

Remarks: _____

Is staffing adequate? Yes No

Remarks: _____

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, and ammonia levels and to prevent moisture condensation.

Fire suppression on premises? Yes No

Type: _____

Lighting adequate to observe all dogs day or night? Yes No

Are there any dead animals present? Yes No

Does fecal matter appear to be cleared daily? Yes No

Is there an odor problem? Yes No

If the animals are confined to a cage, pen or enclosure of any kind, how often is the facility cleaned and disinfected? _____

Are the animals confined? Yes No

How are the animals confined? _____

Are any cages stacked? Yes No

Are any primary enclosures placed higher than forty-two inches above the floor? Yes No

If the animals are confined, do they have adequate space to stand up, sit down, and run around? Yes No

If the animals are confined on a tether, what type of collar is being used? _____

Are facilities sufficient to keep animals clean and dry? Yes No

Remarks: _____

Check the following:

All dogs in the same enclosure at the same time are compatible as determined by observation.

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

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

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

Sick dogs are isolated sufficiently as to not endanger the health of other dogs.

Are any sick dogs isolated? Yes No

All animals appear to be treated humanely and no animal cruelty conditions exist.

Remarks: _____

Name of Inspector: _____

Date: _____