

ORDINANCE 307

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF ELKINS,
WEST VIRGINIA, REPEALING AND AMENDING ELKINS CITY CODE, §90.30
BARKING AND HOWLING**

WHEREAS, the Common Council of the City of Elkins, West Virginia has previously adopted an ordinance codified as the Elkins City Code, §90.30 Barking or Howling to assist in maintaining the peace and quiet of the City, related to the noise caused by barking or howling dogs; and

WHEREAS, it is difficult to enforce this section of the City Code as it is written, as was confirmed by Chief Travis Bennett, of the Elkins Police Department; and

WHEREAS, the Common Council has determined that it is in the best interests of the citizens and residents to amend Elkins City Code §90.30, Barking or Howling; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COMMON COUNCIL, CITY CODE §90.30 SHALL BE REPEALED AND AMENDED AS FOLLOWS:

§90.30 Barking, Howling or Squalling Dogs, Cats or Other Animals.

No person shall keep or harbor any dog, cat or other animal within the City which, by frequent and habitual barking, howling, yelping, crying or squalling creates unreasonably loud and disturbing noises of such character, intensity and duration as to disturb the peace, quiet and good order of the City. Any person who shall allow any dog, cat or other animal habitually to remain, be lodged or fed within any dwelling, building, yard or enclosure which he occupies or owns, shall be considered as harboring such dog, cat or other animal. Any person in violation of this section shall, upon conviction, be fined in accordance with City Code §90.99(E).

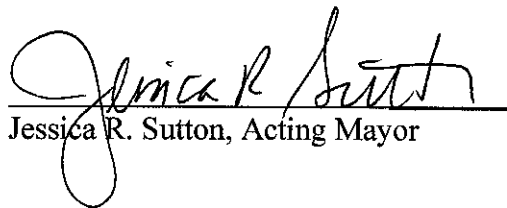
If any portion of this Ordinance shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and Common Council determines that it would have adopted this Ordinance without the invalid provision.

This Ordinance shall become effective upon passage.

PASSED AND APPROVED ON THE FIRST READING: October 20, 2022.

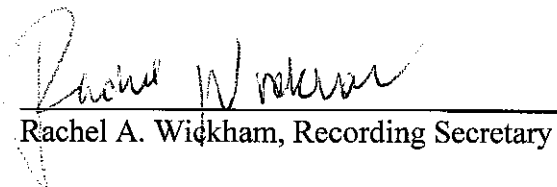
PASSED AND APPROVED ON THE SECOND AND FINAL READING: November 3, 2022.

CITY OF ELKINS, WEST VIRGINIA



Jessica R. Sutton, Acting Mayor

Attest:



Rachel A. Wickham, Recording Secretary