

ORDINANCE #29

RELATING TO THE RUNNING OF DOGS (AND CATS) AT LARGE IN THE VILLAGE.

29.1 UNLEASHED DOGS AND CATS

Be it ordained by the council of the Village of Beech Bottom that it shall be unlawful for any person to allow, suffer or permit any dog or cat owned, harbored, or kept in their possession or about their premises within the Village, whether licensed or unlicensed, tagged or untagged, muzzled or unmuzzled, collared or uncollared, to run at large of their premises at any time or to trespass upon any enclosed or unenclosed lands or lots of ground of another person or entity at any time: provided that nothing contained herein shall be construed to prohibit any person to lead, walk, or exercise their dog or cat when properly licensed and tagged upon public property of the Village.

Any member of the police department, or the dog warden, or any appropriate officer designated by the Village Council, may seize any dog or cat unaccompanied by its owner or keeper and running at large on any street or public way of the Village, or trespassing on any premises other than the premises of the owner or keeper and cause said dog or cat to be impounded in the county pound.

Not later than five (5) days after the impounding of any dog or cat, the owner shall be notified if the animal has an identification tag indicating a method to contact the owner or keeper.

29.2 BARKING OR HOWLING DOGS

No person shall keep or harbor any dog within the Municipality which, by frequent and habitual barking, howling or yelping, creates unreasonably loud and disturbing noises of such a character, intensity and duration as to disturb the peace, quiet and good order of the Municipality. Any person who shall allow any dog 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.

29.3 NUISANCES BY ANIMALS

No owner, keeper or walker of any dog or cat shall permit his or her dog or cat to discharge such animal's excreta upon any public or private property other than the property of the owner of the dog or cat, within the City unless such owner, keeper or walker immediately thereafter removes and cleans up such animals excreta from the public or private property

Fines will be levied based upon the severity of the offense. Minimum fine \$25, maximum fine \$200.

29.4 CRUELTY TO ANIMALS

(a) No person shall cruelly mistreat, abandon or withhold proper sustenance, including food, water, shelter or medical treatment necessary to sustain normal health and fitness or to end suffering or

abandon any animal to die, or use, train or possess any domesticated animal for the purpose of seizing, detaining or mistreating any other domesticated animal.

(b) No person, other than a licensed veterinarian or a person acting under the direction or with the approval of a licensed veterinarian, shall knowingly and willfully administer or cause to be administered to any animal participating in any contest any controlled substance or any other drug for the purpose of altering or otherwise affecting such animal's performance.

(c) Any person convicted of a violation of this section shall forfeit his or her interest in any such animal and all interest in such animal shall vest in the humane society or county pound of the county in which the conviction was rendered, and such person shall, in addition to any fine imposed, be liable for any costs incurred or to be incurred by the humane society or county pound as a result.

(d) For the purpose of this section, "controlled substance" has the same meaning ascribed to it by West Virginia Code 60A-1-101(d)

(e) The provisions of this section do not apply to lawful acts of hunting, fishing, trapping or animal training or farm livestock, poultry, gaming fowl or wildlife kept in private or licensed game farms if kept and maintained according to usual and accepted standards of livestock, poultry, gaming fowl or wildlife or game farm production and management, nor to humane use of animals or activities regulated under and in conformity with the provisions of 7 U.S.C. Section 2131 et seq. and the regulations promulgated thereunder, as both such statutes and regulations are in effect on the effective date of this section.

(WVaC 61-8-19)

1st Reading 02-02-2016

2nd Reading 02-16-2016

3rd Reading waived 02-16-2016

In effect upon passage 02-16-2016