

Chapter 5B. ANIMALS AND FOWL

<i>Article 1. In General.</i>	<i>1</i>
<i>Article 2. Dogs and Cats.</i>	<i>3</i>
<i>Article 3. Vaccination of Dogs and Cats for Rabies.</i>	<i>9</i>
<i>Article 4. Chapter Penalty.</i>	<i>11</i>

Article 1. In General.

For State Law regarding authority of Municipality to regulate and prohibit the keeping of animals and fowl, see WV Code, §8-12-5, subsection (26). For State Law regarding diseases among domestic animals, see WV Code, §19-9-1 et seq. Regarding general stock law, see WV Code, §19-18-1 et seq.

Section 5B-1-1. Domestic fowl, pigeons, swine and other animals prohibited.

It shall be unlawful for any person to keep, harbor or maintain or to knowingly permit to be kept, harbored or maintained within the Municipality any domestic fowl or pigeon or any swine or other animal including, but not limited to, cattle, horses, mules, ponies or other animals which cannot be or ordinarily are not kept and maintained as house pets.

Section 5B-1-2. Maintenance of prohibited animals and fowl constitutes nuisance subject to abatement on notice; penalties for violations.

- (a) Any person who, being the owner, lessor or occupant of any lot or parcel of land within the Municipality, and who keeps, harbors or maintains, or who knowingly permits to be kept, harbored or maintained any animal or fowl prohibited in the Municipality by section 5B-1-4 upon any such lot or parcel of land, or who neglects or refuses to remove or abate the nuisance occasioned by the keeping and maintaining of such animal or fowl upon any such lot or parcel of land within twenty-four hours after such person has knowledge of the existence of such nuisance or within twenty-four hours after service of notice thereof in writing from the Police Department, shall, upon conviction thereof, be fined not exceeding twenty-five dollars.
- (b) Upon conviction under the provisions of subsection (a) of this section, the person convicted shall, within twenty-four hours after such conviction, remove or cause to be removed such animals and fowl from any such lot or parcel of land and his failure to do so shall constitute a second offense against the provisions of this section. The continued failure or refusal of such convicted person to remove such animals and fowl from such lot or parcel of land shall constitute a separate, distinct and additional offense for each successive twenty-four hour period of such failure and refusal, and upon conviction of such second offense or of any subsequent offense such person shall be fined not less than twenty-five dollars nor more than one hundred dollars.

Section 5B-1-3. Vicious and dangerous animals and reptiles declared public nuisances and

unlawful to maintain.

Vicious or dangerous animals and reptiles of any species whatsoever are hereby declared to be a public nuisance and menace to the public safety, and it shall be unlawful for any person to own, keep or harbor any animal or reptile of any species, whatsoever known by him, or which, in the exercise of reasonable diligence he should know, to be vicious, dangerous or in the habit of biting or attacking persons.

In addition to any penalty, which may be adjudged against any person for a violation of this section, such person shall be compelled to dispose of or to destroy any such animal.

Section 5B-1-4. Keeping of noisy, etc., animals prohibited.

It shall be unlawful for any person to keep or harbor upon or about his premises any animal of any species whatsoever, which shall, by barking, howling, squalling, crying or in any other manner whatsoever, disturb the peace, comfort, quiet or tranquility of any neighborhood or adjoining property owner within the Municipality, and upon conviction thereof such person shall be fined not exceeding twenty-five dollars and shall be compelled to remove such animal from his premises or to see that such animal ceases making such noises.

Section 5B-1-5. Permitting animals or fowl to run at large prohibited.

It shall be unlawful for any person to permit any animal or fowl owned, harbored or maintained by him to run at large within the Municipal limits.

For State Law regarding authority of Municipality to prevent animals from running at large, see WV Code, §8-12-5, subsection (26).

Section 5B-1-6. Abandonment of animals prohibited.

It shall be unlawful for any person to abandon any animal of any species whatsoever within this Municipality.

Section 5B-1-7. Slaughtering of animals.

No person shall slaughter any animal within this Municipality except in places and under conditions prescribed and approved by the State health department.

Section 5B-1-8. Duty to maintain places where permitted animals are kept in a sanitary condition, etc.

It shall be the duty of each owner or occupant of premises within the Municipality whereon any dog, cat or other pet animal which may lawfully be harbored or maintained within the Municipality to maintain the pen or other enclosure or place where such dog, cat or other pet animal is kept in a healthful and sanitary condition at all times, free of offensive substances and

Ronceverte Municipal Code

liquids, at such place and in such manner as not to constitute a hazard to the health or safety of any person or an annoyance to persons in the neighborhood thereof.

Section 5B-1-9. Municipality is bird sanctuary.

The entire area embraced within the corporate limits of the Municipality is hereby designated as a bird sanctuary.

It shall be unlawful to trap, hunt, shoot or attempt to shoot or molest in any manner any bird or wild fowl or to rob bird nests or wild fowl nests; provided, that such protections are not afforded the following: starlings, cowbirds, and grackles (common blackbirds), such species being hereby declared public nuisances.

For State Law definitions regarding game birds., protected birds and unprotected birds, see WV Code, §20-1-2. Regarding the hunting and killing of birds generally see WV Code, §20-2-1 et seq.

Section 5B-1-10. Cruelty to domestic animals and fowl.

No person within the Municipality shall cruelly, unnecessarily or needlessly beat, torture, mutilate, kill, overload or overdrive any domestic animal or fowl; nor willfully deprive any domestic animal or fowl of necessary sustenance or shelter.

For State Law regarding authority of Municipal Council to enact this section, see WV Code, §8-12-5, subsection (27). For State Law regarding malicious killing of and cruelty to animals, see WV Code, §§61-3-27, 61-8-19.

Section 5B-1-11. Poisoning of animals.

No poisoned meat or any poisonous substance shall be cast into any of the streets, public places or buildings in the Municipality for the purpose of destroying dogs or other animals.

For State Law regarding malicious killing of animals by poison or otherwise, see WV Code, §61-3-27.

Article 2. Dogs and Cats.

For State Law regarding authority of Municipality to regulate or prohibit the keeping of dogs, see WV Code, §8-5-12, subsection (26). Regarding required vaccination of dogs for rabies, see WV Code, §19-20A-1 et seq. Regarding dogs generally, see WV Code, §19-20-1 et seq.

Section 5B-2-1. "Dog" defined.

For the purposes of this article, the term "dog" shall mean a dog of either sex, unless otherwise specified.

Section 5B-2-2. Annual head tax imposed; duty of keepers of dogs to report to county assessor and pay head tax; dog tags to be affixed to collars of dogs.

Animals and Fowl

- (a) There is hereby imposed upon each person keeping within the Municipality a dog above the age of six months an annual head tax on each dog so kept by him in the amount of three dollars for each male or female dog.
- (b) It shall be the duty of each person who keeps within the Municipality a dog above the age of six months to report each such dog to the assessor of the county at the time of the annual assessment of personal property is made; provided, that when any person within the Municipality acquires a dog above the age of six months, or when a dog kept by him within the Municipality attains the age of six months, such person shall then report such dog to the assessor of the county.
- (c) Each person reporting a dog to the county assessor pursuant to subsection (b) of this section shall pay to the assessor the amount of the head tax prescribed in subsection (A) of this section for each dog he is required to report, and he shall then attach to the collar of each such dog the proper registration tag furnished to him by the assessor, and retain within his possession the certificate of registration furnished to him by the assessor for each such dog.
- (d) The annual head tax on dogs imposed by subsection (a) of this section is for a fiscal year rather than a calendar year.

For State Law regarding authority of Municipality to impose head tax on domestic animals, see WV Code, §8-13-10. Regarding duty of county assessors to collect municipal head taxes on dogs and turn over proceeds, less commission, to municipal treasuries, and to issue dog registration tags and certificates, see WV Code, §19-20-2. Regarding required anti-rabies vaccination of dogs, see WV Code, §19-20A-1 et seq.

Section 5B-2-3. Wearing of registration tag by dog.

Every registered dog shall at all times wear a valid registration tag issued as provided in this article. The failure to have displayed or worn on any dog, at any time, of such valid tag shall be prima facie evidence that such dog is not registered and such dog shall be subject to be, and shall be, impounded, sold, or destroyed as hereinbefore or hereinafter provided.

For State Law basis of this section, see WV Code § 19-20-5.

Section 5B-2-4. Impoundment of dogs at large or without registration and vaccination tags.

It shall be the duty of the police or other persons designated by the Mayor for such purpose to cause to be seized and impounded any dog at large in the Municipality or not wearing a tag as provided in subsection (c) of section 4-2-2 or a vaccination tag as required by section 19-20A-4 of the Code of West Virginia; provided, that if a dog found at large in violation of this article is rabid, vicious or otherwise constitutes a danger to human life or limb the officer whose duty it is to impound such dog may destroy it by shooting, if it cannot safely be captured and made secure.

Any person who violates this section shall be guilty of a misdemeanor, and, upon conviction thereof, be fined not more than one hundred dollars for a single violation.

Ronceverte Municipal Code

For State Law basis of this section, see WV Code §19-20-6.

Section 5B-2-5. Impoundment notice to owners or persons in charge.

- (a) If the owner or person in charge of any dog impounded under the provisions of this article is known to the impounding officer, the impounding officer shall promptly notify him of such impoundment, so regarding inform him of (1) the dog impounded and a description thereof; (2) the date of impoundment; (3) the place of impoundment; (4) the reason for impoundment; (5) the procedure for redemption of his dog; (6) the costs for redemption; and (7) the consequences of failure to redeem the impounded dog.
- (b) If the owner or person in charge of any dog impounded under the provisions of this article is unknown to the impounding officer and cannot be ascertained by reasonable effort within twenty-four hours, the officer shall within two days following such impoundment, post notices on the Municipality hall bulletin board and at two other public places within the Municipality, each such notice to contain all the information required by items (1) through (7) of subsection (a) of this section.

For State Law basis of this section, see WV Code §19-20-6.

Section 5B-2-6. Redemption of impounded dog; costs of redemption.

The owner or person entitled to possession of any dog impounded under the provisions of this article may redeem such dog at any time prior to the sale or other disposition thereof upon satisfactory proof of his right to possession and payment of (1) the expense, if any, incurred in making the impoundment; (2) the expense incurred for sustenance, shelter and care of the impounded dog; (3) the expense incurred for giving notice; and (4) any other expense actually incurred; provided, that no dog shall be redeemed for less than one dollar for each day such dog was impounded.

No impounded dog shall be sold, destroyed or otherwise disposed of except by release to its owner or some other person lawfully entitled to its custody until not less than five days have elapsed since its impoundment.

For State Law basis of this section, see WV Code §19-20-8.

Section 5B-2-7. Disposition of impounded dogs when not redeemed by owners.

Impounded dogs not redeemed by their owners or other entitled to their custody within five days of their impoundment may be disposed of in accordance with the law governing the pound; provided, that no dog shall be destroyed except in a humane manner, and no dog shall be destroyed if a responsible person applies for release to his custody and he agrees to provide the dog with a home and subsistence and to abide by the requirements of this article.

Animals and Fowl

For State Law basis of this section, see WV Code §19-20-8.

Section 5B-2-8. Dogs, cats, etc.; rabies observation.

- (a) Any person, who owns or harbors any dog, cat or other domesticated animal, whether licensed or unlicensed, which bites any person shall forthwith confine and quarantine the animal for a period of ten days for rabies observation.
- (b) If any unvaccinated domesticated animal is bitten by a rabid animal, the owner shall confine the bitten animal for a period of six months. The animal shall be vaccinated or revaccinated after five months.
- (c) If the animal is not confined and quarantined as directed in subsections (a) and (b) of this section, the humane officer, dog warden or police department may cause the animal to be placed in the custody and care of a licensed veterinarian for that purpose at the owner's expense. The penalty for any violation of this section is a fine of fifty dollars or confinement in the regional jail for a period of no less than two nor more than three days.

For State Law basis of this section, see WV Code §19-20-9a.

Section 5B-2-9. Dogs, other animals and reptiles protected by law; unlawful killing thereof; aggrieved owner's remedy; penalties; penalties for unlawful stealing of companion animals.

- (a) Any dog which is registered, kept and controlled as provided in this article or any dog, cat or other animal or any reptile which is owned, kept and maintained as a companion animal by any person, irrespective of age, is protected by law; and, except as otherwise authorized by law, any person who shall intentionally, knowingly or recklessly kill, injure, poison or in any other manner, cause the death or injury of any dog, cat, other animal or any reptile is guilty of a misdemeanor and, upon conviction thereof, shall be ordered to provide public service for not less than thirty days or fined not less than three hundred dollars nor more than five hundred dollars, or both. However, this section does not apply to a dog who is killed while attacking a person, a companion animal or livestock. Any person whose dog, cat other animal or reptile as specified herein is killed or injured wrongfully or unlawfully by any other person shall have a right of action against the person who shall so kill or injure any dog, cat, animal or reptile.
- (b) Any person who shall intentionally and unlawfully steal a dog, cat, other animal or reptile as specified in subsection (a) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be ordered to provide public service for not less than thirty days or fined not less than three hundred nor more than five hundred dollars, or both.

For State Law basis of this section, see WV Code §19-20-12.

Section 5B-2-10. Running at large prohibited; dogs on leash.

Any person who owns, keeps or harbors a dog within the Municipality shall keep such dog confined to the premises owned or occupied by him and shall not permit such dog to run at large; provided, that a dog shall not be deemed to be at large when held on leash by and under the control of a responsible person and while displaying on its collar a currently valid registration tag and currently valid vaccination tag as provided in section 19-20A-4 of the Code of West Virginia.

For State Law regarding authority of Municipality to prevent animals from running at large, see WV Code, §8-12-5, subsection (26).

Section 5B-2-11. Dog running at large; liability of owner.

Any owner or keeper of any dog who permits such dog to run at large shall be liable for any damages inflicted upon the person or property of another by such dog while so running at large.

For State Law basis of this section, see WV Code §19-20-13.

Section 5B-2-12. Dog killing, wounding or worrying livestock or poultry – Recovery of damages.

If any dog has killed or assisted in killing, wounding or worrying any sheep, lambs, goats, kids, calves, cattle, swine, show or breeding rabbits, horses, colts, or poultry out of the enclosure of the owner of the dog, the owner or keeper of the dog shall be liable for the sheep, lambs, goats, kids, calves, cattle, swine, show or breeding rabbits, horses, colts, or poultry in the amount of the damages sustained, to be recovered in an action before any court, municipal judge, or magistrate having jurisdiction of the action. It shall not be necessary to sustain the action to prove that the owner of the dog knew the dog was accustomed to worrying, killing or wounding. A recovery under this section shall bar and preclude the owner of the sheep, lambs, goats, kids, calves, cattle, swine, show or breeding rabbits, horses, colts, or poultry from obtaining compensation from the county commission under the provisions of this article. If the person suffering the loss or damage cannot ascertain the owner or keeper of the dog, or if the owner or keeper is not financially responsible, then the person suffering the loss or damage may file his claim with and prove the same before the county commission of the county in which the loss or damage is sustained, in the manner provided in this article, and the commission shall pay the loss or damage out of the fund provided for such purposes and according to the provisions of this article. When compensation is so obtained from the county commission, the county commission is authorized to sue under this section and recover as the owner of the sheep, lambs, goats, kids, calves, cattle, swine, show or breeding rabbits, horses, colts or poultry. The amount so recovered shall be paid into the county treasury; but no suit shall be commenced unless authorized by the county commission.

For State Law basis of the section, see WV Code §19-20-14.

Section 5B-2-13. Same – When lawful to kill dog.

Animals and Fowl

A person may kill a dog that he may see chasing, worrying, wounding or killing any sheep, lambs, goats, kids, calves, cattle, swine, show or breeding rabbits, horses, colts, or poultry outside of the enclosure of the owner of the dog, unless the chasing or worrying be done by the direction of the owner of the sheep, lambs, goats, kids, calves, cattle, swine, show or breeding rabbits, horses, colts, or poultry.

For State Law basis of this section, see WV Code §19-20-16.

Section 5B-2-14. Same – Unlawful to harbor dog; penalty.

A person who shall harbor or secrete or aid in secreting a dog which he knows or has reasons to believe has worried, chased, or killed any sheep, lambs, goats, kids, calves, cattle, swine, show or breeding rabbits, horses, colts, or poultry not the property of the owner of the dog, out of his enclosure, or knowingly permits the same to be done on any premises under his control, is guilty of a misdemeanor, and, upon conviction thereof, before any court, municipal judge, or magistrate having jurisdiction thereof in the county in which the offense is committed, shall be fined not less than ten dollars nor more than fifty dollars, and, at the discretion of the court, municipal judge, or magistrate, imprisoned in the regional jail not more than thirty days. Each day that the dog is harbored, kept or secreted shall constitute a separate offense.

For State Law basis of this section, see WV Code §19-20-17.

Section 5B-2-15. Offenses; criminal penalties; jurisdiction.

A person who violates any of the provisions of this article for which no specific penalty is prescribed is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than one hundred dollars, or imprisoned in the regional jail not more than thirty days, or both fined and imprisoned.

For State Law basis of this section, see WV Code §19-20-19.

Section 5B-2-16. Keeping vicious dogs; police officers may order kill of such dogs by humane officers.

Except as provided in section 4-2-13 of this article, no person shall own, keep or harbor any dog known by him to be vicious, dangerous, or in the habit of biting or attacking other persons, whether or not such dog wears a tag or muzzle. Upon satisfactory proof before a municipal judge that such dog is vicious, dangerous, or in the habit of biting or attacking other persons or other dogs or animals, the judge may authorize the police officer with the assistance of the humane officer to cause such dog to be killed.

For State Law basis of this section, see WV Code §19-20-20.

Section 5B-2-17. License fee for keeping vicious or dangerous dog.

Any person who keeps a dog which is generally considered to be vicious, for the purpose of protection, shall acquire a special license therefore from the county assessor. The assessor shall

Ronceverte Municipal Code

charge ten dollars for such license. Such license shall be required in addition to the license required under section 4-2-2 of this article. The keeper or owner shall properly secure such dog in such a manner so as to prevent injury to a person who lawfully passes through or enters upon the property of the keeper or owner. Nothing contained in this section shall constitute a defense to any action for personal injury, wrongful death, or damage to property.

For State Law basis of this section, see WV Code §19-20-21.

Section 5B-2-18. Causing injury to animals used by law-enforcement officials or by fire prevention or investigation officials; criminal penalties.

Any person who, without justification, willfully and unlawfully causes physical injury to any trained dog or horse used by law-enforcement officials, the department of military affairs and public safety or by fire prevention or investigation officials in the performance of their official duties is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars, or confined in the regional jail not more than thirty days, or both.

Any person convicted of a violation of this section shall be ordered to make restitution to the law-enforcement agency, the department of military affairs and public safety or to the state fire marshal or other fire prevention or investigation department or agency owning the animal for any veterinary bills and replacement costs of any disabled or killed animal.

For State Law basis of this section, see WV Code §19-20-24.

Article 3. Vaccination of Dogs and Cats for Rabies.

Section 5B-3-1. Purpose and Policy.

The purpose of this article is to establish a rabies vaccination procedure for dogs and cats to check the spread of rabies for the immediate preservation of life, health and safety for the reason that rabies is spreading among dogs and cats, and becoming a menace and danger to people, livestock, poultry and game, and the provisions herein are designated to prevent the spread of rabies.

For State Law basis of this section, see WV Code §19-20A-1.

Section 5B-3-2. Vaccination of dogs and cats.

Whoever owns, keeps or harbors a dog or cat within the Municipal boundaries shall, on or before the first day of June, one thousand nine hundred eighty-seven, have such dog or cat properly vaccinated or immunized against rabies with a vaccine capable of producing immunity for two years and shall every second year thereafter have such dog or cat revaccinated with a vaccine capable of producing immunity for two years. After the first day of June, on thousand nine hundred eighty-seven, whoever obtains an unvaccinated dog or cat shall at once have such dog or cat properly vaccinated against rabies with a vaccine capable of producing immunity for two years and shall have such vaccination repeated every second year with a vaccine capable of producing immunity for two years. Provided, That dogs and cats need not be vaccinated before

Animals and Fowl

the age of three months, but must be vaccinated by the age of six months: Provided, however, That dogs and cats entering the state of West Virginia temporarily cannot be kept and maintained with the state of West Virginia for a period of more than thirty days unless properly vaccinated. Anyone owning a dog or cat can have them vaccinated by any veterinarian or person working with or under such veterinarian, or if there be no resident veterinarian in the county, by such other qualified person as may be appointed by the county commission, who shall work under the supervision of the county health department.

For State Law basis of this section, see WV Code § 19-20A-2.

Section 5B-3-3. Vaccination tag and certificate.

Each person vaccinating a dog or cat for rabies shall provide a “certificate of rabies vaccination” which shall contain the following information:

- (a) Name of the county where the owner of the animal resides;
- (b) Vaccination tag number;
- (c) Identification of the animal by color, weight, breed, age and sex;
- (d) Name, address and telephone number of the owner;
- (e) Type of vaccine, the manufacturer of the vaccine and the serial number;
- (f) Date of vaccination;
- (g) Identification of the veterinarian, doctor of medicine or person administering the vaccination;
- (h) Such other information as the commissioner of agriculture may require.

The owner of the animal shall retain the original certificate of vaccination in his or her records. Copies of certificate or a computer printout that contains the information required above shall be filed with the person administering the vaccination and the clerk of the county commission in the county where the owner of the animal resides.

Tags to be furnished by the county commission shall be of a distinctive and easily recognized color, and shall have thereon engraved, or stamped, the year of vaccination and the number indicating the record above described. Such tag shall be securely fastened to the collar worn by the dog or cat and shall be given to the owner by the veterinarian, the doctor of medicine or the person vaccinating the dog or cat at the time of vaccination.

For State Law basis of this section, see WV Code §19-20A-4.

Section 5B-3-4. Offenses and penalties.

Whoever owns, keeps or harbors a dog or cat and fails to have such dog or cat vaccinated or revaccinated against rabies, and whoever vaccinates a dog or cat against rabies and fails or refuses to keep and report the required record of such vaccination, or fails or refuses to provide the required tag, or whoever obstructs or interferes in any way with the enforcement of any section of this article shall, upon conviction, be fined not less than ten dollars nor more than fifty dollars, or be confined in the regional jail not less than ten days nor more than thirty days, or both.

For State Law basis of this section, see WV Code § 19-20A-6.

Article 4. Chapter Penalty.

Section 5B-4-1. Chapter penalty.

Where no other penalty is provided for violation in this chapter the following penalties will apply: fined not more than five hundred dollars or not more than thirty days in jail or both fine and jail.

INDEX

Abandonment. *See Animals and Fowl Abandonment*

Animals and Fowl, 1

cruelty to, 3

abandonment prohibited, 2

bird sanctuary, 3

Dog

definition, 3

Dogs

disposition of impounded dogs, 5

impoundment of stray dogs, 4

leash law, 6

rabid dogs, 9

redemption of impounded dogs, 5

tax imposed on keepers of dogs, 3

maintenance of premises, 2

noisy animals prohibited, 2

penalties for violations, 1

poisoning of, 3

prohibited animals/fowl, 1

running at large, 2

slaughtering of animals, 2

vicious and dangerous animals, reptiles, 1

Birds

See Animals and Fowl

bird sanctuary, 3

Cruelty to animals

See Animals and Fowl

cruelty to, 3

Dogs. *See Animals and Fowl*

Fowl. *See Animals and Fowl*

Impoundment. *See Animals and*

Fowl:Dogs:impoundment of stray dogs

Leash Law

See Animals and Fowl

Dogs

leash law, 6

Poisoning

See Animals and Fowl

poisoning of, 3

Rabid dogs. *See Animals and Fowl:Dogs:rabid dogs*

Slaughtering. *See Animals and Fowl:slaughtering*