

ORDINANCE #2015-9

BE IT ORDAINED, by the Council of the Town of Belle, County of Kanawha, State of West Virginia, as follows:

A bill to ammend Part Five, General Offenses Code, and enact Article 506, titled "Animal Welfare."

WHEREAS, the Town of Belle is in the process of reviewing, amending and updating its codified ordinances; and

WHEREAS, the Town of Belle has decided to amend Part Five, General Offenses Code, Article 507, titled "Dogs."

NOW, THEREFORE, BE IT ORDAINED AND ENACTED that the following ORDINANCE #2015-9, shall ammend Part Five, General Offenses Code, and enact Article 506, titled "Animal Welfare" of the Codified Ordinances of the Town of Belle, as follows:

ARTICLE 506 Animal Welfare

CROSS REFERENCES

Cruel treatment of animal drawing or in vehicle - see WV Code 7-10-3
Cruelty to animals ; penalties; exclusions – see WV Code 61-8-19

506.01 DEFINITIONS

a) *Adequate shelter* means a protective covering for an animal that is of adequate size and provides adequate protection to maintain the animal in a state of good health, and that prevents pain, suffering, or significant risk to the animal's health. Adequate shelter shall consist of a completely enclosed structure with four sides with a door opening, a constructed floor, and a roof. It should also be clean, dry and compatible with current weather conditions, in addition to age, size, species and condition of the animal. The structure should be of sufficient size to allow the animal to stand, turn around, lie down and go in and out of the structure comfortably. To be adequate, some type of bedding that is quick drying, such as hay or pine straw, must be provided to maintain comfortable temperatures within the structure during times when the ambient, outside temperature is below freezing. In addition, the structure shall include a heavy plastic or rubber flap to cover the door and/or window openings during the months of November through March. From April through October, the structure shall either be shaded or moved out of direct sunlight. If the shelter is made of wood, it shall be raised at least two inches off the ground to prevent seepage or rotting. Examples of inadequate shelter include, but are not limited to, lean-tos, metal or plastic drums, boxes, abandoned vehicles, porches, decks, or material that does not provide sufficient protection from the elements.

b) *Adequate space* means a sufficient safe space for adequate exercise suitable to the age, size, species and breed of animal. For dogs, adequate space means an enclosure with a minimum of 150 square feet per dog.

c) *Adequate food* means sufficient quantity of non-contaminated and nutritionally healthy sustenance that is appropriate to the species, breed, size, age and health of the animal, or at the direction of a licensed veterinarian, which is sufficient to prevent starvation, malnutrition, or risk to the animal's

health. Garbage, spoiled, rancid, or contaminated food is not adequate food.

d) *Adequate water* means clear, drinkable water in adequate supply. Examples of inadequate water include, but are not limited to: snow, ice and rancid/contaminated water.

e) *Abandon* means the act of placing an animal on public property or within a public building, unattended or uncared for, or on or within the private property of another without the express permission of the owner, custodian or tenant of the private property. An animal shall also be considered abandoned when it has been unattended and without adequate food, water, ventilation or shelter, for a period in excess of 36 hours, regardless of where such animal may be found or kept.

f) *Cruelty* means causing death or unjustifiable pain or suffering to an animal by an act, an omission, or neglect.

g) *Necessary veterinary care* means veterinary medical attention appropriate to the circumstances, whenever an animal is known or suspected to have suffered an injury, accidental or deliberate, or exhibits signs of disease process such as shock, temperature fluctuation, tremors, swelling, broken bones, open wounds, inability to eat or drink, blistering, irregular or abnormal breathing, partial or total paralysis, abnormal discharge or bleeding, mange, or other signs of health problems.

h) *Sanitary conditions* means an animal living space, shelter, or exercise area that is not contaminated by excessive feces, health hazards, irritants, pollutants, items, or conditions that endanger or pose a risk to an animal's health.

i) *Tethered* means an animal attached to a stationary object or pulley system by a chain, rope, cable or similar device. This shall not include using a leash for walking purposes.

506.02 DUTY OF ANIMAL OWNERS TO BE RESPONSIBLE OWNERS

It shall be the duty of every owner or custodian of any animal to exercise reasonable care and take all necessary precautions to protect the health and welfare of his/her animal. Such provisions must include adequate food, adequate water, adequate shelter, sanitary conditions and necessary veterinary care.

506.03 PROVISIONS FOR INCLEMENT WEATHER

Dogs/cats should not be left outside in extreme weather. In temperatures below 32 degrees, or above 89 degrees, pets cannot be left outside for more than 30 minutes; provided, however, that a dog/cat may be left outside in extreme cold weather if they have access to a heat source such as a space heater or heat lamp in addition to adequate shelter. In extreme heat, pets must have complete shade and adequate water at all times.

506.04 TETHERING

Dogs may only be tethered for 30 minutes at a time not more than 3 times per day. The tether must be at least 10 feet in length and the animal must be able to reach shelter and water.

506.05 VACCINATIONS

All owners of dogs and cats must have proof of current rabies vaccinations. It is recommended that dogs and cats with access to the outdoors are kept up to date on all immunizations.

506.06 SPAYING/NEUTERING

In order to prevent unwanted animals, owners who do not wish to spay/neuter his/her cat or dog must pay a yearly breeding fee of \$25 per animal. Beginning January 2016, this fee will be paid to the Town Clerk each year by the 25th day (of January) to obtain the annual permit.

506.07 CRUELTY

In addition to the definition of Cruelty, failure to provide adequate food, water and shelter, provisions for inclement weather, necessary veterinary care or rabies vaccinations to maintain the health and wellbeing of the animal and the citizens of the Town of Belle will also be considered animal cruelty and as such is punishable by State law.

506.08 HOARDING

It shall be unlawful for any person to collect animals and fail to provide them with humane/adequate care, collect dead animals that are not properly disposed of as required by this article, or collect, house, or harbor animals in filthy, unsanitary conditions that constitute a health hazard to the animals being kept, and/or to the animals or residents of adjacent property.

506.09 RIGHT OF ENTRY

A law enforcement officer may use any force necessary to remove any animal locked in a closed vehicle when the ambient temperature is 75 degrees Fahrenheit or above outside the vehicle. If the vehicle is damaged during such removal, the law enforcement officer shall not be liable for any damage to the vehicle.

506.18 ENFORCEMENT

The Upper Kanawha Valley Humane Officer will be responsible for answering, investigating and following up on all animal related complaints made by residents or by Police Officers of the Town of Belle. The Animal Control Officer may offer assistance and/or recommendations to the Town of Belle and its Police Officers regarding the living conditions of the animals in the Town of Belle but enforcement actions remain with the Police Officers of the Town of Belle.

506.20 PENALTIES

See WV Code 61-8-19

First Reading September 15, 2015

Second Reading October 20, 2015