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CITY OF ROMNEY ORDINANCE NO. 20050801-B

WHEREAS, on February 4, 2008, it was deemed necessary by the City Council of the City of Romney to amend and modify its ordinance as it pertains to animal and fowls. Ordinance No. 20050801-B shall now replace Ordinance No. 20050801 and shall suppress all other Ordinances as relating to dogs and/or cats.

LEGISLATIVE AUTHORITY:

This Ordinance concerns the management control of dogs, cats, other animals and fowls in the City of Romney, and is adopted under the authority of Chapter 19, Article 20, Section 6 (b) of the Code of WV.

PURPOSE:

This Ordinance is enacted for the purpose of controlling and managing the population of dogs and cats in the City of Romney; to constrain dogs from attacking, wounding or killing persons and/or other domestic animals, to prevent dogs and cats from roaming in the city, to prevent threat to the health and safety of the citizens and their property, to prevent dogs and cats from having unwanted litters, to control and manage the possession of dangerous animals and reptiles; and to stipulate penalties for violation of this ordinance.

Title 3

- 1. In general, 3-101-3-108
- 2. Dogs and cats, 3-201-3-211

CHAPTER 1 - IN GENERAL

- 3-101. Running at large prohibited.
- 3-102. Keeping near a residence or business restricted.
- 3-103. Pen or enclosure to be kept clean.
- 3-104. Adequate food, water and shelter, etc., to be provided.
- 3-105. Keeping in such manner as to become a public nuisance prohibited.
- 3-106. Cruel treatment prohibited.
- 3-107. Seizure and disposition of animals.
- 3-108. Violations.

3-101. Running at large prohibited:

The term "running at large" is defined as any dog or cat that is not under the control of its owner. Dogs, not on the property owned or leased by the animal owner shall be kept on a suitable leash or lead of six (6) feet or less in length and physically held by the owner, confined within a receptacle, enclosed vehicle, fenced enclosure or shelter within the real property limits of the animal owner. Any dog not under restraint or control as defined by the ordinance shall be considered "at large" and subject to confiscation, impoundment and fines. Cats, that are roaming with or without proper

identification, license and tags will be considered "at large" and shall be subject to confiscation, impoundment and fines. Failure to comply with this ordinance may result in animal impoundment at the Hampshire County Animal Control Compound, and/or imposed citations, fees and fines. This ordinance does hereby authorize and empower the Hampshire County Animal Control Officer, the Hampshire County Sheriff Department, the City of Romney Police Department and/or the City of Romney Operations staff to seize dogs and cats running "at large".

3-102. Keeping near a residence or business restricted:

No person shall keep any animal, except dogs and cats within one thousand feet (1,000) of any residence, place of business, or public street without a permit from the health officer as appointed by City Council or current Mayor in absence of health officer. The health officer shall issue a permit only when in sound judgment, the keeping of such an animal in a yard or building under the circumstances as set forth in the application for the permit will not injuriously affect the public health.

3-103. Pen or enclosure to be kept clean:

All pens and enclosures where animals are kept and maintained shall at all times be kept free of an accumulation of feces, animal waste or other filth and shall be cleaned or sanitized as often as necessary to control noxious odors and to prevent the infestation of flies, ticks, fleas, parasites, rodents and other vermin. It shall be unlawful and an offense for any person, firm or corporation to keep or maintain animal enclosures in such a way that they become an annoyance or nuisance to others on adjoining properties or a threat to the welfare of the animal or animals so enclosed.

3-104. Adequate food, water, and shelter, etc., to be provided:

No animal of any kind shall be kept confined in any place where the food, water, shelter, and ventilation are not adequate and sufficient for the preservation of its health, safe condition and wholesomeness for food if so intended. All animals shall be fed in an enclosure, where only the owner's animals can get to said food. Food that is uncontrolled or set outside results in drawing unwanted animals for which citations will be issued. (See Violation, 3-108).

3-105. Animals which disturb constitute a nuisance, complaint procedure:

(a) The following conditions are hereby declared to be a nuisance:

- * Any dog or other animal which by frequent or long continuous barking, howling or otherwise, disturbs the peace and quiet of any person,
- * Any dog or other animal, which goes into any garbage can or waste vessel, turns the same over or scatters the contents of the same on the ground,
- * Any dog or other animal which chases cars, motorcycles, bicycles and any other motor vehicle or intimidates joggers, pedestrians, or children,
- * Any dog or cat that deposits its feces, waste or refuse on property other than its owner.

(b) Any dog or other animal alleged to be a nuisance, as defined in this section, may be proceeded against the owner in the Municipal Court after a complaint has been

duly filed therein by any person having knowledge thereof, and if the court shall find that such dog or other animal is a nuisance, then the court may order the owner or person in possession to prevent and abate such nuisance, or the court may order such dog or animal to be impounded and the owner or person in possession may have the dog or other animal returned upon paying all costs of impounding and giving good and sufficient bond, in the sum set by the city, conditioned that owner or person in possession will prevent and abate such nuisance. Thirty (30) days thereafter, such owner or person in possession may present to the court evidence that the nuisance has been abated and prevented and the court may, upon such hearing and review of evidence, order the bond returned. It is the intent of this section to restrict the privilege of keeping, possessing, owning or harboring an animal within the city limits to those of a quiet and peaceable nature; and not only shall the owner of such animal be liable for the infliction of penalties provided but also upon order of the Municipal Judge, subsequent to a due process hearing, shall surrender the animal for the purpose of destruction or disposition.

3-106. Cruel treatment prohibited:

If any person shall cruelly, unnecessarily or needlessly beat, torture, mutilate, kill or overload, overdrive, or willfully deprive of necessary substance, any horse or other domestic animal, whether such horse or other animal be of his own or that of another person, or shall impound or confine any such animal in any place and fail to supply the animal with a sufficient quantity of good wholesome food and water, or shall carry in or upon any vehicle, or otherwise shall abandon to die any maimed, sick, infirmed or diseased animal, or shall be engaged in or employed at cock fighting, dog fighting, pitting one animal to fight against another of the same or different kind, or any similar cruelty to animals, or shall receive money for the purpose of seizing, detaining, or mistreating any other domestic animal, they shall be fined not less than twenty five dollars (\$25.00) and not more than one hundred dollars (\$100.00) and, at the discretion of the court, they may be imprisoned not exceeding thirty (30) days.

3-107. Seizure and disposition of animals:

Any animal or fowl found running "at large" or otherwise being kept in violation of this chapter may be seized as defined in this ordinance and confined in a pound, or enclosure as designated by the governing body of Romney. If known, the owner shall be given notice in person, by telephone, or by postcard addressed to their last known mailing address. The animal or fowl will be humanely destroyed or sold if not claimed within five (5) days. If the owner is not known, a notice describing the impounded animal or fowl will be posted at the municipal building. The notice shall state that the impounded animal or fowl must be claimed within five (5) days and with payment of impoundment/service fees, or the animal will be humanely destroyed or sold.

Owners of all animals seized and impounded will be subject to the following fees:

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|--|----------|
| * Seizing the animal, impoundment, delivery to shelter | \$25.00 |
| * Serving or posting public notice | 5.00 |
| * Housing and feeding | 5.00/day |

Impoundment /service fees will be paid to the City of Romney prior to the release of the animal to owner. These fees are distinct and separate from fees defined for violations.

3-108. Violations:

Any person who violates any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five (\$25.00) dollars and not more than one hundred (\$100.00) dollars for the 1st offense and not more than five hundred (\$500.00) for any subsequent offense. Any person cited or notified of a violation may appear at the City office within ten (10) days of such notice and citation, and upon payment of twenty-five (\$25.00) dollars shall be discharged from further prosecution or obligation for penalty of the first violation, the second or successive violation penalty will be at the discretion of the Municipal Court, not to exceed five hundred (\$500.00) dollars.

CHAPTER 2 – DOGS & CATS

3-201. Annual head tax imposed: duty of keepers of dogs and/or cats to report to City Clerk for costs and payment of head tax, tags to be affixed to collars of each.

3-202. Certain dogs exempt from tax imposed by section 3-201.

3-203. Offenses concerning license tags.

3-204. Dogs and cats are not permitted to run "at large".

3-205. Keeping vicious dogs.

3-206. Duty of owner or custodian of dog upon biting any person or protected animal.

3-207. Muzzling dogs under proclamation of Mayor.

3-208. Inducing dogs to fight, annoy persons or animals.

3-209. Seizing or enticing dogs; bringing dogs into the city for impounding or killing.

3-210. Walking animals – Clean up.

3-211. Violations.

Definitions: The following definitions shall apply to this ordinance and shall be used in its interpretation and enforcement:

Owner – Any person having a right of property in any dog and /or cat, subject to the provisions of this ordinance, and any person who keeps or harbors such dogs and/or cats or had the dog and /or cat in his care, or who acts as its custodian, or any person who permits a dog and/or cat to remain on or about any premises occupied by him.

Control or restraint – Dogs shall be considered to be under control or restraint as required by the provisions of this ordinance if they are secured on a suitable leash or lead of six (6) feet or less in length held physically by the owner or secured to permanent fixture on owners property, confined within a receptacle, enclosed vehicle, fenced enclosure or shelter within the real property limits of the owner, or on property not owned by the animal owner but for which permission has been given by the real

property owner who is required to meet all provisions of this ordinance as applicable to control and restraint.

3-201. Annual head tax imposed; duty of keepers of dogs to report to the County Assessor, and keepers of cats to report to the City Clerk and pay head tax, tags to be affixed to collars of each.

- (a) There is hereby imposed upon each person keeping within the City of Romney a dog and/or cat above the age of six (6) months an annual head tax on each dog and/or cat so kept by owner in the amount of three dollars (\$3.00), and shall be a head tax of six dollars (\$6.00) on cats not spayed and /or neutered. Owners shall be issued a license upon displaying documentation of proper rabies vaccination.
- (b) It shall be the duty of each person who keeps or acquires within the City of Romney a dog and/or cat above the age of six (6) months to report each dog to the Hampshire County Assessor and to report each cat to the Romney City Clerk at the time of the annual assessment of personal property or by the 1st day of July and pay head tax as appropriate.
- (c) Each person reporting a dog and/or cat to the proper authorities pursuant to subsection (b) of this section shall pay to the proper authorities the amount of the head tax prescribed in subsection (a) of this section for each dog and/or cat he is required to report. Animal owner will then attach to the collar of each dog and/or cat the proper registration tag furnished to them.
- (d) The annual tax on dogs and /or cats imposed by subsection (a) of this section is for a fiscal year rather than a calendar year.
- (e) All dogs and/or cats within the municipal limits of the City of Romney shall be tagged with the identification of the owner and proof of current vaccination.

3-202. Certain dogs and/or cats are exempt from tax imposed by section 3-201.

- (a) The head tax imposed by subsection (a) of section 3-201 shall not apply to dogs and/or cats in a licensed kennel or veterinary hospital.
- (b) All service dogs for the blind and/or handicapped are exempt from the head tax imposed by subsection (a) of section 3-201, but their owners or custodians shall apply for and be issued dog license tags upon displaying documentation of rabies vaccination.

3-203. Offenses concerning license tags.

No person shall attach a license tag to any dog and /or cat to which it was not issued, or remove a license tag from the collar of any dog and/or cat without the consent of the animal owner. (See violations, section 3-211).

3-204. Dogs and cats running "at large".

Any dog and/or cat running "at large" with or without a license attached shall be subject to confiscation, impoundment and fines. (See section 3-101).

3-205. Keeping vicious dogs.

No person shall own, keep, and harbor any dog known by him to be vicious, dangerous or in the habit of biting or attacking persons or other protected domestic animals. Whether or not such dog wears a tag, muzzle, and upon satisfactory proof that such dog is vicious and dangerous or having evidence that such animal has bitten, attacked persons or other protected domestic animals, the Hampshire County Animal Control Officer, or any police officer as defined and authorized by this ordinance may cause such dog to be impounded and disposed of in a humane manner with the owner of such dog responsible for all associated expenses.

3-206. Duty of owner or custodian of a dog upon biting any person or attacking and causing injury to other protected domestic animals.

Any dog, whether licensed or not, who bites any person or attacks and wounds any other protected domestic animal shall be taken by its owner or custodian forthwith to a veterinarian for confinement and observation, or shall be isolated and securely confined on the premises of its owner or custodian at the discretion and approval of the investigating police officer. The owner or custodian shall forthwith immediately (within 24 hours) notify the Hampshire County Animal Control Officer who will assess the incident and provide direction regarding continued confinement of such animal. Any medical expenses incurred by the injured party will be the sole responsibility of the attacking animal owner.

3-207. Muzzling dogs under proclamation of Mayor.

Whenever it shall be made to appear to the Mayor and/or City Council that there are good reasons to suspect that any dog within the City of Romney is mad, the Mayor may issue a proclamation requiring that all dogs shall for a defined period as stated in the proclamation, wear suitable, substantial and secure muzzles so as to prevent further incidents of biting and snapping and for the protection of the public. Any dog at large or in public without such muzzles during the period defined by the Mayor shall be subject to confiscation, impoundment with fines imposed to owner.

3-208. Inducing dogs to fight, annoy persons or animals.

No person shall entice, induce, urge or cause any dog to engage in or prolong a fight in the City of Romney, and no person shall induce or cause any dog to run after, bark at, frighten or attack any person or protected domestic animal lawfully passing along or standing in or on any street or highway in the city.

3-209. Seizing or enticing dogs and /or cats; bringing dogs and/or cats into the City of Romney for the purpose of impounding or killing.

Except for persons duly authorized herein, no person shall entice any properly licensed dog and/or cat into any enclosure for the purpose of removing its collar, harness or tag, or to decoy or entice any dog and/or cat out of its enclosure or house of its owner, or to seize any dog and/or cat into the City of Romney for the purpose of impounding or killing.

3-210. Walking animals – clean-up.

(a) The owner of every animal shall be responsible for the removal of any feces, animal waste or refuse deposited by their animal on public walks, recreation areas or private property. Noncompliance with this section of the ordinance shall be subject to citation and fines.

(b) Manure, feces, animal waste or refuse may be deposited in trash, refuse or garbage receptacles only if such waste and refuse is placed in a securely sealed plastic bag, or similar airtight and fly proof container. Noncompliance of this section of the ordinance shall be subject to citation and fines.

3-211. Violations.

Any person who violates any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five (\$25.00) dollars and no more than one hundred (\$100.00) for the first offense and not more than five hundred (\$500.00) dollars for any second and subsequent offense. Any person cited or notified of a violation may appear at the City office within ten (10) days of such notice and citation and upon payment of a fine of twenty-five (\$25.00) dollars shall be discharged from further prosecution or obligation for penalty of the first violation, the second or successive violation penalty will be at the discretion of the Municipal Court, not to exceed five hundred (\$500.00) dollars.

(The first payment for head tax on cats as defined in section 3-201 occurred on July 1, 2006)

THIS ORDINANCE REVISED ON FEBRUARY 4TH, 2008 AND RE-NUMBERED AS: 20050801-B SHALL SUPPRESS ALL OTHER ORDINANCES AS RELATED TO ANIMAL CONTROL, DOGS AND /OR CATS. (See attached resolution)

Adopted by City Council on February 4, 2008 per attached resolution.

RESOLUTION

At the Special Session of The City of Romney, held on February 4, ²⁰⁰⁸~~2008~~ the following order was made and entered:

SUBJECT: Authorization from Governing Body of the City of Romney to authorize Mayor William E. Hicks Sr. to amend Ordinance Number 20050801 regarding Animals and Fowls as proposed by Administrator Johnson.

RESOLUTION: The subject to the approval of the Governing Body of The City of Romney said municipal council does hereby authorize Mayor William E. Hicks to act in accordance as stated in subject.

The adoption of the foregoing resolution having been moved by:

Don Anderson

and duly seconded by:

Dennis Morris

the vote thereon was as follows:

SIGNATURE

VOTE (YES OR NO)

Dennis E. Morris
William E. Hicks Sr.
David C. Johnson
Jeffrey A. ...
James ...

Yes
YES
yes
yes
yes

WEREUPON, the Mayor has declared said resolution duly adopted, and it is therefore ADJUDGED and ORDERED that the said resolution be, and the same is, hereby adopted as so stated above.

Memorandum

To: Chief See, PD staff
CC: Mayor Hicks, City Council members
From: E. Johnson
Date: 02/29/08
Re: REVISED Animal Control Ordinance No. 20050801-B

Attached for your reference is a copy of the recently revised **Animal Control Ordinance No. 20050801-B**. In addition and also attached is a summary of the primary changes approved by City Council on @/4/08. Please review this information with your staff for consistency in enforcement.

Please note that copies of the ordinance are available in the general office for public distribution. If there are any questions or if I can be of assistance, please advise. Thank you.

**EFFECTIVE WITH THIS PUBLICATION – THE FOLLOWING CHANGES
APPLY TO THE ROMNEY ANIMAL CONTROL ORDINANCE NO. 20050801-B:**

- Ordinance language has been expanded to include the protection of “other domestic animals” from attack, injury or death from vicious dogs.
- Animal owners are responsible, accountable and can now be fined for property damage, acts of destruction and debris. Animal owners are required to pick-up and properly dispose of their animal debris including feces from all public and private property within the Romney city limits.
- Ordinance language has been changed to eliminate “directive and effective voice control” as a means of animal control. Dogs, not on the property owned or leased by the owner shall be kept on a suitable leash or lead of six (6) feet or less in length and physically held by the owner, confined within a receptacle, enclosed vehicle, fenced enclosure or shelter within the real property limits of the owner. Any dog not under restraint or control as defined by the ordinance shall be considered “at large” and subject to confiscation, impoundment and fines.
- Owners of all animals seized and impounded will be subject to the following fees:

Seizing the animal, impoundment, delivery to shelter	\$25.00
Serving or posting of public notice	5.00
Housing and feeding	5.00/day

Impoundment/service fees will be paid to the City of Romney prior to the release of the animal to owner. These fees are distinct and separate from fees defined in the ordinance as penalties for violations.

ORDINANCE NO. 20050801-B REVISIONS WERE REVIEWED AND UNANIMOUSLY APPROVED BY THE GOVERNING BODY OF THE CITY OF ROMNEY AT THE REGULAR SESSION OF CITY COUNCIL HELD ON FEBRUARY 4TH 2008. (Copies of the revised Ordinance No. 20050801-B are available at City Hall)