
PART FIVE — GENERAL OFFENSES CODE

ARTICLE 505 Animals and Fowl

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CROSS REFERENCES

Authority to regulate the keeping of animals—see WV Code 8-12-5(26)
Authority to prevent ill treatment of animals—see WV Code 8-12-5(27)
Domestic animal tax—see WV Code 8-13-10
Disposing of dead animals—see WV Code 16-9-3
Diseases among domestic animals—see WV Code 19-9
Dogs generally—see WV Code 19-20
Vaccination of dogs—see WV Code 19-20A
Hunting—see WV Code 20-2
Urban deer management—see WV Legislative Rule, Title 58, Series 45

505.01 Cruelty to animals.

- (a) No person shall cruelly, unnecessarily or needlessly beat, torture, torment, mutilate, kill or overload, overdrive or willfully deprive of necessary sustenance, any horse or other domestic animal, whether such horse or other animal be his own or that of another person, or shall impound or confine any such animal in any place and fail to supply the same with a sufficient, quantity of good, wholesome food and water, or shall carry in or upon any vehicle, or otherwise, any such animal in a cruel or inhuman manner, or knowingly feed a cow on food that produces impure or unwholesome milk, or shall abandon to die any maimed, sick, infirm or diseased animal, or shall be engaged in or employed at cockfighting, dogfighting, bear baiting, 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 admission of any person, or shall knowingly purchase an admission, to any place kept for such purpose, or shall use, train or possess a dog or other animal for the purpose of seizing, detaining or maltreating any other domestic animal.
- (b) No person shall knowingly and willfully administer or cause to be administered to any horse, mule, donkey or pony participating in any pulling contest any controlled substance or any other drug for the purpose of altering or otherwise affecting such animal's performance. (WV Code 61-8-19.)

505.02 Cruelty to dogs and cats.

No person shall cruelly, or needlessly beat, torture, torment, mutilate, kill or willfully deprive necessary sustenance, to any dog or cat, irrespective of whether any such dog or cat is his or her own or that of another person. No person shall impound or confine any dog or cat in any place unprotected from the elements or fail to supply the same with any sufficient quantity of food and water, or abandon to die any maimed, sick or diseased dog or cat or to be engaged

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Ord. 2013-05 (passed 06-10-2013) amended previous versions and reenacted Article 505.

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in or employed at dogfighting, or pitting one dog or cat to fight against another dog or cat or any similar cruelty to any dog or cat, or receive money for the admission of any person, or maltreating any other dog or cat. (WV Code 61-8-19a.)

505.03 Nuisance conditions prohibited.

No person shall keep or harbor any animal or fowl in the Corporation so as to create noxious or offensive odors or unsanitary conditions which are a menace to the health, comfort or safety of the public.

505.04 Animal or fowl nuisance vocalizations.

No person shall harbor any animal or fowl within the Corporation which, by frequent and habitual vocalizations creates unreasonably loud and disturbing noises of such a character, intensity and duration as to disturb the peace, quiet and good order of the Corporation. Any person who shall allow any animal or fowl 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 animal or fowl.

505.05 Animals or fowl running at large.

- (a) No person being the owner or having charge of horses, cattle, sheep, goats, geese, ducks, turkeys, chickens or other fowl or animals shall permit them to run at large upon any public place, or upon any unenclosed lands, or upon the premises of another.
- (b) The running at large of any such animal or fowl in or upon any of the places mentioned in this section is prima facie evidence of a violation of this section.

505.06 Bird sanctuary.

- (a) No person shall trap, hunt, shoot or attempt to shoot or molest in any manner any bird or wild fowl or rob bird nests or wild fowl nests. Provided, however, if starlings or similar birds are found to be congregating in such numbers in a particular locality that they constitute a nuisance or menace to health or property in the opinion of the proper health authorities of the County of Jefferson, then in such event such health authorities shall meet with representatives of the Audubon Society, Bird Club, Garden Club or Humane Society, or as many of such clubs as are found to exist in the County of Jefferson, after having given at least three days actual notice of the time and place of the meetings to the representatives of such clubs.
- (b) If as a result of the meeting no satisfactory alternative is found to abate such nuisance, then such birds may be destroyed in such numbers and in such manner as is deemed advisable by the health authorities under the supervision of the Chief of Police.
- (c) Anyone violating the provisions of this section shall be punishable by a fine of not more than one hundred dollars (\$100.00) or imprisonment not exceeding thirty days.

505.07 Hunting.

Except as provided in Section 505.08, no person shall hunt, kill or attempt to kill any animal or fowl by the use of firearms, bow and arrow, air rifle or any other means within the Corporation.

505.08 Urban deer management.

- (a) Purpose. It is the purpose of this section to establish urban deer management within the Corporation by means of an urban archery season, as authorized by Title 58, Series 45, Legislative Rules of the West Virginia Department of Natural Resources. It is also the intent of the Corporation that the first such urban deer management hunt take place in the year 2012.

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- (b) Urban archery hunting of deer. The urban archery hunting of deer shall be subject to the following procedures:
- (1) The Mayor may authorize the Chief of Police or his / her designee to apply for a hunt by the First day of March (or other date required by the Division of Natural Resources) at the request of property owners.
 - (2) The Chief of Police or his/her designee shall cause to be written rules and regulations for the conduct of each such urban archery deer hunting season within the Corporation. The rules and regulations shall address the manner in which archery hunters shall be selected by the Chief of Police to participate in any such hunt; the number of hunters to be selected for any such hunt; the designation of specific areas within the Corporation in which archery hunting for deer will be allowed; the assignment of selected archer hunters to designated deer hunting areas; and specific imposed hunting regulations to be observed by each selected archery hunter. A written copy of the rules and regulations shall be posted on the Corporation's website.
 - (3) The specific dates for each such urban archery deer season shall be as set by the West Virginia Department of Natural Resources.
 - (4) The maximum number of deer that may be taken by an archery hunter during an urban archery season shall be set by the West Virginia Department of Natural Resources.
 - (5) In addition to the requirements of this Section, and any rules and regulations approved by the Chief of Police pursuant to this Section, all such hunters shall be required to comply with applicable West Virginia law and Division of Natural Resources Rules and Regulations.
- (c) Rules and regulations. All such written rules and regulations approved by the Police Chief under authority of this Section shall be considered a part of this Section, and any violation of any such rule or regulation by any individual will be considered a violation of this Section.
- (d) Interference with hunters. A person shall not willfully obstruct or impede the participation of any individual in the lawful activity of archery deer hunting pursuant to this Section. Any person willfully obstructing or impeding any such archery deer hunter shall be guilty of a misdemeanor and upon conviction thereof, shall be fined as set forth in subsection (e) hereafter.
- (e) Violations. In addition to any penalties for violations of State of West Virginia hunting laws or regulations, any person violating this Section or the rules and regulations created pursuant to this Section, shall be guilty of a misdemeanor and subject to a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00). A separate offense shall be deemed committed for each such day that a violation continues.
- (f) Severability. If any subsection, paragraph, sentence, clause or phrase of this Section shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Section which shall remain in full force and effect and, for this purpose, the provisions of this Section are hereby declared to be severable.

505.99 Penalty.

(EDITOR'S NOTE: See Section 501.99 for General Offenses Code penalty if no specific penalty is provided.)

- (a) Whoever violates Section 505.01(a) shall be fined not more than one hundred dollars (\$100.00) or imprisoned not more than thirty days, or both.
- (b) Whoever violates Section 505.01(b) shall be fined not more than one thousand dollars

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- (c) (\$1000). Whoever violates Section 505.02 shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than thirty days, or both. In addition the Humane Officer may remove the cat or dog involved and place it in the pound and such cat or dog shall not be returned to the owner or perpetrator of the act of cruelty, but shall be put up for adoption to a desirable home or given into the care of a humane society or upon the recommendation of a licensed veterinarian shall be humanely destroyed. (WV Code 61-8-19a.)