

TITLE 4

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CHAPTER 1 – IN GENERAL

SECTION 4-101 DEFINITIONS

For the purposes of this title, the following words and phrases shall have the meanings respectively ascribed to them by this section:

HUMAN OFFICER – The person with full police authority designated as such by the Mayor and Town Council

AT LARGE - Any animal or fowl when not upon property owned or lawfully occupied by its keeper, or when upon the property of another without the consent of the owner or lawful occupant of such property shall be deemed to be at large unless such animal or fowl is held on a leash or otherwise under the effective control of a responsible person.

DOG - The word “dog” shall include female dogs as well as male dogs.

KEEPER – Any person owning or having possession or custody of an animal or fowl or any person keeping, harboring or caring for an animal or fowl shall be deemed to be the keeper thereof; thus, the owner of an animal or fowl shall continue to be a keeper thereof even though another person may be harboring or caring for such animal or fowl and is likewise a keeper thereof.

SECTION 4-102 CERTAIN ANIMALS AND FOWL PROHIBITED TO BE AT LARGE; IMPOUNDMENT AND DISPOSITION OF ANIMALS AND FOWL FOUND AT LARGE

- (a) It shall be unlawful for any person to permit any horse, mule, swine, cow, cattle, hog, pig, shoat, goat, poultry or other fowl to run at large within the Town and any such animal or fowl found at large within the Town shall be taken up by the humane officer and impounded at a public pound or other suitable place and kept there for at least three days and whenever possible, its owner or other keeper shall be notified of such happening and the manner in which the animal or fowl must be redeemed, to wit, by the payment of an impounding fee plus the cost of care, feeding, and shelter, such payment to be made within two days from the date of notice. Any animal or fowl not so redeemed may be sold at a public sale to recover the impoundment fee and costs herein mentioned; and if no buyer is found the animal or fowl in question may be destroyed if given away to some responsible person.
- (b) The proceeds of any sale under subsection (a) of this section which are in excess of the impoundment fee, cost of care, feeding and shelter, and the cost of sale shall be turned over by the humane officer to the Town treasurer and shall be held by him until claimed by the owner of the animal or fowl in questions within three months of the sale; and if no claim is made within such time such proceeds so held shall be credited to the general fund of the Town.

SECTION 4-103 CERTAIN ANIMALS AND FOWL PROHIBITED IN TOWN

It shall be unlawful for any person to keep within the Town any horse, mule, swine, hog, pig, shoat, cow, cattle or goat. Poultry or other fowl shall not be kept except in those areas designated by Town Council.

**SECTION 4-104 MAINTENANCE OF STABLES, PENS, COOPS, ETC.,
ABATEMENT OF NUISANCES**

Each stable, pen, coop, or other place within the Town where any animal or fowl is kept shall be maintained by the keeper at all times in a clean and sanitary condition and free of offensive odors and solid and liquid waste matter. Any place where an animal or fowl is kept which is found to be in violation of this section shall be deemed to be a public nuisance, subject to abatement by the Town at the expense of the person responsible therefore or the owner of the property whereon it exists.

**SECTION 4-105 SPEED AND MANNER OF RIDING OR DRIVING OF
ANIMALS ON STREETS**

It shall be unlawful for any person to ride, drive or lead a horse or other animal, whether such animal be hitched to a vehicle or not, upon any street or other place within the Town at such speed or in such manner as to endanger life, health or property, or at a speed in excess of that permitted by state law, this Code, or other ordinance for motor vehicles.

SECTION 4-106 CRUELTY TO DOMESTIC ANIMALS AND FOWL

No person within the Town 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.

SECTION 4-107 DISPOSITION OF CARCASSES

- (a) It shall be the duty of the Mayor to cause to be promptly removed and buried any animal or fowl found dead on any street, sidewalk, or public place in this Town; provided, that any animal or fowl which may be killed by any vehicle shall be promptly removed and buried by and at the expense of the owner of such vehicle, and a failure so to do for more than one hour shall be unlawful.
- (b) Whenever any animal or fowl is killed or is found dead upon any lot or premises owned or occupied by the owner or keeper thereof, such owner or keeper of such animal or fowl shall cause same to be removed and buried and a failure to do so for more than twelve hours shall be unlawful
- (c) Whenever any animal or fowl is found dead, or is killed, upon a lot or premises in this Town not owned or occupied by the owner or keeper of such animal or fowl the carcass shall be removed and buried under the direction of the Mayor, upon the request made by the owner or occupant of such premises,

and the expenses of such removal and burial shall be paid to the Town by the person who was the owner or keeper of such animal or fowl, if such person can be ascertained, unless herein otherwise provided. A bill for such expense shall be made out by the recorder, and such persons shall pay such bill within twenty-four hours after its first presentation, and a failure so to do shall be unlawful.

- (d) Whenever any animal or fowl is killed within this Town by any person save when under some provision of this title or pursuant to some law, the person so killing such animal or fowl shall cause it to be removed and buried, and a failure to do so for more than one hour shall be unlawful.
- (e) Whenever under provision of this Code or any ordinance of the Town it is made the duty of any person, other than the Mayor, to remove or bury any dead animal or fowl, and such person fails so to do for twelve hours, the Mayor shall so remove and bury such carcass, and the expense of so doing shall be paid to the Town by the person whose duty it was to remove or bury it, and the expense shall be collected as provided in subsection (c) of this section, and a failure to pay same as therein provided shall be unlawful.
- (f) The payment to the Town of the expense of the removing or burying any carcass by any person whose duty it is to do, or the payment of a fine for the failure to pay such expenses as above provided, shall not release such person from any liability or penalty he may have incurred by reason of his previous failure to perform such duty, but same shall be in addition to such liability or penalty.
- (g) It shall be unlawful for any person to cast or put any dead or dying animal or fowl found on any premises in this Town, upon any premises belonging to or occupied by any other person, or upon any street, alley or public place.

SECTION 4-108 TRANSPORTATION OF CARCASSES

It shall be unlawful for any person to expose, transport or move any part or all of the carcass of any animal or fowl upon any street, sidewalk or public place within the Town unless such carcass shall be completely covered from public view and from access of flies, or other disease carrying insects, by a heavy cloth or other suitable covering.

CHAPTER 2 – DOGS

SECTION 4-201 ANNUAL HEAD TAX IMPOSED; AMOUNT OF TAX AND WHEN AND TO WHOM PAYABLE

- (a) Every person who owns or keeps within the Town a dog over the age of six months shall pay an annual head tax of \$3.00 for each dog.
- (b) The taxes imposed by this section shall be paid on or before the first day of July of each year to the assessor of the county or to one of his deputies; provided, that when a person becomes the owner of a dog which is six months or more of age, or when a dog owned or kept within the Town attains the age of six months, such owner or keeper shall pay the tax imposed by this section at the time of acquisition of such dog, or at the time such dog attains the age of six months, as the case may be.

SECTION 4-202 REGISTRATION TAG TO BE WORN

Each owner or keeper of a dog within the Town shall cause such dog to wear a suitable collar or harness, to which shall be securely attached the current year's registration tag of such dog.

SECTION 4-203 PROHIBITED RUNNING AT LARGE; LIMITATION ON DOGS BEING IN STORES, ETC.

No owner or keeper of a dog within the Town shall permit such dog to run at large; or to enter any store or other place where goods, merchandise, food stuffs or other commodities are sold, exchanged, exposed or offered for sale or exchange, and it shall be the duty of the owner and occupant of such store or other place to immediately cause such dog so entering to be expelled there from, but this provision shall not apply to seeing-eye dogs held on a leash by blind persons.

SECTION 4-204 IMPOUNDMENT AND DISPOSITION OF DOGS FOUND RUNNING AT LARGE

Dogs found running at large within the Town shall be subject to impoundment and disposition in the same manner as other animals as provided in section 4-102.

SECTION 4-205 YELPING, HOWLING, ETC., TO ANNOYANCE OF NEIGHBORHOOD

No person shall harbor or keep any dog that by loud and frequent or habitual barking, yelping, or howling shall cause serious annoyance to the neighborhood or to people passing upon the street.

SECTION 4-206 MAD DOGS; PROCLAMATION OF MAYOR THAT MUZZLES BE WORN; IMPOUNDMENT OF UNMUZZLED DOGS DURING PERIOD OF PROCLAMATION

Whenever it shall appear to the Mayor that there is good reason to believe that any dog within the Town is mad it shall be his duty to issue his proclamation requiring that all dogs within the Town shall for a period named in such proclamation, wear a substantial muzzle, so securely put on as to prevent any such dog from biting. If any dog shall be found in the Town during such period without wearing a muzzle, such dog shall be impounded and treated in all respects as is provided in Section 4-102, and moreover, such dog shall not be delivered to anyone until so muzzled; provided, that if there is a reason to believe that any dog is mad, or has been bitten by a mad dog, then it shall be the duty of any officer of the Town to kill or cause such dog to be killed and buried.

SECTION 4-207 VICIOUS DOGS

No person shall own, keep or harbor within the Town of Pratt any dog known or proven to be vicious, dangerous, aggressive or which attacks, bites, or which exhibits or threatens such behavior.

Any dog exhibiting such behavior may be removed from the Town of Pratt and/or destroyed by a duly authorized humane officer.

SECTION 4-208 DOGS AT LARGE

Whenever any dog is found at large in the Town of Pratt it shall be a violation of this ordinance and the town dog warden, humane officer, police officer or other official appointed to act in the capacity of a humane officer is empowered and commanded to issue a citation to a dog owner upon sight, discovery, or in any other manner of observance of such violation of this ordinance.

Such violation shall be deemed a misdemeanor and shall subject the dog owner to the following penalties:

First Violation	Warning
Second Violation	\$25.00 per dog
Third Violation	\$50.00 per dog
Fourth Violation	\$100.00 per dog
And thereafter	\$100.00 per dog

and/or the dog owner shall relinquish the right to own, keep or in any way provide care for such within the Town of Pratt.

All penalties for violation of this ordinance shall be payable to the Town Recorder prior to seeking to recover and/or attempt to secure release of such dog by the owner.

If a dog is impounded at the Kanawha Charleston Humane Association Animal Shelter, 1248 Greenbrier, Charleston, WV, or any successor organization, or other

designated dog holding facility as may be designated by the Town of Pratt from time to time, the dog owner or keeper must present a Town of Pratt receipt of payment of said penalty and a dog release form of the Town of Pratt's construction, to secure the dog's release from such dog holding facility, and the dog owner is additionally subject to the charges regularly administered by the above referenced animal shelter, prior to release of said dog to the owner or keeper.

It shall be the responsibility of all Town of Pratt residents to advise any and all visitors of this ordinance. However, failure to advise such visitor(s) will not excuse nor in any way affect a visitor's dog violation citation.

CHAPTER 3 – CATS

SECTION 4-301 DEFINITIONS

- (a) "Cat" shall mean cats of either sex at least six months old unless otherwise specified.
- (b) As used in this ordinance, "owner" means the owner, keeper or harbinger of a cat; any person residing in or otherwise inhabiting a house, apartment, trailer or dwelling within the Town, who allows or permits any cat to remain at or about such premises, shall be deemed the owner of such cat for the purposes of this ordinance.
- (c) As used in this ordinance, "at-large" off the premises of the owner and not under the control of the owner or an immediate family member, either by leash, cord, chain or other restraining device or mechanism.

SECTION 4-302 IMPOUNDING AND DISPOSITION

The Humane Officer of the Town shall seize and impound any cat running at large within the Town.

If the owner is known, the Humane Officer shall make a reasonable effort to return such cat to its owner. Upon returning the cat as aforesaid, the Humane Officer shall serve or cause to be served upon the owner a citation to appear before the Police Judge of the Town at a regular court session. Prior to the time fixed for appearance, the Humane Officer shall deliver to the Judge a copy of the citation and shall sign a complaint setting forth the violation.

If the cat is not returned to the owner pursuant to the provisions of the preceding paragraph, the Humane Officer shall impound such cat.

If the owner desires to redeem such cat within five (5) days from the date the cat was impounded, the owner may pay to the Kanawha County Animal Shelter the following costs and fees:

- (a) Impounding and Reclamation Fees;

- (b) Boarding Fees;
- (c) Other fees and costs incurred and/or assessed by the Kanawha County Animal Shelter;
- (d) Any Town Court fees and costs must be paid before such animal is redeemed;
- (e) Rabies Vaccination and any other requirements.

No cat shall be released from the Shelter until all of the following costs have been paid.

If the owner of such impounded cat has not redeemed such cat, as provided in this Section, within five (5) days from the Court Session, such cat will be sold at private or public sale, destroyed or otherwise disposed of by the Kanawha County Animal Shelter, consistent with law.

SECTION 4-303 RUNNING AT LARGE PROHIBITED

It shall be an unlawful misdemeanor for the owner, keeper, harbinger or any person having charge or control of any cat to permit it to run at large within the Town, except upon the property of the owner.

SECTION 4-304 ENTICING/IMPORTING

No person shall decoy or entice any cat out of the enclosure or house of its owner or possessor, or seize or molest any cat while being held or led by any other person, or bring any cat into the Town for the purpose of impounding or killing the same.

SECTION 4-305 SQUALLING OR CRYING CATS

No owner or any other person shall keep or harbor upon or about their premises any cat that shall, by squalling, crying or in any manner whatsoever, disturb the comfort or quiet of any neighborhood with the Town. The person shall be guilty of a misdemeanor.

SECTION 4-306 INTERFERENCE WITH THE HUMANE OFFICER

No person shall interfere with, impede or obstruct the Humane Officer, or his agents or employees, from performing the duties imposed or authorized by the ordinance.

SECTION 4-307 PENALTY

Whoever violates any portion of this ordinance shall be guilty of a misdemeanor and fined as follows:

- (a) For the First Offense \$25.00 and Court costs.
- (b) For the Second Offense within a period of one year, \$50.00 and Court costs.
- (c) For the Third Offense within a period of one year, \$100.00 and Court costs.

(d) For the Fourth Offense within a period of one year, \$100.00 and Court costs thereafter,

Each day any violation of this article shall continue shall constitute a separate offense.

The Humane Officer, any member of the Town police department, or an aggrieved individual, may cause a warrant to be issued from Police court to the cat owner or to the person keeping or harboring any cat in violation of this ordinance.

SECTION 4-308 TAX

Every person who owns or keeps within the Town, a cat over the age of six months, shall pay an annual head tax of \$3.00 per each cat. These taxes will be paid by July 1 of each year. Each cat will wear a suitable collar with the current years registration tag attached.

The ordinance shall be effective upon the third reading and adoption.