

AMENDED ORDINANCE REGARDING ANIMALS IN THE CITY

WHEREAS, the Common Council has enacted Ravenswood Municipal Code §§8.12.010 and 8.12.020, dealing with the regulation of animals within the City; and

WHEREAS, the Common Council finds that the presence of animals that are dangerous, rabid, feral, in estrus, loud, odiferous, running at large, and the like, constitute both a public nuisance and a public health hazard; and

WHEREAS, the Common Council desires to regulate said animals to provide for the general safety and welfare of the citizens of the City; and

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE COMMON COUNCIL OF THE CITY OF RAVENSWOOD, THAT TITLE 8, CHAPTER 12 OF THE RAVENSWOOD MUNICIPAL CODE SHALL BE REPEALED, AMENDED, AND REENACTED TO READ AS FOLLOWS:

8.12.010 Animals General Provisions

A. Certain Animals And Fowl Prohibited To Be At Large; Disposition Of Animals And

Fowl Found At Large:

1. It shall be unlawful for any person to permit any horse, mule, ass, cow, cattle, hog, pig, shoat, goat, poultry or other fowl owned or harbored by ~~him~~them to run at large anywhere within the ~~city~~City; and any such animal or fowl found at large within the ~~city~~City shall be subject to impoundment ~~and disposal~~ as provided in this ~~chapter~~Title.
2. It shall be unlawful for any person to keep or harbor within the ~~City~~City any panther, wildcat or bobcat, bear or other wild animal of a species normally dangerous to human beings, or any skunk from which the perinea glands have not been removed, or any venomous reptile or any make of constrictor species, except pursuant to authority of a ~~City~~City license or permit which may be issued under any other provisions of the ~~City~~City Code or other ~~city~~City ordinance or by special action of the ~~City~~City Council.

- B. Impoundment: Any animal or fowl found at large within the [cityCity](#) in violation of paragraph A may be taken up and impounded at a public pound or other suitable place and shall be kept for a reasonable length of time not less than 5 days and, whenever possible, its owner notified of such happening and notified to redeem it. The [cityCity](#), in addition to fines and penalties that may be imposed, shall have a lien on the animal or fowl in question for the costs of care, feeding and shelter. If, after a reasonable time, the animal or fowl is not redeemed, it may be sold at a public sale to satisfy the lien. If no buyer can be found the animal or fowl in question may be ~~destroyed or~~ given away to some responsible person.
- C. Prohibited Release From Impoundment Or Custody Of Officer: It shall be unlawful for any person to release or cause to be released any dog or other animal, or fowl, impounded or in the custody of an officer pursuant to the provisions of this ~~chapter~~ [Title](#) except by authority of the officer in charge of the pound or having custody of such dog, [cat](#) or other animal or fowl.
- D. Riding Or Driving Of Horses, Ponies And Similar Animals For Pleasure Restricted:
1. General: It shall be unlawful to ride a horse, mule, pony, colt or similar animal, or to drive any cart or carriage pulled or propelled by any such animal upon the public streets, highways or parks of this [cityCity](#) for recreational, pleasure or play purposes except upon bridal paths or other lanes posted for such purposes by authority of the Common Council; provided, that any person desiring to ride any such animal or drive any such cart in an organized parade may do so upon permit duly issued by the [cityCity](#).

2. Responsibility ~~Of~~ Parents ~~And~~ Guardians ~~For Violation By Their Children Or Wards Under~~ for Violation by Their Children or Wards under 18: It shall be unlawful for any parent or guardian to permit his child or ward under the age of 18 to violate the provisions of paragraph D, 1.
- E. 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 cityCity 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.
- F. Cruelty To Animals: It shall be unlawful for any person cruelly, unnecessarily or needlessly to beat, torture, mutilate, kill, overload or overdrive any animal or to willfully deprive any animal harbored by ~~him~~ them of necessary sustenance or shelter.
- G. Protection ~~Of Birds And~~ of Birds and Birds' Nests: It shall be unlawful for any person willfully to kill or injure any bird or to molest any bird's nest within the cityCity, except when necessary to protect property or to abate a public or private nuisance.
- H. Disposition Of Carcasses:
1. The owner or keeper of any animal or fowl which may die within the cityCity shall, within 6 hours after learning of the death of such animal or fowl, dispose of the carcass thereof in a lawful and sanitary manner; if any such owner or keeper fails to comply with the provisions of this paragraph, the cityCity may so dispose of such carcass and the expense thereby incurred shall be assessed against such owner or keeper, if known, and collected in the manner provided by law for the collection of taxes and special assessments.

2. Carcasses of animals and fowl found upon [cityCity](#) streets, sidewalks and public places and which are not disposed of as provided by paragraph H,~~1~~, 1 shall be taken up and disposed of by the Maintenance Department or the [cityCity](#) garbage collection service in a lawful and sanitary manner.
- I. Animal Warden; Animal Shelter: The Mayor is authorized to employ an animal warden and to prescribe ~~his~~their duties and powers and to provide suitable quarters for keeping and maintaining an animal shelter (if no other animal shelter is available to the [cityCity](#)), subject, however, to the availability of funds for such purpose.
- J. Construction ~~Of of Chapter-Title~~ Withwith Zoning Ordinance: Nothing in this ~~chapter~~ Title shall be construed to authorize any act to be done, condition to exist, or privilege to be exercised which is prohibited by the zoning ordinance, nor to eliminate the necessity for any permit which is required by the zoning ordinance.
- K. Owners And Custodians Shall Clean Up After Their Pets: No person owning or having custody of any dog, cat or any other animal shall permit the dog, cat or other animal to defecate on any school ground, public street, alley, sidewalk, tree bank, park or any other public grounds or on any private property within the [cityCity](#), other than the premises of the owner or person having custody of the dog, cat or other animal, unless the defecation is removed immediately. In this regard, it shall be unlawful for any owner or custodian to walk a pet on any public grounds or on any private property within the [cityCity](#), other than the premises of the owner or custodian, without having a scooper and disposal materials on their person. Whoever violates this paragraph is guilty of a misdemeanor and for a first offense shall be fined \$50 and \$100 for such subsequent offense.

Penalty, see RMC 8.12.030

(1970 Code, §§ 4-1 – 4-10) (Ord. passed 8-5-2003) (Amended 06/06/2011)([Am. Ord. passed](#))

Charter reference: Liens for [cityCity](#) assessments, see Charter § 27

Statutory reference: Authority of [cityCity](#) to regulate and prohibit the keeping of animals and fowl, see W. Va. Code § 8-12-5(26). Diseases among domestic animals, see W. Va. Code § 19-9-1. Domestic stock law, see W. Va. Code § 19-18-1; Authority of [cityCity](#) to provide for the impounding, sale or destruction of animals or fowl kept contrary to law or found running at large, see W. Va. Code § 8-12-5(26); Authority of Common Council to enact this section, see W. Va. Code § 8-12-5(27). Cruelty to animals, cockfighting, and the like, see W. Va. Code § 61-8-19; Collection by [cityCity](#) of taxes and special assessments, see W. Va. Code § 8-13-15. Prohibited disposition of animal carcasses, see W. Va. Code §§ 16-9-2 and 16-9-3.

8.12.20 Animals Regulations

A. Annual Head Tax:

1. Imposed; Amount; When And To Whom Payable:

- a. Every person owning, harboring or keeping a dog over the age of 6 months within the [cityCity](#) shall pay a yearly [cityCity](#) tax of \$2 for each male and spayed female dog and \$3 for each unspayed female dog.
- b. The taxes imposed by this paragraph shall be paid on or before the first day of July of each year to the [CityCity](#) Clerk.

2. Listing Of Dogs For Assessment: It shall be the duty of the [CityCity](#) Clerk, annually, to take and return to the County Assessor, at the time of reporting [his](#) [their](#) annual assessment, an accurate list of the names of all persons who own, keep or harbor any dog, showing the number owned or kept by each person, and also whether such dog be male, spayed female or unspayed female.

- ### **B. Duty Of Owners To Declare Dogs For Assessment:** If any person, when required to state the number of dogs owned or kept by him and whether they be male or female, spayed or

unspayed, shall refuse to report such information or shall report it incorrectly, he shall be guilty of a misdemeanor.

~~C. Registration Andand Payment Of Tax Onof Tax on Newly Acquired Dogs: If any person becomes the owner or possessor of a dog after the time of annual assessment, he~~they~~ shall register such dog with the City~~City~~ Clerk and shall pay the 278 tax assessed upon such dog within 10 days from the time he~~they~~ obtains possession or ownership of any dog.~~

~~D. Registration Andand Payment Of Tax Onof Tax on Newly Acquired Cats: Every person owning, keeping or harboring a cat over the age of 6 months within the corporate limits of the city~~City~~ shall annually, on or within 30 days following July 1, register such cat with the City~~City~~ Clerk.~~

E.C. Privilege Tax:

1. There is levied annually, from January 1, a privilege tax upon the owner of any dog above the age of 8 months. The tax shall be \$1 on each male or spayed female dog and \$2 on each unspayed female dog, which tax shall be payable to the County Assessor as provided by the West Virginia Code. The provisions of this paragraph are not applicable to nonresidents temporarily within the ~~city~~City, nor to dogs brought into the ~~city~~City for the purpose of participating in any dog show, nor to seeing-eye dogs properly trained to assist blind persons when such dogs are actually being used by blind persons for the purpose of aiding them in going from place to place.
2. Every owner shall be required to provide each dog with a collar to which the license tag, issued by the County Assessor, must be affixed. Dog tags shall not be transferable from 1 dog to another and no refunds shall be made because of death

of the dog or the owner's selling the dog or leaving the ~~city~~City before expiration of the license period.

F.D. Running At Large Prohibited:

1. No owner shall permit animals or dogs ~~or fowl~~ to run at large. Any animal or
- ~~1.2.~~ dog ~~or fowl~~ found running at large shall be impounded. Dogs and cats shall be tethered anytime they are outside of the owner's property and shall at all times be in the direct care, custody, and control of the owner or their designee. Dogs or cats that are unneutered and over the age of four (4) months shall remain indoors except for exercise, defecation, and urination; shall at all times be in the direct care, custody, and control of the owner or their designee when outside of the home; and shall be tethered at all times. The humane officer shall make a complete registry pertaining to the animal. Not later than 24 hours after the impounding of any dog the owner shall be notified, or, if the owner is unknown, written notice describing the dog and place and time of taking shall be posted at the front door of the courthouse for 5 days.
- ~~2.3.~~ For the purposes of this paragraph, a completed telephone call to the residence of the owner or the mailing of a postal card or letter, first class, to the owner at the owner's residence addressed as indicated by dog licensing data, or by documented Facebook message, or by documented email, or by documented text message, shall be deemed notice. The owner of any dog so impounded may reclaim such dog upon payment of the ~~city~~City license tax, if due and unpaid, and all costs and charges incurred for impounding and the maintenance of such dog. The following charges shall be paid:

- a. For impounding and giving notice on any animal or fowl, \$5;
- b. For keeping and maintaining any animal or fowl, \$1 per day.

~~3.4.~~No animal shall be released until the owner, purchaser or donee has obtained a current ~~city~~City license if the dog is to be kept within the limits of the ~~city~~City.

~~4.5.~~All dogs impounded, unless sooner redeemed by the owner thereof, shall be impounded for a period of 5 days. If, at the expiration of 5 days from the date of notice to the owner or the posting of notice, such dog has not been redeemed, it may be ~~humanely destroyed~~, sold or otherwise disposed of.

~~G.E.~~ Keeping ~~Of~~ Vicious ~~Or~~ Dangerous Dogs: It shall be unlawful for any person to own, keep or harbor any dog known by ~~him~~them or which, in the exercise of reasonable diligence, ~~he~~they should know to be vicious, dangerous or in the habit of biting or attacking persons.

~~H.F.~~ Keeping Of Rabid Dogs: It shall be unlawful for any person to own, keep or harbor any dog known by ~~him~~them or which, in the exercise of reasonable diligence, ~~he~~they should know to be suffering with rabies.

~~I.G.~~ Vicious, Dangerous ~~Or Rabid Dogs Declared To~~ Rabid Dogs Declared to Be Nuisances; Procedure ~~For~~ Abatement: Vicious, dangerous or rabid dogs or dogs in the habit of attacking or biting persons are declared to be public nuisances and menaces to public safety. When a law enforcement officer reasonably believes the immediate public safety is imperiled by such a dog, ~~he~~they may summarily destroy such dog; otherwise, a hearing may be held before the Police Court, upon complaint, to determine whether a dog is vicious, dangerous or rabid or in the habit of attacking or biting persons. If such a finding is made, the court may order the dog to be destroyed.

~~J. Confinement Of Dogs Suspected Rabid: When, upon reasonable belief that a dog may be suffering with rabies or has come in contact with another animal suffering therefrom, the Chief of Police may order such dog confined for such period of time as may be deemed sufficient for satisfactory observance, and if such dog is not so confined as ordered such dog may be killed as a public nuisance and menace to public safety.~~

K.H. Establishment By Common Council Of Quarantine For Rabies: The Common Council shall have the power to establish by resolution a general or special quarantine whenever, in its opinion, it is for the best interest of public safety or when it may appear that any dog has become vicious or is suffering with rabies infection or has been bitten by any other animal so suffering or for other similar reasons.

L.I. Dogs Frequently Barking ~~Or,~~ Disturbing the Peace, Number of Dogs and Cats that May be Owned, Dogs or Cats in Heat, Feral Cats and Cat Colonies; Prohibited Acts:

1. It shall be unlawful to own any animal, including a dog or cat, in a residentially zoned district, which by frequent or long continued noise shall disturb the comfort or repose of any person within the vicinity of such animal, or shall by the nature of their maintenance or by the numbers of same, create an offensive odor so as to be objectionable to surrounding residents. The provisions of this section shall be interpreted consistently with any City noise ordinance.

a. All dogs and cats in heat shall be confined in a secure and sufficiently enclosed area during the period of estrus. In any event, dogs in heat shall be so confined for not less than 25 days during the period of estrus.

~~— No person shall own on their premises more than two (2) dogs, ten (10) weeks of age or older, unless such premises is licensed as a commercial~~

~~kennel or the owner has a permit from the City allowing more than two (2) dogs.~~

~~No person shall own on their premises more than two (2) cats, ten (10) weeks of age or older, unless such premises is licensed as a commercial kennel or the owner has a permit from the City allowing more than two (2) cats.~~

~~a.b. No person shall harbor a feral, stray or free roaming cat or cat colony within the City (a cat colony shall mean a group of two (2) or more cats that congregate together, who are fed and cared for by any person). for any person to keep, own, harbor, conceal, board, house or maintain any dog or dogs which frequently or constantly bark and thereby causes a disturbance of the peace and which constitutes a nuisance to other persons.~~

2. The following procedures shall apply with regard to violations or reported violations of the acts proscribed in paragraph L,1:

- a. Upon receipt by the Police Department or the Code Enforcement Officer of a first complaint the offender will be given a verbal warning;
- b. Upon receipt by the Police Department or the Code Enforcement Officer of a second complaint within a period of 1 year thereafter, a citation (commonly known as a “ticket”) will be promptly issued by the Ravenswood Police Department or the Code Enforcement Officer and delivered to the offender;
- c. Upon receipt by the Police Department or the Code Enforcement Officer of a third complaint within a 1 year period from the date of the receipt of

the second complaint, then the complainant, or the Code Enforcement Officer and/or Ravenswood Police Department may obtain a warrant from the Municipal Judge against the offender.

M.J. Penalty: Whoever violates any provisions of this chapter, or who fails or refuses to comply with any notices issued by any officer or agent of the cityCity with reference to the enforcement of the provisions of this chapter, for which no penalty is provided, shall be fined not more than \$100 for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(1970 Code, §§ 4-12 – 4-22, 4-26) (Am. Ord. passed 11-6-1979) (Am. Ord. passed 11-16-1982) (Am. Ord. passed 4-16-1996)(Am. Ord. passed

Editor's note: See 51 Op. Att'y Gen. 25 (1964) which states that a municipality which has levied a head tax on dogs within the municipality may not collect such tax itself.

Statutory references: Authority of cityCity to regulate or prohibit the keeping of dogs, see W. Va. Code § 8-12-26. Authority of Common Council, by ordinance, to impose animal head tax on dogs, see W. Va. Code § 19-20-2. Dogs generally, see W. Va. Code §§ 19-20-1 et seq. Duty of County Assessors and their deputies to collect municipal dog taxes and to pay such collected taxes (less 10% commission for collection) over to municipal treasurers, see W. Va. Code § 19-20-2. Required vaccination of dogs for rabies, see W. Va. Code §§ 19-20A-1 et seq.; For state law providing that when the head tax and extra charges, if any, are paid, the officer to whom payment is made shall issue a certificate of registration and a registration tag for such dog, see W. Va. Code § 19-20-2. Forms for registration, type of registration tag for dog, and the like, see W. Va. Code § 19-20-4; Authority of Common Council to provide for the impounding, sale or destruction of dogs kept contrary to law or found running at large, see W. Va. Code § 8-12-5(26); Authority of Common Council to cause to be abated anything which, in its opinion, is a public nuisance, see W. Va. Code § 8-12-5(23).

(Strike-throughs indicate language that was deleted from the original ordinance and underlined language indicates new provisions)

The foregoing Ordinance was introduced and read at the regular meeting of the Common Council of the City of Ravenswood on _____. On the _____ day of _____, 2022, after the second reading of said Ordinance, Councilor _____ moved for the adoption of said Ordinance and authorization for the Honorable Josh Miller, Mayor of the City of Ravenswood, to sign said Ordinance. The motion was seconded by Councilor _____.

After discussion, the Common Council of the City of Ravenswood adopted the foregoing Ordinance and authorization with ____present voting for the Ordinance and authorization and ____ against.

CITY OF RAVENSWOOD

By: _____
Josh Miller, Mayor

ATTEST:

Jared Bloxton, Recorder

.....
I, the undersigned, being the duly appointed, qualified and acting Clerk of the City of Ravenswood, hereby certify that the foregoing Ordinance is a true, correct and accurate copy as duly and lawfully passed and adopted by the governing body of the City on the ____ day of _____, 2022

Kimberly Benson, City Clerk/Treasurer