

AN ORDINANCE OF THE TOWN OF STAR CITY AMENDING AND REENACTING ARTICLE 505.01 OF THE CODE OF THE TOWN OF STAR CITY, REGARDING CRUELTY TO AND ADEQUATE SHELTER FOR ANIMALS.

WHEREAS, the Town is authorized by W.Va. Code 8-12-5(26) to regulate or prohibit the keeping of animals or fowls and to provide for the impounding, sale or destruction of animals or fowls kept contrary to law or found running at large;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF STAR CITY, THAT ARTICLE 505.01 IS AMENDED AND REENACTED AS FOLLOWS (additions underlined, deletions strike-through):

505.01 CRUELTY TO ANIMALS

(A) No person shall intentionally, knowingly or recklessly:

(1) Mistreat an animal in a cruel manner; or

(2) Abandon an animal.

(3) No person shall withhold,

(a) Proper sustenance, including food ~~or~~ and water.

(b) Shelter that protects from the elements of weather.

(c) withhold medical treatment, necessary to sustain normal health and fitness or to end the suffering of any animal;

(B) Outdoor standards. Minimum outdoor standards of shelter are as follows:

When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means must be provided to protect the animal from direct sunlight.

Shelter from inclement weather must be as follows:

(1) An artificial shelter, with a minimum of 3 sides and a waterproof roof, appropriate to the local climatic conditions and for the species and breed of the animal must be provided as necessary for the health of the animal.

(2) If a dog is tied or confined unattended outdoors under weather conditions that adversely affect the health of the dog, a shelter must be provided to accommodate the dog and protect it from the weather and, in particular, from severe cold. Inadequate shelter may be indicated by the shivering of the dog due to cold weather for a continuous period of 10 minutes or by symptoms of frostbite or hypothermia.

(C) Space standards. Minimum space requirements for outdoor enclosures shall include the following:

(1) The housing facilities shall be structurally sound and maintained in good repair to protect the animal from injury and to contain the animal.

- (2) Enclosures shall be constructed and maintained to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of overcrowding, debility, stress or abnormal behavior patterns.

(D) Humanely clean conditions.

The minimum standards of sanitation necessary to provide humanely clean conditions for both indoor and outdoor enclosures shall include periodic cleanings to remove excretions and other waste materials, dirt and trash to minimize health hazards.

(E) Dogs confined by tethering for long time periods.

When tethering is the primary means of confinement for a dog, the standards for shelter and tethering are as follows:

- (1) A shelter must be provided that is fully enclosed except for a portal. The portal must be of a sufficient size to allow the dog unimpeded passage into and out of the structure. The shelter must contain clean bedding material sufficient to retain the dog's normal body heat; and
- (2) The chain or tether must be attached to both the dog and the anchor using swivels or similar devices that prevent the chain or tether from becoming entangled or twisted. The chain or tether must be attached to a well-fitted collar or harness on the dog. The chain or tether must be at least 5 times the length of the dog measured from the tip of its nose to the base of its tail.

(F) No person shall:

- (1) Abandon an animal to die;
- (2) Leave an animal unattended and confined in a motor vehicle when physical injury ~~to~~ or death of the animal is likely to result;
- (3) Bait or harass an animal for the purpose of making it perform for a person's amusement;
- (4) Cruelly chain or tether an animal; or
- (5) Use, train or possess a domesticated animal for the purpose of seizing, detaining or mistreating any other domesticated animal.
- (6) No person, other than a licensed veterinarian or a person acting under the direction or with the approval of a licensed veterinarian, shall knowingly and willfully administer or cause to be administered to any animal participating in any contest any controlled substance or any other drug for the purpose of altering or otherwise affecting such animal's performance.

(G) Any person convicted of a violation of this section shall forfeit his or her interest in any such animal and all interest in such animal shall vest in the humane society or county pound of the county in which the conviction was rendered, and such person shall, in addition to any fine imposed, be liable for any costs incurred or to be incurred by the humane society or county pound as a result.

(H) For the purpose of this section, "controlled substance" has the same meaning ascribed to it by West Virginia Code 60A-1-101(d).

(I) The provisions of this section do not apply to lawful acts of hunting, fishing, trapping or animal training or farm livestock, poultry, gaming fowl or wildlife kept in private or licensed game farms if kept and maintained according to usual and accepted standards of livestock, poultry, gaming fowl or wildlife or game farm production and management, nor to humane use of animals or activities regulated under and in conformity with the provisions of 7 U.S.C. Section 2131 et seq. and the regulations promulgated thereunder, as both such statutes and regulations are in effect on the effective date of this section. (WVaC 61-8-19) This ordinance becomes effective upon adoption. (Passed 10-3-23).

First Reading: September 19, 2023

Second Reading and Adoption: October 3, 2023



Mayor



Official – Town Recorder