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AN ORDINANCE REPEALING AND REENACTING CHAPTER 9 IN ITS ENTIRETY OF THE CODE OF THE TOWN OF SUTTON

WHEREAS, the Town Council of the Town of Sutton, West Virginia, is authorized under West Virginia Code §§ 8-11-3, 8-11-4, and 8-12-5, and other applicable provisions of state law, to adopt, amend, repeal, and reenact ordinances governing municipal affairs; and

WHEREAS, the Town Council finds that the existing provisions of Chapter 9, in its entirety contain outdated, unclear, or fragmented language that no longer reflects current Town policy or best practices; and

WHEREAS the Town Council finds it in the best interest of the Town and its residents to repeal the existing provisions and adopt a consolidated, modernized replacement that is clear, enforceable, and consistent with current West Virginia law;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SUTTON, WEST VIRGINIA, THAT:

Section 1. Repeal Chapter 9, in its entirety of the Code of the Town of Sutton previously enacted and amended, is hereby repealed in its entirety.

Section 2. Reenactment and Replacement Chapter 9, in its entirety of the Code of the Town of Sutton is hereby reenacted in its entirety to read as follows:

Chapter 9

Animals and Fowl

Article 1

General Provisions

9-101 Authority and Purpose

This Chapter is enacted pursuant to the authority granted to municipalities under West Virginia Code §8-12-5 to protect public health, safety, and welfare; prevent nuisances; and regulate animals within the Town.

9-102 Definitions

For purposes of this Chapter:

- (1) “Animal” – Any domesticated or captive living creature, including livestock and fowl.
- (2) “At Large” – Off the owner’s property and not under physical control by leash, physical restraint, enclosure, or immediate control of responsible person
- (3) “Owner/Keeper” – Any person harboring, possessing, or having control of an animal.
- (4) “Animal Control Officer (ACO)” – Any person designated by the Town or law enforcement to enforce this Chapter.
- (5) “Nuisance Animal” – Any animal causing excessive noise, odor, damage, safety hazard, or public disturbance.
- (6) “Dangerous Animal” –Any animal that:
 - (a) Has bitten or attacked a person or domestic animal without provocation or engages in behavior that would cause a reasonable person to believe the animal poses an imminent threat of attack or serious injury”;
 - (b) Has demonstrated a known propensity to cause injury; or
 - (c) Has been formally declared dangerous by the Town after notice and hearing
 - (d)Any animal owned or harbored primarily or in part for the purpose of fighting, or any animal trained for fighting; or
 - (e) Any animal already determined to be an aggressive dog at large as defined in this chapter.

9-103 Animal Control Authority

Enforcement of this Chapter shall be carried out by Town of Sutton Police Officers, designated Animal Control Officers (ACO) or any other official designated by Council

Officers may issue citations, seize animals as authorized, order corrective action, or initiate civil enforcement proceedings.

9-104 Animals Running at Large Prohibited

- (a) No person, being the owner, custodian or person in charge of any horse, mule, cattle, swine, sheep, goat, goose, duck, turkey, chicken or other fowl or animal except cat, shall allow such animal or fowl to run at large on any public street, sidewalk, public place or unenclosed land, or upon the property of another without his consent. Each day an animal is at large constitutes a separate violation.
- (b) No person within the town limits shall keep on a leash, tie to a structure, confine to a pen, run, or cage or leave in a vehicle, any animal without adequate protection from direct sunlight or exposure to the weather or without adequate fresh water at all times.
- (c) Any such animal or fowl found at-large within the Town of Sutton shall be taken up by the appointed Town official and impounded shall be impounded pursuant to Section 9-109
- (d) Impoundment shall be in accordance with 9-109.

Any person in violation shall be fined not more than one hundred dollars (\$100.00) for each violation thereof.

9-105 Nuisance Animals Prohibited

No person shall keep any animal in a manner that creates:

- (1) Excessive noise
- (2) Offensive odors
- (3) Unsanitary conditions
- (4) Public safety hazards

9-106 Minimum Care Standards

All animals must be provided:

- (1) Adequate food and clean water
- (2) Proper shelter and ventilation
- (3) Humane treatment

Any cruelty shall be enforced under West Virginia Code §61-8-19 in addition to municipal penalties.

9-107 Sanitation Requirements

Animal enclosures must be maintained in a clean and sanitary condition to prevent odor, disease, or infestation.

9-108 Dangerous Animals

No person shall keep a dangerous animal unless securely confined. Upon determination of danger, the Town may:

- (a) Require confinement measures
- (b) Require removal
- (c) Order impoundment

Owner shall be entitled to notice and hearing prior to permanent removal or destruction unless emergency conditions exist.

9-109 Universal Impoundment Procedures

(a) Authority to Impound- Any animal found at large, abandoned, dangerous, injured, diseased, neglected, unlawfully confined, creating a nuisance, or otherwise maintained in violation of this Chapter or applicable law may be seized and impounded by an Animal Control Officer, law enforcement officer, Code Enforcement Officer, or other authorized official.

(b) Place of Impoundment-

Impounded animals may be housed at:

- (1) A public animal shelter;
- (2) Veterinary facility;
- (3) Humane society;
- (4) Licensed kennel;
- (5) Emergency holding facility; or
- (6) Other suitable location designated by the Town.

(c) Notice to Owner- When the owner or keeper is known or reasonably identifiable, reasonable efforts shall be made to provide notice of impoundment by personnel service, telephone, mail, electronic communication, posting, or other reasonable method.

Notice shall generally include:

- (1) Description of the animal;
- (2) Reason for impoundment;
- (3) Location of impoundment;
- (4) Redemption requirements;
- (5) Applicable fees and costs; and
- (6) Deadline for reclaiming the animal.

(d) Holding Period- Unless emergency circumstances, disease control requirements, court order, or state law require otherwise, impounded animals shall be held for not less than five (5) business days after impoundment or attempted notice to the owner, whichever occurs later.

(e) Redemption- The owner or keeper may reclaim an impounded animal upon:

- (1) Proof of ownership or lawful custody;
- (2) Compliance with applicable licensing or vaccination requirements;
- (3) Correction of any violation when required;
- (4) Payment of all applicable fees, impoundment costs, boarding costs, veterinary expenses, transportation expenses, and administrative costs; and
- (5) Compliance with any lawful conditions imposed for public safety or humane treatment.

(f) Failure to Redeem- If an impounded animal is not timely reclaimed, the Town or authorized facility may:

- (1) Transfer the animal to an animal shelter or rescue organization;
- (2) Place the animal for adoption;
- (3) Transfer custody to another lawful owner;
- (4) Humanely euthanize the animal in accordance with applicable law and accepted veterinary or humane standards; or
- (5) Otherwise lawfully dispose of the animal.

(g) Emergency Conditions- Nothing herein shall prohibit immediate veterinary treatment, humane euthanasia, quarantine, isolation, or emergency action where reasonably necessary to:

- (1) Prevent unnecessary suffering;
- (2) Protect public health or safety;
- (3) Prevent spread of disease;
- (4) Address severe injury or illness; or
- (5) Comply with state law or public health directives.

(h) Hearing Rights- Any owner aggrieved by impoundment, dangerous animal designation, removal order, denial of redemption, or disposition decision may request an administrative hearing within five (5) business days of notice.

The filing of a hearing request shall not prevent emergency veterinary treatment, quarantine, or lawful emergency action necessary to protect public health, safety, or animal welfare.

(i) Costs and Recovery- The owner or keeper shall be responsible for all reasonable costs incurred relating to:

- (1) Capture;
- (2) Transportation;

- (3) Boarding;
- (4) Feeding;
- (5) Veterinary treatment;
- (6) Quarantine;
- (7) Euthanasia;
- (8) Disposal;
- (9) Cleanup;
- (10) Administrative processing; and
- (11) Enforcement actions.

The Town may recover such costs through municipal citation, civil action, or any other lawful collection method authorized by law. Fees established by Fee Schedule Resolution of the Town Council, together with all reasonable costs of care, feeding, shelter, veterinary treatment, transportation, and impoundment.

(j) No Liability for Good Faith Actions- The Town, its officers, employees, contractors, veterinarians, shelters, and authorized agents acting in good faith and without malicious intent under this Chapter shall be entitled to all immunities and protections provided by law.

9-110 Diseased or Rabid Animals

Animals suspected of disease or rabies shall be:

- (a) Confined
- (b) Evaluated
- (c) Disposed of if necessary
- (d) Costs shall be charged to the owner.

9-111 Interference with Enforcement Prohibited

No person shall:

- (a) Interfere with an officer
- (b) Remove impounded animals
- (c) Obstruct enforcement actions

9-112 Fowl Permit

No person living within the town boundaries shall keep fowl of any type without first, applying for a permit from the Town of Sutton Council.

No roosters will be allowed. Any fowl or birds are limited to a total of 15.

All birds must be kept in a humane way and enclosed in a pen at all times. Pens must be kept clean: Permits are granted at the discretion of Council according to location, and any other factors which concern the health, safety, and well-being of the residents. objective criteria (distance, sanitation, noise)

If the applicant is not the property owner, a letter from the landowner must accompany the application. The letter must state the owner's permission to allow birds, specifically.

Permit application will be made at the Mayor's Office during normal business hours. The cost of a permit is \$10.00, ten dollars. The permit will consist of name, address, and total number of birds. A map will accompany the permit showing the exact location of the pen on the owner's lot.

Appeals may be made to the Council within 10 days. Unless otherwise specified, penalties shall follow 9-117

9-113 Pet Waste

Owners must immediately remove pet waste from any property, not their own. Failure to comply shall result in citation.

9-114 Prohibited Conduct

No person shall:

- (a) Intentionally release animals into Town
- (b) Encourage animal attacks
- (c) Engage in animal fighting

9-115 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.

(Statutory reference see as to malicious killing of, and cruelty to, animals, see W. Va. Code 61-3-27 and 61-8-19 and authority to enact this section, see W. Va. Code 8-12-5(27))

9-116 Bird Sanctuary and Protection of Wildlife

(a) The Town of Sutton is hereby declared to be a Bird Sanctuary for the protection and preservation of native and migratory bird species, including but not limited to the Bald Eagle and other birds inhabiting or nesting within the Town limits.

(b) The purpose of this section is to protect wild fowls and their habitats, prevent disturbance, injury, or destruction of wildlife, promote environmental stewardship and public safety and support compliance with state and federal wildlife protections.

(c) It shall be unlawful for any person to:

- (1) Kill, injure, trap, or attempt to harm any wild fowl within the Town limits, except as permitted by law
- (2) Destroy, remove, or disturb nests or eggs of any wild fowl
- (3) Harass or intentionally disturb nesting or roosting wild fowl
- (4) Discharge firearms, air rifles, slingshots, or other weapons in a manner that endangers wild fowl populations (except as otherwise permitted by law)
- (5) Remove or damage habitat, including trees or structures known to contain active nests, without proper authorization

(d) Exceptions to this section are as follows:

- (1) Lawful hunting activities where expressly permitted under state law and not otherwise restricted by municipal ordinance
- (2) Actions authorized by the West Virginia Division of Natural Resources or federal agencies
- (3) Necessary emergency actions to protect human life or property
- (4) Ordinary lawful property maintenance, utility maintenance, tree trimming, emergency removal, or construction activities conducted in compliance with applicable state and federal law.

(e) Nothing in this section shall be interpreted to conflict with or supersede protections provided under:

- (1) Migratory Bird Treaty Act
- (2) Bald and Golden Eagle Protection Act
- (3) Applicable West Virginia wildlife regulations
- (4) Or any other state or federal laws

(f) This section shall be enforced by Code Enforcement Officers, Law Enforcement Officers, or any authorized appointed official.

Officers may issue warnings or citations, order cessation of prohibited activity, or coordinate with state or federal wildlife authorities.

(g) Any person violating this section shall be subject to a fine of not less than \$50.00 and not more than \$500.00 per violation, and each day a violation continues shall constitute a separate offense. Additional penalties under state or federal law may also apply.

(h) The Town may:

- (1) Install signage identifying the Town as a Bird Sanctuary
- (2) Provide educational materials to residents and visitors
- (3) Promote voluntary compliance and conservation efforts

9-117 Penalties; Enforcement; Remedies

(A) General Penalty- Unless otherwise specifically provided in this Chapter, any person who violates any provision of this Chapter shall be subject to the following penalties:

- (1) First offense: a fine not exceeding one hundred dollars (\$100.00);
- (2) Second offense: a fine not exceeding two hundred fifty dollars (\$250.00);
- (3) Third and subsequent offenses: a fine not exceeding five hundred dollars (\$500.00).

(B) Separate Offenses- Each day that a violation continues shall constitute a separate and distinct offense. Each animal involved in a violation may constitute a separate offense.

(C) Civil Enforcement- Violations of this Chapter may be enforced by:

- (1) Citation or notice of violation;
- (2) Municipal civil proceeding; or
- (3) Any other lawful enforcement mechanism available to the Town.

A citation may be issued without arrest.

(D) Additional Remedies- In addition to fines, the Town may:

- (1) Recover all reasonable costs incurred, including:
 - a. Impoundment and boarding;
 - b. Veterinary care;
 - c. Administrative expenses;
- (2) Seek injunctive relief or abatement of nuisance conditions in a court of competent jurisdiction;
- (3) Revoke or deny any permit issued under this Chapter;
- (4) Order compliance measures, including confinement, removal, or corrective action.

(E) Repeat Violations- For repeat or continuing violations, the Town may:

- (1) Increase enforcement actions;
- (2) Require additional conditions (including confinement or registration requirements);

(3) Seek court-ordered remedies as necessary to protect public health and safety.

(F) Relation to State Law- Nothing in this section shall limit or preclude enforcement under applicable state law, including but not limited to West Virginia Code §61-8-19 and West Virginia Code Chapter 19 Article 20. Violations may be referred for state prosecution where appropriate.

(G) Cumulative Remedies- The remedies provided in this section are cumulative and not exclusive. The Town may pursue one or more remedies simultaneously or consecutively.

9-118 Appeals

(a) Right to Appeal- Any person aggrieved by a notice, citation, impoundment, dangerous animal designation, permit denial, removal order, nuisance determination, enforcement action, fee assessment, or other decision issued pursuant to this Chapter may request an administrative hearing.

(b) Filing of Appeal- Appeals shall be submitted in writing to the Town within five (5) business days of the date of the notice, order, citation, or action being appealed unless a different time is specifically required by law.

(c) Hearing Authority- Hearings may be conducted by:

- (1) The Municipal Court where authorized;
- (2) The governing body;
- (3) An administrative hearing officer;
- (4) An appeals board; or
- (5) Another lawful authority designated by the Town.

(d)Hearing Procedures- The hearing authority may:

- (1) Receive testimony and evidence;
- (2) Consider photographs, reports, veterinary records, inspection records, and other relevant documentation;
- (3) Affirm, modify, or reverse the action appealed;
- (4) Impose reasonable corrective conditions; and
- (5) Issue written findings or decisions.

(e) Emergency Actions- The filing of an appeal shall not automatically stay emergency actions, quarantine orders, emergency veterinary treatment, emergency impoundment, dangerous

animal restrictions, or other actions reasonably necessary to protect public health, safety, or animal welfare.

(f) Additional Remedies- Nothing herein shall limit the Town's authority to pursue any lawful criminal, civil, administrative, nuisance abatement, impoundment, or emergency remedy authorized by law.

9-119 Impoundment Fees and Cost Recovery

(a) Owner Responsibility- The owner or keeper of any animal impounded pursuant to this Chapter shall be responsible for all reasonable costs incurred by the Town in connection with the seizure, impoundment, care, and disposition of such animal. Such costs shall include, but are not limited to:

1. Impoundment or intake fees;
2. Daily boarding and care;
3. Food and shelter;
4. Veterinary services, including emergency care, vaccination, or euthanasia;
5. Transportation costs; and
6. Administrative and enforcement expenses.

(b) Fee Schedule Established by Resolution- The Town Council shall establish, and may from time to time amend, a schedule of fees for services related to animal impoundment and care. Such fee schedule may include, but is not limited to:

1. Initial impoundment (intake) fee;
2. Daily boarding fee;
3. Veterinary and medical charges;
4. After-hours or emergency service fees; and
5. Increased fees for repeat impoundments.

(c) Payment Required Prior to Release- No animal shall be released from impoundment until:

1. All applicable fees and costs have been paid in full; and
2. The owner or keeper demonstrates compliance with this Chapter and applicable state law, including proof of vaccination, registration, or licensing where required.

(d) Repeat Impoundments- The Town may impose increased or additional fees for any animal that has been impounded more than once within a twelve (12) month period.

(e) Unclaimed Animals; Continuing Liability- The failure of an owner or keeper to reclaim an impounded animal shall not relieve such owner or keeper of responsibility for all costs incurred by the Town prior to final disposition of the animal.

(f) Collection of Unpaid Fees- All unpaid fees and costs shall constitute a debt owed to the Town and may be collected by any lawful means, including:

1. Civil action;
2. Municipal citation
3. Collection proceedings
4. Municipal lien where authorized by law; or
5. Any other lawful collection procedure available to the Town.

(g) Waiver or Reduction- The Town may waive or reduce fees for good cause shown, provided such action is documented and approved in accordance with established Town policy.

(h) Municipal Liens- Where authorized by state law, the Town may file or record a municipal lien against real property for unpaid nuisance abatement, sanitation, cleanup, emergency response, or other recoverable costs incurred by the Town relating to violations of this Chapter.

(i) Non-Exclusive Remedies- The remedies provided herein are cumulative and non-exclusive and shall not limit any authority otherwise available to the Town under state law or other municipal ordinances.

9-120 Severability

If any section is held invalid, remaining provisions remain in effect.

Chapter 9

Article 2

Dogs

9-201 Compliance with State Law

All dog ownership shall comply with West Virginia Code §19-20 including registration, vaccination, and tagging.

9-202- Annual Dog Head Tax; Registration; Tags Required

There is hereby imposed upon every person who owns or keeps a dog within the corporate limits of the Town, which dog is over the age of six (6) months, an annual head tax as follows:

- (1) One dollar (\$1.00) for each male dog or spayed female dog;
- (2) Two dollars (\$2.00) for each unspayed female dog.

Every person who owns or keeps a dog within the Town that is over the age of six (6) months shall report such dog to the Assessor of Braxton County at the time of the annual personal property assessment, in accordance with applicable provisions of West Virginia Code §19-20-2.

Any person who acquires a dog over six (6) months of age, or whose dog attains the age of six (6) months after the assessment period, shall report such dog to the County Assessor within a reasonable time as required by state law.

At the time of reporting, the owner or keeper shall:

- (1) Pay the applicable head tax to the County Assessor;
- (2) Obtain a valid registration tag for each dog;
- (3) Securely affix the tag to a collar or harness worn by the dog at all times; and
- (4) Retain the registration certificate issued by the Assessor as proof of compliance.

It shall be unlawful for any person to:

- (a) Own or keep a dog subject to this section without reporting and paying the required head tax;
- (b) Fail to display a valid registration tag on any dog required to be registered; or
- (c) Provide false information in connection with registration.

This section may be enforced by any enforcement officer, who may issue warnings or citations, verify registration compliance, or take action consistent with this Chapter and applicable state law.

The dog head tax imposed by this section shall be assessed on a fiscal year basis in accordance with state law and county assessment procedures.

9-203 Exemptions from Dog Head Tax

- (a) The dog head tax imposed by 9-202 shall not apply to dogs kept within:
 - (1) A licensed kennel; or
 - (2) A licensed veterinary hospital or clinic;
provided such dogs are not kept for personal ownership separate from the licensed business.
- (b) Any service dog, including guide dogs assisting visually impaired persons, shall be exempt from the head tax imposed by 9-202, consistent with applicable provisions of West Virginia Code §19-20-12a.
- (c) Notwithstanding the exemption from payment of the head tax:
 - (1) The owner or custodian of any exempt dog shall annually register such dog with the County Assessor;
 - (2) A valid registration tag shall be obtained and affixed to the dog's collar or harness;
and
 - (3) Proof of current rabies vaccination shall be provided at the time of registration in accordance with state law.

9-204. Unlawful Acts Concerning Registration Tags

- (a) No person shall affix or attach a registration tag to any dog other than the dog for which such tag was issued.
- (b) No person shall remove a registration tag from any dog without the consent of the owner or custodian, except as authorized by law.
- (c) No person shall possess or use any counterfeit, altered, or invalid registration tag.

9-205 Enforcement and Penalties

Any violation of 9-202, 9-203, or 9-204 shall be subject to the general penalty provisions of this Chapter. Each improperly tagged or untagged dog shall constitute a separate offense.

9-206 Dogs Running at Large

No owner or keeper shall permit any dogs to run at large within the corporate limits of the Town. All dogs are subject to the standards set forth in 9-104 of this chapter and shall be impounded pursuant to Section 9-109

9-207 Dangerous Dogs

Any dog that bites or attacks may be declared dangerous. Upon determination:

- (a) Confinement required
- (b) Insurance may be required
- (c) Removal may be ordered

The owner is entitled to a hearing.

9-208 Dog Bites

Any dog that bites a person shall be:

- (a) Confined
- (b) Reported to health authorities
- (c) Observed as required by law

9-209 Muzzling Order

The Mayor or Council may require muzzling during public safety emergencies.

9-210 Tag Violations

No person shall attach a license or vaccination tag to any dog to which it was not issued or remove a license or vaccination tag from the collar of any dog without the consent of its owner.

9-211 Interference with Dogs

No person shall steal, harm, or illegally seize dogs

9-212 Howling or Barking Dogs

(a) It is declared a nuisance for any person to keep or harbor any dog which howls or barks to the annoyance of the inhabitants of the Town, and no person shall create, continue, contribute to or suffer such nuisance to exist.

(b) For the purpose of this section, excessive howling or barking dogs shall be deemed in violation of this section, when they are found to howl or bark so continuously or incessantly as to unreasonably disturb the peace and tranquility of the neighborhood. It shall be considered a disturbance of the peace and be cited as such for howling or barking dogs reported and verified to be found in violation of this section.

(c) Unless otherwise specified, penalties shall follow 9-117. Violations of this section may additionally constitute a disturbance of the peace under applicable provisions of Chapter 11.

9-213 Dog Quarantine Restrictions

(a) Whenever an official dog quarantine is declared by the State of West Virginia, Braxton County, or the Town, no dog shall be permitted to be kept within the Town except in compliance with this section.

(b) During any declared quarantine period, all dogs shall be:

- (1) Confined within a secure enclosure on the premises of the owner or keeper; or
- (2) Restrained as provided in subsection (c) when off the premises.

(c) A dog may be taken off the owner's premises only if:

- (1) The dog is under the control of a person sixteen (16) years of age or older;
- (2) The dog is securely leashed; and
- (3) The dog is properly muzzled to prevent biting.

(d) No dog shall be permitted to run at large during any quarantine period.

(e) Any violation of this section shall constitute a separate offense for each occurrence and shall be subject to the penalties provided in 9-117 of this Chapter.

9-214 Penalties

Any violation of this section shall constitute a separate offense for each occurrence and shall be subject to the penalties provided in 9-117 of this Chapter.

9-215 Severability

If any section is held invalid, remaining provisions remain in effect.

Chapter 9

Article 3

Felines

9-301- Findings and Purpose

The Town of Sutton Council does hereby find the following:

- (a) Improper care, keeping and treatment of, and general control over felines may constitute abusive or neglectful treatment of animals defined as cruelty to animals in violation of state statute;
- (b) Pursuant to state statute, the governing body of a municipality is expressly permitted to regulate or prohibit the keeping of animals within the corporate limits; and
- (c) Various problems have been observed within the corporate limits of the Town of Sutton respecting the care, keeping of, and general control of felines.

9-302 Definitions

For the purposes of this section, the following terms shall have the meanings ascribed to them unless the context clearly indicates otherwise:

- (1) "Animal"- Any living organism other than plant life or a human being, including but not limited to mammals, birds, reptiles, and amphibians.
- (2) "Cat or Feline"- Any member of the species *Felis catus*, whether domesticated, stray, or feral.
- (3) "At Large"- Not under the control of the owner or keeper by physical control by leash, physical restraint, enclosure, or immediate control of responsible person
- (4) son having custody, possession, control, or responsibility for an animal.
- (5) "Enforcement Officer"- Any law enforcement officer, code enforcement officer, or other person authorized by the Town to enforce this section.
- (6) "Impoundment"- The lawful taking into custody and confinement of an animal by an enforcement officer.
- (7) "Abandonment"- The act of leaving an animal without providing for its reasonable care, supervision, or shelter.

9-303- Cats Running at Large

No owner or keeper shall permit any cat to habitually create nuisance, sanitation, property damage, or public health conditions within the Town.

All cats are subject to the standards set forth in 9-104 of this chapter and shall be impounded pursuant to Section 9-109

9-304 Registration and Identification

- (a) The Town may require registration and identification of cats kept within the Town limits to combat uncontrolled population growth of feral or stray cats.
- (b) If required, such registration shall include:
 - (1) Owner name and address
 - (2) Description of the animal
 - (3) Issuance of an identification tag or other approved method

9-305 Sanitation and Nuisance Conditions

- (a) Any owner or keeper of a cat shall maintain the premises where such an animal is kept in a sanitary condition.
- (b) It shall be unlawful for any owner or keeper to permit the accumulation of animal waste in a manner that:
 - (1) Creates an odor detectable beyond the property boundary; or
 - (2) Constitutes a public nuisance or health hazard
- (c) Violation of this section shall be subject to fines and enforcement under this chapter.

9-306 Feeding of Stray or Feral Cats

- (a) No person shall regularly feed stray or feral cats in a manner that:
 - (1) Creates a nuisance;
 - (2) Attracts multiple animals; or
 - (3) Contributes to uncontrolled population growth
- (b) This section shall not prohibit:
 - (1) Adoption of such animals; or
 - (2) Participation in a humane, managed animal control or trap-neuter-return program approved by the Town or coordinated with the West Virginia Division of Natural Resources or local animal control authorities

9-307 Humane Treatment; Prohibited Acts

- (a) It shall be unlawful for any person to:
 - (1) Poison, torture, or cruelly mistreat any animal;
 - (2) Kill or injure any cat except as permitted by law;
 - (3) Use inhumane methods of capture or control
- (b) Nothing in this section shall prohibit lawful actions taken by:
 - (1) Licensed veterinarians;
 - (2) Animal control authorities;
 - (3) Persons acting in compliance with applicable state law

9-308 Impoundment and Disposition

- (a) Any cat found at large may be impounded.
- (b) The Town shall make reasonable efforts to identify and notify the owner.
- (c) If the owner is not identified or does not reclaim the animal within a reasonable time:
 - (1) The animal may be transferred to an animal shelter;
 - (2) Made available for adoption; or
 - (3) Humanely euthanized in accordance with applicable law
- (d) All actions under this section shall comply with applicable state law and accepted humane standards.

9-309 Euthanasia or Sick or Injured Animals

Any animal that is seriously injured or suffering may be evaluated by a licensed veterinarian. If, in the professional judgment of the veterinarian, the animal is unlikely to recover or is suffering unnecessarily, the animal may be humanely euthanized. The owner, if known, shall be responsible for all reasonable costs incurred.

9-310 Enforcement

- (a) This section shall be enforced by enforcement officers set forth in 9-103 of this chapter.
- (b) Officers may issue warnings or citations, impound animals, or initiate nuisance abatement actions

9-311 Penalties

Each day a violation continues shall constitute a separate offense. Unless otherwise specified, penalties shall follow 9-117

In addition to fines, the Town may recover:

- (a) Costs of impoundment
- (b) Veterinary expenses
- (c) Administrative costs

9-312 Severability

If any section is held invalid, remaining provisions remain in effect.

The provisions set forth above shall replace all prior versions of Chapter 9, in its entirety.

Section 3. Codification Authority the Town Clerk is hereby authorized and directed to:

- (a) Insert the reenacted provisions into the Code of the Town of Sutton in proper numerical order;
- (b) Remove all repealed language;
- (c) Renumber sections as necessary; and
- (d) Make no substantive editorial changes required for formatting, consistency, and cross-referencing.

Section 4. Repealer- All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency. Except as to any rights accrued, liabilities incurred, or proceedings begun prior to such repeal

Section 5. Severability- If any section, subsection, clause, phrase, or provision of this ordinance or the reenacted provision is held invalid or unenforceable, such invalidity shall not affect the remaining provisions, which shall remain in full force and effect.

Section 6. Effective Date- This ordinance shall take effect upon adoption, following required readings, approval, and publication as provided by law.

ADOPTED by the Town Council of the Town of Sutton, West Virginia, on this ____ day of _____, 2026.

TOWN OF SUTTON, WEST VIRGINIA

Mayor

Attest: _____

Recorder

Council member

Council member

Council Member

Council Member

Council member

RESOLUTION NO. _____

**A RESOLUTION ESTABLISHING ANIMAL IMPOUNDMENT FEES
FOR THE TOWN OF SUTTON**

WHEREAS

The Town of Sutton has adopted Chapter 9 of its Code of Ordinances regulating animals and providing for impoundment and cost recovery; and

WHEREAS

9-119 of said Chapter authorizes the Town Council to establish and amend a schedule of fees by resolution; and

WHEREAS

The Town Council finds it necessary to establish reasonable fees to recover the costs associated with animal impoundment, care, and enforcement;

NOW, THEREFORE, BE IT RESOLVED

by the Council of the Town of Sutton, Braxton County, West Virginia, as follows:

SECTION 1. FEES ESTABLISHED

The following fees are hereby established for animal impoundment and related services:

(1) Impoundment (Intake) Fee

- (a) First offense: \$50.00 per animal
- (b) Second offense (within 12 months): \$100.00 per animal
- (c) Third and subsequent offenses: \$150.00 per animal

(2) Daily Boarding Fee

\$15.00 per day per animal

(3) After-Hours / Emergency Impound Fee

\$50.00 additional charge

(4) Veterinary and Medical Costs

Actual cost incurred by the Town for:

- a. Emergency treatment
- b. Vaccinations
- c. Required medical care
- d. Euthanasia (if applicable)

(5) Transportation Fee

\$25.00 per incident, if transport is required outside normal operations

(6) Administrative Fee

\$25.00 per case to cover processing and enforcement costs

SECTION 2. PAYMENT REQUIRED

No animal shall be released from impoundment until:

- (1) All applicable fees are paid in full; and
- (2) The owner demonstrates compliance with all applicable laws and ordinances.

SECTION 3. UNCLAIMED ANIMALS

Failure to reclaim an animal shall not relieve the owner of responsibility for fees incurred prior to final disposition.

SECTION 4. COLLECTION

Unpaid fees shall constitute a debt owed to the Town and may be collected by any lawful means, including civil action.

SECTION 5. SEVERABILITY

If any provision of this Resolution is held invalid, such invalidity shall not affect the remaining provisions.

SECTION 6. EFFECTIVE DATE

This Resolution shall take effect immediately upon adoption.

ADOPTED by the Council of the Town of Sutton this ____ day of _____, 2026.