

CHAPTER NINE

ANIMALS AND FOWL

ARTICLE ONE

IN GENERAL

9-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of cows, swine, sheep, horses, mules, or goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, to knowingly or negligently permit any of them to run at large inside the corporate limits of the town.
(Section amended 1989)

9-102. Keeping near a residence or business restricted. No person shall keep, stable, or house any animal enumerated in the preceding section within the corporate limits of the town.
(Section amended 2022)

9-103. Pen or enclosure to be kept clean. When animals or fowl are kept within the corporate limits, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition.

9-104. Adequate food, water, and shelter, etc., to be provided. No animal or fowl of any kind shall be kept or confined in any place where the food, water, shelter and ventilation are not adequate and sufficient for the preservation of its health, safe condition, and wholesomeness for food if so intended.

9-105. Keeping in such manner as to become a nuisance prohibited. No animal or fowl shall be kept in such place or condition as to become a nuisance either because of noise, odor, contagious disease, or other reasons.

9-106. Cruel treatment prohibited. If any 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 animal 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 inhumane

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 cock fighting, dog fighting, bear battling, 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 a dog or other animal for the purpose of seizing, detaining, or mistreating any other domestic animal, he shall be fined not less than five nor more than one hundred dollars and, in the discretion of the court, he may be imprisoned not exceeding six months.

9-107. Seizure and disposition of animals. Any animal or fowl found running at large or otherwise being kept in violation of this article may be seized by the health officer or by any police officer or other officer so designated by council, and confined in a pound provided or designated by the council. If the owner is known he shall be given notice in person, by telephone, or by a post card addressed to his last-known mailing address, and the animal or fowl will be humanely destroyed or sold if not claimed within five days. If the owner is not known, a note describing the impounded animal or fowl will be publicly broadcast or posted in at least three public places within the corporate limits of the town. The notice shall state that the impounded animal or fowl must be claimed within five days by paying the pound costs or the same will be humanely destroyed or sold. If not claimed by the owner within the specified period, the animal or fowl will be sold, humanely destroyed, or otherwise disposed of as authorized by council and the council, town, and any such purchaser shall in no way be liable to the former owner therefore.

9-108. Seizure of rabid animals. Any rabid animal, or animal from good cause supposed to be rabid, found running at large upon any of the streets, alleys, or premises other than that of the owner of such animal, within said town, shall be seized forthwith by the health officer or any police officer and confined in a suitable place until such time as may be required to determine if said animal be infected or not. Any reasonable expense attending such confinement and, of necessary, the humane disposal of such animal, may be allowed by the council.

9-109. Confinement of diseased animals. The owner of any animal suffering with any contagious or infectious disease shall remove or confine the same to some place where danger of its spread of infection cannot be reasonably apprehended; or, if the

animal be killed or die, the body shall be buried or destroyed by the owner.

9-110. Dangerous or vicious animals prohibited. No person shall keep any animal which is known to be dangerous or vicious within the limits of the town unless said animal be kept securely confined. Any person offending against the provisions of this section shall be fined as provided in Section 9-115 following, and after the assessment of the first fine a like fine shall be imposed for every twenty-four hours such animal is suffered by such person to remain unconfined.

9-111. Turning animals loose within the town prohibited. No person shall willfully let out, or cause to be let out, of any enclosure within the town, or drive or lure, or cause to be driven or lured, into said town any of the animals mentioned in Section 9-101 of this article.

9-112. Unauthorized removal of animals from pound. No person shall let out, drive, or turn out of any pound or enclosure any animal that may have been placed therein by any police officer or authorized employee of the town.

9-113. Passing of Ordinance Animals and Fowl. No person, living within the town boundaries, shall keep fowl of any type without first, applying for a permit from the Town of Sutton. No roosters will be allowed. Birds are limited to a total of 15. All birds must be kept in a humane way and penned 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.

If 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.

Cost of permit is \$10.00 ten dollars. The permit will consist of name, address, total number of birds. A map will accompany the permit showing the exact location of the pen on the owner's lot. Any violation of this ordinance may result in citation and fine of not less than \$25.00 and not more than \$200.00.

(Section amended 2022)

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9-114. Excess speed of animals prohibited. It shall be unlawful for any person to gallop any horse, mare, gelding, mule, or ass, or ride or drive any such animal or other brute, over any road, street, or alley of the town at a greater rate of speed than eight miles per hour, or to ride or drive any horse or other brute across any bridge within said town at a gait faster than a walk.

9-115. Violations and penalties. Any violation of any section of this article wherein a penalty is not prescribed shall be punishable by a fine of not more than one hundred dollars for each separate offense.

9-116. Pet waste and penalties. An ordinance to establish requirements for the proper disposal of pet solid waste in Town of Sutton, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

(a) Definitions: For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

1. Immediate - shall mean that the pet solid waste is removed at once, without delay.

2. Owner/Keeper - any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.

3. Person - any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

4. Pet - a domesticated animal (other than a disability assistance animal) kept for amusement or companionship.

5. Pet solid waste - waste matter expelled from the bowels of the pet; excrement

6. Proper disposal- placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

(b) Requirement for Disposal: All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person.

(c) Exemptions: Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

(d) Enforcement: The provisions of this Article shall be enforced as prescribed in Article one of Chapter two of Town of Sutton Ordinances. Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$100.00.

(e) Severability: Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.
(Section amended 2022)

ARTICLE TWO

DOGS

9-201. Annual head tax imposed; duty of keepers of dogs to report to county assessor and pay head tax; dog tags to be affixed to collars of dogs.

(a) There is hereby imposed upon each person keeping within the town a dog above the age of six months an annual head tax on each dog so kept by him in the amount of one dollar for each male or spayed female dog and two dollars for each unspayed female dog.

(b) It shall be the duty of each person who keeps within the town a dog above the age of six months to report such dog to the Assessor of Braxton County at the time when the annual assessment of personal property is made; provided, that when any person within the town acquires a dog above the age of six months, or when a dog kept by him within the town attains the age of six months, such person shall then report such dog to the Assessor of Braxton County.

(c) Each person reporting a dog to the county assessor pursuant to subsection (b) of this section shall pay to the assessor the amount of the head tax prescribed in subsection (a) of this section for each dog he is required to report, and he shall then attach to the collar of each such dog the proper registration tag furnished to him by the assessor, and retain within his possession the certificate of registration furnished to him by the assessor for each such dog.

(d) The annual head tax on dogs imposed by subsection (a) of this section is for a fiscal year rather than a calendar year.

9-202. Certain dogs exempt from tax imposed by Section 9-201. The head tax imposed by subsection (a) of Section 9-201 shall not apply to dogs in a licensed kennel or veterinary hospital. All seeing-eye dogs are exempted from the head tax imposed by subsection (a) of Section 9-201, but their owners or custodians shall annually apply for and be issued dog license tags upon display of proper rabies vaccination or inoculation or vaccination certificate.

9-203. Offenses concerning license tags. No person shall attach a license tag to any dog to which it was not issued or

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remove a license tag from the collar of any dog without the consent of the owner.

9-204. Dogs are not permitted to run at large. No dog, whether wearing a license tag or not, shall be permitted, and it shall be unlawful for any dog, to run at large within the corporate limits of the town at any time. Any dog found running at large in violation of this section shall be subject to impoundment as provided in Section 9-107 of this chapter.

9-205. Keeping vicious dog prohibited. No person shall own, keep, or harbor any dog known by him to be vicious, dangerous, or in the habit of biting or attacking persons, whether or not such dog wears a tag or muzzle, and, upon satisfactory proof that such dog is vicious, dangerous, or in the habit of biting or attacking persons, the animal warden or any police officer or other person may cause such to be impounded, upon a warrant being issued therefore and served upon the owner thereof and a hearing being had thereon, disposed of in a humane manner.
(Section amended 1989)

9-206. Duty of owner or custodian of dog upon biting any person. Any dog, whether licensed or not, who bites any person shall be taken by its owner or custodian forthwith to a veterinarian for confinement and observation, or shall be securely confined on the premises of its owner or custodian, and in either case the owner or custodian shall forthwith notify the health officer of Braxton County.

9-207. Muzzling dogs under proclamation of Mayor. Whenever it shall be made to appear to the Mayor and/or council that there are good reasons for believing that any dog within the town is mad, he may issue a proclamation requiring that all dogs shall, for a period to be defined in the proclamation, wear good, substantial muzzles, securely put on, so as to prevent them from biting or snapping, and any dog at large, during the period defined by the Mayor, without such muzzle, shall be taken by the animal warden or any police officer and impounded as provided in this chapter.

9-208. Inducing dogs to fight, annoy persons or animals. No person shall entice, induce, urge or cause any dog to engage in or prolong a fight in the town, and no person shall induce or cause any dog to run after, bark at, frighten, or bite any person or animal lawfully passing along or standing in or on any street or highway within the town.

9-209. Seizing or enticing dog; bringing dog into city for impounding or killing. Except for persons duly authorized by this article, no person shall entice any properly licensed dog into any enclosure for the purpose of taking off its collar, harness, or tag, or, for such purpose, decoy or entice any dog out of the enclosure or house of its owner or possessor, or seize or molest any dog which is held or led by any person, or bring any dog into the town for the purpose of impounding or killing.

9-210. Violations and penalties. A violation of any section of this article shall be punishable by a fine of not more than one hundred dollars for each separate violation.
(Section amended 2022)