

**AN ORDINANCE AMENDING ARTICLE III OF THE CODE OF THE CITY OF  
WESTON TO BE KNOWN, CITED AND REFERRED TO AS THE FELINE  
CONTROL AND CARE SECTION OF THE WESTON CITY CODE**

WHEREAS, pursuant to Chapter 8, Article 12, Section 5(26) of the West Virginia Code, as amended, municipalities are granted plenary power and authority to regulate or prohibit the keeping of animals or fowls to provide for impounding, sale or destruction of animals or fowls kept contrary to law of found running at large within the corporate limits; and,

WHEREAS, the Common Council of the City of Weston now deems it necessary to help control and maintain the proper care and control of the feline population brought into the City of Weston corporate limits.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COMMON  
COUNCIL OF THE CITY OF WESTON, AS FOLLOWS;**

**SECTION 4-21-FINDINGS OF COUNCIL:** The Council of the City of Weston does hereby find the following:

1. That 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;
2. That 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;
3. Various problems have been observed within the corporate limits of Weston respecting the care, keeping of, and general control of felines

**SECTION 4-22 DEFINITIONS:** The following words, terms and phrases when used in this ordinance shall have meanings associated to this ordinance, except where the context clearly indicates a contrary meaning:

1. Agent-Any person who is employed, appointed, or contracted by the Common Council of the City of Weston.
2. Animal-Any living organism other than plant life, but excluding human beings. Animals in this ordinance include arthropods, amphibians, reptiles, birds and mammals.
3. Abandon-The leaving of any animal without adequate care or attendance, provisions, or shelter.
4. Custody-Have ownership or guardianship over an animal.
5. Cat-any member of the feline family, but particularly domesticated or stray cats of both genders
6. Feline- commonly known as a "cat"
7. Control-meaning having the ability to maintain your animal or physically by means of a leash, pen, or within the confines of a residential dwelling.
8. Impoundment-the taking of or picking up and confining of an animal by any enforcement officer.
9. Enforcement Officer-any person authorized either by this ordinance or state statute to enforce the provisions hereof, or of state law, and specifically including the animal control officer and any officer of the City of Weston Police Department.
10. Trapper-An individual allowed by the Department of Natural Resources and the State of West Virginia to capture through humane efforts animals.
11. Ownership-A person or persons having an animal in their care or guardianship.
12. Registration-All felines are to be registered with the City of Weston through a registration process in which the feline shall be given a tag with the owners name and address.

13. Identification Tags-A tag on the collar to allow for the proper identification of the owner of said animal.

**SECTION 4-23: EUTHANIZING HOPELESSLY SICK AND/OR SERIOUSLY INJURED FELINES:**

1. Any feline discovered running at large which is observed to be in poor health or injured, upon impoundment shall be examined as promptly as is reasonable and convenient by a veterinarian. Upon their findings that the animal is unlikely to recover from sickness or injuries, that is the procedures for the feline shall not exceed One hundred dollars (\$100.00), and then such animal shall be euthanized.
  - a. Upon determining the owner of any such animal described in Article III Section 4-23(1), all boarding, impoundment, veterinary, euthanizing and disposal costs shall be assessed to and paid by the animal's owner.

**SECTION 4-24: FELINES RUNNING AT LARGE:** Any owner or keeper of any feline who permits such animal to run at large shall be deemed to have violated the provisions of this ordinance, and shall be subject to the penalties of Section 4-29

- a. All Felines are to be registered within the corporate limits of City of Weston through a tagging process that would allow for the identification of the animals and their owners or guardians.

**SECTION 4-25 PROPER DISPOSAL OF EXCREMENT BY OWNERS OR KEEPER OF FELINES:**

1. Notwithstanding the provisions of Article III Section 4-24 the owner or person having custody of any feline shall nevertheless be required to periodically to properly and completely collect and dispose of any and all feline fecal excrement accumulating upon the premises of such owner or other person having custody of said feline. Any detection of excrement or odor from feline of any neighboring property shall be deemed to constitute prima facie evidence of such feline owner or other person's failure to abide by this Section III, and shall be subject to the penalties of Section 4-29 hereof.

**SECTION 4-26: FEEDING OF UNDOMESTICATED OR STRAY FELINES:**

1. It shall be unlawful for any person to place any type of food upon any property for the purpose of feeding a stray or undomesticated feline. However, said person may adopt feline(s) through proper registration.

**SECTION 4-27: CONDITION OF PREMISES WHERE ANY FELINE IS KEPT:**

1. The premises wherein any feline is kept shall be at all times kept in a sanitary position and shall not constitute a violation of Article III Section 4-25.

**SECTION 4-28: TRAPPING OF FELINES RUNNING AT LARGE WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF WESTON WITH COOPERATION WITH STATE AND/OR COUNTY AUTHORITIES:**

1. The City of Weston and its agents shall work cooperatively with all state and/or county agencies and other authorities in alleviating problems and nuisances created by felines running at large.
2. The City of Weston shall establish a humane trapping program for felines running at large.
3. The City shall apply reasonable means to determine and locate the owners of these felines. If the owner is unable to be located, said feline shall be able to be adopted by an adult individual after all associated fees by the Upshur/Lewis County Animal Shelter are paid. If said owner can not be located or no adoption occurs animal shall be euthanized in a humane manner.
4. The City of Weston through its agents shall have the plenary power to alleviate problems and nuisances caused by stray felines and felines running at large in accordance with the practices or policies either specifically established or as specified by the West Virginia Bureau of Commerce's Division of Natural Resources.
5. The trapping, capturing, hunting, drugging, poisoning, or killing of any feline, except otherwise expressly authorized by this ordinance shall be strictly prohibited within the corporate limits of the City of Weston. Any person charged with a violation of this Ordinance shall not be

permitted to assert as a defense that the means of trapping, capturing, hunting, drugging, poisoning, or killing of any feline was intended to help the City or its agents by any means.

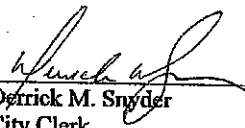
**SECTION 4-29: PENALTIES FOR VIOLATIONS OF THIS ORDINANCE:**

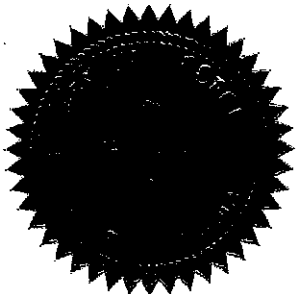
1. Except as otherwise expressly provided herein or as otherwise expressly mandated by state statute, the commission of a first violation of any provision of this ordinance shall be considered a misdemeanor offense, and shall upon conviction thereof, result in the assessment by the Municipal Court Judge of fine in an amount not exceeding twenty-five dollars (\$25.00) plus all costs of the proceeding, including any costs assessed by the County Animal Shelter.
2. Except as otherwise expressly provided herein, the commission of a second violation of any provision of the ordinance shall be considered a misdemeanor offense, and shall upon conviction thereof, result in the assessment by the Municipal Court Judge of a fine in an amount not less than fifty dollars (\$50.00) nor more than one hundred (\$100.00), plus all costs of the proceedings, including any costs assessed by the County Animal Shelter.
3. Except as otherwise expressly provided herein, the commission of a third violation of any provision of the ordinance shall be considered a misdemeanor offense, and shall upon conviction thereof, result in the assessment by the Municipal Court Judge of a fine in an amount not less than one hundred dollars (\$100.00) nor more than five hundred (\$500.00), plus all costs of the proceedings, including any costs assessed by the County Animal Shelter. Any person upon conviction of a third offense by the Municipal Court Judge or subsequent violation of any provision of this ordinance may be ordered to be confined for a period not exceeding thirty (30) days.

**SECTION 4-30: EFFECT UPON OTHER MUNICIPAL ORDINANCES AND SEVERABILITY: WHEREFORE,** if any parts of this ordinance be in conflict with any other City Ordinances and/or any part of State Statute and is found to violate any part thereof and is ruled unconstitutional by a court of competent jurisdiction, such a determination shall not affect the validity of this ordinance as a whole or the sections and provisions thereof which are not specifically held to be violating state or federal statute or court ruling, unconstitutional, invalid or otherwise unenforceable.

**THEREFORE,** this ordinance shall take effect after the adoption of the second reading.

First Reading 8/7, 2006  
Second Reading: 8/15, 2006

  
Derrick M. Snyder  
City Clerk



State of West Virginia  
County of Lewis  
City of Weston

I, Derrick M. Snyder, City Clerk and Recording  
Officer, of said municipality, do hereby certify that the foregoing Ordinance was lawfully  
ordained and enacted by the Council of the City of Weston at a regular session of the  
Council assembled on 5 day of September, 20 06.

  
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City Clerk and Recording Officer