

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF WEIRTON, BROOKE AND HANCOCK COUNTIES, WEST VIRGINIA THAT THE FOLLOWING BE ADDED TO ARTICLE 505.11 (A) OF THE CODIFIED ORDINANCES OF THE CITY OF WEIRTON:

A. If any person cruelly mistreats, abandons or withholds proper sustenance, including food, water, shelter or medical treatment, necessary to sustain normal health and fitness or to end suffering or abandons any animal to die, or intentionally, knowingly or recklessly leaves an animal unattended and confined in a motor vehicle when physical injury to or death of the animal may result from cold, heat, or lack of food or water, or rides an animal when it is physically unfit, or baits or harasses any animal for the purpose of making it perform for a person's amusement, or cruelly chains, tethers, or restrains any animal or uses, trains or possesses any domesticated animal for the purpose of seizing, detaining or maltreating any other domesticated animal, he or she is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500 or confined in jail not more than 30 days, or both.

1. As used in this section "cruelly chaining, tethering, or restraining" entails leaving an animal outdoors in the following circumstances:

- (a) If a heat or cold advisory has been issued by a local or state authorities or the National Weather Service; or,**
- (b) If a severe weather warning has been issued by a local or state authorities or the National Weather Service; or,**
- (c) If the owner or occupant of the residence is not present at the premises for an unreasonable amount of time under the circumstances; or,**
- (d) If the animal is not provided with its needs as identified in division (A) of Section 505.11 pertaining to withholding of proper sustenance, including food, water, shelter, or medical care necessary to sustain normal health and fitness.**

10-D

Ordinance No. 2021-04

Introduced: _____, 2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WELLSBURG AMENDING, REENACTING, AND REVISING ARTICLE 505 OF THE GENERAL OFFENSES CODE BY CREATING AND ENACTING A NEW SECTION THEREOF AND AMENDING AND REENACTING SECTION 505.99.

ARTICLE 505

ANIMALS AND FOWL

505.16 UNLAWFUL RESTRAINT OF DOG

(a) It shall be a violation of this section for an owner or caretaker to tether a dog outside in any of the following circumstances:

- (1) For more than ten (10) hours during a twenty-four-hour (24) period;
- (2) Between the hours of ten o'clock p.m. (10:00 p.m.) to six o'clock a.m. (6:00 a.m.), except for a maximum of fifteen (15) minutes;
- (3) Within five hundred feet (500 ft.) of a school, except for a maximum of fifteen (15) minutes;
- (4) When the outside temperature is less than 32 degrees or greater than 90 degrees Fahrenheit, except for a maximum of fifteen (15) minutes;
- (5) During severe weather;
- (6) If the dog does not have access to potable water and an area of shade that permits the dog to escape the direct rays of the sun;
- (7) There is excessive waste or excrement in the area where the dog is tethered;
- (8) There are open sores or wounds on the dog's body;
- (9) The collar used to tether the dog shall not be a pinch-type, prong type, choke type, or is not properly fitted to the dog; or
- (10) The area where the dog is tethered is an area of less than one hundred thirteen square feet (113 sq. ft.) or of less than a six foot (6 ft.) radius at ground level.

505.012 CRUELTY TO DOGS

No dog shall be tethered, maintained, or kept outside any longer than thirty (30) minutes during any extreme weather events including, but not limited to, extreme heat defined as 90 Degrees Fahrenheit and above, and/or freezing temperatures defined as 32 Degrees Fahrenheit and below, and/or during severe weather conditions including, but not limited to, lightning and/or thunder storms, hail, extreme wind, ice and/or snow storms, tornadoes, and/or floods. Depending upon the size, breed, and/or overall health of the dog upon inspection, the ultimate determination pertaining to any dog's health, safety, and/or welfare during weather events shall be in the sole discretion of either the animal control officer and/or law enforcement officers.