

ORDINANCE NO. 5 , 2001

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WISE, VIRGINIA,
REGULATING THE KEEPING OF ANIMALS AND FOWL; EXEMPTIONS,
PENALTIES FOR VIOLATION**

WHEREAS, Section 15.2-204, 15.2-1102, and 3.1-796.94:1 of the Code of Virginia, as amended, authorizes the Town of Wise, Virginia, to provide for the safety, health, and general welfare of the inhabitants of the town and to regulate the keeping of animals and fowl; and,

WHEREAS, growth and development of the town now makes keeping of animals and fowl a health and safety matter and this Council specifically finds that circumstances now exist in the Town of Wise requiring the Council to act in order to promote the general welfare of the inhabitants of the town and the safety and health of the inhabitants thereof; and,

WHEREAS, the Town Council has given this matter serious consideration.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Town Council of the Town of Wise, Virginia, that:

Section 1: No person shall keep any animal or fowl within the corporate limits of the Town of Wise except in accordance with this Ordinance.

Section 2: For the purposes of this Ordinance, the term "keep" or "keeping" shall mean to regularly maintain, tend, harbor, feed, act as custodian for, or provide shelter for an animal or fowl. For the purposes of this Ordinance, the term "animal" shall include, but not be limited to, foxes, minks, skunks, swine, goats, sheep, cattle, mules, bulls, or other similar livestock or fur-bearing animals. For the purposes of this Ordinance, the term "fowl" shall include, but not be limited to, chickens, turkeys, roosters, pigeons, peacocks, doves, and quail.

Section 3: This ordinance shall not apply to a) the keeping of dogs, cats, rabbits, or horses for personal enjoyment, b) animals or fowl kept inside an individual's personal residence or dwelling, c) approved animal hospitals, commercial kennels/boarding, pet shops, pet grooming parlors.

Section 4: Any person violating the provisions of this ordinance shall be guilty of a class four misdemeanor and subject to a fine of not more than \$250.00. Each day during the continuance of such violation (after notice, warrant, or citation) shall constitute a separate offense for the purposes of this Ordinance.

Section 5: The department of police, the animal warden, and other animal control and law enforcement officers shall enforce the provisions of this Ordinance.

Section 6: If any section, sentence, clause, part, or provision of this Ordinance shall be declared illegal, invalid or unconstitutional, such decision shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance.

Section 7: This Ordinance shall be effective sixty days from the date of adoption.

VOTING "AYE": Clifton Carson, Luther Adkins, Roscoe

Archer, Steve Blankenbecler

VOTING "NAY": _____

ABSENT FROM THE MEETING: Caynor Smith, Jr.

ADOPTED, ORDAINED, AND ENACTED on this the 22nd day of May, 2001.

TOWN OF WISE, VIRGINIA

Clifton Carson
MAYOR

ATTEST:

Belinda M Bryant
CLERK OF COUNCIL