

BEFORE THE COUNTY COUNCIL OF BERKELEY COUNTY, WEST VIRGINIA

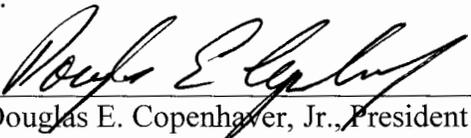
The Council hereby adopts the ordinance language incorporated hereinbelow at its regular session, on Thursday, June 25, 2015, and gives the President authority to sign and authenticate the document:

MISTREATMENT AND/OR CRUELTY TO HORSES AND OTHER LIVESTOCK

Any person(s) found to be permitting or causing horses and other livestock to be kept and maintained in a state of neglect, abuse, mistreatment, cruelty or failure to provide proper medical/veterinary care is guilty of a misdemeanor and may be fined, for each animal so victimized, not less than \$250 nor more than \$500 for a first offense; and not less than \$1000 nor more than \$2500 for each subsequent offense. In addition, the Court may, if, in its discretion, it deems it justified, order such animal victims to be adopted out by the owner(s) to appropriate organized rescue agencies or volunteer individuals who offer the Berkeley County Animal Control Office proof of ability to care for such animals.

When Animal Control Officers and other law enforcement officers having jurisdiction in Berkeley County become aware of circumstances of neglect, abuse, mistreatment, cruelty, or the withholding of proper medical/veterinary care of any horse or other livestock within the confines of Berkeley County, such officer(s) shall have authority to seek a warrant for the purposes of investigation of the situation and/or authority to enter upon the property of private individuals without such warrant, in appropriate cases, for purposes of obtaining evidence of such neglect, abuse, mistreatment, cruelty or the withholding of medical/veterinary care by documenting their findings through photographic and other means; and for purposes of issuing citations for violation of law. Such documentary evidence in conjunction with the investigating officer's written and or verbal description of his/her findings shall be considered proof without the production at trial of the actual victimized animal.

Such Animal Control and other law enforcement officers shall not have authority to seize horses or other livestock as that term is defined by West Virginia Code § 19-10b-2 (d), which are determined to be victims of such neglect, abuse, mistreatment, cruelty and/or the withholding of proper medical/veterinary care. Such officers do have authority to cite the owners and/or those with dominion over such animal victims with the misdemeanor violation of this ordinance, as first or subsequent offense, as the case may be.



Douglas E. Copenhaver, Jr., President