

H. B. 2189

(By Delegates Gearheart, Householder and R. Smith)

[Introduced January 21, 2015; referred to the

Committee on Political Subdivisions then the Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-14a, relating to permitting counties to adopt certain ordinances relating to dogs and cats; including legislative findings; granting county commissions authority to adopt ordinances to provide for the proper restraint of dogs and the spaying and neutering of dogs and cats; including permissible ordinance provisions; authorizing penalties for violations; providing authority of humane officers; giving authority to county commissions to adopt an ordinance upon approval by referendum; and specifying applicability of ordinances to municipalities.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §7-1-14a, to read as follows:

ARTICLE 1. COUNTY COMMISSIONS GENERALLY.

§7-1-14a. Authorizing certain ordinances relating to dogs and cats.

1 (a) The Legislature finds that it may be in the best interest of the public to protect the health
2 and safety of the individuals as well as the health and safety of animals owned by residents of a
3 county by reducing the number of dogs and cats that are stray or abandoned. The Legislature further
4 finds that there are a large number of dogs and cats that are euthanized or have been abandoned and
5 running at large because they are not wanted or are not owned or under control of individuals. The
6 Legislature further finds that it is in the public interest to allow a means to eliminate the excessive
7 number of unwanted dogs and cats and thereby stop the needless euthanization of these animals and
8 to prevent them from becoming a public nuisance or risk to public health or safety or the
9 environment.

10 (b) Notwithstanding any provision of this code to the contrary, a county commission may
11 adopt an ordinance requiring certain restraints and control of dogs owned or in the custody and
12 control of persons in the county. The ordinance may:

13 (1) Prohibit a person from allowing a dog owned or in the custody or control of the person
14 to run at large within the county. As used in this subdivision, “run at large” means to allow a dog
15 to leave the boundaries of property owned, leased or occupied by its owner or custodian without
16 restraint by being secured by a leash or lead or being under the control of a responsible person and
17 obedient to that person’s command;

18 (2) Prohibit persons from keeping a dog on a leash and tied to the ground or to a structure,
19 confining a dog to a pen, run or cage or leave a dog in a vehicle without adequate protection from
20 extreme heat or cold or unsafe exposure to the elements or without providing adequate food or water
21 to safely sustain the dog at all times; or

22 (3) Prohibit a person from allowing a dog while in his or her control or custody from

1 defecating or urinating upon the land or other property or premises of another without providing for
2 the immediate remediation of the same.

3 (c) Notwithstanding any provision of this code to the contrary, any county commission may
4 adopt an ordinance providing for the spaying and neutering of dogs and cats owned, or in the care
5 and custody of a county resident and for dogs and cats that have been abandoned, or are running at
6 large and not licensed or kept by a county resident. The ordinance may:

7 (1) Prohibit the ownership, possession or keeping of a dog or cat that has not been spayed
8 or neutered, establish reasonable exceptions to the prohibitions and provide for permits to have an
9 unaltered dog or cat;

10 (2) Limit the number of animals owned, kept or maintained by an individual, group or
11 organization, whether public or private, that are not spayed or neutered;

12 (3) Establish a program and facilities to provide for the spaying and neutering of dogs and
13 cats; and

14 (4) Establish reasonable fees for spaying and neutering services and permits.

15 (d) The ordinances may provide appropriate penalties for violations and may authorize
16 humane officers to take possession of any dog or cat that is not properly spayed or neutered or
17 adequately restrained or controlled as required by the ordinance, rule or regulation.

18 (e) A county commission may conduct a referendum on the question of the adoption of an
19 ordinance pursuant to this section by entry of an order providing that the ordinance not become
20 effective until it is ratified by a majority of the legal votes cast on the referendum by the qualified
21 voters of the county at any primary, general or special election as the county commission directs.

22 The powers and authority granted to county commissions are in addition to and supplemental to the

1 powers and authority granted in section fourteen of this article.

2 (f) Notwithstanding any other provision of this code to the contrary, an ordinance enacted
3 pursuant to the provisions of this section does not apply to or affect any municipal corporation within
4 the county that either has adopted:

5 (1) And has in effect an ordinance which provides substantially similar provisions as an
6 ordinance allowed by this section; or

7 (2) An ordinance to exempt itself from any county ordinance enacted pursuant to this section.

NOTE: The purpose of this bill is to grant county commissions authority to adopt certain ordinances relating to dogs and cats. The bill allows for the adoption of ordinances to prohibit persons from allowing dogs to run at large, regulate the confinement of dogs and provide for the spaying and neutering of dogs and cats. The bill provides legislative findings; permissible ordinance provisions; authorizes penalties for violations; provides authority to humane officers; allows county commissions to adopt the ordinances upon approval by referendum; and exempts municipalities that have exempted themselves from such an ordinance or that have a similar ordinance.

This section is new; therefore, it has been completely underscored.