

**H. B. 4218**

(By Delegate Gearheart)

[Introduced January 17, 2014; 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:

1 **ARTICLE 1. COUNTY COMMISSIONS GENERALLY.**

2 **§7-1-14a. Authorizing certain ordinances relating to dogs and**  
3 **cats.**

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

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

21 (1) Prohibit a person from allowing a dog owned or in the  
22 custody or control of the person to run at large within the county.  
23 As used in this subdivision, "run at large" means to allow a dog  
24 to leave the boundaries of property owned, leased or occupied by

1 its owner or custodian without restraint by being secured by a  
2 leash or lead or being under the control of a responsible person  
3 and obedient to that person's command;

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

10 (3) Prohibit a person from allowing a dog while in his or her  
11 control or custody from defecating or urinating upon the land or  
12 other property or premises of another without providing for the  
13 immediate remediation of the same.

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

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

24 (2) Limit the number of animals owned, kept or maintained by

1 an individual, group or organization, whether public or private,  
2 that are not spayed or neutered;

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

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

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

12 (e) A county commission may conduct a referendum on the  
13 question of the adoption of an ordinance pursuant to this section  
14 by entry of an order providing that the ordinance not become  
15 effective until it is ratified by a majority of the legal votes  
16 cast on the referendum by the qualified voters of the county at any  
17 primary, general or special election as the county commission  
18 directs. The powers and authority granted to county commissions  
19 are in addition to and supplemental to the powers and authority  
20 granted in section fourteen of this article.

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

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

4       (2) An ordinance to exempt itself from any county ordinance  
5 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.