

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

**Introduced**

### **House Bill 2189**

**2015 Carryover**

(BY DELEGATES GEARHEART, HOUSEHOLDER AND R.

SMITH)

[Introduced January 13, 2016; referred to the

Committee on Political Subdivisions then the

Judiciary.]

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

*Be it enacted by the Legislature of West Virginia:*

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto  
 2 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  
 4 further finds that there are a large number of dogs and cats that are euthanized or have been  
 5 abandoned and running at large because they are not wanted or are not owned or under control  
 6 of individuals. The Legislature further finds that it is in the public interest to allow a means to  
 7 eliminate the excessive number of unwanted dogs and cats and thereby stop the needless  
 8 euthanization of these animals and to prevent them from becoming a public nuisance or risk to  
 9 public health or safety or the 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  
15 dog to leave the boundaries of property owned, leased or occupied by its owner or custodian  
16 without restraint by being secured by a leash or lead or being under the control of a responsible  
17 person and 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  
19 structure, confining a dog to a pen, run or cage or leave a dog in a vehicle without adequate  
20 protection from extreme heat or cold or unsafe exposure to the elements or without providing  
21 adequate food or water 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  
23 defecating or urinating upon the land or other property or premises of another without providing  
24 for the immediate remediation of the same.

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

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

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

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

35 cats; and

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

37 (d) The ordinances may provide appropriate penalties for violations and may authorize

38 humane officers to take possession of any dog or cat that is not properly spayed or neutered or

39 adequately restrained or controlled as required by the ordinance, rule or regulation.

40 (e) A county commission may conduct a referendum on the question of the adoption of an

41 ordinance pursuant to this section by entry of an order providing that the ordinance not become

42 effective until it is ratified by a majority of the legal votes cast on the referendum by the qualified

43 voters of the county at any primary, general or special election as the county commission directs.

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

45 the powers and authority granted in section fourteen of this article.

46 (f) Notwithstanding any other provision of this code to the contrary, an ordinance enacted

47 pursuant to the provisions of this section does not apply to or affect any municipal corporation

48 within the county that either has adopted:

49 (1) And has in effect an ordinance which provides substantially similar provisions as an

50 ordinance allowed by this section; or

51 (2) An ordinance to exempt itself from any county ordinance enacted pursuant to this

52 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.