WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1955

ENROLLED

HOUSE BILL No. 52

(By Mr.

PASSED 25 FEB. 1955

In Effect 25 FEB. for Passage

Filed in the Office of the Secretary of State
of West Virginia
D. PITT O'CONNOR
ENROLLED

House Bill No. 52
(By Mrs. Walker)

[Passed February 25, 1955; in effect ninety days from passage.]

AN ACT to amend and reenact section three, article nine, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the sanitary disposition of decayed or putrid organic and food materials.

Be it enacted by the Legislature of West Virginia:

That section three, article nine, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 3. Depositing Dead Animals or Offensive Substance in or Near Waters or on or Near Roads, or on Public Grounds; Penalty; Failure to Bury or Destroy Offensive Substance After Conviction; Successive Offenses; Jurisdiction of Justices.—Any person who shall place, cast, discharge, or deposit the carcass of any dead animal or the putrescible waste from food processing
plants, or garbage, or slop, or spoiled meat, or putrid
organic substances, or the contents of privy vaults, or
septic tanks, or cesspools, into any river, creek or other
stream, or upon the surface of any land adjacent to such
criver, creek or other stream in such a location that high
water or normal drainage conditions will cause such
offensive material to be washed, drained or cast into the
criver, creek or other stream; or any person who shall
place, cast, discharge or deposit such offensive material
upon the surface of any public road, street, alley, city or
town lot, public ground, market space, or common, or
upon the surface of any land within one hundred yards
of a public street or road; or any person, who, being the
owner, lessee or occupant of any such city or town lot,
public ground, market space, common, or land within one
hundred yards of a public street or road, shall knowingly
permit any of the offensive materials hereinbefore named
to remain thereon, to the annoyance of any of the citizens
of this state, or shall neglect or refuse to remove or abate
the nuisance occasioned thereby, within twenty-four hours
after such person has knowledge of the existence of such
nuisance upon any of the above described premises owned, leased, or occupied by him, or within twenty-four hours of service of notice thereof in writing from the health officer of the county, or the mayor or health officer of the municipal corporation, as the case may be, in which any such nuisance exists, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five nor more than one hundred dollars.

Upon a conviction for any such offense, the person convicted shall, within twenty-four hours after such conviction, bury or cause to be buried at least three feet under the ground, or destroy or cause to be destroyed by fire or as otherwise directed by the health officer within whose jurisdiction the offense may have occurred, any of the offensive materials or substances hereinbefore named which the person so convicted has placed or knowingly permitted to remain upon such city or town lot, public ground, market space, common, or land, contrary to the provisions of this section, and his failure to do so shall constitute a misdemeanor and a second offense against the provisions of this section. The continued failure or
refusal of such convicted person to bury or destroy such
offensive materials and substances as provided herein
shall constitute a separate, distinct and additional offense
for each successive twenty-four hour period of such fail-
ure and refusal. Any person convicted of any offense
described in this paragraph shall be fined not less than
five nor more than one hundred dollars.
A justice of the peace shall have jurisdiction of any
offense under the provisions of this section committed
within his county.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House of Delegates

Takes effect 90 days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 7th day of March, 1955.

Governor

Filed in the Office of the Secretary of State of West Virginia.

D. Pitt O'Brien
Secretary of State

MAR 8, 1955