

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1955



ENROLLED

HOUSE BILL No. 52

(By Mr. Jasper)



PASSED Feb 25 1955

In Effect 90 days for Passage



Filed In the Office of the Secretary of State
of West Virginia MAR 9 1955
D. PITT DORRIN

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 Sub-
2 *stance in or Near Waters or on or Near Roads, or on*
3 *Public Grounds; Penalty; Failure to Bury or Destroy*
4 *Offensive Substance After Conviction; Successive Of-*
5 *fenses; Jurisdiction of Justices.—Any person who shall*
6 *place, cast, discharge, or deposit the carcass of any dead*
7 *animal or the putrescible waste from food processing*

8 plants, or garbage, or slop, or spoiled meat, or putrid
9 organic substances, or the contents of privy vaults, or
10 septic tanks, or cesspools, into any river, creek or other
11 stream, or upon the surface of any land adjacent to such
12 river, creek or other stream in such a location that high
13 water or normal drainage conditions will cause such
14 offensive material to be washed, drained or cast into the
15 river, creek or other stream; or any person who shall
16 place, cast, discharge or deposit such offensive material
17 upon the surface of any public road, street, alley, city or
18 town lot, public ground, market space, or common, or
19 upon the surface of any land within one hundred yards
20 of a public street or road; or any person, who, being the
21 owner, lessee or occupant of any such city or town lot,
22 public ground, market space, common, or land within one
23 hundred yards of a public street or road, shall knowingly
24 permit any of the offensive materials hereinbefore named
25 to remain thereon, to the annoyance of any of the citizens
26 of this state, or shall neglect or refuse to remove or abate
27 the nuisance occasioned thereby, within twenty-four hours
28 after such person has knowledge of the existence of such

29 nuisance upon any of the above described premises owned,
30 leased, or occupied by him, or within twenty-four hours
31 of service of notice thereof in writing from the health
32 officer of the county, or the mayor or health officer of the
33 municipal corporation, as the case may be, in which any
34 such nuisance exists, shall be guilty of a misdemeanor,
35 and, upon conviction thereof, shall be fined not less than
36 five nor more than one hundred dollars.

37 Upon a conviction for any such offense, the person con-
38 victed shall, within twenty-four hours after such convic-
39 tion, bury or cause to be buried at least three feet under
40 the ground, or destroy or cause to be destroyed by fire
41 or as otherwise directed by the health officer within whose
42 jurisdiction the offense may have occurred, any of the
43 offensive materials or substances hereinbefore named
44 which the person so convicted has placed or knowingly
45 permitted to remain upon such city or town lot, public
46 ground, market space, common, or land, contrary to the
47 provisions of this section, and his failure to do so shall
48 constitute a misdemeanor and a second offense against
49 the provisions of this section. The continued failure or

50 refusal of such convicted person to bury or destroy such
51 offensive materials and substances as provided herein
52 shall constitute a separate, distinct and additional offense
53 for each successive twenty-four hour period of such fail-
54 ure and refusal. Any person convicted of any offense
55 described in this paragraph shall be fined not less than
56 five nor more than one hundred dollars.

57 A justice of the peace shall have jurisdiction of any
58 offense under the provisions of this section committed
59 within his county.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the House of Delegates

Takes effect 90 days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

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

[Signature]
Governor



Filed in the Office of the Secretary of State
of West Virginia
MAR 8 1955
D. PITT O'BRIEN
SECRETARY OF STATE