

APPROVED AND SIGNED BY THE GOVERNOR

Date 4-24-81

Time _____

No: 1041
1701:06

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1981

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ENROLLED

HOUSE BILL No. 1041

(By Mr. Guinn + Mr. Norman, 33rd Dist.)

— ● —

Passed April 4, 1981

In Effect Ninety Days From Passage



ENROLLED

H. B. 1041

(By MR. GIVENS and MR. HARMAN, 33rd Dist.)

[Passed April 4, 1981; in effect ninety days from passage.]

AN ACT to amend and reenact sections two and six, article twenty, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article twenty by adding thereto four new sections, designated sections nine-a, twenty, twenty-one and twenty-two, all relating to dogs; increasing the head tax on dogs; posting description of unlicensed dogs at animal shelters; authorizing county commissions to promulgate and enforce certain ordinances, rules and regulations; requiring owners of dogs which bite any person to confine the dog for rabies observation; the killing of vicious dogs by humane officers; requirement of special license for dangerous or vicious dog; and the confinement of female dogs during period of estrus.

Be it enacted by the Legislature of West Virginia:

That sections two and six, article twenty, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article twenty be further amended by adding thereto four new sections, designated sections nine-a, twenty, twenty-one and twenty-two, all to read as follows:

ARTICLE 20. DOGS.

§19-20-2. Collection of head tax on dogs; duties of assessor and sheriff; registration of dogs; disposition of head tax; taxes on dogs not collected by assessor.

1 It shall be the duty of the county assessor and his deputies

2 of each county within this state, at the time they are making
3 assessment of the personal property within such county, to
4 assess and collect a head tax of three dollars on each dog,
5 male or female; and in addition to the above, the assessor and
6 his deputies shall have the further duty of collecting any such
7 head tax on dogs as may be levied by the ordinances of each
8 and every municipality within the county. In the event that
9 the owner, keeper, or person having in his possession or
10 allowing to remain on any premises under his control any dog
11 above the age of six months, shall refuse or fail to pay such
12 tax, when the same is assessed or within fifteen days there-
13 after, to the assessor or deputy assessor, then such assessor
14 or deputy assessor shall certify such tax to the county dog
15 warden; if there be no county dog warden he shall certify
16 such tax to the county sheriff, who shall take charge of the
17 dog for which the tax is delinquent and impound the same
18 for a period of fifteen days, for which service he shall be
19 allowed a fee of one dollar and fifty cents to be charged
20 against such delinquent taxpayer in addition to the taxes
21 herein provided for. In case the tax and impounding charge
22 herein provided for shall not have been paid within the period
23 of fifteen days, then the sheriff may sell the impounded dog
24 and deduct the impounding charge and the delinquent tax
25 from the amount received therefor, and return the balance, if
26 any, to the delinquent taxpayer. Should the sheriff fail to sell
27 the dog so impounded within the time specified herein, he
28 shall kill such dog and dispose of its body.

29 At the same time as the head tax is assessed, the assessor
30 and his deputies shall, on the forms prescribed under section
31 four of this article, take down the age, sex, color, character of
32 hair (long or short) and breed (if known) and the name and
33 address of the owner, keeper or harbinger thereof. When the
34 head tax, and extra charges, if any, are paid, the officer to
35 whom payment is made shall issue a certificate of registration
36 and a registration tag for such dog.

37 In addition to the assessment and registration above pro-
38 vided for, whenever a dog either is acquired or becomes
39 six months of age after the assessment of the personal property
40 of the owner, keeper or harbinger thereof, the said owner,

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41 keeper or harborer of said dog shall, within ten days after
42 the acquisition or maturation, register the said dog with
43 the assessor, and pay the head tax thereon unless the prior
44 owner, keeper or harborer paid the head tax.

45 All certificates of registration and registration tags issued
46 pursuant to the provisions of this section shall be issued for
47 the fiscal year and shall be valid from the date on which
48 issued until the thirtieth day of June of that fiscal year, or
49 until reissued by the assessor or his deputy in the regular
50 performance of his duties, but in no case shall previous
51 registration tags be valid after September thirtieth of the next
52 ensuing fiscal year.

53 The assessor collecting the head tax on dogs shall be
54 allowed a commission of ten percent upon all such taxes
55 collected by him, and shall turn in to the county treasury
56 ninety percent of such taxes so collected, as are levied by this
57 section; and the assessor shall turn over ~~(the treasurer or~~
58 other proper officer of each and every municipality within the
59 county ninety percent of such taxes levied by the ordinances
60 of such municipality. All such dog taxes, except those be-
61 longing to municipalities, shall be accredited to the dog
62 and kennel fund provided for in section ten of this article.
63 Such dog taxes as are collected for and turned over to
64 municipalities shall be deposited by the proper officer of such
65 municipalities to such fund and shall be expended in such
66 manner as the law of such municipality may provide. All
67 taxes on dogs not collected by the assessor shall be col-
68 lected by the regular tax collecting officer of the county and
69 placed to the credit of the dog and kennel fund.

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§19-20-6. Appointment of county dog warden; qualifications; compensation; bond; powers and duties.

1 (a) The county commission of each county may appoint
2 and employ a county dog warden, and such number of deputies,
3 for such time, and at such compensation, as such county
4 commission shall deem reasonable and necessary to enforce
5 the provisions of this code with respect to the control and
6 registration of dogs, the impounding, care and destruction
7 of unlicensed dogs. Such county dog warden may be ap-

8 pointed a deputy assessor for the purpose of collecting the
9 dog tax and registration fees, taking the dog registration and
10 providing the tags authorized by this article. The county dog
11 warden or any deputies may, in the discretion of the county
12 commission, be regularly employed officers or agents of any
13 humane society or society for the prevention of cruelty to
14 animals, organized and operating under the laws of this
15 state and owning, controlling and operating a suitable place
16 within the county for impounding and destroying dogs. In
17 addition to the compensation provided for above, a bounty of
18 fifty cents per dog shall be paid to the county dog warden
19 or deputy who captures an unregistered dog. Such county dog
20 warden and deputy wardens shall each give bond in a sum of
21 not less than one thousand dollars and not more than two
22 thousand dollars conditioned on the faithful performance of
23 their duties. Such bonds shall be filed with the county com-
24 mission by which such persons are appointed.

25 The county dog warden and his deputies shall patrol the
26 county in which they are appointed and shall seize on sight
27 and impound any dog more than six months of age found not
28 wearing a valid registration tag, except dogs kept constantly
29 confined in a registered dog kennel. They shall be responsible
30 for the proper care and final disposition of all impounded
31 dogs. The county dog warden shall make a monthly report,
32 in writing, to the county commission of his county. When
33 any dog shall have been seized and impounded, the county
34 dog warden shall forthwith give notice to the owner of such
35 dog, if such owner be known to the warden, that such dog
36 has been impounded and that it will be sold or destroyed if
37 not redeemed within five days. If the owner of such dog be
38 not known to the dog warden, he shall post a notice in the
39 county courthouse. The notice shall describe the dog and the
40 place where seized and shall advise the unknown owner that
41 such dog will be sold or destroyed if not redeemed within five
42 days.

43 (b) Any county commission may promulgate and enforce
44 such ordinances, rules and regulations, not inconsistent with the
45 provisions of this article, as it considers necessary or con-
46 venient for the control and management of all dogs in the

47 county, or any portion thereof, regardless of the age of any
 48 such dog: *Provided*, That the county commissions may pro-
 49 mulgate and enforce such ordinances, rules and regulations to
 50 the extent necessary for the implementation of the provisions
 51 contained in this article.

§19-20-9a. Rabies observation of dog; owner's expense.

1 Any person who owns or harbors a dog, whether licensed or
 2 unlicensed, which bites any other person shall forthwith
 3 confine and quarantine the dog for a period of fourteen days
 4 for rabies observation. If such dog is not so confined and
 5 quarantined, the humane officer, dog warden or sheriff may
 6 cause such dog to be placed in the custody and care of a
 7 licensed veterinarian for such purpose at the owner's expense.

§19-20-20. Keeping vicious dogs; humane officers may kill such dogs.

1 Except as provided in section twenty-one of this article, no
 2 person shall own, keep or harbor any dog known by him to be
 3 vicious, dangerous, or in the habit of biting or attacking other
 4 persons, whether or not such dog wears a tag or muzzle. Upon
 5 satisfactory proof before a circuit court or magistrate that
 6 such dog is vicious, dangerous, or in the habit of biting or
 7 attacking other persons or other dogs or animals, the judge
 8 may authorize the humane officer to cause such dog to be
 9 killed.

§19-20-21. License fee for keeping vicious or dangerous dog.

1 Any person who keeps a dog which is generally considered
 2 to be vicious, for the purpose of protection, shall acquire a
 3 special license therefor from the county assessor. The assessor
 4 shall charge ten dollars for such license. Such license shall
 5 be required in addition to the license required under section
 6 two of this article. The keeper or owner shall properly
 7 secure such dog in such a manner so as to prevent injury to a
 8 person who lawfully passes through or enters upon the property
 9 of the keeper or owner. Nothing contained in this section
 10 shall constitute a defense to any action for personal injury,
 11 wrongful death or damage to property.

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§19-20-22. Confinement of female dogs.

1 Every person owning or harboring a female dog, whether
2 licensed or unlicensed, shall keep such dog confined in a
3 building or secure enclosure for twenty-five days during the
4 period of estrus.

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

R. P. Bayler

Chairman Senate Committee

Jerry E. Whitlow

Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Paul C. Willis

Clerk of the Senate

W. Bloukenship

Clerk of the House of Delegates

Robert P. Moore

President of the Senate

Wayne M. Lee, Jr.

Speaker House of Delegates

The within is approved this the 24 day of April, 1981.

John R. Roper

Governor

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