

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-30-82

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# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1982



# ENROLLED

Com. Sub. for  
HOUSE BILL No. 1687

(By Mr. Divens + Mr. Harman, 33rd Dist.)



Passed March 13, 1982

In Effect Ninety Days From Passage



**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR

**H. B. 1687**

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

[Passed March 13, 1982; in effect ninety days from passage.]

AN ACT to amend and reenact section six, article twenty, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to providing for the prosecution of persons violating the provisions of ordinances adopted for the control and registration of dogs; allowing county commissions to provide that any such violation is a misdemeanor; providing that magistrate courts and circuit courts have concurrent jurisdiction with respect to such misdemeanors; and providing for penalties therefor.

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

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

**ARTICLE 20. DOGS.**

**§19-20-6. County dog warden; rules and regulations for dog control; prosecution and penalties for violation of ordinances.**

- 1 (a) The county commission of each county may appoint and
- 2 employ a county dog warden, and such number of deputies, for
- 3 such time, and at such compensation, as such county com-

4 mission shall deem reasonable and necessary to enforce the  
5 provisions of this code with respect to the control and registra-  
6 tion of dogs, the impounding, care and destruction of unlicens-  
7 ed dogs. Such county dog warden may be appointed a deputy  
8 assessor for the purpose of collecting the dog tax and registra-  
9 tion fees, taking the dog registration and providing the tags  
10 authorized by this article. The county dog warden or any  
11 deputies may, in the discretion of the county commission, be  
12 regularly employed officers or agents of any humane society  
13 or society for the prevention of cruelty to animals, organized  
14 and operating under the laws of this state and owning, controll-  
15 ing and operating a suitable place within the county for im-  
16 pounding and destroying dogs. In addition to the compensa-  
17 tion provided for above, a bounty of fifty cents per dog shall  
18 be paid to the county dog warden or deputy who captures an  
19 unregistered dog. Such county dog warden and deputy wardens  
20 shall each give bond in a sum of not less than one thousand  
21 dollars and not more than two thousand dollars conditioned on  
22 the faithful performance of their duties. Such bonds shall be  
23 filed with the county commission by which such persons are  
24 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 dogs.  
31 The county dog warden shall make a monthly report, in writ-  
32 ing, to the county commission of his county. When any dog  
33 shall have been seized and impounded, the county dog warden  
34 shall forthwith give notice to the owner of such dog, if such  
35 owner be known to the warden, that such dog has been im-  
36 pound and that it will be sold or destroyed if not redeemed  
37 within five days. If the owner of such dog be not known to  
38 the dog warden, he shall post a notice in the county courthouse.  
39 The notice shall describe the dog and the place where seized  
40 and shall advise the unknown owner that such dog will be sold  
41 or destroyed if not redeemed within five days.

42 (b) Any county commission may promulgate and enforce

43 such ordinances, rules and regulations, not inconsistent with  
44 the provisions of this article, as it considers necessary or con-  
45 venient for the control and management of all dogs in the  
46 county, or any portion thereof, regardless of the age of any  
47 such dog: *Provided*, That the county commissions may prom-  
48 ulgate and enforce such ordinances, rules and regulations to  
49 the extent necessary for the implementation of the provisions  
50 contained in this article.

51 (c) The county commission of each county may provide in  
52 such ordinance for the arrest, conviction and punishment of any  
53 person who violates the provisions thereof. The county com-  
54 mission of each county may provide in any such ordinance  
55 that any person who violates the provisions of the ordinance is  
56 guilty of a misdemeanor, and, upon conviction thereof, that  
57 such person is subject to a fine or fines. The amount of such  
58 fine for a single violation of any such ordinance may not ex-  
59 ceed one hundred dollars. Magistrate courts and circuit courts  
60 shall have concurrent jurisdiction with respect to such misde-  
61 meanors.

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

*R. P. Baylor*  
-----  
Chairman Senate Committee

*Tommy E. Whitlow*  
-----  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Joel C. Walker*  
-----  
Clerk of the Senate

*C. R. Blankenship*  
-----  
Clerk of the House of Delegates

*Warren R. McNew*  
-----  
President of the Senate

*Walter M. Dee, Jr.*  
-----  
Speaker House of Delegates

The within *is approved* this the *30*  
day of *March*, 1982.

*John B. Relyea*  
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Governor

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SECY. OF STATE