

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
STATE DEPARTMENT OF AGRICULTURE

Chapter 19-2
Series ~~XX~~ XI
1969

MAILED IN THE OFFICE
JAN 27 1969
SECRETARY OF STATE
THIS DATE 1/27/69

Subject: Regulations Governing Livestock Auction Markets

Section 1 - General

1.01 Scope. These regulations establish general operating procedures for livestock auction markets.

1.02 Authority. These regulations are issued under authority of Chapter 19, Articles 2 and 2a of the Official Code of West Virginia, 1931, as amended.

1.03 Effective Date. These regulations are promulgated and become effective on 2/25/69.

1.04 Filing Date. These regulations were filed in the Office of the Secretary of State on January 27, 1969.

1.05 Certification. These regulations are certified authentic by the Secretary of State by certification number 33.

Section 2 - Declaration of Policy.

2.01 Articles 2 and 2a, Chapter 19 of the Official Code of West Virginia specifically sets out certain duties, authority and responsibilities of the Commissioner of Agriculture. Included in these is the responsibility of promulgating rules and regulations to govern the operation of public markets where livestock, poultry and other agricultural or

horticultural products are received and sold at public auction. He is also charged with the enforcement of the rules and regulations for the administration of this article.

2.02 By virtue of authority vested in me as Commissioner of Agriculture of West Virginia by Articles 2 and 2a, Chapter 19 of the Official Code of West Virginia of 1931 as amended, I, Gus R. Douglass, do hereby promulgate the following rules and regulations to govern all public markets.

Section 3 - Definitions of Words and Terms - When used in

these Regulations, the following words and terms shall have the following meanings.

3.01 Public Market. A public market is any place of business where livestock, poultry and other agricultural or horticultural products are assembled for sale or distribution, as provided in Articles 2 and 2a, Chapter 19, of the Code of West Virginia.

3.02 Commissioner. The Commissioner of Agriculture of the State of West Virginia or his authorized agents.

3.03 Veterinarian. The State Veterinarian, any accredited veterinarian employed by the Commissioner, and/or any individual designated as an agent of the veterinarian.

3.04 Immediate Slaughter. Livestock purchased by persons, firms or corporations engaged in shipping direct from the market to terminal markets or slaughtering places. In no instance shall livestock purchased for immediate slaughter be returned to farms.

3.05 Grade. Standards, established by the Commissioner of Agriculture relating to kind and uniformity of animals.

3.06 Feeding and Breeding Purposes. Any livestock received, sold, offered or exposed for sale for purposes other than immediate slaughter.

Section 4 - Regulations.

4.01 Permit Required. All persons, firms, corporations, partnerships or associations desiring to operate a public market shall obtain a permit from the Commissioner.

4.02 Permit, Application For. All persons, firms, corporations, partnerships or associations applying for a permit to operate a public market shall make application to the Commissioner on forms furnished by him. The application shall contain the following:

- (a) Proposed location of such market
- (b) Approximate numbers of livestock in the area
- (c) Present methods of marketing in the proposed area
- (d) Type of ownership; individual, partnership, corporation or association
- (e) Principal owners and their addresses
- (f) How financed
- (g) A fee of ten dollars (\$10.00)
- (h) A plat showing the location, the amount of land, its accessibility to the public, showing eleva-

tions, its location in relation to highways or railroads.

- (i) Blueprints showing in detail the construction of all barns, buildings and other facilities.

Before a permit is issued by the Commissioner, the applicant shall furnish a surety bond payable to the State of West Virginia for the benefit of consignors, who may be wronged or damaged by any fraud or fraudulent practices of the market, in the amount prescribed by the Commissioner.

4.03 Permit Renewal. All persons, firms, partnerships, corporations or associations operating a public market shall renew their permit annually. Applications for renewal of permit shall be made on forms furnished by the Commissioner. The application shall be presented on or before the first day of July of each year and shall be accompanied by a surety bond payable to the State of West Virginia in an amount equal to the average weekly sales during the preceding calendar year. A check or money order in the amount of ten dollars (\$10.00) shall accompany the application.

The Commissioner shall require a bond in an amount fixed by him when a public market has not operated for one year previous to the date of the application.

4.04 Transfer of Permit. No person, firm, corporation, partnership or association holding a permit to operate a public market shall sell or otherwise transfer such permit without first receiving in writing authority from the Commissioner.

4.05 Scales, Type and Location. All persons, firms, partnerships, corporations, or associations operating a public market shall install a sufficient number of scales to accomodate the maximum volume of business of the market at any time. All scales shall be equipped with a dial and printer or adjustable indicator, Type-Registering Beams, and located so as to be most accessible to the docks.

4.06 Veterinary Office. All persons, firms, partnerships, corporations or associations operating a public market shall provide and equip a veterinary office and laboratory that is acceptable to the Commissioner. Locks and keys shall be provided and the office shall be for the veterinarian's use only.

4.07 Sheep Dipping Vat. All persons, firms, partnerships, corporations or associations operating a public market shall provide a sheep dipping vat with suitable facilities. Such facilities and vat shall be in accordance with plans and specifications approved by the Commissioner.

4.08 Pens For Holding and Testing Cattle. All persons, firms, partnerships, corporations or associations operating a public market shall provide two holding pens, commonly known as cattle testing pens, to be used for the purpose of testing and examining cattle. Such testing pens shall be so constructed that cattle may be safely worked from one through a catching chute into the other. The catching chute, gates and working area shall be constructed and maintained for maximum safety and efficiency.

4.09 Pens For Holding Swine for Feeding and Breeding Purposes. All persons, firms, partnerships, corporations or associations operating a public market shall construct or allocate under roof a sufficient number of pens to be used exclusively for the purpose of examining and administering medication to swine received and offered for sale for feeding and breeding purposes. Pens shall be constructed with floors of impervious material, well-lighted and shall be properly cleaned after each sale.

4.10 Pens For Holding Sheep For Feeding and Breeding Purposes. All persons, firms, partnerships, corporations, or associations operating a public market shall construct under roof, a sufficient number of pens to be used for sheep and lambs offered for sale for feeding and breeding purposes. Pens shall be located near the dipping vat and shall be

properly cleaned after each sale.

4.11 Pens (Grading). All persons, firms, partnerships, corporations or associations operating a public market shall provide pens for grading and classifying livestock. All pens shall be located under roof, and shall be properly cleaned after each sale.

4.12 Watering Facilities. All persons, firms, partnerships, corporations or associations operating a public market shall provide an adequate supply of fresh potable water. The watering facilities shall be so located as to provide sufficient water for all livestock.

4.13 Public Facilities. All persons, firms, partnerships, corporations or associations operating a public market shall provide the following facilities:

- (a) Drinking fountains
- (b) Toilet facilities

These facilities shall be maintained in a clean and sanitary condition in accordance with the requirements of the State Health Department.

4.14 Opening and Closing Hours of Sale. A public market shall:

- (a) Begin all regular sales not later than 2:00 P.M. on day of sale.

- (b) Keep the public informed as to the starting time of all sales where livestock, poultry or other agricultural or horticultural products will be sold.

4.15 Weighed on Day of Sale. All livestock sold by weight at any public market shall be sold subject to weight at place of sale on day sold.

4.16 Scales, Maintenance. A public market shall maintain the scales used for weighing livestock, poultry, agricultural or horticultural products so as to insure accurate weights, and shall have the scale tested at least once every twelve months or oftener, as required by the State Commissioner of Labor.

4.17 Weighman, Grader, Auctioneer, Employment of.
A public market shall employ and use a licensed weighman, a licensed grader, and a licensed auctioneer at every sale where weighed and graded livestock are sold at auction. Such employees shall not be permitted to weigh, grade and auction livestock, poultry, agricultural or horticultural products at any public market without first having been licensed by the Commissioner.

4.18 Grades, Classifications, Standards. A public market representing or advertising that livestock, poultry and other agricultural or horticultural products are being

sold on grades, classifications, or standards adaptable to such products, shall employ a licensed grader to sort, grade and classify such livestock, poultry and other agricultural or horticultural products. Such grades or standards shall conform to grades, classifications or standards established by the Commissioner.

4.19 Licenses, Weighman, Grader, Auctioneer. Application for auctioneer, weighman or grader's license shall be filed with the Commissioner on forms provided by him accompanied by check or money order in the amount of two dollars and fifty cents (\$2.50).

4.20 License Renewal, Auctioneer, Weighman, Grader. Auctioneer, weighman or grader desiring to renew his license shall make application to the Commissioner for such license on application forms provided by him, on or before the first day of July of each year. Such application shall be accompanied by a check or money order made payable to the Commissioner in the sum of two dollars and fifty cents (\$2.50).

4.21 Grader, Application and Duties. An applicant for grader license shall be a person of good reputation, learned and efficient in grading of livestock. He is required to qualify in accordance with the standard rules for grading livestock and other agricultural or horticultural products established by the Commissioner.

- (a) The grader shall grade or classify all livestock in conformity with grades, classifications and standards established by the Commissioner.
- (b) The license of a public market grader may be suspended or revoked by the Commissioner for his failure to grade and classify according to standards established by the Commissioner.
- (c) A grader is authorized to settle disputes on grades and classifications and his decision shall be final unless appealed to the Commissioner.
- (d) At the end of each sale said grader shall make a report to the Commissioner on forms furnished by him showing kinds of livestock graded or classified, the number in each grade or classification, and all other information required by the Commissioner. Such report shall be in triplicate, the original to be forwarded to the Commissioner not later than the day following the sale, one copy to be given to the public market and one copy retained by the grader.
- (e) A public market shall employ sufficient help to assist the grader in grading and classifying livestock. Such employees shall be available to the grader at all times while grading is being carried on.

4.22 Weighman, Application and Duties. An applicant for weighman license shall be a person learned and efficient in weighing livestock.

- (a) It shall be the weighman's duty and he is hereby required to have complete and unmolested charge of the scale at all times he is engaged in weighing.
- (b) He shall record the weight by typed impression after all other information has been entered and recorded on the ticket.
- (c) He shall be responsible to the Commissioner for making and recording the true and accurate weight of all livestock weighed.
- (d) He shall show on the scale ticket the amount of dockage, if any, on livestock, and in the case of live poultry in addition to the information referred to on the scale ticket.
- (e) He shall sign all scale tickets.
- (f) He shall make a certified copy of scale ticket when requested by the owner or consignor of livestock or live poultry.
- (g) In the case of an error by the weighman in preparing the scale ticket, he shall make a corrected scale ticket after re-weighing of the livestock

or live poultry. The correction ticket shall be attached to the original ticket. The correction ticket shall show on its face that it is a corrected ticket.

- (h) A weighman is authorized to settle disputes on weights and scale records, or other matters pertaining to weights, and his decision shall be final unless appealed to the Commissioner.

4.23 Auctioneer, Application and Duties. An applicant for an auctioneer license shall be a person of good reputation, and shall be learned and efficient in the business of auctioneering.

- (a) In case of a dispute between bidders, the auctioneer is authorized to settle such dispute by reopening the bid and reselling to the highest bidder.
- (b) An auctioneer, when offering livestock for sale at any public market for immediate slaughter, shall publicly announce that such livestock has been held in pens designated for livestock for immediate slaughter only, and that such livestock has not been treated or tested, and if purchased for feeding and breeding purposes will be subject to test or treatment, as the case may require.

- (c) When selling livestock received, entered and/or offered for sale by any public market for feeding and breeding purposes, it shall be the duty of the auctioneer and he shall publicly announce that such livestock may be purchased for feeding or breeding purposes.
- (d) When selling livestock by weight, the auctioneer shall announce the weight of such livestock before same is sold. When any livestock is sold he shall announce the name of the person or firm buying said livestock. When livestock is sold to a person representing himself as agent or order buyer for another person, firm, partnership or corporation, the auctioneer shall announce the name of the agent or order buyer, and, if possible, the name of the person, firm, partnership or corporation for whom such livestock was purchased. The auctioneer shall also announce the price at which said livestock was sold. Such announcements shall be in an audible voice that can be heard by persons of average hearing seated or standing in the sale arena.

4.24 Accounting to Purchaser. A public market shall, within a reasonable time following the sale of livestock, poultry, or other agricultural or horticultural products,

transmit or deliver to the person for whose account such purchase was made or his duly authorized agent, a true written account of the purchase, showing the number, weight and price of each kind of animal purchased, the date of purchase, charges, and such other facts as may be necessary to complete the account and show fully the true details of the transaction.

4.25 Agents, Order Buyers, Purchases By. When livestock or other agricultural or horticultural products are purchased at a public market by a person representing himself as agent or order buyer for another person, firm, partnership or corporation, such public market shall record on the manifest, invoice and other records the name of the agent or order buyers, and for what person, firm, partnership or corporation such was purchased.

4.26 Scale Tickets. A public market shall use approved scale tickets. Such tickets to be made in quadruplicate, or triplicate where manifest sheets are used, numbered serially, and shall contain the following information:

(Printed) (Printed)
(No. Serially) (Name of Market) Public Market____, 19____
Received from_____ Address_____

Hogs	Cattle	Calves	Lambs	Sheep	Horses	Poultry
------	--------	--------	-------	-------	--------	---------

Tag or Mark _____ Pen No. _____
Buyer _____ Price _____
Remarks _____ Amount _____
Weighman _____

- (a) A public market shall record in spaces provided on the scale ticket all required information. The weighman shall record the true and actual weight of livestock, poultry and other agricultural or horticultural products entered and recorded for sale by the pound. A public market shall deliver one copy of the scale ticket to the consignor, one copy to the purchaser, one copy to the veterinarian, and retain one copy for permanent record.
- (b) In case of a dispute over any weight, a public market shall reweigh livestock, poultry, agricultural or horticultural products on request to the Commissioner or his duly authorized agent.

4.27 Records and Account. A public market shall keep a complete and accurate record of all transactions. The Commissioner or his authorized agents shall have at all reasonable hours the right to enter the premises of any public market to examine the books and records of such market, and to make any other inspection necessary.

4.28 Reports, Statistical. A public market shall make and furnish reports or other statistical information to the Commissioner on forms furnished by him, when requested.

4.29 Inspection, Test and Treatment Certificates. A public market shall write in the name and address of the purchaser in the blank spaces provided therefore, on test, treatment or inspection certificates issued by the veterinarian covering livestock tested, treated or inspected.

4.30 Records, Disposition of. A public market shall not destroy or dispose of for a period of five (5) years any books, records, documents or other papers which contain or explain transactions of its business.

4.31 Proceeds of Sale, Prompt Accounting. All monies received from the sale of livestock, poultry, agricultural or horticultural products by a public market are hereby declared to be the property of the consignor. A public market shall be responsible to a consignor for the full market value of any livestock, poultry, agricultural or horticultural products received or entered for sale. A public market shall, before the close of the next day following the sale of any livestock consigned to it for sale, transmit or deliver by check to the consignor of the livestock or his duly authorized agent, in person or by mail, the net proceeds received from the sale, and a true written account of such sale showing the number, weight and price of each

kind of livestock sold, the name of the purchaser, the purchaser's agent or order buyer, if any, the date of sale, the commission, yardage and other lawful charges, and such other facts as may be necessary to complete the account.

4.32 Market Zone Establishment. The Commissioner or his agent shall establish and define an area surrounding each public market, which shall be the market zone for such public market. Upon the establishment of a market zone, the Commissioner shall enter upon the records in his office the boundaries of such market zone. The boundary of said zone shall be posted by an agent of the Commissioner. All livestock and poultry entering a market zone shall be handled and sold through the market. All livestock and poultry entering the market zone of any public market shall be subject to all the rules and regulations governing a public market.

4.33 Veterinarian, Authority of. Accredited veterinarians or livestock inspectors employed by the Commissioner in the performance of their duties shall have the right to enter any public market or premises, public or private, within such market or market zone, where they have reason to believe that diseased animals or poultry may have been confined or kept in or on such premises, make examinations or apply such tests as may be necessary to determine whether or not any contagious or infectious disease exists.

4.34 Livestock, Inspected, Tested or Treated, Disposition of. A public market shall not permit removal of any livestock or poultry inspected or subject to inspection, tested or subject to test, treated or subject to treatment for any communicable or infectious disease affecting livestock or poultry, unless and until released by the veterinarian or livestock inspector.

4.35 Veterinary Biologicals, Furnished by, Disposition of. A public market shall furnish all necessary veterinary biologicals for testing and treating livestock. Such veterinary biological products shall be approved by the Commissioner, and administered by an accredited veterinarian or agent under his supervision, and shall be used exclusively for testing and/or treating livestock received, sold or offered for sale through the public market.

4.36 Veterinary Assistant, Employed By. A public market shall employ sufficient help to assist the veterinarian or his agent in testing and treating livestock at the market. Such employees shall be available to the veterinarian or his agent at all times on day of sale.

4.37 Diseased Animals, Disposition of. Livestock received by a public market showing symptoms of contagious, infectious or communicable disease, may be held in quarantine on the premises of such public market at the expense of the owner.

4.38 Pens, Quarantine. A public market is required to provide and designate by name "quarantine pens" to be used exclusively for brucellosis reactor cattle, and hospital pens for livestock quarantined for diseases other than brucellosis.

4.39 Cattle, Responsibility for Penning. A public market shall take the full responsibility for and place all female cattle and bulls over five hundred pounds in testing pens. All such cattle shall be tested for brucellosis by an accredited veterinarian or livestock inspector.

4.40 Cattle, Originating Other Public Markets. Female cattle and bulls weighing over five hundred pounds originating from a dealer or from another public market within the state shall not be received, sold or offered for sale for feeding and breeding purposes unless tested or accompanied by a brucellosis test certificate showing such animal or animals to have been tested negative for brucellosis within thirty (30) days, and such certificate delivered to the public market at time of entry.

4.41 Livestock For Slaughter, When Subject to Test or Treatment, Duty of Public Market. It shall be the duty of a public market when livestock has been sold for feeding and breeding purposes which was received, entered and offered for sale and penned to be sold for immediate

slaughter, to place such livestock in testing or treating pens, and it shall be the duty of the public market to hold and care for such animals until such time as the veterinarian or livestock inspector has completed the test or treatment.

4.42 Cattle Testing, Brucellosis, Disposition of Reactors. All cattle placed in testing pens shall be tested for brucellosis. No cattle subject to test for brucellosis shall be released to purchaser until bled and test results are obtained.

- (a) All cattle when tested and found to be reactors, shall be tagged in the left ear with a metal tag and branded on the left jaw with the letter "B", and sold only for immediate slaughter. Suspect cattle should be tagged in the left ear and sent to immediate slaughter.
- (b) All testing pens allotted for cattle received, offered, sold or exposed for sale, holding female cattle and bulls weighing over five hundred (500) pounds, shall be thoroughly cleaned and disinfected after each sale by the public market.
- (c) Non-reacting cattle from a herd entering a public market in which reacting cattle are found on market testing may be returned to the farm under

quarantine to be tested at state expense, or
sold for immediate slaughter.

*Amended
5/26/71*

*See
Hunt
page
206*

4.43 Swine, Responsibility for Penning, Treatment and Inspection. A public market shall place all swine to be offered for sale for feeding or breeding purposes in swine pens, to be treated for the prevention of hog cholera by methods approved by the Commissioner. All pens allotted for swine received, offered, sold or exposed for sale for feeding and/or breeding purposes shall be thoroughly cleaned and disinfected after each sale by the public market.

4.44 Sheep Scab, Requirements For Control of. A public market shall place all sheep and lambs which are to be offered for sale for feeding and breeding purposes in pens near the dipping vats.

- (a) A public market shall dip all sheep and lambs which are sold for feeding or breeding purposes. All dipping shall be under the supervision of an accredited veterinarian or livestock inspector.
- (b) A public market shall maintain the dipping vat and facilities in working conditions at all times and shall use only a dip approved by the Commissioner.
- (c) Sheep and lambs entering a public market which are affected with sheep scab shall be returned to place of origin under quarantine or shipped for



STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE

CHARLESTON
25805

Gus R. Douglass
Commissioner

May 25, 1971

Honorable John D. Rockefeller IV
Secretary of State
State Capitol
Charleston, West Virginia 25305

Dear Mr. Rockefeller:

Enclosed please find two copies of amended administrative regulations promulgated by me pertaining to Livestock Auction Markets and Fairs, amended Regulations 4.43 and 4.54, of Chapter 19-2, Series XI 1969, and Regulation 3.03 of Chapter 19-2 Series III 1968.

I certify that the enclosed amended regulations are true and accurate copies of regulations adopted by me on June 1, 1971.

Very truly yours,

Gus R. Douglass
Commissioner of Agriculture

GRD:ldy

Enclosures

cc: Dr. Thelma Njaka

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 5/26/71

Adm. Reg. 19-2
Series ~~III~~ XI

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 5/26/71

Sec. 4.43

4.43 Swine. Responsibility for Penning, Identification and Inspection. A public market shall place all swine to be offered for sale for feeding or breeding purposes in swine pens, for identification and inspection by methods approved by the Commissioner. All pens allotted for swine received, offered, sold or exposed for sale for feeding and/or breeding purposes shall be thoroughly cleaned and disinfected after each sale by the public market.

immediate slaughter. If quarantined, they shall be released from such quarantine only after being dipped twice at intervals not less than ten (10) nor more than fourteen (14) days.

- (d) All pens allotted for sheep and lambs received, offered, sold or exposed for sale for feeding and/or breeding purposes shall be thoroughly cleaned and disinfected after each sale by the public market.

4.45 Reports, False and Misleading. A public market shall not issue or circulate any false or misleading reports, records or representations concerning market conditions or the price or sale of livestock, poultry and other agricultural or horticultural products.

4.46 Losses, Market Responsibility to Purchaser. A public market, for a reasonable length of time, shall be responsible to the buyer for the purchase price of livestock purchased by him on account of such livestock being lost, strayed, stolen, substituted, misplaced or mixed with the livestock of others, or by failure of said market to deliver to the purchaser the animals purchased by him.

4.47 Settlements, Based on Weights. When livestock or live poultry is bought and/or sold by weight, settlement therefore shall be on the basis of the weight shown on the original scale ticket or corrected scale ticket. Shrinkage

deductions in weight of wet lambs and other livestock shall be shown on all copies of the scale ticket and consignor's sale invoice.

4.48 Livestock to be Sold on Own Merits to Highest Bidder, No Intermingle of Livestock of Different Owners Without Consent of Consignors. A public market shall offer the livestock, poultry or other agricultural and horticultural products consigned for sale at auction, and shall sell such livestock, poultry, agricultural and horticultural products to the highest bidder. In all instances, except graded lots, a public market shall sell each consignment of livestock or live poultry on its merits and shall not intermingle or co-mingle prior to and for the purpose of sale, livestock or live poultry belonging to more than one consignor unless the consent of all consignors has been obtained in advance. A public market shall not make the sale of one consignment of livestock or live poultry conditional on the sale of another and different consignment without the consent of all the owners. If livestock or live poultry belonging to different owners is graded and sold in lots, settlement shall be made on the basis of the weight shown on the scale ticket.

4.49 Livestock Intermingling. A public market shall not pen livestock entered or received to be sold for immediate slaughter, with cattle entered or received to be

sold for feeding and/or breeding purposes.

4.50 Livestock, Disposition of, Market to Assist Auctioneer. A public market shall assist the auctioneer in informing the public as to what disposition may be made of the livestock offered for sale, whether for immediate slaughter only or whether for feeding or breeding purposes.

4.51 Price Guarantees Prohibited. No public market, in soliciting consignments of livestock or live poultry, shall guarantee to the owner or owners thereof that such livestock, poultry or other agricultural or horticultural products will be sold at a specific price or prices if consigned to its market.

4.52 Market Manager Prohibited From Buying, Selling or Trading in Livestock Except in Name of Market. A public market shall not permit its manager to engage in buying, selling or otherwise trading in livestock for himself, his agent or partner at said market.

(a) Licensed weighman, graders and auctioneers employed as such at a public market shall not buy or trade in livestock or other agricultural or horticultural products at the public markets at which they are employed as weighmen, graders or auctioneers.

(b) When it appears to the manager of a public market

that livestock being offered for sale is selling below a reasonable market price, the manager may buy said livestock in the name of the public market at which he is employed. He shall have the right to sell such livestock purchased by the market to anyone other than himself, and if there be a loss on the sale of such livestock, the public market shall absorb such loss. On such purchases and sales, the public market shall set up a special account on which all such transactions are to be recorded, and shall make an itemized report to the Commissioner on forms furnished by him, when requested.

4.53 Commission, Service, Other Charges, Schedule and Posting of. A public market shall keep on file with the Commissioner its schedule of commissions, service fees and/or other charges made for selling and/or handling all species, grades or classes of livestock, poultry and other agricultural and horticultural products. Schedules of commissions, service fees and other charges filed with the Commissioner shall be the amount of commission and other charges to be charged and collected at such public market, until a revised schedule of commissions, service fees and other charges has been filed with the Commissioner.

A public market shall post in at least two conspicuous places accessible to the public, a tariff sheet or list of charges, fees, etc. for handling each and every kind of livestock, poultry, or other agricultural or horticultural products received, entered for sale or sold by such public market.

*amended
5/26/71
see p.
250*

4.54 Fees to be Collected, Inspection, Test and

Treatment. A public market shall:

- (a) Collect a fee of fifty cents per head for cattle when tested for brucellosis.
- (b) Collect a fee of ten cents per head for swine when treated for the prevention of hog cholera, and in addition thereto, shall collect the actual cost of biologicals used.
- (c) On the first day of each month, forward to the Commissioner all monies due for testing, treatment and inspection done during the previous month.

4.55 Chattels, Sale of. A public market shall not engage in the sale of items other than livestock, poultry or other agricultural or horticultural products unless such items are sold at a time that will not interfere with the hour set for beginning the sale of livestock, poultry, agricultural or horticultural products.



GUS R. DOUGLASS
COMMISSIONER

STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE
CHARLESTON 25305

January 27, 1969

Honorable John D. Rockefeller IV
Secretary of State
State of West Virginia
State Capitol Building
Charleston, West Virginia 25305

Dear Mr. Rockefeller:

Enclosed are two copies of regulations issued by this Department regarding Regulations, Governing Livestock Auction Markets. These regulations are designated Series XI of Chapter 19-2 of the West Virginia Administrative Regulations, and rescind the existing Series IX filed May 17, 1965.

I hereby certify that the attached regulations are true and accurate copies of official regulations adopted by this Department on January 27, 1969.

Very truly yours,

A handwritten signature in cursive script, reading "Gus R. Douglass".

Gus R. Douglass
Commissioner of Agriculture

GRD/CCW/sm
enclosures

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 1/27/69

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
STATE DEPARTMENT OF AGRICULTURE

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1965

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