

ORDINANCE NO. 18-4(1)

AN ORDINANCE TO AMEND CHAPTER 4, ANIMALS AND FOWL, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 4, Animals and Fowl, is hereby amended as follows:

By Amending and Renumbering:

<u>Old</u>	<u>New</u>	
4-100	4-103	Definitions.
4-203	4-236	Unauthorized removal of collars or tags.

By Amending, Renaming, and Renumbering:

<u>Old</u>		<u>New</u>
4-102	Duty of animal control officer or other officer upon finding stolen, etc. dogs.	4-317 Authority of animal control officer seize stolen or unlawfully held or detained dog; disposition.
4-103	Boundary lines declared lawful fences; animals running at large beyond boundaries of own land.	4-304 Animals running at large beyond the boundaries of their own land; boundary lines declared lawful fences.
4-104	Dogs and cats deemed personal property.	4-316 Dogs and cats are deemed to be personal property.
4-105	Care of companion animals; penalty.	4-300 Providing care to companion animals.
4-106	Noise from animals; penalty.	4-318 Frequent or continuous sounds by animals are prohibited.
4-107	Abandonment of animal; penalty.	4-303 Abandoning or dumping an animal is prohibited.
4-109	Disposition of companion animal livestock carcasses.	4-311 Disposing companion animal and livestock and carcasses.
4-110	Diseased dogs or cats.	4-305 Diseased dogs and cats are prohibited from straying from their premises.
4-202	Compensation for livestock and by poultry killed by dogs.	4-235 Compensation for livestock and poultry killed by a dog.
4-204	Female dogs in season. prohibited.	4-228 Failure to confine female dogs in heat is
4-207	What license shall consist of; evidence of rabies; duplicate tags.	4-203 Duplicate license tax to replace, lost, destroyed, or stolen tag.
4-211	Payment of license tax subsequent summons to summons.	4-206 Paying the dog license tax after a is issued.
4-212	Effect of dog not wearing collar and tag as evidence.	4-207 Dog is presumed to be unlicensed if it is not wearing a valid license tag.

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| 4-213 | Display of receipts; collar and tag worn; penalties. | 4-208 | Preserving dog license receipts; displaying to be dog license tags. |
| 4-214 | Harboring or concealing unlicensed dogs. | 4-209 | Harboring or concealing an unlicensed dog. |
| 4-303 | Disposition of unlicensed dogs; running at large. | 4-227 | Seizure, impoundment, and disposition of dogs running at large. |
| 4-400 | Vaccination of dogs and cats required. | 4-312 | Vaccination of dogs and cats is required. |

By Separating, Amending, Renaming, and Renumbering:

- | <u>Old</u> | | <u>New</u> | |
|------------|---|------------|---|
| 4-101 | Enforcement of animal laws; penalties. | 4-101 | Administration. |
| | | 4-102 | Powers of animal control officers. |
| | | 4-104 | Penalties. |
| 4-108 | Cruelty to animals; penalty. | 4-301 | Cruelty to animals; inflicting specific acts of pain, injury, or suffering. |
| | | 4-302 | Cruelty to domestic dogs and cats; killing for hide, fur, or pelt. |
| 4-201 | Dogs killing, injuring or chasing livestock or poultry – Generally. | 4-230 | Finding a dog in the act of killing or injuring livestock or poultry or chasing livestock. |
| | | 4-231 | Authority of court when dog is a confirmed livestock or poultry killer. |
| | | 4-232 | Reason to believe a dog is killing livestock or poultry; seizing the dog. |
| | | 4-233 | Reason to believe a dog is killing or injuring livestock or poultry, or chasing livestock; applying for a warrant. |
| | | 4-234 | Judicial proceedings on a warrant that a dog is believed to have killed or injured livestock or poultry, or chased livestock. |
| 4-208 | Veterinarians to provide treasurer owners with rabies certificate Information; civil penalty. | 4-205 | Duty of the Director of Finance to notify of unlicensed by vaccinated dogs. |
| | | 4-313 | Providing rabies certificates or rabies certificate information; veterinarians and the Director of Finance. |
| 4-209 | Amount of license tax. | 4-200 | Dog license tax required to be paid and dog License required to be obtained; exceptions. |
| | | 4-204 | Amount of dog license tax. |
| 4-218 | Dangerous dogs. | 4-210 | “Dangerous dog” and “dog” defined. |
| | | 4-211 | Reason to believe a dog is a dangerous dog; summons and confinement. |
| | | 4-212 | Circumstances when a dog shall not be found to be a dangerous dog. |
| | | 4-213 | Judicial proceedings on a summons that a dog is a dangerous dog. |
| | | 4-214 | Dog found to be a dangerous dog; requirement to obtain a dangerous dog registration certificate. |

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| | 4-215 | Dog found to be a dangerous dog; confinement, leashing, and muzzling. |
| | 4-216 | Dog found to be a dangerous dog; an owner's ongoing obligation to inform the County animal control officer. |
| | 4-217 | Previous finding that a dog is a dangerous dog; subsequent acts by dangerous dog. |
| | 4-218 | Previous finding that a dog is a dangerous dog; willful noncompliance by owner. |
| | 4-219 | Responsibility if the owner of a dangerous dog is a minor. |
| | 4-220 | Fund to which collected fees are to be allocated. |
| 4-219 | Vicious dogs. | |
| | 4-221 | "Dog," "serious injury," and "vicious dog" defined. |
| | 4-222 | Reason to believe a dog is a vicious dog; summons and confinement. |
| | 4-223 | Circumstances when a dog shall not be found to be a vicious dog. |
| | 4-224 | Judicial proceedings on a summons that a dog is a vicious dog. |
| 4-300 | Duties of animal control officers; Seizure and impoundment of animals; notice and hearing; disposition of animals. | |
| | 4-306 | Seizure, impoundment, and disposition of animals that have been abandoned, cruelly treated, or are suffering, |
| | 4-307 | Sale of an animal, other than a companion animal, determined to have been abandoned, cruelly treated, deprived of adequate care, or raised as a dog that has been, is, or is intended to be used in dogfighting. |
| | 4-308 | Release, adoption, or euthanization of an animal determined to have been abandoned, cruelly treated, deprived of adequate care, or raised as a dog that has been, is, or is intended to be used in dogfighting. |
| | 4-309 | Delivery of an animal determined to have been abandoned, cruelly treated, deprived of adequate care, or raised as a dog that has been, is, or is intended to be used in dogfighting to person with a right of property in the animal. |
| 4-401 | Rabid animals. | |
| | 4-314 | Animals that show active signs of rabies, may have been exposed to rabies, or are suspected to be rabid. |
| | 4-315 | Animals that exposed or may have exposed a person to rabies. |

By Consolidating All or Part of Sections, Amending, Renaming, and Renumbering:

- | <u>Old</u> | | <u>New</u> | |
|------------|--|------------|--|
| 4-200 | Running at large prohibited. | 4-225 | Dog running at large is prohibited. |
| 4-213 | Display of receipts; collar and Tag as evidence. | | |
| 4-205 | Required. | 4-200 | Dog license tax required to be paid and dog |
| 4-209 | Amount of license tax. | | license required to be obtained; exceptions. |

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| 4-206 | Procedure to obtain licenses. | 4-201 | When dog license tax is due and payable. |
| 4-210 | When license tax payable; valid. | | |
| 4-206 | Procedure to obtain licenses. | 4-202 | Procedure to obtain license and pay license tax issuance; form of license. |
| 4-207 | What license shall consist of; evidence of rabies; duplicate tags. | | |
| 4-213 | Display of receipts; collar and tag to be worn; penalties. | | |

By Adding:

- 4-100 Purpose.
- 4-213 Dog running at large without a license tag is prohibited.
- 4-229 Allowing kennel dogs to stray beyond enclosure is prohibited.
- 4-310 Seizure, impoundment, and disposition of animals running at large.

By Repealing:

- 4-215 Business license required.
- 4-216 Commercial dog breeding; requirements.
- 4-217 Violations; penalty.
- 4-302 Dogs killing, injuring or chasing livestock or poultry--Impoundment and disposition.
- 4-402 Harboring or concealing rabid animals.
- 4-403 Inoculation for rabies at animal shelters.
- 4-404 Tag showing vaccination required on dogs at large.
- 4-405 Applicability of article.

CHAPTER 4. ANIMALS AND FOWL

ARTICLE I. IN GENERAL

~~4-100 Definitions.~~

~~———— The following words as used in this chapter shall have the following meanings:~~

~~———— (1) *Abandon*. The term "abandon" means to desert, forsake, or absolutely give up an animal without having secured another owner or custodian for the animal or by failing to provide the elements of basic care as set forth in Virginia Code § 3.2-6503 for a period of five (5) consecutive days.~~

~~———— (2) *Adequate care or care*. The term "adequate care" or "care" means the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health.~~

~~———— (3) *Adequate exercise*. The term "adequate exercise" or "exercise" means the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal.~~

~~———— (4) *Adequate feed*. The term "adequate feed" means access to and the provision of food which is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by~~

excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

——— (5) *Adequate shelter.* The term "adequate shelter" means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and, for dogs and cats, provides a solid surface, resting platform, pad, floormat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors (i) permit the animals' feet to pass through the openings, (ii) sag under the animals' weight, or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter. In addition, the following are also deemed to be inadequate shelters: (i) metal or plastic barrels, (ii) airline crates or carrying crates, (iii) dog houses with no floors.

——— (6) *Adequate space.* The term "adequate space" means sufficient space to allow each animal to (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal and (ii) interact safely with other animals in the enclosure. When an animal is tethered, "adequate space" means a tether that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least five **Comment: Virginia Code § 3.2-6500 defines the term to include that the tether must be at least 3 times the length of the dog,** times the length of the animal, as measured from the tip of its nose to the base of its tail, and terminates at both ends with a swivel, and weights no more than 1/8 of the animal's weight, and if multiple animals, each animal shall be on its own tether, **Comment: The highlighted text is not in the definition in Virginia Code § 3.2-6500.** except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space. When an animal is on a pulley or running line, "adequate space" means a pulley or running line that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar and is at least fifteen feet in length and less than seven feet above the ground and configured so as to protect the animal from injury, and prevent the line from becoming entangled with other objects or animals or resulting in strangulation or injury of the animal, and if multiple animals, each animal shall be on its own tether. **Comment: The highlighted text is not in the definition in Virginia Code § 3.2-6500.**

——— (7) *Adequate water.* The term "adequate water" means provision of and access to clean, fresh, potable water of a drinkable temperature which is provided in a suitable manner, in sufficient volume, and at suitable intervals, but at least once every twelve (12) hours, **Comment: The highlighted text is not in the definition in Virginia Code § 3.2-6500.** to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles which are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.

——— (8) *Adoption.* The term "adoption" means the transfer of ownership of a dog or cat, or any other companion animal, from a releasing agency to an individual.

——— (9) *Agricultural animals.* The term "agricultural animals" means all livestock and poultry.

~~———— (10) *Ambient temperature.* The term "ambient temperature" means the temperature surrounding the animal.~~

~~———— (11) *Animal.* The term "animal" means any nonhuman vertebrate species except fish. For the purposes of Article IV, Rabies Control, animal shall mean any species susceptible to rabies. For the purposes of section 4-109, animal shall mean any nonhuman vertebrate species including fish captured and killed or disposed of in a reasonable customary manner.~~

~~———— (12) *Animal control officer.* The term "animal control officer" means any person employed, contracted, or appointed by the Commonwealth or any political subdivision for the purpose of aiding in the enforcement of any other law or ordinance relating to the licensing of dogs, control of dogs and cats, cruelty to animals, or seizure and impoundment of companion animals and includes any state or county police officer, animal control officer, sheriff or other employee whose duties in whole or in part include assignments which involve seizure or taking into custody of any dog or other animal.~~

~~———— (13) *Boarding establishment.* The term "boarding establishment" means a place or establishment other than a public or private animal shelter where companion animals not owned by the proprietor are sheltered, fed, and watered in exchange for a fee.~~

~~———— (14) *Clearly visible sign.* The term "clearly visible sign" means a sign that is (i) unobstructed from view, (ii) contains legible writing, and (iii) may be read by any person without assistance while standing ten feet away from the sign.~~

~~———— (15) *Collar.* The term "collar" means a well-fitted device, appropriate to the age and size of the animal, attached to the animal's neck in such a way as to prevent trauma or injury to the animal.~~

~~———— (16) *Commercial dog breeder.* The term "commercial dog breeder" means any person who, during any twelve (12) month period, maintains thirty (30) or more adult female dogs for the primary purpose of the sale of their offspring as companion animals.~~

~~———— (17) *Companion animal.* The term "companion animal" means any domestic or feral dog, domestic or feral cat, non-human primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal which is bought, sold, traded, or bartered by any person. Agricultural animals, game species, or any animals regulated under federal law as research animals shall not be considered companion animals for the purposes of this chapter.~~

~~———— (18) *Emergency veterinary treatment.* The term "emergency veterinary treatment" means veterinary treatment to stabilize a life-threatening condition, alleviate suffering, prevent further disease transmission, or prevent further disease progression.~~

~~———— (19) *Enclosure.* The term "enclosure" means a structure used to house or restrict animals from running at large.~~

~~———— (20) *Euthanasia.* The term "euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent which causes painless loss of consciousness, and death during such loss of consciousness.~~

~~———— (21) *Foster care provider.* The term "foster care provider" means a person who provides care or rehabilitation for companion animals through an affiliation with a public or private animal shelter, home-based rescue, releasing agency, or other animal welfare organization.~~

~~———— (22) *Hearing dog.* The term “hearing dog” means a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond.~~

~~———— (23) *Injury to a person.* The term “injury to a person” means any superficial cut, scratch, scrape, or minor tear to the skin, or any bruise to bone or skin area resulting from an unfriendly encounter. An injury shall be presumed to have occurred when a dog knocks a person to the ground or tears that person's clothing or any possession on his or her person.~~

~~———— (24) *Kennel.* The term “kennel” means any establishment in which five (5) or more canines, felines, or hybrids of either are kept for the purposes of breeding, hunting, training, renting, buying, boarding, selling, or showing.~~

~~———— (25) *Leash.* The term “leash” means any rope, strap, chain, or other material not exceeding four (4) feet in length, being held in the hand of a person capable of controlling the dog to which it is attached.~~

~~———— (26) *Livestock.* The term “livestock” includes all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; caprae animals; animals of the genus Lama; ratites; fish or shellfish in aquaculture facilities, as defined in Virginia Code § 3.2-2600; enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.~~

~~———— (27) *Owner.* The term “owner” means any person who: (i) has a right of property in an animal, (ii) keeps or harbors an animal, (iii) has an animal in his care, or (iv) acts as a custodian of an animal.~~

~~———— (28) *Person.* The term “person” means any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity.~~

~~———— (29) *Poultry.* The term “poultry” includes all domestic fowl and game birds raised in captivity.~~

~~———— (30) *Primary enclosure.* The term “primary enclosure” means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, cage, compartment, or hutch. For tethered animals, the term includes the shelter and the area within reach of the tether.~~

~~———— (31) *Private animal shelter.* The term “private animal shelter” means a facility operated for the purpose of finding permanent adoptive homes for animals, that is used to house or contain animals and that is owned or operated by an incorporated, nonprofit, and nongovernmental entity, including a humane society, animal welfare organization, society for the prevention of cruelty to animals, or any other similar organization.~~

~~———— (32) *Properly cleaned.* The term “properly cleaned” means that carcass, debris, food waste and excrement are removed from the primary enclosure with sufficient frequency to minimize the animals’ contact with the above-mentioned contaminants; the primary enclosure is sanitized with sufficient frequency to minimize odors and the hazards of disease; and the primary enclosure is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with the stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants.~~

~~———— (33) *Public animal shelter.* The term “public animal shelter” means a facility operated by the Commonwealth, or any locality, for the purpose of impounding or sheltering seized, stray, homeless, abandoned, unwanted, or surrendered animals or a facility operated for the same purpose under a contract with any locality.~~

~~———— (34) *Releasing agency.* The term “releasing agency” means (i) a public animal shelter or (ii) a private animal shelter, humane society, animal welfare organization, society for the prevention of cruelty to animals, or other similar entity or home-based rescue that releases companion animals for adoption.~~

——— (35) *Serious injury to a person.* The term “serious injury to a person” means any bodily injury for which medical attention was sought and obtained, having a reasonable potential to cause death, or any injury other than a strain or sprain which involves a serious laceration requiring stitches to more than one puncture wound, serious disfigurement, serious impairment of health, or serious impairment of bodily function, or which is serious in the opinion of a licensed physician.

——— (36) *Service dog.* The term “service dog” means a dog trained to do work or perform tasks for the benefit of a mobility impaired or otherwise disabled person. The work or tasks performed by a service dog shall be directly related to the individual’s disability or disorder. Examples of work or tasks include providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting an individual to the presence of allergens, retrieving items, carrying items, providing physical support and assistance with balance and stability, and preventing or interrupting impulsive or destructive behaviors. The provision of emotional support, well being, comfort, or companionship shall not constitute work or tasks for the purpose of this definition.

——— (37) *Sterilize or sterilization.* The term “sterilize” or “sterilization” means a surgical or chemical procedure performed by a licensed veterinarian that renders a dog or cat permanently incapable of reproducing.

——— (38) *Treatment or adequate treatment.* The term “treatment” or “adequate treatment” means the responsible handling or transportation of animals in the person’s ownership, custody or charge, appropriate for the age, species, condition, size and type of the animal. When any such animal is being transported in an open bed truck or similar vehicle, such carrier shall be secured to the vehicle so as to be immovable, and shall permit normal postural movements of the animal. The following shall not be deemed “adequate treatment”: (i) tethering of a dog six months old or younger; (ii) the tying up or tethering of a female dog in heat; (iii) transporting an animal in the back of an open bed truck or similar vehicle in an unsecured carrier and/or tethered to a collar.

——— (39) *Veterinary treatment.* The term “veterinary treatment” means treatment by or on the order of a duly licensed veterinarian.

(Code 1967, § 4-4; 4-13-88; Code 1988, § 4-4; Ord. 98-A(1), 8-5-98; Ord. 09-4(1), 7-8-09; Ord. 11-4(1), 2-2-11; Ord. 13-4(1), 7-3-13; Ord. 14-4(1), 6-4-14, effective 7-1-14; Ord. 15-4(1), 7-1-15)

——— **State law reference** — Va. Code §§ 3.2-6500, 6528.

4-101 Enforcement of animal laws; penalties.

——— A. — Enforcement of this chapter is vested in one or more animal control officers as employed by the county police department. When in uniform or upon displaying a badge or other credentials of office, such officers shall have the power to issue a summons or obtain a felony warrant as necessary, providing the execution of such warrant shall be carried out by any law enforcement officer as defined in Virginia Code § 9.1-101, to any person found in the act of violating this chapter, Virginia Code §§ 3.2-6500 *et seq.*, and all laws for the protection of animals, and shall exercise all other powers as provided by state law and such other duties as may be provided by the board of supervisors.

——— B. — Unless otherwise specified, any person violating a provision of this chapter shall be guilty of a class 4 misdemeanor.

(Code 1967, § 4-5, 4-13-88; § 4-16; Code 1988, § 4-5, § 4-16; Ord 98-A(1), 8-5-98; Ord. 09-4(1), 7-8-09)

——— **State law reference** — Va. Code §§ 3.2-6555, 18.2-11.

~~4-102 Duty of animal control officer or other officer upon finding stolen, etc., dogs.~~

~~Any animal control officer finding a stolen dog or a dog held or detained contrary to law shall have authority to seize and hold such dog pending action before the general district court or other court. If no such action is instituted within seven (7) days, the animal control officer shall deliver the dog to its owner. The presence of a dog on the premises of a person other than its legal owner shall raise no presumption of theft against the owner of such premises, but it shall be his duty to notify the animal control officer, and the animal control officer shall take such dog in charge and notify its legal owner to remove it. The legal owner of the dog shall pay a reasonable charge for the keep of such dog while in the possession of the animal control officer.~~

~~(Code 1967, § 4-8; 4-13-88; Code 1988, § 4-8; Ord. 98-A(1), 8-5-98, § 4-202; Ord. 09-4(1), 7-8-09)~~

~~State law reference — Va. Code § 3.2-6585.~~

~~4-103 Boundary lines declared lawful fences; animals running at large beyond boundaries of own land.~~

~~The boundary lines of each lot or tract of land in the county are hereby declared to be a lawful fence. It shall be unlawful for the owner or manager of any horse, mule, swine, sheep, goat or cattle of any description to permit any such animals to run at large beyond the boundaries of their own land.~~

~~(Code 1967, § 4-1; Code 1988, § 4-1; Ord. 98-A(1), 8-5-98, § 4-102; Ord. 09-4(1), 7-8-09)~~

~~State law reference — “Va. Code §§ 55-306-55-316; 18.2-121.1.~~

~~4-104 Dogs and cats deemed personal property.~~

~~All dogs and cats shall be deemed personal property, and may be the subject of prosecutions for larceny and malicious or unlawful trespass, and the owners thereof may maintain any action for the killing of any such animals, or injury thereto, or unlawful detention or use thereof, as in the case of other personal property.~~

~~The owner of any dog or cat that is injured or killed contrary to the provisions of this chapter or state law by any person shall be entitled to recover the value thereof or the damage done thereto in an appropriate action at law from such person.~~

~~(Code 1967, § 4-6; Code 1988, § 4-6; Ord. 98-A(1), 8-5-98, § 4-200; Code 1967, § 4-07; Code 1988, § 4-7; Ord. 98-A(1), 8-5-98, § 4-201; Ord. 09-4(1), 7-8-09)~~

~~State law reference — Va. Code § 3.2-6585.~~

~~4-105 Care of companion animals; penalty.~~

~~A. Each owner shall provide the following for his companion animal:~~

- ~~1. Adequate feed;~~
- ~~2. Adequate water;~~
- ~~3. Adequate shelter that is properly cleaned;~~
- ~~4. Adequate space in the primary enclosure for the particular type of animal depending upon its age, size, species, and weight;~~
- ~~5. Adequate exercise;~~
- ~~6. Adequate care, treatment, and transportation; and~~
- ~~7. Veterinary care when needed or to prevent suffering or disease transmission.~~

~~———— The provisions of this section shall also apply to every public or private animal shelter, or other releasing agency, and every foster care provider, dealer, pet shop, exhibitor, kennel, groomer, and boarding establishment. This section shall not require that animals used as food for other animals be euthanized.~~

~~———— B. ——— Violation of this section is a Class 4 misdemeanor. A second or subsequent violation of subdivision A1, A2, A3, or A7 is a Class 2 misdemeanor and a second or subsequent violation of subdivision A4, A5, or A6 is a Class 3 misdemeanor.~~

~~(Ord. 09-4(1), 7-8-09; Ord. 10-4(1), 9-1-10; Ord. 14-4(1), 6-4-14, effective 7-1-14)~~

~~———— State law reference — Va. Code § 3.2-6503.~~

~~4-106 Noise from animals; penalty.~~

~~A. ——— Noise from animals. It shall be unlawful and shall be a nuisance for an owner or custodian of an animal to harbor or keep any animal within the county which frequently or for a continued duration howls, barks or makes other excessive, continuous or untimely sounds which are audible on the property of a complainant in the county; provided however, this section shall not apply to any animal located on property zoned Rural Areas District of five (5) acres or more, to any animal in a public or private animal shelter or commercial kennel as defined in chapter 18 of the zoning ordinance, or to sounds caused by livestock or poultry. For the purposes of this section, “excessive, continuous or untimely sounds” shall mean any howling, barking or other animal noise which continues for thirty (30) consecutive minutes or more with no cessation of such sounds for time periods greater than five (5) minutes during the thirty (30) consecutive minutes.~~

~~———— B. ——— Complaints of animal noise. Notwithstanding section 4-101 of this Code, no person shall be charged with a violation of this section unless the complainant appears before a magistrate and requests a summons to be issued. However, when a violation is committed in the presence of an animal control officer or police officer, he shall have the authority to initiate all necessary proceedings.~~

~~———— C. ——— Penalty for violation. A violation of this section shall be punishable as a class 3 misdemeanor, and any owner or custodian of an animal found guilty under this section shall be required to abate the disturbance. Upon a third conviction within twelve (12) months of any offense under this section involving the same animal, in addition to imposing a fine, the court shall order the animal to be removed from any area of the county covered by this section. If the owner or custodian of the animal fails to comply with such order within two (2) weeks, the animal control officer shall seize the animal and offer the animal to a public or private animal shelter for adoption in a home outside of the area of the county covered by this section.~~

~~(Ord. 08-4(1), 6-11-08, § 4-601, § 4-602, § 4-603; Ord. 09-4(1), 7-8-09; Ord. 14-4(1), 6-4-14, effective 7-1-14)~~

~~4-107 Abandonment of animal; penalty.~~

~~———— No person shall abandon or dump any animal. Violation of this section shall be punishable as a class 3 misdemeanor. Nothing in this section shall be construed to prohibit the release of an animal by its owner to a public or private animal shelter, or other releasing agency.~~

~~(Ord. 09-4(1), 7-8-09; Ord. 14-4(1), 6-4-14, effective 7-1-14)~~

~~State law reference — Va. Code § 3.2-6504.~~

4-108 Cruelty to animals; penalty.

A.—— Any person who: (i) overrides, overdrives, overloads, tortures, ill-treats, abandons, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly or unnecessarily beats, maims, mutilates, or kills any animal, whether belonging to himself or another; (ii) deprives any animal of necessary food, drink, shelter or emergency veterinary treatment; (iii) sores any equine for any purpose or administers drugs or medications to alter or mask such sores for the purpose of sale, show or exhibition of any kind, unless such administration of drugs or medications is within the context of a veterinary client-patient relationship and solely for therapeutic purposes; (iv) willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal; (v) carries or causes to be carried by any vehicle, vessel or otherwise any animal in cruel, brutal, or inhumane manner, so as to produce torture or unnecessary suffering; or (vi) causes any of the above things, or being the owner of such animal permits such acts to be done by another shall be guilty of a class 1 misdemeanor.

—— In addition to the penalties provided in this subsection, the court may, in its discretion, require any person convicted of a violation of this subsection to attend an anger management or other appropriate treatment program or obtain psychiatric or psychological counseling. The court may impose the costs of such a program or counseling upon the person convicted.

B.—— Any person who: (i) tortures, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly and unnecessarily beats, maims, mutilates or kills any animal whether belonging to himself or another; (ii) sores any equine for any purpose or administers drugs or medications to alter or mask such sores for the purpose of sale, show, or exhibit of any kind, unless such administration of drugs or medications is under the supervision of a licensed veterinarian and solely for therapeutic purposes; (iii) maliciously deprives any companion animal of necessary food, drink, shelter or emergency veterinary treatment; (iv) instigates, engages in, or in any way furthers any act of cruelty to any animal set forth in clauses (i) through (iv); or causes any of the actions described in clauses (i) through (iv), or being the owner of such animal permits such acts to be done by another; and has been within five (5) years convicted of a violation of this subsection or subsection A, shall be subject to prosecution pursuant to Virginia Code § 3.2-6570 if the current violation or any previous violation of this subsection or subsection A resulted in the death of an animal or the euthanasia of an animal based on the recommendation of a licensed veterinarian upon determination that such euthanasia was necessary due to the condition of the animal, and such condition was a direct result of a violation of this subsection or subsection A.

C.—— Nothing in this section shall be construed to prohibit the dehorning of cattle conducted in a reasonable and customary manner.

D.—— This section shall not prohibit authorized wildlife management activities or hunting, fishing or trapping as regulated under the Code of Virginia, including Title 29.1, or to farming activities as provided by this Code or the Code of Virginia.

E.—— It is unlawful for any person to kill a domestic dog or cat for the purposes of obtaining the hide, fur or pelt of the dog or cat. A violation of this subsection is a class 1 misdemeanor. A second or subsequent violation of this subsection shall be subject to prosecution pursuant to Virginia Code § 3.2-6570.

F.—— Any person who: (i) tortures, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation or cruelly and unnecessarily beats, maims or mutilates any dog or cat that is a companion animal whether belonging to him or another; and (ii) as a direct result causes the death of such dog or cat that is a companion animal, or euthanasia of such animal on recommendation of a licensed veterinarian upon determination that such euthanasia was necessary due to the condition of the animal, shall be subject to prosecution pursuant to Virginia Code § 3.2-6570. If a

dog or cat is attacked on its owner's property by a dog so as to cause injury or death, the owner of the injured dog or cat may use all reasonable and necessary force against the dog at the time of the attack to protect his dog or cat. Such owner may be presumed to have taken necessary and appropriate action to defend his dog or cat and shall therefore be presumed not to have violated this subsection. The provisions of this subsection shall not supersede section 4-106, 4-201, 4-218 or 4-219.

Comment: Subsection (F) is proposed to be removed from this chapter because the penalty for these acts under Virginia Code § 3.2-6570(F) is a felony, a punishment that is beyond the authority of a locality. This subsection will be enforced under State law, not under the County Code.

G. Any person convicted of violating this section may be prohibited by the court from possession or ownership of companion animals or equine.

(Ord. 98-A(1), 8-5-98, § 4-207; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13)

State law references—Va. Code § 3.2-6570.

4-109 Disposition of companion animal and livestock carcasses.

The owner of any companion animal or livestock shall forthwith cremate, bury, or sanitarily dispose of the animal upon its death. If, after notice from the police department, animal control officer or other county officer, the owner fails to do so, the animal control officer or other officer shall bury or cremate the companion animal or livestock, and may recover on behalf of the county from the owner the cost for the service. The county may collect the costs of disposal in the same manner as taxes and levies are collected. **Comment:** In the revised version of this section, the highlighted sentence is not included because State law does not provide for this method of collection.

(Code 1967, § 4-11; 4-13-98; Code 1988, §§ 4-3, 4-11; Ord. 98-A(1), 8-5-98, § 4-206; Ord. 09-4(1), 7-8-09)

State law reference—Va. Code §§ 3.2-6554; 18.2-510.

4-110 Diseased dogs or cats.

It shall be unlawful for the owner of any dog or cat with a contagious or infectious disease to permit such dog or cat to stray from his premises, if such disease is known to the owner.

(Code 1967, § 4-12; Code 1988, § 4-17; Ord. 98-A(1), 8-5-98, § 4-211; Ord. 09-4(1), 7-8-09)

State law reference—Va. Code § 3.2-6587.

ARTICLE II. DOGS

State law reference—Va. Code §§ 3.2-6500 et seq.

DIVISION 1. IN GENERAL

4-200 Running at large prohibited.

A. It shall be unlawful for any dog to run at large in the county.

B. For the purposes of this section, a dog shall be deemed to “run at large” while roaming, running or self hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control. However, a dog shall not be considered at large if during the hunting season it is on a

bona fide hunt in the company of a licensed hunter or during field trials or training periods when accompanied by its owner.

~~_____ C. _____ Any person who permits his dog to run at large shall be deemed to have violated the provisions of this section.~~

~~_____ D. _____ Any dog observed or captured while unlawfully running at large shall be impounded in accordance with Article III, Impoundment, of this chapter.~~

~~(7-19-73; 8-22-73; 9-26-73; 11-15-73; 12-19-73; 1-3-74; 1-23-74; 3-24-77; 5-22-74; 10-9-74; 1-22-75; 3-10-76; 4-21-76; 12-7-77; 5-22-78; 6-21-78; 10-7-81; 5-21-86; 5-13-87; 9-16-87; 11-4-87; 12-16-87; 9-8-88; Ord. of 1-17-90; Ord. of 8-8-90; Ord. No. 94-4(2), 8-17-94; Ord. No. 94-4(3), 12-7-94; Ord. No. 95-4(1), 1-4-95; Ord. No. 95-4(2), 9-6-95; Code 1988, § 4-19; Ord. 98-A(1), 8-5-98; Ord. 98-4(1), 12-2-98; Ord. 00-4(1), 5-3-00; Ord. 03-4(2), 3-5-03; Ord. 04-4(1), 5-12-04; Ord. 05-4(1), 12-7-05; Ord. 06-4(1), 12-6-06, § 4-213; Ord. 09-4(1), 7-8-09; Ord. 09-4(2), 10-7-09; Ord. 12-4(1), 4-11-12)~~

~~_____ State law reference _____ Va. Code § 3.2-6538.~~

~~4-201 Dogs killing, injuring or chasing livestock or poultry Generally.~~

~~_____ A. _____ It shall be the duty of any animal control officer who may find a dog in the act of killing or injuring livestock or poultry to seize or kill such dog forthwith, whether such dog bears a tag or not. Any person finding a dog committing any of the depredations mentioned in this section shall have the right to kill such dog on sight, as shall any owner of livestock or his agent finding a dog chasing livestock on land utilized by the livestock when the circumstances show that such chasing is harmful to the livestock. Any court shall have the power to order the animal control officer or other officer to kill any dog known to be a confirmed livestock or poultry killer, and any dog killing poultry for the third time shall be considered a confirmed poultry killer. The court, through its contempt powers, may compel the owner, custodian, or harbinger of the dog to produce the dog.~~

~~_____ B. _____ Any animal control officer who has reason to believe that any dog is killing livestock or poultry shall be empowered to seize such dog solely for the purpose of examining such dog in order to determine whether it committed any of the depredations mentioned herein. Any animal control officer or other person who has reason to believe that any dog is killing livestock, or committing any of the depredations mentioned in this section, shall apply to a magistrate of the county, who shall issue a warrant requiring the owner or custodian, if known, to appear before the general district court at a time and place named therein, at which time evidence shall be heard. If it shall appear that the dog is a livestock killer, or has committed any of the depredations mentioned in this section, the district court shall order that the dog be: (i) killed or euthanized immediately by the animal control officer or other officer designated by the court; (ii) or removed to another state that does not border the Commonwealth and prohibited from returning to the Commonwealth. Any dog ordered removed from the Commonwealth that is later found in the Commonwealth shall be disposed of pursuant to Virginia Code § 3.2-6552.~~

~~_____ C. _____ Notwithstanding the provisions of subsection B, if it is determined that the dog has killed or injured only poultry, the district court may, instead of ordering killing, euthanasia, or removal to another state pursuant to this section, order either (a) that the dog be transferred to another owner whom the court deems appropriate and permanently fitted with an identifying microchip registered to that owner or (b) that the dog be fitted with an identifying microchip registered to the owner and confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent the dog's escape; direct contact with the dog by minors, adults, or other animals; or entry by minors, adults, or other animals. The structure shall be designed to provide the dog with shelter from the elements of nature. When off its owner's property, any dog found to be a poultry killer shall be kept on a leash and muzzled in such a manner as not to cause injury to the dog or interfere with its vision or respiration, but so as to prevent it from biting a person or another animal.~~

(Code 1967, § 4-9; 4-13-88; Code 1988, § 4-9; Ord. 98-A(1), 8-5-98, § 4-203; Ord. 09-4(1), 7-8-09; Ord. 14-4(1), 6-4-14, effective 7-1-14; Ord. 16-4(1), 7-6-16)

————— ~~State law reference~~ — Va. Code § 3.2-6552.

~~4-202 Compensation for livestock and poultry killed by dogs.~~

————— Any person who has any livestock or poultry killed or injured by any dog not his own shall be entitled to receive as compensation the fair market value of such livestock or poultry not to exceed seven hundred and fifty dollars (\$750.00) per animal or ten dollars (\$10.00) per fowl if: (i) the claimant has furnished evidence within sixty (60) days of discovery of the quantity and value of the dead or injured livestock and the reasons the claimant believes that death or injury was caused by a dog; (ii) the animal control officer or other officer shall have been notified of the incident within seventy-two (72) hours of its discovery; and (iii) the claimant first has exhausted his legal remedies against the owner, if known, of the dog doing the damage for which compensation under this section is sought. Exhaustion shall mean a judgment against the owner of the dog upon which an execution has been returned unsatisfied.

(Ord. 09-4(1), 7-8-09; Ord. 14-4(1), 6-4-14, effective 7-1-14)

————— ~~State law reference~~ — Va. Code § 3.2-6553.

~~4-203 Unauthorized removal of collars or tags.~~

————— It shall be unlawful for any person, except the owner or custodian, to remove a collar or a legally acquired license tag from a dog.

(Code 1967, § 4-14; Code 1988, § 4-12; Ord. 98-A(1), 8-5-98, § 4-209; Ord. 09-4(1), 7-8-09)

————— ~~State law reference~~ — Va. Code § 3.2-6587.

~~4-204 Female dogs in season.~~

————— It shall be unlawful for the owner of any female dog in season to fail to keep such female dog confined beyond reach of any male dog at large.

(Code 1967, § 4-13; Code 1988, § 4-18; Ord. 98-A(1), 8-5-98, § 4-212; Ord. 09-4(1), 7-8-09)

~~DIVISION 2. LICENSES~~

~~4-205 Required.~~

————— It shall be unlawful for any person other than a releasing agency that has registered as such annually with the county to own a dog four (4) months old or older in the county unless such dog is licensed, as required by the provisions of this article.

(Code 1967, § 4-17; 9-13-89; Code 1988, § 4-20; Ord. 98-A(1), 8-5-98; Ord. 08-4(2), 9-3-08, § 4-300; Ord. 09-4(1), 7-8-09)

————— ~~State law reference~~ — Va. Code § 3.2-6524.

~~4-206 Procedure for obtaining licenses.~~

~~A. Any resident of this county may obtain a one year, two year, or three year dog license by making oral or written application to the director of finance or his designee, accompanied by the amount of the license tax and a current certificate of vaccination as required by this chapter or satisfactory evidence that such certificate has been obtained.~~

~~B. The director of finance or his designee shall license only dogs of resident owners or custodians who reside within the county, and may require information to this effect of any applicant. Upon receipt of a proper application and a current certificate of vaccination as required by this chapter or satisfactory evidence that such certificate has been obtained, the director of finance or his designee shall issue a license receipt, on which he shall record the name and address of the owner or custodian, the date of payment, the year for which issued, the serial number of the tag, whether male or female, whether spayed or neutered, or whether a kennel, and deliver the metal license tags or plates provided for herein. Multi year dog licenses may only be issued upon evidence that the certificate of vaccination is valid for the duration of the multi year license.~~

~~C. The director of finance or his designee shall retain the application information during the period for which such license is valid, and shall be available for public inspection.~~

~~D. It shall be unlawful for any person to make a false statement in order to secure a dog license to which he is not entitled.~~

~~E. Failure to pay the dog license tax imposed by this division prior to February 1 of any year or at such other time as may be required by this division on any dog four (4) months of age or older and owned by him shall be a violation of this chapter.~~

~~(Code 1967, § 4-18; 5-15-75; Code 1988, § 4-21; Ord. 98-A(1), 8-5-98, § 4-301; Code 1967, § 4-33; Code 1988, § 4-36; Ord. 98-A(1), 8-5-98, § 4-316; Code 1967, § 4-34; 4-13-88; 9-13-89; Code 1988, § 4-37; Ord. 98-A(1), 8-5-98, § 4-317; Ord. 08-4(2), 9-3-08, § 4-301; Ord. 09-4(1), 7-8-09)~~

~~State law reference — Va. Code §§ 3.2-6527, 3.2-6530(B), 3.2-6587(A).~~

~~4-207 What license shall consist of; evidence of rabies vaccination; duplicate tags.~~

~~A. A dog license shall consist of a license receipt and a metal tag. The tag shall be stamped or otherwise permanently marked to show the county has issued the license and bear a serial number or other identifying information prescribed by the county.~~

~~B. No dog license shall be issued for any dog unless there is presented to the director of finance or his designee, satisfactory evidence that such dog has been inoculated or vaccinated against rabies, as required by section 4-206, by a currently licensed veterinarian or currently licensed technician who was under the immediate and direct supervision of a licensed veterinarian on the premises.~~

~~C. If a dog license tag shall become lost, destroyed or stolen, the owner or custodian shall at once apply to the director of finance or his designee for a duplicate license tag by presenting the original license receipt. Upon affidavit of the owner or custodian before the director of finance or his designee that the original license tag has been lost, destroyed or stolen, he shall issue a duplicate license tag. The owner or custodian shall immediately affix the duplicate license tag to the collar of the dog. The director of finance or his designee shall endorse the number of the duplicate and the date issued on the face of the original receipt. The fee for a duplicate tag shall be one dollar (\$1.00).~~

~~(Code 1967, § 4-19; Code 1988, § 4-22; Ord. 98-A(1), 8-5-98, § 4-302; Code 1967, § 4-25; 4-23-88; Code 1988, § 4-28; Ord. 98-A(1), 8-5-98, § 4-308; Code 1967, § 4-28; 4-13-88; Code 1988, § 4-31; Ord. 98-A(1), 8-5-98, § 4-311; Ord. 08-4(2), 9-3-08, § 4-302; Ord. 09-4(1), 7-8-09)~~

~~State law reference~~ — Va. Code §§ 3.2-6526, 6532.

~~4-208 Veterinarians to provide treasurer with rabies certificate information; civil penalty.~~

~~A. — Each veterinarian who vaccinates a dog against rabies or directs a veterinary technician in his employ to vaccinate a dog against rabies shall provide the owner a copy of the rabies vaccination certificate. The veterinarian shall forward within forty-five (45) days a copy of the rabies vaccination certificate or the relevant information contained in such certificate to the county's director of finance.~~

~~The rabies vaccination certificate shall include at a minimum the signature of the veterinarian, the animal owner's name and address, the species of the animal, the sex, the age, the color, the primary breed, whether or not the animal is spayed or neutered, the vaccination number, and expiration date. The rabies vaccination certificate shall indicate the locality where the animal resides.~~

~~B. — It shall be the responsibility of the owner of each vaccinated animal that is not already licensed to apply for a license for the vaccinated dog. If the director of finance determines, from review of the rabies vaccination information provided by the veterinarians, that the owner of an unlicensed dog has failed to apply for a license within ninety (90) days of the date of vaccination, the director of finance shall transmit an application to the owner and request the owner to submit a complete application and pay the appropriate fee. Upon receipt of the completed application and payment of the license fee, the director of finance or his designee shall issue a license receipt and a permanent tag.~~

~~The director of finance shall remit any rabies vaccination certificate received for any animal owned by an individual residing in another locality to the local treasurer for the appropriate locality.~~

~~Any veterinarian that willfully fails to provide the director of finance with a copy of the rabies vaccination certificate or the information contained in such certificate may be subject to a civil penalty not to exceed ten dollars (\$10.00) per certificate. Monies raised pursuant to this subsection shall be placed in the county's general fund for the purpose of animal control activities including spay or neuter programs.~~

(Ord. 08-4(2), 9-3-08, § 4-303; Ord. 09-4(1), 7-8-09)

~~State law reference~~ — Va. Code § 3.2-6529.

~~4-209 Amount of license tax.~~

A. — Dog license taxes shall be as follows:

1. ~~Spayed Female/Neutered Male.~~

~~One year tag: Five dollars (\$5.00)~~

~~Two year tag: Ten dollars (\$10.00)~~

~~Three year tag: Fifteen dollars (\$15.00)~~

2. ~~Unspayed Female/Unneutered Male.~~

~~One year tag: Ten dollars (\$10.00)~~

~~Two year tag: Twenty dollars (\$20.00)~~

~~Three year tag: Thirty dollars (\$30.00)~~

3. ~~Kennel license.~~ Fifty dollars (\$50.00) per block of ten dogs

~~B. No license tax shall be levied on any dog that is trained and serves as a guide dog for a blind person or that is trained and serves as a hearing dog for a deaf or hearing impaired person, or any dog that is trained and serves as a service dog for a mobility impaired or otherwise disabled person.~~

~~(Code 1967, § 4-20; 12-20-73; 80-11-76; 2-13-85; 4-13-88; Code 1988, § 4-23; Ord. 98-A(1), 8-5-98, § 4-303; Ord. 08-4(2), 9-3-08, § 4-304; Ord. 09-4(1), 7-8-09; Ord. 14-4(1), 6-4-14, effective 7-1-14)~~

~~State law reference—Va. Code § 3.2-6528.~~

~~4-210 When license tax payable, valid.~~

~~A. The license tax imposed on dogs by this article shall be due and payable no later than thirty (30) days after a dog has reached the age of four (4) months, or no later than thirty (30) days after an owner acquires a dog four (4) months of age or older and each year thereafter no later than January 31 of each year.~~

~~B. If a dog shall become four (4) months of age or if a dog over four (4) months of age unlicensed by this county shall come into the possession of any person in this county between January 1 and October 31 of any year, a license tax for the current calendar year shall be paid forthwith by the owner.~~

~~C. If a dog shall become four (4) months of age or if a dog over four (4) months of age unlicensed by this county shall come into the possession of any person in this county between November 1 and December 31 of any year, the license tax for the succeeding calendar year shall be paid forthwith by the owner and such license shall protect the dog from the date of payment of the license tax.~~

~~(Code 1967, § 4-21; 9-13-89; Code 1988, § 4-24; Ord. 98-A(1), 8-5-98, § 4-304; Code 1967, § 4-23; Code 1988, § 4-26; Ord. 98-A(1), 8-5-98, § 4-306; Ord. 08-4(2), 9-3-08, § 4-305; Ord. 09-4(1), 7-8-09)~~

~~State law reference—Va. Code § 3.2-6530.~~

~~4-211 Payment of license tax subsequent to summons.~~

~~Payment of the license tax subsequent to a summons to appear before the judge of the general district court or other court for failure to pay the license tax within the time required shall not operate to relieve such owner from any penalty for the violation of this article.~~

~~(Code 1967, § 4-22; Code 1988, § 4-25; Ord. 98-A(1), 8-5-98, § 4-305; Ord. 08-4(2), 9-3-08, § 4-306; Ord. 09-4(1), 7-8-09)~~

~~State law reference—Va. Code § 3.2-6536.~~

~~4-212 Effect of dog not wearing collar and tag as evidence.~~

~~Any dog not wearing a collar bearing a license tag of the proper calendar year shall prima facie be deemed to be unlicensed, and in any proceeding under this article, the burden of proof of the fact that the dog has been licensed or was otherwise not required to bear a tag at the time shall be on the owner of the dog.~~

~~(Code 1967, § 4-24; Code 1988, § 4-27; Ord. 98-A(1), 8-5-98; Ord. 08-4(2), 9-3-08, § 4-307; Ord. 09-4(1), 7-8-09)~~

~~State law reference—Va. Code § 3.2-6533.~~

~~4-213 Display of receipts; collar and tag to be worn; penalties.~~

~~_____ A. _____ Dog license receipts shall be carefully preserved by the owner and exhibited promptly on request for inspection by any animal control officer or other officer. Dog license tags shall be securely fastened to a substantial collar by the owner or custodian and worn by such dog. It shall be unlawful for the owner to permit any licensed dog four (4) months old or older to run or roam at large at any time without a license tag. The owner of the dog may remove the collar and license tag required by this section when:~~

- ~~(i) _____ the dog is engaged in lawful hunting;~~
- ~~(ii) _____ the dog is competing in a dog show;~~
- ~~(iii) _____ the dog has a skin condition which would be exacerbated by the wearing of a collar;~~
- ~~(iv) _____ the dog is confined; or~~
- ~~(v) _____ the dog is under the immediate control of its owner.~~

~~_____ B. _____ The license tag for a kennel shall show the number of dogs authorized to be kept under such license, and have attached thereto a metal identification plate for each of such dogs, numbered to correspond with the serial number of the license tag. The owner of a kennel shall securely fasten the license tag to the kennel enclosure in full view and keep one of the identification plates provided therewith attached to the collar of each dog authorized to be kept enclosed in the kennel. Any identification plates not so in use must be kept by the owner or custodian and promptly shown to any animal control officer or other officer upon request. A kennel dog shall not be permitted to stray beyond the limits of the enclosure, but this shall not prohibit removing dogs therefrom temporarily while under the control of the owner or custodian for the purpose of exercising, hunting, breeding, trial or show. A kennel shall not be operated in such manner as to defraud the county of the license tax applying to dogs which cannot be legally covered thereunder or to any manner which violates other provisions of this article.~~

~~_____ C. _____ It shall be unlawful for the owner of any dog to allow his dog to run at large at any time of the year in violation of this section.~~

~~(Code 1967, § 4-26; 4-13-88; Code 1988, § 4-29; Ord. 98-A(1), 8-5-98, § 4-309; Code 1967, § 4-31; 4-13-88; Code 1988, § 4-34; Ord. 98-A(1), 8-5-98, § 4-314; Code 1967, § 4-32; 4-13-88; Code 1988, § 4-35; Ord. 98-A(1), 8-5-98; Ord. 05-4(1), 12-7-05, § 4-315; Ord. 08-4(2), 9-3-08, § 4-308; Ord. 09-4(1), 7-8-09)~~

~~_____ State law reference — Va. Code §§ 3.2-6531, 3.2-6587(A).~~

~~4-214 Harboring or concealing unlicensed dogs.~~

~~_____ It shall be unlawful for any person to conceal or harbor any dog on which the required license tax has not been paid.~~

~~(Code 1967, § 4-15; Code 1988, § 4-13; Ord. 98-A(1), 8-5-98, § 4-210; Ord. 09-4(1), 7-8-09)~~

~~_____ State law reference — Va. Code § 3.2-6587~~

~~DIVISION 3. COMMERCIAL BREEDERS~~

Comment: This division is deleted from the proposed revised Chapter 4 because the subject matter is governed solely by State law and the requirements for a business license are addressed in County Code Chapter 8.

~~4-215 Business license required.~~

~~No commercial dog breeder shall breed dogs in the county without a valid business license issued by the county's department of finance, as applicable, where he maintains dogs for the purpose of commercial dog breeding.~~

~~(Ord. 09-4(1), 7-8-09)~~

~~————— State law reference — Business license required. Va. Code § 3.2-6507.1.~~

~~4-216 Commercial dog breeding; requirements.~~

~~Commercial dog breeders shall:~~

~~A. ——— Maintain no more than fifty (50) dogs over the age of one (1) year at any time for breeding purposes.~~

~~B. ——— Breed female dogs only:~~

~~(i) after annual certification by a licensed veterinarian that the dog is in suitable health for breeding;~~

~~(ii) after the dog has reached the age of eighteen (18) months; and~~

~~(iii) if the dog has not yet reached the age of eight (8) years.~~

~~C. ——— Dispose of dogs only by gift, sale, transfer, barter, or euthanasia by a licensed veterinarian.~~

~~D. ——— Dispose of deceased dogs in accordance with Virginia Code § 3.2-6554.~~

~~E. ——— Maintain accurate records for at least five (5) years including:~~

~~————— (i) the date on which a dog enters the operation;~~

~~(ii) the person from whom the animal was purchased or obtained, including the address and phone number of such person;~~

~~(iii) a description of the animal, including the species, color, breed, sex, and approximate age and weight;~~

~~(iv) any tattoo, microchip number, or other identification number carried by or appearing on the animal;~~

~~————— (v) each date that puppies were born to such animal and the number of puppies;~~

~~(vi) all medical care and vaccinations provided to the animal, including certifications required by a licensed veterinarian under this chapter; and~~

~~————— (vii) the disposition of each animal and the date.~~

~~(Ord. 09-4(1), 7-8-09)~~

~~————— State law reference — Va. Code § 3.2-6507.2.~~

~~4-217 Violations; penalty.~~

~~Any commercial dog breeder violating any provision of this division shall be guilty of a class 1 misdemeanor.~~

~~(Ord. 09-4(1), 7-8-09)~~

~~————— State law reference — Va. Code § 3.2-6507.5.~~

DIVISION 4. DANGEROUS AND VICIOUS DOGS

~~4-218 Dangerous dogs.~~

~~A.——As used in this section, “dangerous dog” means:~~

~~(1)——A canine or canine crossbreed that has bitten, attacked, or inflicted injury on a companion animal that is a dog or cat, or killed a companion animal that is a dog or cat. When a dog attacks, bites, or inflicts injury on a companion animal that is a dog or cat, the attacking or biting dog shall not be deemed dangerous if, upon investigation, a law enforcement officer or animal control officer finds that:~~

~~(a) no serious physical injury as determined by a licensed veterinarian has occurred to the dog or cat as a result of the attack or bite;~~
~~(b) both animals are owned by the same person; or~~
~~(c) such attack occurred on the property of the attacking or biting dog’s owner or custodian.~~

~~(2)——A canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person. A canine or canine crossbreed is not a dangerous dog if, upon investigation, a law enforcement officer or animal control officer finds that the injury inflicted by the canine or canine crossbreed upon a person consists solely of a single nip or bite resulting only in a scratch, abrasion, or other minor injury.~~

~~B.——No dog shall be found to be a dangerous dog as a result of biting, attacking, or inflicting injury on a dog or cat while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event. No dog shall be found to be a dangerous dog if the court determines, based on the totality of the evidence before it, or for other good cause, that the dog is not dangerous or a threat to the community.~~

~~C.——Any law enforcement officer or animal control officer who has reason to believe that a canine or canine crossbreed within its jurisdiction is a dangerous dog may apply to a magistrate of the jurisdiction for the issuance of a summons requiring the owner or custodian, if known, to appear before a general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. If a law enforcement officer successfully makes an application for the issuance of a summons, he shall contact the local animal control officer and inform him of the location of the dog and the relevant facts pertaining to his belief that the dog is dangerous. The animal control officer shall confine the animal until such time as evidence shall be heard and a verdict rendered. If the animal control officer determines that the owner or custodian can confine the animal in a manner that protects the public safety, he may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal’s owner to comply with the provisions of this section. The court, upon finding the animal to be a dangerous or vicious dog, may order the owner, custodian, or harbinger thereof to pay restitution for actual damages to any person injured by the animal or whose companion animal was injured or killed by the animal. The court, in its discretion, may also order the owner to pay all reasonable expenses incurred in caring and providing for such dangerous dog from the time the animal is taken into custody until such time as the animal is disposed of or returned to the owner. The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in Virginia Code §§ 19.2-260 et seq. The Commonwealth shall be required to prove its case beyond a reasonable doubt.~~

~~D.——No canine or crossbreed shall be found to be a dangerous dog solely because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed prohibited.~~

E. ~~————~~ No animal shall be found to be a dangerous dog if the threat, injury or damage was sustained by a person who was: (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian; (ii) committing, at the time, a willful trespass upon the premises occupied by the animal's owner or custodian; or (iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog that was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog. No animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, shall be found to be a dangerous dog.

F. ~~————~~ If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.

~~————~~ G. ~~————~~ The owner of any animal found to be a dangerous dog shall, within thirty (30) days of such finding, obtain a dangerous dog registration certificate from the county for a fee of one hundred and fifty dollars (\$150.00), in addition to other fees that may be authorized by law. The county shall also provide the owner with a uniformly designed tag that identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. By January 31 of each year, until such time as the dangerous dog is deceased, all certificates obtained pursuant to this subsection shall be updated and renewed for a fee of eighty five dollars (\$85.00) and in the same manner as the initial certificate was obtained. The animal control officer shall post registration information on the Virginia Dangerous Dogs Registry.

H. ~~————~~ All dangerous dog registration certificates or renewals thereof required to be obtained under this section shall only be issued to persons eighteen (18) years of age or older who present satisfactory evidence of:

- ~~————~~ (i) the animal's current rabies vaccination, if applicable;
- ~~————~~ (ii) that the animal has been spayed or neutered; and
- ~~————~~ (iii) that the animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced in yard until the proper enclosure is constructed.

~~————~~ In addition, owners who apply for certificates or renewals thereof under this section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence that:

- ~~————~~ (i) their residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property; and
- ~~————~~ (ii) the animal has been permanently identified by means of electronic implantation.

~~————~~ All certificates or renewals thereof required to be obtained under this section shall only be issued to persons who present satisfactory evidence that the owner has liability insurance coverage, to the value of at least one hundred thousand dollars (\$100,000.00) that covers animal bites. The owner may obtain and maintain a bond in surety, in lieu of liability insurance, to the value of at least one hundred thousand dollars (\$100,000.00).

~~————~~ I. ~~————~~ While on the property of its owner, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. While so confined within the structure, the animal shall be provided for according to section 4-105. When off its owner's property, an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause

injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.

——— J. ——— The owner of any dog found to be dangerous shall register the animal with the Commonwealth of Virginia Dangerous Dog Registry as established under Virginia Code § 3.2-6542, within forty five (45) days of such a finding by any appropriate court. The owner shall also cause the local animal control officer to be promptly notified of: (i) the names, address, and telephone numbers of all owners; (ii) all the means necessary to locate the owner and the dog at any time; (iii) any complaints or incidents of attack by the dog upon any person or cat or dog; (iv) any claims made or lawsuits brought as a result of any attack; (v) chip identification; (vi) proof of insurance or surety bond; and (vii) the death of the dog.

K. ——— After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon learning of same, cause the local animal control authority to be notified if the animal: (i) is loose or unconfined; (ii) bites a person or attacks another animal; or (iii) is sold, is given away, or dies. Any owner of a dangerous dog who relocates to a new address shall, within ten (10) days of relocating, provide written notice to the appropriate local animal control authority for the old address from which the animal has been moved and the new address to which the animal has been moved.

L. ——— Any owner or custodian of a canine or canine crossbreed or other animal:

——— 1) shall be guilty of a class 2 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, attacks and injures or kills a cat or dog that is a companion animal belonging to another person; or

——— 2) shall be guilty of a class 1 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, bites a human being or attacks a human being causing bodily injury; or

——— 3) shall be subject to prosecution pursuant to Virginia Code § 3.2-6540 if the owner or custodian whose willful act or omission in the care, control, or containment of a canine, canine crossbreed, or other animals is so gross, wanton, and culpable as to show a reckless disregard for human life, and is the proximate cause of such dog or other animal attacking and causing serious bodily injury to any person. **Comment: Subsection (3) will be deleted from the proposed revised Chapter 4 because the penalty for the described acts is a class 6 felony. A locality may not make the penalty for a violation of its ordinances a felony. In other words, this violation would be prosecuted only under State law.**

——— The provisions of this subsection shall not apply to any animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, or when the animal is a police dog that is engaged in the performance of its duties at the time of the attack.

M. ——— The owner of any animal that has been found to be a dangerous dog who willfully fails to comply with the requirements of this section shall be guilty of a class 1 misdemeanor.

Whenever an owner or custodian of an animal found to be a dangerous dog is charged with a violation of this section, the animal control officer shall confine the dangerous dog until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian, or harbinger of the animal to produce the animal.

——— Upon conviction, the court may (i) order the dangerous dog to be disposed of by the county pursuant to Virginia Code § 3.2-6562 or (ii) grant the owner up to forty five (45) days to comply

with the requirements of this section, during which time the dangerous dog shall remain in the custody of the animal control officer until compliance has been verified. If the owner fails to achieve compliance within the time specified by the court, the court shall order the dangerous dog to be disposed of by a local governing body pursuant to Virginia Code § 3.2-6562. The court, in its discretion, may order the owner to pay all reasonable expenses incurred in caring and providing for such dangerous dog from the time the animal is taken into custody until such time that the animal is disposed of or returned to the owner.

——— N. ——— All fees collected pursuant to this section, less the costs incurred by the county in producing and distributing the certificates and tags required by this section and fees due to the State Veterinarian for maintenance of the Virginia Dangerous Dog Registry shall be paid into a special dedicated fund of the county for the purpose of paying the expenses of any training course required under Virginia Code § 3.2-6556.

(Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A; Ord. 98-A(1), 8-5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13; Ord. 17-4(1), 6-7-17, effective 7-1-17)

——— State law reference — Va. Code § 3.2-6540.

4-219 Vicious dogs

A. As used in this section:

“Vicious dog” means a canine or canine crossbreed that has (i) killed a person, (ii) inflicted serious injury to a person, or (iii) continued to exhibit the behavior that resulted in a previous finding by a court, or, on or before July 1, 2006, by an animal control officer as authorized by ordinance that it is a dangerous dog, provided that its owner has been given notice of that finding.

B. Any law enforcement officer or animal control officer who has reason to believe that a canine or canine crossbreed within the county is a vicious dog shall apply to a magistrate serving the county for the issuance of a summons requiring the owner or custodian, if known, to appear before a general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. If a law enforcement officer successfully makes an application for the issuance of a summons, he shall contact the local animal control officer and inform him of the location of the dog and the relevant facts pertaining to his belief that the dog is vicious. The animal control officer shall confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian, or harbinger of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of Virginia Code § 3.2-6562. The court, upon finding the animal to be a vicious dog, may order the owner, custodian, or harbinger thereof to pay restitution for actual damage to any person injured by the animal or to the estate of any person killed by the animal. The court, in its discretion, may also order the owner to pay all reasonable expenses incurred in caring and providing for such vicious dog from the time the animal is taken into custody until such time as the animal is disposed of. The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in Virginia Code §§ 19.2-260 *et seq.* The county shall be required to prove its case beyond a reasonable doubt.

C. No canine or canine crossbreed shall be found to be a vicious dog solely because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed prohibited. No animal shall be found to be a vicious dog if the threat, injury, or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian; (ii) committing, at the time, a willful trespass upon the premises occupied by the animal's owner or custodian; or (iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog that was

engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a vicious dog. No animal that, at the time of the acts complained of, was responding to pain or injury or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, shall be found to be a vicious dog.

~~D. Any owner or custodian of a canine or canine crossbreed or other animal whose willful act or omission in the care, control, or containment of a canine, canine crossbreed, or other animal is so gross, wanton, and culpable as to show a reckless disregard for human life and is the proximate cause of such dog or other animal attacking and causing serious injury to any person may be prosecuted pursuant to Virginia Code § 3.2-6540.1. **Comment: Subsection (D) will be deleted from the proposed revised Chapter 4 because the penalty for the described acts is a class 6 felony. A locality may not make the penalty for a violation of its ordinances a felony. In other words, this violation would be prosecuted only under State law.**~~

~~The provisions of this subsection shall not apply to any animal that, at the time of the acts complained of, was responding to pain or injury or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, or when the animal is a police dog that is engaged in the performance of its duties at the time of the attack.~~

~~(Ord. 13-4(1), 7-3-13)~~

~~State law reference — Va. Code § 3.2-6540.1~~

ARTICLE III. IMPOUNDMENT

~~4-300 Duties of animal control officers; seizure and impoundment of animals; notice and hearing; disposition of animals.~~

~~A. — Any animal control officer or law enforcement officer may lawfully seize and impound any animal that has been abandoned, has been cruelly treated, or is suffering from an apparent violation of this chapter that has rendered the animal in such a condition as to constitute a direct and immediate threat to its life, safety or health.~~

~~B. — Before seizing or impounding any agricultural animal, the law enforcement officer or animal control officer shall contact the state veterinarian or state veterinarian's representative, who shall recommend to the person the most appropriate action for effecting the seizure and impoundment. The animal control officer shall notify the owner of the agricultural animal and the local attorney for the Commonwealth of the recommendation. The animal control officer may impound the agricultural animal on the land where the agricultural animal is located if:~~

~~1. — The owner or tenant of the land where the agricultural animal is located gives written permission;~~

~~2. — A general district court so orders; or~~

~~3. — The owner or tenant of the land where the agricultural animal is located cannot be immediately located, and it is in the best interest of the agricultural animal to be impounded on the land where it is located until the written permission of the owner or tenant of the land can be obtained.~~

~~If there is a direct and immediate threat to an agricultural animal, the animal control officer or law enforcement officer may seize the animal, in which case the law enforcement officer or animal control officer shall file within five (5) business days on a form approved by the state veterinarian a report on the condition of the animal at the time of the seizure, the location of impoundment, and any other information required by the state veterinarian.~~

C. Upon seizing or impounding an animal, the animal control officer or law enforcement officer shall petition the general district court in the county for a hearing. The hearing shall be not more than ten (10) business days from the date of the seizure of the animal. The hearing shall be to determine whether the animal has been abandoned, has been cruelly treated, or has not been provided adequate care.

D. The animal control officer shall cause to be served upon the person with a right of property in the animal or the custodian of the animal notice of the hearing. If such person or the custodian is known and residing within the jurisdiction wherein the animal is seized, written notice shall be given at least five (5) days prior to the hearing of the time and place of the hearing. If such person or the custodian is known but residing out of the jurisdiction where such animal is seized, written notice by any method or service of process as is provided by the Code of Virginia shall be given. If such person or the custodian is not known, the law enforcement officer or animal control officer shall cause to be published in a newspaper of general circulation in the county notice of the hearing at least one time prior to the hearing and shall further cause notice of the hearing to be posted at least five (5) days prior to the hearing at the place provided for public notices at the county courthouse wherein such hearing shall be held.

E. The procedure for appeal and trial shall be the same as provided by law for misdemeanors. If requested by either party on appeal to the circuit court, trial by jury shall be as provided in Virginia Code §§ 19.2-260 *et seq.*

F. The law enforcement officer, or animal control officer shall provide for such animal until the court has concluded the hearing. The county may require the owner of any animal held pursuant to this section for more than thirty (30) days to post a bond in surety with the county for the amount of the cost of boarding the animal for a period not to exceed nine (9) months.

If the court determines that the animal has been neither abandoned, cruelly treated, nor deprived of adequate care, the animal shall be returned to the owner. If the court determines that the animal has been abandoned, cruelly treated, or deprived of adequate care, then the court shall order that the animal may be: (i) sold by the animal control officer if not a companion animal; (ii) disposed of by a local governing body pursuant to subsection D of Virginia Code § 3.2-6546, whether such animal is a companion animal or an agricultural animal; or (iii) delivered to the person with a right of property in the animal as provided in subsection G.

G. In no case shall the owner be allowed to purchase, adopt, or otherwise obtain the animal if the court determines that the animal has been abandoned, cruelly treated, or deprived of adequate care. The court shall direct that the animal be delivered to the person with a right of property in the animal, upon his request, if the court finds that the abandonment, cruel treatment, or deprivation of adequate care is not attributable to the actions or inactions of such person.

H. The court shall order the owner of any animal determined to have been abandoned, cruelly treated, or deprived of adequate care to pay all reasonable expenses incurred in caring and providing for such animal from the time the animal is seized until such time that the animal is disposed of in accordance with the provisions of this section.

I. The court may prohibit the possession or ownership of other companion animals by the owner of any companion animal found to have been abandoned, cruelly treated, or deprived of adequate care. In making a determination to prohibit the possession or ownership of the companion animals, the court may take into consideration the owner's past record of convictions under this chapter or other laws prohibiting cruelty to animals or pertaining to the care or treatment of animals and the owner's mental and physical condition.

~~J. — If the court finds that an agricultural animal has been abandoned or cruelly treated, the court may prohibit the possession or ownership of any other agricultural animal by the owner of the agricultural animal if the owner has exhibited a pattern of abandoning or cruelly treating agricultural animals as evidenced by previous convictions of violating section 4-107 or section 4-108. In making a determination to prohibit the possession or ownership of agricultural animals, the court may take into consideration the owner's mental and physical condition.~~

~~K. — Any person who is prohibited from owning or possessing animals pursuant to subsection I or J may petition the court to repeal the prohibition after two (2) years have elapsed from the date of entry of the court's order. The court may, in its discretion, repeal the prohibition if the person can prove to the satisfaction of the court that the cause for the prohibition has ceased to exist.~~

~~L. — In case of sale of an animal under this section, the proceeds shall first be applied to the costs of the sale, then next to the unreimbursed expenses for the care and provision of the animal, and the remaining proceeds, if any, shall be paid over to the owner of the animal. If the owner of the animal cannot be found, the proceeds remaining shall be paid into the Literary Fund of the state treasury.~~

~~M. — Nothing in this section shall be construed to prohibit the humane destruction of a critically injured or ill animal for humane purposes by the impounding animal control officer or licensed veterinarian.~~

~~(Ord. 98-A(1), 8-5-98, § 4-208; Ord. 09-4(1), 7-8-09; Ord. 11-4(2), 7-6-11)~~

~~State law reference — Va. Code § 3.2-6569.~~

~~4-301 Impoundment; expenses; lien; disposition of animal.~~

~~When an animal control officer or law enforcement officer finds that an apparent violation of this chapter has rendered an animal in such a condition as to constitute a direct and immediate threat to its life, safety, or health that the owner or custodian has failed to remedy, such animal control officer or law enforcement officer may impound the animal pursuant to section 4-300 in a facility that will provide the elements of good care as set forth in section 4-105, and shall then proceed to take such steps as are required to dispose of the animal pursuant to section 4-300.~~

~~(Ord. 09-4(1), 7-8-09)~~

~~———— State law reference — Va. Code § 3.2-6565.~~

~~4-302 Dogs killing, injuring or chasing livestock or poultry—Impoundment and disposition.~~ **Comment: Animal Control recommends that this section be repealed because an alternative procedure and remedies are provided in proposed section 4-XXX.**

~~———— In the event any animal control officer or other person has reason to believe that any dog is killing livestock or committing any of the depredations mentioned in section 4-201, and a warrant or summons is issued by a magistrate of the county, as set out in section 4-201, the alleged killer dog may be seized or impounded by the animal control officer until such time as the owner or custodian thereof shall provide evidence of the adequate provisions to be made to protect livestock or poultry from such dog, which provisions may include, but not be limited to, securing of such dog on the premises of the owner or custodian, with defined limitations of access. Any dog released under such conditions shall be kept under such securing provisions, and any person failing to keep such dog so secured shall be deemed in violation of this section. The owner or custodian redeeming such dog from impoundment as provided above shall also furnish the license(s) and pay the fee(s) as provided by sections 4-205 and 4-208, respectively. If the court finds such dog is not a livestock killer or has not committed any of the depredations mentioned in section 4-201, any dog not re-deemed within ten (10) days of disposition of the original charge by the~~

court shall be dealt with by the animal control officer in the same manner as provided for the disposition of unlicensed dogs in section 4-303.

(5-2-79; 4-13-88; Code 1988, § 4-9.1; Ord. 98-A(1), 8-5-98, § 4-204; Ord. 09-4(1), 7-8-09; Ord. 14-4(1), 6-4-14, effective 7-1-14)

~~4-303 Disposition of unlicensed dogs; running at large.~~

——— A. ——— The animal control officer shall have the authority to capture, euthanize or turn over to a public or private animal shelter any dog of unknown ownership found running at large on which the license tax has not been paid.

B. ——— Any dog captured and confined pursuant to this section, shall be kept for a period of not less than five (5) days, such period to commence on the day immediately following the day the animal is initially confined in a public or private animal shelter or facility, unless sooner claimed by the rightful owner thereof. The animal control officer and/or the operator of the public or private animal shelter shall make a reasonable effort to ascertain whether the dog has a collar, tag, license, tattoo, or other form of identification. If such identification is found on the dog, the dog shall be held for an additional five (5) days, unless sooner claimed by the rightful owner. If the rightful owner of the animal can be readily identified, the animal control officer and/or the public or private animal shelter shall make a reasonable effort to notify the owner of the dog's confinement within the next forty-eight (48) hours following its confinement.

If any dog confined pursuant to this section is claimed by its rightful owner, such owner may be charged with the actual expenses incurred in keeping the animal impounded.

If the dog confined pursuant to this section has not been claimed upon expiration of the appropriate holding period as set forth above, it shall be deemed abandoned and become the property of the county or the public or private animal shelter.

Following the appropriate holding period set forth above, the animal control officer or other officer may deliver such dog to any person in the county who will pay the required license fee on such dog, with the understanding that should the legal owner thereafter claim the dog and prove his ownership, he may recover such dog by paying to the person to whom it was delivered by the animal control officer the amount of the license fee paid by him and a reasonable charge for the keep of the dog while in his possession.

Any person, animal control officer or other officer euthanizing a dog under this chapter shall cremate, bury or sanitarily dispose of the same. Prior to disposition by euthanasia or otherwise, all the provisions of Virginia Code § 3.2-6563 shall have been complied with.

——— C. ——— All drugs and drug administering equipment used by animal control officers or other officers to capture dogs pursuant to this section shall have been approved by the state veterinarian.

(Code 1967, § 4-10; 8-11-76; 4-13-88; Code 1988, § 4-10; Ord. 98-A(1), 8-5-98, § 4-205; Ord. 09-4(1), 7-8-09; Ord. 14-4(1), 6-4-14, effective 7-1-14)

——— State law reference — Va. Code §§ 3.2-6546 (c); 3.2-6562.

ARTICLE IV. RABIES CONTROL

State law reference — Va. Code §§ 3.2-6521; 3.2-6522; 3.2-6523; 3.2-6525.

~~4-400 Vaccination of dogs and cats required.~~

~~_____ A. _____ The owner or custodian of all dogs and cats four (4) months of age and older shall have such animal currently vaccinated for rabies by a licensed veterinarian or licensed veterinary technician who is under the immediate and direct supervision of a licensed veterinarian on the premises unless otherwise provided by regulations. The supervising veterinarian on the premises shall provide the owner or custodian of the dog or cat with a rabies vaccination certificate or herd rabies vaccination certificate and shall keep a copy in his own files. The owner or custodian of the dog or the cat shall furnish within a reasonable period of time, upon the request of an animal control officer or other law enforcement officer, state veterinarian's representative, or official of the Department of Health, the certificate of vaccination for such dog or cat. The vaccine used shall be licensed by the U.S. Department of Agriculture for use in that species. At the discretion of the director of the Charlottesville / Albemarle Health Department, a medical record from a licensed veterinary establishment reflecting a currently vaccinated status may serve as proof of vaccination.~~

~~(Code 1967, § 4-35; 4-8-87; 12-14-88; Code 1988, § 4-38; Ord. 98-A(1), 8-5-98, § 4-500; Ord. 09-4(1), 7-8-09; Ord. 10-4(1), 9-1-10)~~

~~State law reference—Va. Code § 3.2-6521.~~

~~4-401 Rabid animals.~~

~~_____ Any dogs or cats showing active signs of rabies or suspected of having rabies that is not known to have exposed a person, companion animal, or livestock to rabies shall be confined under competent observation for such a time as may be necessary to determine a diagnosis. If, in the discretion of the director of the Charlottesville/Albemarle Health Department, confinement is impossible or impracticable, such dog or cat shall be euthanized by one of the methods approved by the state veterinarian as provided in Virginia Code § 3.2-6546. The disposition of other animals showing active signs of rabies shall be determined by the director of the Charlottesville/Albemarle Health Department and may include euthanasia and testing.~~

~~_____ Every person having knowledge of the existence of an animal that is suspected to be rabid and that may have exposed a person, companion animal, or livestock to rabies shall report immediately to the Charlottesville/Albemarle Health Department the existence of such animal, the place where seen, the owner's name, if known, and the signs suggesting rabies.~~

~~_____ Any dog or cat, for which no proof of current rabies vaccination is available, and that may have been exposed to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, by an animal suspected to be rabid, shall be isolated in a public or private animal shelter, kennel or enclosure approved by the Charlottesville/Albemarle Health Department for a period not to exceed six (6) months at the expense of the owner or custodian in a manner and by a date certain as determined by the director of the Charlottesville/Albemarle Health Department. A rabies vaccination shall be administered by a licensed veterinarian prior to release. Inactivated rabies vaccine may be administered at the beginning of isolation. Any dog or cat so bitten, or exposed to rabies through saliva or central nervous system tissue, in a fresh open wound or mucous membrane with proof of current vaccination, shall be revaccinated by a licensed veterinarian immediately following the exposure and shall be confined to the premises of the owner or custodian, or other site as may be approved by the Charlottesville/Albemarle Health Department, at the expense of the owner or custodian, for a period of forty five (45) days. If the director of the Charlottesville/Albemarle Health Department determines that isolation is not feasible or maintained, such dog or cat shall be euthanized by one of the methods approved by the State Veterinarian as provided in Virginia Code § 3.2-6546. The disposition of such dogs or cats not so confined shall be at the discretion of the director of the Charlottesville/Albemarle Health Department.~~

~~At the discretion of the director of the Charlottesville/Albemarle Health Department, any animal that may have exposed a person shall be confined under competent observation for ten (10) days at the expense of the owner or custodian, unless the animal develops active signs of rabies, expires, or is euthanized before that time. A seriously injured or sick animal may be euthanized as provided in Virginia Code § 3.2-6546.~~

~~When any suspected rabid animal, other than a dog or cat, exposes or may have exposed a person to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, decisions regarding the disposition of that animal shall be at the discretion of the director of the Charlottesville/Albemarle Health Department and may include euthanasia as provided in Virginia Code § 3.2-6546, or as directed by the state agency with jurisdiction over that species. When any animal, other than a dog or cat, is exposed or may have been exposed to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, by an animal suspected to be rabid, decisions regarding the disposition of that newly exposed animal shall be at the discretion of the director of the Charlottesville/Albemarle Health Department.~~

~~When any animal may have exposed a person to rabies and subsequently expires due to illness or euthanasia, either within an observation period, where applicable, or as part of a public health investigation, its head or brain shall be sent to the Division of Consolidated Laboratory Services of the Department of General Services or be tested as directed by the Charlottesville/Albemarle Health Department.~~

~~Any person who fails to comply with the provisions of this section shall be guilty of a class 1 misdemeanor.~~

~~(Code 1967, § 4-37; Code 1988, § 4-40; Ord. 98-A(1), 8-5-98, § 4-502; Code 1967, § 4-38; Code 1988, § 4-41; Ord. 98-A(1), 8-5-98, § 4-503; Ord. 09-4(1), 7-8-09; Ord. 10-4(1), 9-1-10; Ord. 14-4(1), 6-4-14, effective 7-1-14)~~

~~State law reference — Va. Code § 3.2-6522.~~

~~4-402 Harboring or concealing rabid animals.~~

Comment: This section is recommended to be repealed because it is not enabled by State law.

~~It shall be unlawful for any person to conceal a rabid animal to keep the same from being killed.~~

~~(Code 1967, § 4-15; Code 1988, § 4-13; Ord. 98-A(1), 8-5-98, § 4-210; Ord. 09-4(1), 7-8-09)~~

~~State law reference — Va. Code § 3.2-6587.~~

~~4-403 Inoculation for rabies at animal shelters.~~

Comment: This section is recommended to be repealed because it applies only when an emergency ordinance is in place, and is enabled by State law that is self-executing.

~~Dogs and cats being adopted from a public or private animal shelter during the period an emergency ordinance is in force, as provided in section 4-401 may be inoculated for rabies by a certified animal technician at such shelter if the certified animal technician is under the immediate and direct supervision of a licensed veterinarian.~~

~~(Ord. 09-4(1), 7-8-09; Ord. 14-4(1), 6-4-14, effective 7-1-14)~~

~~State law reference — Va. Code § 3.2-6523.~~

~~4-404 Tag showing vaccination required on dogs at large.~~

Comment: Animal Control recommends that this section be repealed because the requirement that dogs wear tags is addressed elsewhere in this chapter.

~~———— It shall be unlawful for any dog owner or his agent to allow a dog to run at large in the county at any time without a collar and tag evidencing a rabies vaccination, as required by this article.~~

~~(Code 1967, § 4-36; Code 1988, § 4-39; Ord. 98-A(1), 8-5-98, § 4-501; Ord. 09-4(1), 7-8-09)~~

~~4-405 Applicability of article.~~

Comment: Animal Control recommends that this section be repealed because it has not typically brought charges under this section and is not necessary.

~~———— The provisions of this article shall not apply to any dogs temporarily brought into the county for a period not to exceed thirty (30) days, for showing or breeding purposes; provided, that any such dog shall remain confined at all times.~~

~~(Code 1967, § 4-39; Code 1988, § 4-42; Ord. 98-A(1), 8-5-98, § 4-504; Ord. 09-4(1), 7-8-09)~~

~~———— State law reference — Va. Code §§ 3.2-6525; 32.1-48.1 to 32.1-48.4.~~

Chapter 4. Animals

Article 1. Administration

Sec. 4-100 Purpose.

The purpose of this chapter is to promote the public health, safety, and welfare by protecting people, companion animals, and livestock by implementing the Comprehensive Animal Care laws (Virginia Code § 3.2-6500 *et seq.*).

Comment: This section is new.

Sec. 4-101 Administration.

This chapter is administered and implemented as follows:

- A. *Authority to administer and implement this chapter.* Animal control officers employed by the County are authorized to administer and implement this chapter.
- B. *Contract with other localities.* The County may contract with other localities to enforce animal protection and control laws. The contract may provide for reimbursement of a portion of the salary and expenses of any County animal control officer providing services to other localities.

~~(Code 1967, § 4-5, 4-13-88; § 4-16; Code 1988, § 4-5, § 4-16; Ord 98-A(1), 8-5-98; Ord. 09-4(1), 7-8-09)~~

~~State law reference-Va. Code § 3.2-6555.~~

Comment: This section amends and reorganizes current section 4-101(A). A portion of current section 4-101(A) is new section 4-102 below.

Sec. 4-102 Powers of animal control officers.

Animal control officers have the following powers:

- A. *Power to enforce this chapter.* Any animal control officer is authorized to enforce this chapter.
- B. *Power to enforce State laws.* Any animal control officer is authorized to enforce those parts of the Comprehensive Animal Care laws (Virginia Code § 3.2-6500 *et seq.*) that are required to be enforced by the County's animal control officers, and to enforce all other State laws for the protection of domestic animals.
- C. *Issue summons.* Any animal control officer is authorized to issue summons to any person found in the act of violating any provision of the Comprehensive Animal Care laws (Virginia Code § 3.2-6500 *et seq.*) or this chapter.
- D. *Obtain a felony warrant.* Any animal control officer is authorized to obtain felony warrants as necessary regarding any person found in the act of violating any provision of the Comprehensive Animal Care laws (Virginia Code § 3.2-6500 *et seq.*), provided that the execution of the warrant shall be carried out by any law enforcement officer as defined in Virginia Code § 9.1-101.
- E. *Other State powers, duties, and restrictions.* Any animal control officer is authorized to perform all other powers and duties, and is subject to all restrictions on the powers and duties of animal control officers provided in the Comprehensive Animal Care laws (Virginia Code § 3.2-6500 *et seq.*).

(Code 1967, § 4-5, 4-13-88; § 4-16; Code 1988, § 4-5, § 4-16; Ord 98-A(1), 8-5-98; Ord. 09-4(1), 7-8-09)

State law reference-Va. Code § 3.2-6555.

Comment: This section amends and reorganizes a portion of current section 4-101.

Sec. 4-103 Definitions.

The following definitions apply to this chapter unless the context requires a different meaning:

“Abandon” means to desert, forsake, or absolutely give up an animal without having secured another owner or custodian for the animal or by failing to provide the elements of basic care as set forth in Virginia Code § 3.2-6503 for a period of five consecutive days.

“Adequate care” or “care” means the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size, and type of the animal, and the provision of veterinary care when needed to prevent suffering or impairment of health.

“Adequate exercise” or “exercise” means the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal.

“Adequate feed” means access to and the provision of food that is: (i) of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; (ii) prepared so as to permit ease of consumption for the age, species, condition, size, and type of each animal; (iii) provided in a clean and sanitary manner; (iv) placed so as to minimize contamination by excrement and pests; and (v) provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

“Adequate shelter” means provision of and access to shelter that: (i) is suitable for the species, age, condition, size, and type of each animal; (ii) provides adequate space for each animal; (iii) is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; (iv) is properly lighted; (v) is properly cleaned; (vi) enables each animal to be clean and dry, except when detrimental to the species; and (vii) for dogs and cats, provides a solid surface, resting platform, pad, floormat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors: (i) permit the animals’ feet to pass through the openings; (ii) sag under the animals’ weight; or (iii) otherwise do not protect the animals’ feet or toes from injury are not adequate shelter.

“Adequate space” means sufficient space to allow each animal to: (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal; and (ii) interact safely with other animals in the enclosure. When an animal is tethered, “adequate space” means a tether that: (i) permits the above actions and is appropriate to the age and size of the animal; (ii) is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and (iii) is at least three times the length of the animal, as measured from the tip of its nose to the base of its tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space.

“Adequate water” means: (i) providing and providing access to clean, fresh, potable water of a drinkable temperature that is provided in a suitable manner, in sufficient volume, and at suitable intervals appropriate for the weather and temperature, to maintain normal hydration for the age, species, condition, size, and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and (ii) is provided in clean, durable receptacles that are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.

“Adoption” means the transfer of ownership of a dog or a cat, or any other companion animal, from a releasing agency to an individual.

“Agricultural animals” means all livestock and poultry.

“Animal” means any nonhuman vertebrate species except fish. For the purposes of emergency ordinances pertaining to rabid animals and County Code § 4-312 *et seq.* pertaining to rabid animals, “animal” means any species susceptible to rabies. For the purposes of County Code § 4-301 pertaining to cruelty to animals, “animal” means any nonhuman vertebrate species including fish except those fish captured and killed or disposed of in a reasonable and customary manner.

“Animal control officer” means a person employed by the Board of Supervisors on behalf of the County and appointed by the Chief of the Albemarle County Police Department as an animal control officer or a deputy animal control officer.

“Boarding establishment” means a place or establishment other than a public or private animal shelter where companion animals not owned by the proprietor are sheltered, fed, and watered in exchange for a fee.

“Collar” means a well-fitted device, appropriate to the age and size of the animal, attached to the animal’s neck in such a way as to prevent trauma or injury to the animal.

“Companion animal” means any domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person, or any animal that is bought, sold, traded, or bartered by any person. Agricultural animals, game species, or any animals regulated under federal law as research animals are not considered companion animals for the purposes of this chapter.

“Dealer” means any person who in the regular course of business for compensation or profit buys, sells, transfers, exchanges, or barter companion animals. The following people are not considered to be a “dealer”: (i) any person who transports companion animals in the regular course of business as a common carrier; or (ii) any person whose primary purpose is to find permanent adoptive homes for companion animals.

“Direct and immediate threat” means any clear and imminent danger to an animal’s health, safety or life.

“Dump” means to knowingly desert, forsake, or absolutely give up without having secured another owner or custodian any dog, cat, or other companion animal in any public place including the right-of-way of any public highway, road or street or on the property of another.

“Emergency veterinary treatment” means veterinary treatment to stabilize a life-threatening condition, alleviate suffering, prevent further disease transmission, or prevent further disease progression.

“Enclosure” means a structure used to house or restrict animals from running at large.

“Euthanasia” means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent that causes painless loss of consciousness, and death during the loss of consciousness.

“Exhibitor” means any person who has animals for or on public display, excluding an exhibitor licensed by the United States Department of Agriculture.

“Facility” means a building or portion thereof as designated by the State Veterinarian, other than a private residential dwelling and its surrounding grounds, that is used to contain a primary enclosure or enclosures in which animals are housed or kept.

“Foster care provider” means a person who provides care or rehabilitation for companion animals through an affiliation with a public or private animal shelter, home-based rescue, releasing agency, or other animal welfare organization.

“Foster home” means a private residential dwelling and its surrounding grounds, or any facility other than a public or private animal shelter, at which site through an affiliation with a public or private animal shelter, home-based rescue, releasing agency, or other animal welfare organization care or rehabilitation is provided for companion animals.

“Groomer” means any person who, for a fee, cleans, trims, brushes, makes neat, manicures, or treats for external parasites any animal.

“Home-based rescue” means an animal welfare organization that takes custody of companion animals for the purpose of facilitating adoption and houses the companion animals in a foster home or a system of foster homes.

“Humane” means any action taken in consideration of and with the intent to provide for the animal's health and well-being.

“Humane investigator” means a person who has been appointed by a circuit court as a humane investigator as provided in Virginia Code § 3.2-6558.

“Humane society” means any incorporated, nonprofit organization that is organized for the purposes of preventing cruelty to animals and promoting humane care and treatment or adoptions of animals.

“Incorporated” means organized and maintained as a legal entity in the Commonwealth.

“Kennel” means any establishment in which five or more canines, felines, or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing.

“Law-enforcement officer” means any person who is a full-time or part-time employee of a police department or sheriff’s office that is part of or administered by the Commonwealth or any political subdivision thereof and who is responsible for preventing and detecting crime and enforcing the penal, traffic, or highway laws of the Commonwealth. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff’s office.

“Livestock” includes all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; capradae animals; animals of the genus Lama; ratites; fish or shellfish in aquaculture facilities, as defined in Virginia Code § 3.2-2600; enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.

“Ordinance” means any law, rule, regulation, or ordinance adopted by the Board of Supervisors.

“Other officer” includes all other persons employed or elected by the people of Virginia, or by any locality, whose duty it is to preserve the peace, to make arrests, or to enforce the law.

“Owner” means any person who: (i) has a right of property in an animal; (ii) keeps or harbors an animal; (iii) has an animal in his care; or (iv) acts as a custodian of an animal.

“Pet shop” means an establishment where companion animals are bought, sold, exchanged, or offered for sale or exchange to the general public.

“Poultry” includes all domestic fowl and game birds raised in captivity.

“Primary enclosure” means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, cage, compartment, or hutch. For tethered animals, the term includes the shelter and the area within reach of the tether.

“Private animal shelter” means a facility operated for the purpose of finding permanent adoptive homes for animals that is used to house or contain animals and that is owned or operated by an incorporated, nonprofit, and nongovernmental entity, including a humane society, animal welfare organization, society for the prevention of cruelty to animals, or any other similar organization.

“Properly cleaned” means: (i) that carcasses, debris, food waste, and excrement are removed from the primary enclosure with sufficient frequency to minimize the animals’ contact with the above-referenced contaminants; (ii) the primary enclosure is sanitized with sufficient frequency to minimize odors and the hazards of disease; and (iii) the primary enclosure is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with the stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants.

“Properly lighted,” when referring to a facility, means sufficient illumination to: (i) permit routine inspections, maintenance, cleaning, and housekeeping of the facility, and observation of the animals; (ii) provide regular diurnal lighting cycles of either natural or artificial light, uniformly diffused throughout the facility; and (iii) promote the well-being of the animals.

“Properly lighted,” when referring to a private residential dwelling and its surrounding grounds, means sufficient illumination to: (i) permit routine maintenance and cleaning of the private residential dwelling

and its surrounding grounds and observation of the companion animals; and (ii) provide regular diurnal lighting cycles of either natural or artificial light to promote the well-being of the animals.

“Public animal shelter” means: (i) a facility operated by the Commonwealth or any locality, for the purpose of impounding or sheltering seized, stray, homeless, abandoned, unwanted, or surrendered animals; or (ii) a facility operated for the same purpose under a contract with any locality, which includes the Charlottesville-Albemarle Society for the Prevention of Cruelty to Animals.

“Releasing agency” means: (i) a public animal shelter; or (ii) a private animal shelter, humane society, animal welfare organization, society for the prevention of cruelty to animals, or other similar entity or home-based rescue that releases companion animals for adoption.

“Sanitize” means to make physically clean and to remove and destroy, to a practical minimum, agents injurious to health.

“Sore” means, when referring to an equine: (i) that an irritating or blistering agent has been applied, internally or externally, by a person to any limb or foot of an equine; (ii) any burn, cut, or laceration that has been inflicted by a person to any limb or foot of an equine; (iii) any tack, nail, screw, or chemical agent that has been injected by a person into or used by a person on any limb or foot of an equine; (iv) any other substance or device that has been used by a person on any limb or foot of an equine; or (v) a person has engaged in a practice involving an equine, and as a result of an application, infliction, injection, use, or practice, the equine suffers, or can reasonably be expected to suffer, physical pain or distress, inflammation, or lameness when walking, trotting, or otherwise moving, except that “sore” does not include such an application, infliction, injection, use, or practice in connection with the therapeutic treatment of an equine by, or under the supervision of, a licensed veterinarian. Notwithstanding anything in this definition to the contrary, nothing precludes shoeing, using pads, and using action devices, as permitted by 9 C.F.R. Part 11.2.

“Sterilize” or “sterilization” means a surgical or chemical procedure performed by a licensed veterinarian that renders a dog or cat permanently incapable of reproducing.

“Treatment” or “adequate treatment” means the responsible handling or transportation of animals in the person's ownership, custody or charge, appropriate for the age, species, condition, size and type of the animal.

“Veterinary treatment” means treatment by or on the order of a duly licensed veterinarian.

(Code 1967, § 4-4; 4-13-88; Code 1988, § 4-4; Ord. 98-A(1), 8-5-98; Ord. 09-4(1), 7-8-09; Ord. 11-4(1), 2-2-11; Ord. 13-4(1), 7-3-13; Ord. 14-4(1), 6-4-14, effective 7-1-14; Ord. 15-4(1), 7-1-15)

State law reference-Va. Code § 3.2-6500.

Comment: This section is current section 4-100. The definitions have been revised to be identical to the State definitions in Virginia Code § 3.2-6500. The only definition substantively revised is the definition of “animal control officer,” which is modified to be County specific. The subject matter in the Comprehensive Animal Care laws (Virginia Code § 3.2-6500 *et seq.*) is broader than this chapter, and seven State definitions are not included in this section: ambient temperature, commercial dog breeder, consumer, farming activity, new owner, research facility, and weaned.

Sec. 4-104 Penalties.

Any violation of this chapter for which a specific penalty is not specified is a class 4 misdemeanor.

State law reference-Va. Code § 3.2-6587(A)(9).

Comment: This section is current section 4-101(B).

Article 2. Dogs

Division 1. Licenses

Sec. 4-200 Dog license tax required to be paid and dog license required to be obtained; exceptions.

Each person who owns a dog that is at least four months old shall pay the dog license tax and obtain a dog license as provided in this division, subject to the following exceptions:

- A. *Dogs in the custody of releasing agencies; exemptions from tax and licensure.* A releasing agency that is registered with the County as a releasing agency is not required to pay the dog license tax or to obtain a dog license.
- B. *Guide dogs, hearing dogs, and service dogs; exemption from tax.* The dog license tax is not required to be paid on any dog that is trained and serves as a guide dog for a blind person, is trained and serves as a hearing dog for a deaf or hearing impaired person, or is trained and serves as a service dog for a mobility-impaired or otherwise disabled person. “Hearing dog,” “mobility-impaired person,” “otherwise disabled person, and “service dog” have the same meanings as assigned in Virginia Code § 51.5-40.1.

(Code 1967, § 4-17; 9-13-89; Code 1988, § 4-20; Ord. 98-A(1), 8-5-98; Ord. 08-4(2), 9-3-08, § 4-300; Ord. 09-4(1), 7-8-09)

State law reference-Va. Code §§ 3.2-6524, 3.2-6528, 51.5-44.

Comment: The introduction is current section 4-205. Subsection (A) is section is current section 4-205. Subsection (B) is current subsection 4-209(B).

Sec. 4-201 When dog license tax is due and payable.

The dog license tax is due and payable as follows:

- A. *When due and payable.* The license tax imposed on dogs by this division is due and payable no later than 30 days after a dog has reached the age of four months, or no later than 30 days after an owner acquires a dog four months of age or older, and each year thereafter for which the dog is required to be licensed, no later than January 31 of any year for which a license is required, subject to the following:
 - 1. *Dog reaches the age of four months or comes to County between January 1 and October 31.* If a dog reaches the age of four months, or if a dog over four months old is unlicensed by the County and comes into the possession of a County resident between January 1 and October 31 of any year, the license tax for the current calendar year shall be paid.
 - 2. *Dog reaches the age of four months or comes to County between November 1 and December 31.* If a dog reaches the age of four months, or if a dog over four months old is unlicensed by the County comes into the possession of a County resident between November 1 and December 31 of any year, the license tax for the succeeding calendar year shall be paid, and the dog shall be licensed from the date the license tax is paid.
- B. *Failure to pay dog license tax.* It is a violation of this chapter for any person required by this division to obtain a dog license to fail to pay the license tax prior to February 1 of any year or at any other time as may be required by subsections (A)(1) and (A)(2).

(Code 1967, § 4-21; 9-13-89; Code 1988, § 4-24; Ord. 98-A(1), 8-5-98, § 4-304; Code 1967, § 4-23; Code 1988, § 4-26; Ord. 98-A(1), 8-5-98, § 4-306; Ord. 08-4(2), 9-3-08, § 4-305; Ord. 09-4(1), 7-8-09)

State law reference-Va. Code § 3.2-6530.

Comment: This section is current section 4-210 and current section 4-206(E), which is subsection (B), above.

Sec. 4-202 Procedure to obtain a license and pay license tax; issuance; form of the license.

Dog licenses shall be obtained when the dog license tax is paid, as follows:

- A. *Application.* Any County resident shall obtain either a one year, two year, or three year dog license by: (i) making an oral or written application to the Director of Finance; (ii) paying the applicable license tax required by County Code § 4-204; (iii) satisfactory evidence that the dog has been inoculated or vaccinated against rabies, as required by County Code § 4-312, which may be established by providing either a current certificate of vaccination against rabies or satisfactory evidence that a certificate has been obtained.
- B. *To whom license may be issued.* The Director of Finance shall license only dogs owned by County residents or dogs whose custodians are County residents. The Director of Finance may require the applicant to provide information to establish that the applicant is a County resident.
- C. *Issuing the license.* Upon receiving a complete application, the Director of Finance shall issue a receipt for the license tax paid, on which the name and address of the owner or custodian, the date of payment, the year(s) for which the license is issued, the serial number of the tag, whether the dog is a male or female, whether the dog is spayed or neutered, or whether the dog is in a kennel, and deliver the metal license tags or plates provided for herein. Multi-year dog licenses may only be issued upon evidence that the certificate of vaccination is valid for the duration of the multi-year license.
- D. *Form of the license.* A dog license consists of a license receipt and a metal tag. For individual licenses, the tag shall be stamped or otherwise permanently marked to show that the County issued the license and shall bear a serial number or other identifying information prescribed by the County. For kennel licenses, the metal tag shall show the number of dogs authorized to be kept under the license, and shall have attached to it a metal identification plate for each dog covered by the license tag, numbered to correspond with the serial number of the license tag.
- E. *Retaining application information; public inspection.* The Director of Finance shall retain the application information during the period that a license is valid, and shall allow it to be available for public inspection.
- F. *False statements prohibited.* It is a violation of this chapter for any person to make a false statement in order to obtain a dog license to which he is not entitled.

(Code 1967, § 4-18; 5-15-75; Code 1988, § 4-21; Ord. 98-A(1), 8-5-98, § 4-301; Code 1967, § 4-33; Code 1988, § 4-36; Ord. 98-A(1), 8-5-98, § 4-316; Code 1967, § 4-34; 4-13-88; 9-13-89; Code 1988, § 4-37; Ord. 98-A(1), 8-5-98, § 4-317; Ord. 08-4(2), 9-3-08, § 4-301; Ord. 09-4(1), 7-8-09)

State law reference-Va. Code §§ 3.2-6526, 3.2-6527, 3.2-6530(B), 3.2-6587(A).

Comment: This section is current section 4-206 (except for 4-206(E)), current section 4-207(A) and (B), and the first sentence of current section 4-213(B).

Sec. 4-203 Duplicate license tag to replace lost, destroyed, or stolen tag.

If a dog license tag is lost, destroyed, or stolen, the owner or custodian shall immediately apply to the Director of Finance to obtain a duplicate license tag as follows:

- A. *Present license receipt and an affidavit, and pay fee.* The owner or custodian shall present to the Director of Finance the original license receipt and an affidavit stating that the original license tag has been lost, destroyed or stolen, and pay a \$1.00 fee.
- B. *Issuing the duplicate license tag.* The Director of Finance shall issue a duplicate license tag to an owner or custodian who presents the information and pays the fee required by subsection (A). The Director shall endorse the number of the duplicate and the date issued on the face of the original receipt.
- C. *Affixing the duplicate license tag.* The owner or custodian shall immediately affix the duplicate license tag to the collar of the dog.

(Code 1967, § 4-19; Code 1988, § 4-22; Ord. 98-A(1), 8-5-98, § 4-302; Code 1967, § 4-25; 4-23-88; Code 1988, § 4-28; Ord. 98-A(1), 8-5-98, § 4-308; Code 1967, § 4-28; 4-13-88; Code 1988, § 4-31; Ord. 98-A(1), 8-5-98, § 4-311; Ord. 08-4(2), 9-3-08, § 4-302; Ord. 09-4(1), 7-8-09)

State law reference-Va. Code §§ ~~3.2-6526~~, 6532.

Comment: This section is current section 4-207(A) and (C).

Sec. 4-204 Amount of license dog tax.

The dog license taxes are as follows:

- A. *Spayed Female/Neutered Male.*
 - One year tag: \$5.00
 - Two year tag: \$10.00
 - Three year tag: \$15.00
- B. *Unspayed Female/Unneutered Male.*
 - One year tag: \$10.00
 - Two year tag: \$20.00
 - Three year tag: \$30.00

- C. *Kennel license:* \$50.00 per block of ten dogs

(Code 1967, § 4-20; 12-20-73; 80-11-76; 2-13-85; 4-13-88; Code 1988, § 4-23; Ord. 98-A(1), 8-5-98, § 4-303; Ord. 08-4(2), 9-3-08, § 4-304; Ord. 09-4(1), 7-8-09; Ord. 14-4(1), 6-4-14, effective 7-1-14)

State law reference-Va. Code § ~~3.2-6528~~.

Comment: This section is current section 4-209(A); current section 4-209(B) is moved to section 4-200.

Sec. 4-205 Duty of the Director of Finance to notify owners of unlicensed but vaccinated dogs.

The owner of each unlicensed but vaccinated dog is responsible for applying for a license for the dog as provided by this division. If the Director of Finance determines, from reviewing the rabies vaccination information required to be provided by veterinarians pursuant to County Code § 4-313, that the owner of an unlicensed dog has failed to apply for a license within 90 days after the date of the vaccination, the

Director shall send an application to the owner and request the owner to submit a complete application and pay the applicable dog license tax required by County Code § 4-204. Upon receiving the completed application and payment of the applicable dog license tax, the Director shall issue a license as provided in County Code § 4-202.

(Ord. 08-4(2), 9-3-08, § 4-303; Ord. 09-4(1), 7-8-09)

State law reference-Va. Code § 3.2-6529.

Comment: This section is current section 4-208(A) and a portion of current section 4-208(B).

Sec. 4-206 Paying the dog license tax after a summons is issued.

An owner is not relieved from the penalties or court costs provided by Virginia Code § 16.2-69.48:1 or Virginia Code § 17.1-275.7 if he pays the dog license tax after a summons to appear before the judge of the general district court or another court is issued for failure to pay the license tax within the time required by County Code § 4-201.

(Code 1967, § 4-22; Code 1988, § 4-25; Ord. 98-A(1), 8-5-98, § 4-305; Ord. 08-4(2), 9-3-08, § 4-306; Ord. 09-4(1), 7-8-09)

State law reference-Va. Code § 3.2-6536.

Comment: This section is current section 4-211.

Sec. 4-207 Dog is presumed to be unlicensed if it is not wearing a valid license tag.

Any dog that is not wearing a collar bearing a valid license tag for the proper calendar year shall *prima facie* be deemed to be unlicensed. In any proceeding under this division, the burden of proof of the fact that the dog is licensed, or was otherwise not required to bear a tag at the time is on the owner of the dog.

(Code 1967, § 4-24; Code 1988, § 4-27; Ord. 98-A(1), 8-5-98; Ord. 08-4(2), 9-3-08, § 4-307; Ord. 09-4(1), 7-8-09)

State law reference-Va. Code § 3.2-6533.

Comment: This section is current section 4-212.

Sec. 4-208 Preserving dog license receipts; displaying dog license tags.

Any dog owner and kennel shall preserve dog license receipts and display dog licenses tags as follows:

A. *Individual owners.* Any dog owner shall carefully preserve dog license receipts and promptly show them when an animal control officer or any other officer requests to inspect them. Any dog owner shall securely fasten dog license tags to a substantial collar and ensure that the collar and license tag are worn by the dog. A dog owner may remove the collar and license tag required by this section in any of the following situations:

1. The dog is engaged in lawful hunting.
2. The dog is competing in a dog show.
3. The dog has a skin condition which would be exacerbated by wearing a collar.

4. The dog is confined.
5. The dog is under the immediate control of its owner.

B. *Kennels*. The kennel owner shall securely fasten the license tag to the kennel enclosure in full view and keep one of the identification plates provided with the license tag attached to the collar of each dog authorized to be kept enclosed in the kennel. The kennel owner must keep any identification plates not in use and promptly show them when an animal control officer or other officer requests to inspect them.

(Code 1967, § 4-26; 4-13-88; Code 1988, § 4-29; Ord. 98-A(1), 8-5-98, § 4-309; Code 1967, § 4-31; 4-13-88; Code 1988, § 4-34; Ord. 98-A(1), 8-5-98, § 4-314; Code 1967, § 4-32; 4-13-88; Code 1988, § 4-35; Ord. 98-A(1), 8-5-98; Ord. 05-4(1), 12-7-05, § 4-315; Ord. 08-4(2), 9-3-08, § 4-308; Ord. 09-4(1), 7-8-09)

State law reference—Va. Code §§ 3.2-6531, 3.2-6587(A).

Comment: This section is current section 4-213. Current section 4-213(B) includes the following sentence: “A kennel shall not be operated in such manner as to defraud the county of the license tax applying to dogs which cannot be legally covered thereunder or to any manner which violates other provisions of this article.” This sentence is removed from revised section 4-213 (new section 4-208 because the subject matter is addressed in this section and is not otherwise enabled by State law. Current section 4-213(B) also includes this sentence: “A kennel dog shall not be permitted to stray beyond the limits of the enclosure, but this shall not prohibit removing dogs therefrom temporarily while under the control of the owner or custodian for the purpose of exercising, hunting, breeding, trial or show” and subsection (C), which states: “It shall be unlawful for the owner of any dog to allow his dog to run at large at any time of the year in violation of this section. It shall be unlawful for the owner to permit any licensed dog four (4) months old or older to run or roam at large at any time without a license tag.” Because neither of these provisions pertain to licensing, their subject matter is moved to division 4 of this article, which pertains to dogs running at large and other topics.

Sec. 4-209 Harboring or concealing unlicensed dogs.

It is unlawful for any person to conceal or harbor any dog on which the required license tax has not been paid.

(Code 1967, § 4-15; Code 1988, § 4-13; Ord. 98-A(1), 8-5-98, § 4-210; Ord. 09-4(1), 7-8-09)

State law reference—Va. Code § 3.2-6587(A)(7)

Comment: This section is current section 4-214. Current section 4-213(B) includes the following sentence: “A kennel shall not be operated in such manner as to defraud the county of the license tax applying to dogs which cannot be legally covered thereunder or to any manner which violates other provisions of this article.” This sentence is removed from revised section 4-213 (revised section 4-208) because the subject matter is addressed in this section and is not otherwise enabled by State law.

Division 2. Dangerous Dogs

Sec. 4-210 “Dangerous dog” and “dog” defined.

As used in this division:

A. “Dangerous dog” means:

1. *Bite, attack, or injury on a dog or cat; exceptions.* A canine or canine crossbreed that has bitten, attacked, or inflicted injury on a companion animal that is a dog or cat, or killed a companion animal that is a dog or cat. When a dog attacks, bites, or inflicts injury on a companion animal that is a dog or cat, the attacking or biting dog is not deemed dangerous if, upon investigation, a law enforcement officer or animal control officer finds that: (i) no serious physical injury as determined by a licensed veterinarian has occurred to the dog or cat as a result of the attack or bite; (ii) both animals are owned by the same person; or (iii) the attack occurred on the property of the attacking or biting dog’s owner or custodian
2. *Bite, attack, or injury on a person; exception.* A canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person. A canine or canine crossbreed is not a dangerous dog if, upon investigation, a law-enforcement officer or animal control officer finds that the injury inflicted by the canine or canine crossbreed upon a person consists solely of a single nip or bite resulting only in a scratch, abrasion, or other minor injury.

B. “Dog” means, when used in reference to a “dangerous dog,” a canine or canine crossbreed.

(Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A; Ord. 98-A(1), 8-5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13; Ord. 17-4(1), 6-7-17, effective 7-1-17)

State law reference-Va. Code § 3.2-6540(A).

Comment: This section is current section 4-218(A).

Sec. 4-211 Reason to believe a dog is a dangerous dog; summons and confinement.

If a law enforcement or animal control officer has reason to believe that a dog is a dangerous dog, the following applies:

- A. *Application for a summons.* The law enforcement officer or the animal control officer may apply to a magistrate serving the County to issue a summons requiring the owner or custodian, if known, to appear before a general district court at a specified time. A law enforcement officer who successfully applies for a summons to be issued shall contact the County’s animal control officer and inform the animal control officer of the dog’s location and the relevant facts pertaining to his belief that the dog is dangerous.
- B. *Content of the summons.* The summons shall advise the owner of the nature of the proceeding and the matters at issue.
- C. *Confining the dog.* The animal control officer shall confine the dog until the time that evidence is heard in court and a verdict is rendered. If the animal control officer determines that the owner or custodian can confine the dog in a manner that protects the public safety, he may permit the owner or custodian to confine the dog until the time that evidence is heard in court and a verdict is rendered.

(Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A; Ord. 98-A(1), 8-5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13; Ord. 17-4(1), 6-7-17, effective 7-1-17)

State law reference-Va. Code § 3.2-6540(C).

Comment: This section is a portion of current section 4-218(C).

Sec. 4-212 Circumstances when a dog shall not be found to be a dangerous dog.

A dog shall not be found to be a dangerous dog if any of the following apply:

- A. *During hunting or dog handling event.* The dog bit, attacked, or inflicted injury on a dog or cat while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event.
- B. *Particular breed.* Solely because the dog is a particular breed. The ownership of a particular breed of dog is not prohibited.
- C. *Person was committing crime, trespassing, or provoking, tormenting, or physically abusing the dog.* The threat, injury or damage was sustained by a person who was: (i) committing, at the time, a crime upon the premises occupied by the dog's owner or custodian; (ii) committing, at the time, a willful trespass upon the premises occupied by the dog's owner or custodian; or (iii) provoking, tormenting, or physically abusing the dog, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the dog at other times.
- D. *Police dogs.* The dog is a police dog and was engaged in the performance of its duties as a police dog at the time of the acts complained of.
- E. *Responding to pain or injury or protecting.* The dog was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, at the time of the acts complained of.
- F. *Court finds dog not dangerous or a threat to the community.* The court determines, based on the totality of the evidence before it, or for other good cause, that the dog is not dangerous or a threat to the community.

(Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A; Ord. 98-A(1), 8-5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13; Ord. 17-4(1), 6-7-17, effective 7-1-17)

State law reference-Va. Code § 3.2-6540(B), (D), (E).

Comment: This section is a current sections 4-218(B), (D), and (E).

Sec. 4-213 Judicial proceedings on a summons that a dog is a dangerous dog.

Judicial proceedings on a summons that a dog is a dangerous dog are as follows:

- A. *Authority to compel the alleged dangerous dog to be produced.* The court, through its contempt powers, may compel the owner, custodian, or harbinger of the alleged dangerous dog to produce it.
- B. *Remedies if the court finds the dog to be a dangerous dog.* If, after hearing the evidence, the court finds that the dog is a dangerous dog:
 - 1. *Pay restitution.* The court may order the owner, custodian, or harbinger of the dangerous dog to pay restitution for actual damages to any person injured by the dog or whose companion animal was injured or killed by the dog; and
 - 2. *Pay reasonable expenses.* The court, in its discretion, may also order the owner to pay all reasonable expenses incurred in caring and providing for the dangerous dog from the time the dog

was taken into custody until the dog is disposed of or returned to the owner.

- C. *Appeals.* The procedure for appeal and trial is the same as provided by law for misdemeanors. Trial by jury shall be as provided in Virginia Code § 19.2-260 *et. seq.* The Commonwealth is required to prove its case beyond a reasonable doubt.

(Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A; Ord. 98-A(1), 8-5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13; Ord. 17-4(1), 6-7-17, effective 7-1-17)

State law reference-Va. Code § 3.2-6540(C).

Comment: This section is a portion of current section 4-218(C).

Sec. 4-214 Dog found to be a dangerous dog; requirement to obtain a dangerous dog registration certificate.

If the court finds a dog to be a dangerous dog, the dog shall be registered as a dangerous dog as follows:

- A. *Owner must obtain a dangerous dog registration certificate.* The owner of any dog found to be a dangerous dog shall, within 30 days after the finding, obtain a dangerous dog registration certificate from the Director of Finance.
- B. *Requirements to obtain a dangerous dog registration certificate.* In order to obtain a dangerous dog registration certificate, the owner shall pay a fee of \$150.00, in addition to other fees that may be authorized by law, and present to the Director of Finance satisfactory evidence of all of the following:
1. *Rabies vaccination.* The dog's current rabies vaccination, if applicable.
 2. *Spayed or neutered.* The dog has been spayed or neutered.
 3. *Confinement.* The dog is and will be confined in a proper enclosure, is and will be confined inside the owner's residence, or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed.
 4. *Dog identified by electronic implantation.* The dog has been permanently identified by means of electronic implantation.
 5. *Owner's residence posted.* The owner's residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property.
 6. *Liability insurance or bond in surety.* The owner has liability insurance coverage, to the value of at least one hundred thousand dollars (\$100,000.00) that covers dog bites. The owner may obtain and maintain a bond in surety, in lieu of liability insurance, to the value of at least \$100,000.
- C. *To whom certificate may be issued.* The Director of Finance may issue a dangerous dog registration certificate only to persons 18 years of age or older.
- D. *Form of the certificate; tag.* A dangerous dog registration certificate includes a uniformly designed tag provided by the Director of Finance that identifies the dog as a dangerous dog.
- E. *Affixing and displaying the tag.* The owner shall affix the tag to the dog's collar and ensure that the dog wears the collar and tag at all times.

- F. *Renewals.* The owner shall update and renew a dangerous dog registration certificate by January 31 of each year, until the dangerous dog is deceased. The annual renewal fee is \$85; otherwise, the certificate shall be renewed in the same manner as the initial certificate was obtained and the requirements of this section apply.
- G. *Virginia Dangerous Dogs Registry.* The animal control officer shall post dangerous dog registration information on the Virginia Dangerous Dogs Registry.

(Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A; Ord. 98-A(1), 8-5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13; Ord. 17-4(1), 6-7-17, effective 7-1-17)

State law reference-Va. Code § 3.2-6540(G), (H).

Comment: This section is a current sections 4-218(G) and (H).

Sec. 4-215 Dog found to be a dangerous dog; confinement, leashing, and muzzling.

A dog found to be a dangerous dog shall be controlled as follows;

- A. *When the dog is on the property of its owner.* When on the property of its owner, a dog found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. While the dog is confined within the structure, it shall be provided for according to County Code § 4-300.
- B. *When the dog is off of the property of its owner.* When off the property of its owner, an animal found to be a dangerous dog shall be kept on a leash and muzzled in a manner that will not to cause injury to the animal or interfere with the animal's vision or respiration, but will prevent it from biting a person or another animal.

(Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A; Ord. 98-A(1), 8-5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13; Ord. 17-4(1), 6-7-17, effective 7-1-17)

State law reference-Va. Code § 3.2-6540(I).

Comment: This section is a current section 4-218(I).

Sec. 4-216 Dog found to be a dangerous dog; an owner's ongoing obligation to inform the County animal control officer.

After a dog is found to be a dangerous dog, the owner has the following obligations to inform the County's animal control officer:

- A. *When prompt notification is required.* The owner shall promptly notify the animal control officer about: (i) the names, address, and telephone numbers of all owners; (ii) all the means necessary to locate the owner and the dog at any time; (iii) any complaints or incidents of attack by the dog upon any person, cat or dog; (iv) any claims made or lawsuits brought as a result of any attack by the dog; (v) chip (electronic implantation as required by County Code § 4-214(B)(4)) identification information; and (vi) proof of insurance or surety bond as required by County Code § 4-214(B)(6).

- B. *When immediate notification is required.* The owner shall immediately, upon learning the information, notify the animal control officer if the dog: (i) is loose or unconfined; (ii) bites a person or attacks another animal; or (iii) is sold, given away, or dies.
- C. *When notification is required within 10 days.* The owner shall, within 10 days after relocating, provide written notice about the relocation to the County's animal control authority and the new address to which the dog has been moved.

(Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A; Ord. 98-A(1), 8-5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13; Ord. 17-4(1), 6-7-17, effective 7-1-17)

State law reference-Va. Code § 3.2-6540(J), (K).

Comment: This section is a current sections 4-218(J) and (K). Virginia Code § 3.2-6540(J) requires that an owner “promptly” inform the animal control officer when the dangerous dog dies; Virginia Code § 3.2-6540(K) requires that an owner “immediately” inform the animal control officer when the dangerous dog dies. This proposed section requires that the owner immediately provide the information.

Sec. 4-217 Previous finding that a dog is a dangerous dog; subsequent acts by dangerous dog.

Any owner or custodian of a dog or other dog previously declared a dangerous dog pursuant to County Code § 4-213, when the declaration arose out of a separate and distinct incident, shall be guilty as follows:

- A. *Punishment; attack on cat or dog that is a companion animal.* The owner or custodian shall be guilty of a class 2 misdemeanor if the dog attacks and injures or kills a cat or dog that is a companion animal belonging to another person.
- B. *Punishment; attack on a person.* The owner or custodian shall be guilty of a class 1 misdemeanor if the dog bites a human being or attacks a human being causing bodily injury.
- C. *Exceptions.* Subsections (A) and (B) do not apply in the following circumstances:
1. *Responding to pain or injury or protecting.* The dog was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, at the time of the acts complained of.
 2. *Police dogs.* The dog is a police dog and was engaged in the performance of its duties as a police dog at the time of the attack.

(Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A; Ord. 98-A(1), 8-5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13; Ord. 17-4(1), 6-7-17, effective 7-1-17)

State law reference-Va. Code § 3.2-6540(L).

Comment: This section is a current section 4-218(L).

Sec. 4-218 Previous finding that a dog is a dangerous dog; willful noncompliance by owner.

Any owner of a dog that has been found to be a dangerous dog who willfully fails to comply with the requirements of this division, the following apply:

- A. *Punishment.* The owner shall be guilty of a class 1 misdemeanor.
- B. *Confining the dangerous dog prior to hearing and verdict.* When an owner or custodian of a dog found to be a dangerous dog is charged with a violation of this section, the animal control officer shall confine the dangerous dog until the evidence is heard and a verdict is rendered by the court.
- C. *Authority to compel the alleged dangerous dog to be produced.* The court, through its contempt powers, may compel the owner, custodian, or harbinger of the animal alleged dangerous dog to produce it.
- D. *Additional remedies upon conviction.* If the owner is convicted under this section:
1. *Order that the dog be disposed.* The court may order the dangerous dog to be disposed of by the County pursuant to Virginia Code § 3.2-6562.
 2. *Allow the owner 45 days to comply; order that the dog be disposed if compliance is not achieved.* In the alternative to subsection (D)(1), the court may grant the owner up to 45 days to comply with the requirements of this division, during which time the dangerous dog shall remain in the custody of the animal control officer until compliance has been verified. If the owner fails to achieve compliance within the time specified by the court, the court shall order the dangerous dog to be disposed of by the County pursuant to Virginia Code § 3.2-6562.
 3. *Pay reasonable expenses.* The court, in its discretion, may also order the owner to pay all reasonable expenses incurred in caring and providing for the dangerous dog from the time the dog was taken into custody until the dog is disposed of or returned to the owner.

(Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A; Ord. 98-A(1), 8-5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13; Ord. 17-4(1), 6-7-17, effective 7-1-17)

State law reference—Va. Code § 3.2-6540(M).

Comment: This section is a current section 4-218(M).

Sec. 4-219 Responsibility if the owner of a dangerous dog is a minor.

If the owner of a dog found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.

(Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A; Ord. 98-A(1), 8-5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13; Ord. 17-4(1), 6-7-17, effective 7-1-17)

State law reference—Va. Code § 3.2-6540(F).

Comment: This section is a current section 4-218(F).

Sec. 4-220 Fund to which collected fees are to be allocated.

All fees collected pursuant to this division, less the costs incurred by the County in producing and distributing the certificates and tags required by this division and fees due to the State Veterinarian for maintaining the Virginia Dangerous Dog Registry, shall be paid into a special dedicated fund of the

County for the purpose of paying the expenses of any training course required under Virginia Code § 3.2-6556.

(Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A; Ord. 98-A(1), 8-5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13; Ord. 17-4(1), 6-7-17, effective 7-1-17)

State law reference-Va. Code § 3.2-6540(N).

Comment: This section is a current section 4-218(N).

Division 3. Vicious Dogs

Sec. 4-221 “Dog,” “serious injury,” and “vicious dog” defined.

As used in this division:

- A. “Dog” means, when used in reference to a “vicious dog,” a canine or canine crossbreed.
- B. “Serious injury” means an injury having a reasonable potential to cause death or any injury other than a sprain or strain, and it includes serious disfigurement, serious impairment of health, or serious impairment of bodily function and requiring significant medical attention.
- C. “Vicious dog” means a canine or canine crossbreed that has: (i) killed a person; (ii) inflicted serious injury to a person; or (iii) continued to exhibit the behavior that resulted in a previous finding by a court, or, on or before July 1, 2006, by an animal control officer as authorized by ordinance that it is a dangerous dog, provided that its owner has been given notice of that finding.

(Ord. 13-4(1), 7-3-13)

State law reference-Va. Code § 3.2-6540.1(A).

Comment: This section is current section 4-219(A).

Sec. 4-222 Reason to believe a dog is a vicious dog; summons and confinement.

If a law enforcement or animal control officer has reason to believe that a dog is a vicious dog, the following applies:

- A. *Application for a summons.* The law enforcement officer or the animal control officer shall apply to a magistrate serving the County to issue a summons requiring the owner or custodian, if known, to appear before a general district court at a specified time. A law enforcement officer who successfully applies for a summons to be issued shall contact the County’s animal control officer and inform the animal control officer of the dog’s location and the relevant facts pertaining to his belief that the dog is vicious.
- B. *Content of the summons.* The summons shall advise the owner of the nature of the proceeding and the matters at issue.
- C. *Confining the dog.* The animal control officer shall confine the dog until the time that evidence is heard in court and a verdict is rendered.

(Ord. 13-4(1), 7-3-13)

State law reference-Va. Code § 3.2-6540.1(B).

Comment: This section is part of current section 4-219(B).

Sec. 4-223 Circumstances when a dog shall not be found to be a vicious dog.

A dog shall not be found to be a vicious dog in the following circumstances:

- A. *Particular breed.* Solely because the dog is a particular breed. The ownership of a particular breed of dog is not prohibited.
- B. *Person was committing crime, trespassing, or provoking, tormenting, or physically abusing the dog.* The threat, injury, or damage was sustained by a person who was: (i) committing, at the time, a crime upon the premises occupied by the dog's owner or custodian; (ii) committing, at the time, a willful trespass upon the premises occupied by the dog's owner or custodian; or (iii) provoking, tormenting, or physically abusing the dog, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the dog at other times.
- C. *Police dogs.* The dog is a police dog and was engaged in the performance of its duties as a police dog at the time of the acts complained of.
- D. *Responding to pain or injury or protecting.* The dog was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, at the time of the acts complained of.

(Ord. 13-4(1), 7-3-13)

State law reference-Va. Code § 3.2-6540.1(C).

Comment: This section is current section 4-219(C).

Sec. 4-224 Judicial proceedings on a summons that a dog is a vicious dog.

Judicial proceedings on a summons that a dog is a vicious dog are as follows:

- A. *Authority to compel the alleged vicious dog to be produced.* The court, through its contempt powers, may compel the owner, custodian, or harbinger of the alleged vicious dog to produce it.
- B. *Remedies if the court finds the dog to be a vicious dog.* If, after hearing the evidence, the court finds that the dog is a vicious dog:
 - 1. *Euthanize the dog.* The court shall order the dog euthanized in accordance with Virginia Code § 3.2-6562;
 - 2. *Pay restitution.* The court may order the owner, custodian, or harbinger of the vicious dog to pay restitution for actual damages to any person injured by the dog or to the estate of any person killed by the dog; and
 - 3. *Pay reasonable expenses.* The court, in its discretion, may also order the owner to pay all reasonable expenses incurred in caring and providing for the vicious dog from the time the dog was taken into custody until the dog is disposed of.
- C. *Appeals.* The procedure for appeal and trial is the same as provided by law for misdemeanors. Trial by jury shall be as provided in Virginia Code § 19.2-260 *et. seq.* The Commonwealth is required to

prove its case beyond a reasonable doubt.

(Ord. 13-4(1), 7-3-13)

State law reference-Va. Code § 3.2-6540.1(B).

Comment: This section is part of current section 4-219(B).

Division 4. Dogs Running at Large and Dogs Damaging Livestock or Poultry

Sec. 4-225 Dog running at large is prohibited.

An owner shall not allow his dog to run at large in the County, subject to the following:

- A. *When a dog is deemed to run at large.* For the purposes of this section, a dog is deemed to “run at large” while roaming, running, or self-hunting off the property of its owner or custodian and not under its owner’s immediate control.
- B. *When a dog is not considered to be running at large.* A dog is not considered to “run at large” if, during the hunting season, it is on a bona fide hunt in the company of a licensed hunter or during field trials or training periods when accompanied by its owner.
- C. *Seizure, impoundment, and disposition.* Any dog observed or captured while unlawfully running at large shall be seized, impounded, and disposed pursuant to Virginia Code § 3.2-6546(B), (C), and (D).

(7-19-73; 8-22-73; 9-26-73; 11-15-73; 12-19-73; 1-3-74; 1-23-74; 3-24-77; 5-22-74; 10-9-74, 1-22-75; 3-10-76; 4-21-76; 12-7-77; 5-22-78; 6-21-78; 10-7-81; 5-21-86; 5-13-87; 9-16-87; 11-4-87; 12-16-87; 9-8-88; Ord of 1-17-90; Ord. of 8-8-90; Ord. No. 94-4(2), 8-17-94; Ord. No. 94-4(3), 12-7-94; Ord. No. 95-4(1), 1-4-95; Ord. No. 95-4(2), 9-6-95; Code 1988, § 4-19; Ord. 98-A(1), 8-5-98; Ord. 98-4(1), 12-2-98; Ord. 00-4(1), 5-3-00; Ord. 03-4(2), 3-5-03; Ord. 04-4(1), 5-12-04; Ord. 05-4(1), 12-7-05; Ord. 06-4(1), 12-6-06, § 4-213; Ord. 09-4(1), 7-8-09; Ord. 09-4(2), 10-7-09; Ord. 12-4(1), 4-11-12)

State law reference-Va. Code §§ 3.2-6538, 3.2-6544(B).

Comment: This section is current section 4-200 and one of the sentences in current section 4-213(C). These provisions were combined to allow for more efficient enforcement and to resolve possible inconsistencies and overlap between the two provisions.

Sec. 4-226 Dog running at large without a license tag is prohibited.

An owner shall not allow his dog to run at large as described in County Code § 4-225((A) in the County without wearing a license tag, subject to the following:

- A. *When a dog is not required to wear a license tag.* A dog is not considered to be “without wearing a license tag” if the owner removed the collar and license tag in any of the following situations:
 - 1. The dog is engaged in lawful hunting.
 - 2. The dog is competing in a dog show.
 - 3. The dog has a skin condition which would be exacerbated by wearing a collar.
 - 4. The dog is confined.

5. The dog is under the immediate control of its owner.
- B. *Seizure, impoundment, and disposition.* Any dog observed or captured while unlawfully running at large without wearing a license tag shall be seized, impounded, and disposed pursuant to County Code § 4-227 and, as applicable Virginia Code §§ 3.2-6546(B), (C), and (D) and 3.2-6562.

State law reference-Va. Code §§ 3.2-6531, 3.2-6538, 3.2-6543.

Comment: This section is new. The substance is a sentence in current section 4-213(C), a licensing regulation.

Sec. 4-227 Seizure, impoundment, and disposition of dogs running at large.

Any dog observed or captured while unlawfully running at large shall be seized, impounded, and disposed:

- A. *Confinement in an animal shelter.* The dog shall be confined in a public animal shelter.
- B. *Minimum duration of confinement.* The dog shall be confined in the public animal shelter for a minimum of five days, unless it is sooner claimed by its rightful owner. The five-day period begins on the day immediately following the day the dog is initially confined in the shelter.
- C. *Effort to identify rightful owner; extended duration of confinement.* The operator or custodian of public shelter of the public animal shelter shall make a reasonable effort to ascertain whether the dog has a collar, tag, license, tattoo, or other form of identification. If identification is found on the dog, it shall be held for an additional five days, unless it is sooner claimed by the rightful owner. If the rightful owner of the dog is identified, the operator or custodian of the shelter shall make a reasonable effort to notify the owner of the dog's confinement within the next 48 hours following its confinement.
- D. *Charges and fees.* The owner of any dog claimed may be charged for the actual expenses incurred during its impoundment. In addition, the Board of Supervisors may, after a public hearing, adopt an ordinance to charge the owner a fee for impoundment and increased fees for later impoundments of the same dog.
- E. *Dog not claimed during the confinement period deemed abandoned.* If a dog confined pursuant to this section is not claimed upon expiration of the applicable holding period as provided in subsections (B) and (C), it shall be deemed abandoned and become the property of the public animal shelter.
- F. *Disposition of unclaimed dog deemed abandoned.* The public animal shelter may dispose of any unclaimed dog deemed abandoned under subsection (E) by any of the following methods:
1. *Release to a releasing agency.* The public animal shelter may release the dog to any humane society, public or private animal shelter, or other releasing agency within the Commonwealth, subject to the requirements of Virginia Code § 3.2-6546(D)(1).
 2. *Adoption by a County resident.* Adoption by a County resident, subject to the requirements of Virginia Code § 3.2-6546(D)(2).
 3. *Adoption by a resident of an adjacent locality.* Adoption by a resident of an adjacent locality, subject to the requirements of Virginia Code § 3.2-6546(D)(3).
 4. *Adoption by any other person.* Adoption by any other person, subject to the requirements of Virginia Code § 3.2-6546(D)(4).

5. *Release to an out-of-state releasing agency for purposes of adoption or euthanasia.* Release for the purposes of adoption or euthanasia only, to an animal shelter, or any other releasing agency, located in and lawfully operating under the laws of another state, subject to the requirements of Virginia Code § 3.2-6546(D)(5).
6. *Euthanization.* Euthanization by the animal shelter, subject to the requirements of Virginia Code § 3.2-6546(D)(1).
- G. *Disposition of unclaimed and unlicensed dog by animal control officer.* In addition to the methods of disposition in subsection (F), if a dog for which a license tax has not been paid was found running at large, and the applicable holding period as provided in subsections (B) and (C) has expired, an animal control officer or other officer may deliver the dog to any person in the County who: (i) will pay the required license tax due on the dog; (ii) is able to provide adequate space and adequate shelter for the dog and is otherwise capable of adequately caring for the dog; and (iii) has never been charged with animal cruelty.

(Code 1967, § 4-10; 8-11-76; 4-13-88; Code 1988, § 4-10; Ord. 98-A(1), 8-5-98, § 4-205; Ord. 09-4(1), 7-8-09; Ord. 14-4(1), 6-4-14, effective 7-1-14)

State law reference-Va. Code §§ 3.2-6546(B),(C), (D)), 3.2-6562.

Comment: This section is current section 4-303. The requirements in subsection (G)(ii) and (iii) are in addition to the minimum State standard.

Sec. 4-228 Failure to confine female dogs in heat is prohibited.

An owner shall confine his female dog in heat beyond the reach of any male dog who may run at large.

(Code 1967, § 4-13; Code 1988, § 4-18; Ord. 98-A(1), 8-5-98, § 4-212; Ord. 09-4(1), 7-8-09)

State law reference-Va. Code §§ 3.2-6538, 3.2-6543.

Comment: This section is current section 4-204.

Sec. 4-229 Allowing kennel dogs to stray beyond enclosure is prohibited.

A kennel owner or operator shall not allow a kennel dog to stray beyond the limits of the kennel enclosure, provided that kennel dogs may be temporarily removed from their enclosure while under the control of the owner for the purpose of exercising, hunting, breeding, trial, or showing.

State law reference-Va. Code §§ 3.2-6538, 3.2-6543.

Comment: This section is new. The substance is a sentence in current section 4-213(B), a licensing regulation.

Sec. 4-230 Finding a dog in the act of killing or injuring livestock or poultry or chasing livestock.

If an animal control officer or other person finds any dog in the act of killing or injuring livestock or poultry or chasing livestock, the following apply:

- A. *Duty of an animal control officer.* Any animal control officer finding a dog in the act of killing or injuring livestock or poultry has a duty to promptly seize or kill the dog, regardless of whether the dog is wearing a license tag.
- B. *Right of any other person.* Any person finding a dog in the act of killing or injuring livestock or

poultry has the right to kill the dog on sight.

- C. *Right of livestock owner or agent.* Any livestock owner or the livestock owner's agent finding a dog chasing livestock on land used by the livestock has the right to kill the dog on sight when the circumstances show that the chasing is harmful to the livestock.

(Code 1967, § 4-9; 4-13-88; Code 1988, § 4-9; Ord. 98-A(1), 8-5-98, § 4-203; Ord. 09-4(1), 7-8-09; Ord. 14-4(1), 6-4-14, effective 7-1-14; Ord. 16-4(1), 7-6-16)

State law reference-Va. Code § 3.2-6552(A).

Comment: This section is part of current section 4-201(A).

Sec. 4-231 Authority of court when dog is a confirmed livestock or poultry killer.

When a dog is a confirmed livestock or poultry killer, the court has the following authority:

- A. *Authority to compel the dog to be produced.* The court, through its contempt powers, may compel the owner, custodian, or harbinger of the dog to produce it.
- B. *Authority order that dog be killed.* Any court may order the animal control officer or other officer to kill any dog known to be a confirmed livestock or poultry killer. Any dog killing poultry for the third time shall be considered a confirmed poultry killer.

(Code 1967, § 4-9; 4-13-88; Code 1988, § 4-9; Ord. 98-A(1), 8-5-98, § 4-203; Ord. 09-4(1), 7-8-09; Ord. 14-4(1), 6-4-14, effective 7-1-14; Ord. 16-4(1), 7-6-16)

State law reference-Va. Code § 3.2-6552(A).

Comment: This section is part of current section 4-201(A).

Sec. 4-232 Reason to believe a dog is killing livestock or poultry; seizing the dog.

Any animal control officer having reason to believe that any dog is killing livestock or poultry is empowered to seize the dog solely for the purpose of examining the dog in order to determine whether it has killed livestock or poultry.

(Code 1967, § 4-9; 4-13-88; Code 1988, § 4-9; Ord. 98-A(1), 8-5-98, § 4-203; Ord. 09-4(1), 7-8-09; Ord. 14-4(1), 6-4-14, effective 7-1-14; Ord. 16-4(1), 7-6-16)

State law reference-Va. Code § 3.2-6552(B).

Comment: This section is part of current section 4-201(B).

Sec. 4-233 Reason to believe a dog is killing or injuring livestock or poultry, or chasing livestock; applying for a warrant.

If an animal control officer or other person has reason to believe that any dog is killing or injuring livestock or poultry, or chasing livestock, the following apply:

- A. *Application for warrant.* The animal control officer or person shall apply to a magistrate serving the County for a warrant.

- B. *Issuance of warrant; content.* The magistrate shall issue warrant, which shall require the owner or custodian, if known, to appear before the general district court at a time and place named in the warrant.

(Code 1967, § 4-9; 4-13-88; Code 1988, § 4-9; Ord. 98-A(1), 8-5-98, § 4-203; Ord. 09-4(1), 7-8-09; Ord. 14-4(1), 6-4-14, effective 7-1-14; Ord. 16-4(1), 7-6-16)

State law reference-Va. Code § 3.2-6552(B).

Comment: This section is part of current section 4-201(B).

Sec. 4-234 Judicial proceedings on a warrant that a dog is believed to have killed or injured livestock or poultry, or chased livestock.

In judicial proceedings on a warrant that a dog is believed to have killed or injured livestock or poultry or chased livestock, the court may order the following:

- A. *Remedies if the court finds the dog to have killed or injured livestock or poultry, or chased livestock.* If, after hearing evidence, it appears to the court that the dog has killed or injured livestock or poultry, or chased livestock:
1. *Killed or euthanized.* The court shall order that the dog be killed or euthanized immediately by the animal control officer or other officer designated by the court; or
 2. *Removed to another state.* The court shall order that the dog be removed to another state that does not border the Commonwealth and be prohibited from returning to the Commonwealth. Any dog ordered removed from the Commonwealth that is later found in the Commonwealth shall be ordered by a court to be killed or euthanized immediately.
- B. *Alternative remedies if the court finds the dog to have killed or injured only poultry.* If, after hearing evidence, it appears to the court that the dog has killed or injured only poultry, in the alternative to the remedies in subsection (A):
1. *Transfer the dog to another owner and fitting with identifying microchip.* The court may order that the dog be transferred to another owner whom the court deems appropriate and permanently fitted with an identifying microchip registered to that owner; or
 2. *Confinement and fitting with identifying microchip; requirements when dog taken off of the owner's property.* The court may order that the dog be fitted with an identifying microchip registered to the owner and confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent the dog's escape, direct contact with the dog by minors, adults, or other animals, or entry by minors, adults, or other animals. The structure shall be designed to provide the dog with shelter from the elements of nature. When off its owner's property, any dog found to be a poultry killer shall be kept on a leash and muzzled in so as not to cause injury to the dog or interfere with its vision or respiration, but so as to prevent it from biting a person or another animal.

(Code 1967, § 4-9; 4-13-88; Code 1988, § 4-9; Ord. 98-A(1), 8-5-98, § 4-203; Ord. 09-4(1), 7-8-09; Ord. 14-4(1), 6-4-14, effective 7-1-14; Ord. 16-4(1), 7-6-16)

State law reference-Va. Code § 3.2-6552(B), (C).

Comment: This section is part of current section 4-201(B) and current section 4-201(C).

Sec. 4-235 Compensation for livestock and poultry killed by a dog.

Any person who has any livestock or poultry killed or injured by any dog not his own is entitled to receive as compensation from the County the fair market value of the livestock or poultry not to exceed \$750.00 per animal or \$10.00 per fowl if all of the following are satisfied:

- A. *Evidence of death and cause.* The claimant furnishes evidence within 60 days after discovery of the quantity and value of the dead or injured livestock and the reasons the claimant believes that death or injury was caused by a dog.
- B. *Animal control officer notified.* The animal control officer or other officer shall have been notified of the incident within 72 hours after its discovery.
- C. *Legal remedies exhausted.* The claimant first has exhausted his legal remedies against the owner, if known, of the dog doing the damage for which compensation under this section is sought. Exhaustion shall mean a judgment against the owner of the dog upon which an execution has been returned unsatisfied.

(Ord. 09-4(1), 7-8-09; Ord. 14-4(1), 6-4-14, effective 7-1-14)

State law reference-Va. Code § 3.2-6553.

Comment: This section is current section 4-202.

Sec. 4-236 Unauthorized removal of collars or tags.

It is unlawful for any person, except the owner or custodian, to remove a collar or a legally acquired license tag from a dog without the permission of the owner or custodian.

(Code 1967, § 4-14; Code 1988, § 4-12; Ord. 98-A(1), 8-5-98, § 4-209; Ord. 09-4(1), 7-8-09)

State law reference-Va. Code § 3.2-6587.

Comment: This section is current section 4-203.

Article 3. Animals

Division 1. Animal Welfare

Sec. 4-300 Providing care to companion animals.

Companion animals shall be cared for as follows:

- A. *Required care.* Each owner, public or private animal shelter, other releasing agency, foster care provider, dealer, pet shop, exhibitor, kennel, groomer, and boarding establishment shall provide all of the following for any companion animal:
 - 1. *Food.* Adequate feed.
 - 2. *Water.* Adequate water.
 - 3. *Shelter.* Adequate shelter that is properly cleaned.

4. *Space*. Adequate space in the primary enclosure for the particular type of animal depending upon its age, size, species, and weight.
 5. *Exercise*. Adequate exercise.
 6. *Care, treatment, transportation*. Adequate care, treatment, and transportation.
 7. *Veterinary care*. Veterinary care when needed or to prevent suffering or disease transmission.
- B. *Punishment*. A violation of this section is a class 4 misdemeanor, provided that a second or subsequent violation of subsection (A)(1), (A)(2), (A)(3), or (A)(7) is a class 2 misdemeanor and a second or subsequent violation of subsection (A)(4), (A)(5), or (A)(6) is a class 3 misdemeanor.
- C. *Animals used as food*. This section does not require that animals used as food for other animals be euthanized.

(Ord. 09-4(1), 7-8-09; Ord. 10-4(1), 9-1-10; Ord. 14-4(1), 6-4-14, effective 7-1-14)

State law reference-Va. Code § 3.2-650344(B).

Comment: This section is current section 4-105. Although its enabling authority is Virginia Code § 3.2-6544(B), which enables the County to prohibit animal abuse and cruelty, its substance follows Virginia Code § 3.2-6503, a section that is self-executing and is enforced solely under State law.

Sec. 4-301 Cruelty to animals; inflicting specific acts of pain, injury, or suffering.

Acts of cruelty to animals inflicting specific acts of pain, injury, or suffering are subject to the following:

- A. *Unlawful acts*. The following acts are unlawful:
1. *Inflicting death, injury, or pain generally*. Any person who overrides, overdrives, overloads, tortures, ill-treats, abandons, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly or unnecessarily beats, maims, mutilates, or kills any animal, whether belonging to himself or another.
 2. *Depriving food, drink, shelter, or treatment*. Any person who deprives any animal of necessary food, drink, shelter or emergency veterinary treatment.
 3. *Roping, lassoing, or otherwise obstructing or interfering with an equine's legs*. Any person who ropes, lassoes, or otherwise obstructs or interferes with one or more legs of an equine in order to intentionally cause it to trip or fall for the purpose of engagement in a rodeo, contest, exhibition, entertainment, or sport unless the actions are in the practice of accepted animal husbandry or for the purpose of allowing veterinary care.
 4. *Soring an equine*. Any person who sores any equine for any purpose or administers drugs or medications to alter or mask the soring for the purpose of sale, show, or exhibition of any kind, unless administering the drugs or medications is within the context of a veterinary client-patient relationship and solely for therapeutic purposes.
 5. *Willfully pursues any act of cruelty*. Any person who willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal.

6. *Transporting animal in manner that produces torture or unnecessary suffering.* Any person who carries or causes to be carried by any vehicle, vessel, or otherwise any animal in a cruel, brutal, or inhumane manner, so as to produce torture or unnecessary suffering.
 7. *Causing or permitting another to engage in acts of cruelty.* Any person who causes any of the acts in subsections (A)(1) through (A)(6) or, being the owner of an animal that has been subjected to any of the acts in subsections (A)(1) through (A)(6), permits those acts to be done by another.
- B. *Penalties.* Any person who commits any of the acts in subsection (A) is subject to the following:
- A. *Class 1 misdemeanor.* A violation of this section is punishable as a class 1 misdemeanor.
 - B. *Court-ordered treatment.* The court may, in its discretion, require any person convicted of violating subsection (A) to attend an anger management or other appropriate treatment program or obtain psychiatric or psychological counseling. The court may impose the costs of such a program or counseling upon the person convicted.
 - C. *Prohibiting possessing or owning companion animals.* The court may, in its discretion, prohibit any person convicted of violating subsection (A) from possessing or owning companion animals or equine.
- C. *Excepted acts.* The following acts are not prohibited by subsection (A):
1. *Dehorning cattle.* Dehorning cattle that is conducted in a reasonable and customary manner.
 2. *Wildlife management activities, hunting, fishing, and trapping.* Authorized wildlife management activities, or hunting, fishing or trapping as regulated under the Virginia Code, including Virginia Code Title 29.1.
 3. *Farming activities.* Farming activities as provided by the Virginia Code or the County Code.
 4. *Right of an owner to use force to protect a dog or cat against an attack by another dog.* If a dog or cat is attacked on its owner's property by a dog so as to cause injury or death, the following apply:
 - a. *Owner may use force to protect the dog or cat.* The owner of the injured dog or cat may use all reasonable and necessary force against the dog at the time of the attack to protect his dog or cat.
 - b. *Owner presumed to have taken necessary and appropriate action.* The owner is presumed to have taken necessary and appropriate action to defend his dog or cat and is therefore presumed not to have violated this section.

(Ord. 98-A(1), 8-5-98, § 4-207; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13)

State law references- Va. Code §§ 3.2-6544(B), 3.2-6570.

Comment: This section is current section 4-108(A), (C), (D), and (G), except that subsection (A)(3), which prohibits roping, lassoing, or otherwise obstructing or interfering with an equine's legs, is new. Two provisions of the current section pertaining to acts of torture and other described inhumane acts that are punishable as a felony are deleted from the revised section because felony penalties cannot be imposed by localities. Thus, those two provisions will be enforced solely under State law.

Sec. 4-302 Cruelty to domestic dogs and cats; killing for hide, fur, or pelt.

It is unlawful for any person to kill a domestic dog or cat for the purposes of obtaining the hide, fur, or pelt of the dog or cat. Any person who commits any of the acts prohibited by this section is subject to the following:

- A. *Penalty.* A violation of this section is punishable as a class 1 misdemeanor.
- B. *Prohibiting possessing or owning companion animals.* The court may, in its discretion, prohibit any person convicted of violating subsection (A) from possessing or owning companion animals or equine.

(Ord. 98-A(1), 8-5-98, § 4-207; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13)

State law references- Va. Code §§ 3.2-6544(B), 3.2-6570.

Comment: This section is current section 4-108(E) and (G).

Sec. 4-303 Abandoning or dumping an animal is prohibited.

It is unlawful for any person to abandon or dump any animal. Any person who commits any of the acts prohibited by this section is subject to the following:

- A. *Penalty.* A violation of this section is punishable as a class 3 misdemeanor.
- B. *Release to shelter or other releasing agency is not prohibited.* This section does not prohibit an owner from releasing animal to a public or private animal shelter or other releasing agency.

(Ord. 09-4(1), 7-8-09; Ord. 14-4(1), 6-4-14, effective 7-1-14)

State law reference- Va. Code §§ ~~3.2-6504~~ 3.2-6543(A), 3.2-6544(B).

Comment: This section is current section 4-107. Its substance follows Virginia Code § 3.2-6504, a section that is self-executing and is enforced solely under State law. However, abandoning an animal is a form of abuse or cruelty (see, for example, Virginia Code § 3.2-6570(A) as applied to companion animals). The Board is enabled to adopt more stringent regulations pertaining to animal cruelty under Virginia Code § 3.2-6543(A) and has relatively broad authority to adopt regulations pertaining to animal abuse and cruelty under Virginia Code § 3.2-6544(B).

Sec. 4-304 Animals running at large beyond the boundaries of their own land; boundary lines declared lawful fences.

It is unlawful for the owner or manager of any horse, mule, swine, sheep, goat, or cattle of any description to permit the animal to run at large beyond the boundaries of their own land. The boundary lines of each lot or tract of land in the County are hereby declared to be a lawful fence.

(Code 1967, § 4-1; Code 1988, § 4-1; Ord. 98-A(1), 8-5-98, § 4-102; Ord. 09-4(1), 7-8-09)

State law reference- Va. Code §§ 55-306, 55-316; ~~18.2-121.1~~.

Comment: This section is current section 4-103.

Sec. 4-305 Diseased dogs and cats are prohibited from straying from their premises.

It is unlawful for the owner of any dog or cat with a contagious or infectious disease to permit the dog or cat to stray from the owner's premises if the owner knows that the animal has the disease.

(Code 1967, § 4-12; Code 1988, § 4-17; Ord. 98-A(1), 8-5-98, § 4-211; Ord. 09-4(1), 7-8-09)

State law reference—Va. Code § 3.2-6587.

Comment: This section is current section 4-110.

Division 2. Seizure, Impoundment, and Disposition

Sec. 4-306 Seizure, impoundment, and disposition of animals that have been abandoned, cruelly treated, or are suffering.

Any animal subjected to cruelty, abandoned, or which is suffering from a violation of this chapter or Virginia Code § 3.2-6500 *et seq.* that has rendered the animal in a condition that poses a direct and immediate threat to its life, safety, or health may be seized, impounded, and disposed as follows:

- A. *Authority of law enforcement officer or animal control officer to seize and impound animal.* Any law enforcement officer or animal control officer may lawfully seize and impound any animal that has been abandoned, has been cruelly treated, or is suffering from an apparent violation of this chapter or the Comprehensive Animal Care laws (Virginia Code § 3.2-6500 *et seq.*) that has rendered the animal in a condition that poses a direct and immediate threat to its life, safety, or health.
- B. *Seizing or impounding an agricultural animal.* A law enforcement officer or animal control officer may seize or impound an agricultural animal only as follows:
 1. *Prerequisite to seizure or impoundment; contacting the State Veterinarian and notifying the owner and the Commonwealth's Attorney.* Before seizing or impounding any agricultural animal, the law enforcement officer or animal control officer shall contact the State Veterinarian or the State Veterinarian's representative, who shall recommend to the officer the most appropriate action for effecting the seizure and impoundment. The law enforcement officer or animal control officer shall notify the owner of the agricultural animal and the Commonwealth's Attorney for the County of the recommendation. This subsection does not apply if the agricultural animal is under a direct and immediate threat.
 2. *Seizure when the animal is subject to a direct and immediate threat.* If there is a direct and immediate threat to an agricultural animal, the law enforcement officer or animal control officer may seize the animal. The law enforcement officer or animal control officer shall file within five business days on a form approved by the State Veterinarian a report on the condition of the animal at the time of the seizure, the location of impoundment, and any other information required by the State Veterinarian.
 3. *Impoundment is allowed on the land where the agricultural animal is located.* The law enforcement officer or animal control officer may impound the agricultural animal on the land where the agricultural animal is located in any of the following circumstances:
 - a. *Owner or tenant gives permission.* The owner or tenant of the land where the agricultural animal is located gives written permission;
 - b. *Court order.* The general district court so orders.

- c. *Owner or tenant cannot be immediately located.* The owner or tenant of the land where the agricultural animal is located cannot be immediately located, and it is in the best interest of the agricultural animal to be impounded on the land where it is located until the written permission of the owner or tenant of the land can be obtained.
- C. *Petition and hearing in general district court after seizing or impounding an animal.* Upon seizing or impounding an animal, the law enforcement officer or animal control officer shall petition the County general district court for a hearing.
 1. *When the hearing must be held.* The hearing shall be not more than 10 business days after the date the animal was seizure or impounded.
 2. *Issue to be determined at the hearing.* The hearing shall be to determine whether the animal has been abandoned, has been cruelly treated, or has not been provided adequate care.
 3. *Notice of the hearing.* Notice of the hearing shall be given as provided in Virginia Code § 3.2-6569(D).
 4. *Determination and disposition.* The disposition of the hearing is either of the following:
 - a. *Animal not abandoned, cruelly treated, deprived of adequate care.* If the court determines that the animal has been neither abandoned, cruelly treated, nor deprived of adequate care, the animal shall be returned to the owner.
 - b. *Animal abandoned, cruelly treated, deprived of adequate care.* If the court determines that the animal has been abandoned, cruelly treated, or deprived of adequate care, or raised as a dog that has been, is, or is intended to be used in dogfighting in violation of Virginia Code § 3.2-6571, then the court shall order that the animal may be: (i) sold by the County, if it is not a companion animal, subject to County Code § 4-307; (ii) disposed of by the County pursuant to County Code § 4-308, whether the animal is a companion animal or an agricultural animal; or (iii) delivered to the person with a right of property in the animal as provided in County Code § 4-309.
 5. *Additional authority of the court in disposing of the case if the court determines that the animal has been abandoned, cruelly treated, or deprived of adequate care.* If the court determines that the animal has been abandoned, cruelly treated, or deprived of adequate care:
 - a. *Ordering the owner to pay reasonable expenses.* The court shall order the owner of the animal to pay to the providers of care all reasonable expenses incurred in caring and providing for the animal from the time the animal is seized until the animal is disposed of in accordance with this section and County Code §§ 4-307, 4-308, and 4-309.
 - b. *Prohibiting the owner from owning or possessing other companion animals.* The court may prohibit the owner from owning or possessing other companion animals if the court determined that the owner had abandoned, cruelly treated, or deprived adequate care to a companion animal. In making a determination to prohibit the owner from owning or possessing other companion animals, the court may take into consideration the owner's past record of convictions under this chapter, the Comprehensive Animal Care laws (Virginia Code § 3.2-6500 *et seq.*), or other laws prohibiting cruelty to animals or pertaining to the care or treatment of animals and the owner's mental and physical condition. Any person who is prohibited from owning or possessing animals pursuant to this subsection may petition the court to repeal the prohibition after two years have elapsed from the date of entry of the court's order. The court may, in its discretion, repeal the prohibition if the person can prove to the satisfaction of the court that the cause for the prohibition has ceased to exist.

- c. *Prohibiting the owner from owning or possessing other agricultural animals.* The court may prohibit the owner from owning or possessing any other agricultural animal if the owner has exhibited a pattern of abandoning or cruelly treating agricultural animals as evidenced by previous convictions of violating County Code §§ 4-301, 4-303, or 4-304. The court may also take into consideration the owner's mental and physical condition. Any person who is prohibited from owning or possessing animals pursuant to this subsection may petition the court to repeal the prohibition after two years have elapsed from the date of entry of the court's order. The court may, in its discretion, repeal the prohibition if the person can prove to the satisfaction of the court that the cause for the prohibition has ceased to exist.
- D. *Appeals.* The procedure for appeal and trial is the same as provided by law for misdemeanors. Trial by jury shall be as provided in Virginia Code § 19.2-260 *et. seq.* The Commonwealth is required to prove its case beyond a reasonable doubt.
- E. *Care for the animal until the hearing is concluded; cost and bond.* The law enforcement officer or the animal control officer shall provide for the animal until the court has concluded the hearing. The County may require the owner of any animal held pursuant to this section for more than 30 days to post a bond in surety with the County for the amount of the cost of boarding the animal for a period not to exceed nine months.
- F. *Humane destruction of critically injured or sick animal.* This section allows the humane destruction of a critically injured or ill animal for humane purposes by the impounding law enforcement officer or animal control officer, or by a licensed veterinarian.

(Ord. 98-A(1), 8-5-98, § 4-208; Ord. 09-4(1), 7-8-09; Ord. 11-4(2), 7-6-11)

State law reference-Va. Code § 3.2-6569.

Comment: This section is a part of current section 4-300. Sections 4-307, 4-308, and 4-309 are the remaining parts of current section 4-300.

Sec. 4-307 Sale of an animal, other than a companion animal, determined to have been abandoned, cruelly treated, deprived of adequate care, or raised as a dog that has been, is, or is intended to be used in dogfighting.

If the court orders that an animal that is not a companion animal be sold pursuant to County Code § 4-306(C)(4)(b)(i), the following apply:

- A. *Disposition of proceeds.* Proceeds shall first be applied to the costs of the sale, then next to the unreimbursed expenses for the care and provision of the animal. Any remaining proceeds shall be paid over to the owner of the animal. If the owner of the animal cannot be found, the proceeds remaining shall be paid into the Literary Fund of the State treasury.
- B. *Owner may not purchase or otherwise obtain the animal.* The owner determined by the court to have abandoned, cruelly treated, or deprived adequate care to an animal may not purchase the animal or otherwise obtain the animal.

(Ord. 98-A(1), 8-5-98, § 4-208; Ord. 09-4(1), 7-8-09; Ord. 11-4(2), 7-6-11)

State law reference-Va. Code § 3.2-6569(G), (L).

Comment: This section is current section 4-300(G) and (L).

Sec. 4-308 Release, adoption, or euthanization of an animal determined to have been abandoned, cruelly treated, deprived of adequate care, or raised as a dog that has been, is, or is intended to be used in dogfighting.

If the court orders that an animal be disposed of pursuant to County Code § 4-306C)(4)(b)(ii), the following apply:

- A. *Release, adoption or euthanization.* The animal may be disposed by the County by any of the following methods:
1. *Release to a releasing agency.* Release to any humane society, public or private animal shelter, or other releasing agency within the Commonwealth, subject to the requirements of Virginia Code § 3.2-6546(D)(1).
 2. *Adoption by a County resident.* Adoption by a County resident, subject to the requirements of Virginia Code § 3.2-6546(D)(2).
 3. *Adoption by a resident of an adjacent locality.* Adoption by a resident of an adjacent locality, subject to the requirements of Virginia Code § 3.2-6546(D)(3).
 4. *Adoption by any other person.* Adoption by any other person, subject to the requirements of Virginia Code § 3.2-6546(D)(4).
 5. *Release to an out-of-state releasing agency for purposes of adoption or euthanasia.* Release for the purposes of adoption or euthanasia only, to an animal shelter, or any other releasing agency, located in and lawfully operating under the laws of another state, subject to the requirements of Virginia Code § 3.2-6546(D)(5).
 6. *Euthanization.* Euthanization, subject to the requirements of Virginia Code § 3.2-6546(D)(¶1).
- B. *Owner may not adopt or otherwise obtain the animal.* The owner determined by the court to have abandoned, cruelly treated, or deprived adequate care to an animal may not adopt or otherwise obtain the animal.

(Ord. 98-A(1), 8-5-98, § 4-208; Ord. 09-4(1), 7-8-09; Ord. 11-4(2), 7-6-11)

State law reference—Va. Code §§ 3.2-6546(D), 3.2-6569(F), (G).

Comment: Subsection (A) is new, although it is an expansion of current section 4-303. Subsection (B) is current section 4-300(G).

Sec. 4-309 Delivery of an animal determined to have been abandoned, cruelly treated, deprived of adequate care, or raised as a dog that has been, is, or is intended to be used in dogfighting to person with a right of property in the animal.

If the court orders that an animal be disposed of pursuant to County Code § 4-305(C)(4)(b)(iii), the following apply:

- A. *Delivery to person with right of property in animal.* The court shall direct that the animal be delivered to the person with a right of property in the animal, upon his request, if the court finds that the abandonment, cruel treatment, or deprivation of adequate care is not attributable to the actions or inactions of that person.
- B. *Owner may not purchase or otherwise obtain the animal.* The owner determined by the court to have abandoned, cruelly treated, or deprived adequate care to an animal may not purchase or otherwise obtain the animal.

(Ord. 98-A(1), 8-5-98, § 4-208; Ord. 09-4(1), 7-8-09; Ord. 11-4(2), 7-6-11)

State law reference—Va. Code §§ 3.2-6546(D), 3.2-6569(F), (G).

Comment: Subsection (A) is new, although it is an expansion of current section 4-300(G).

Subsection (B) is current section 4-300(G).

Sec. 4-310 Seizure, impoundment, and disposition of animals running at large.

Any animal observed or captured while unlawfully running at large shall be seized, impounded, and disposed as follows:

- A. *Confinement in an animal shelter.* The animal shall be confined in a public animal shelter.
- B. *Minimum duration of confinement.* The animal shall be confined in the public animal shelter for a minimum of five days, unless it is sooner claimed by its rightful owner. The five-day period begins on the day immediately following the day the animal is initially confined in the shelter.
- C. *Effort to identify rightful owner; extended duration of confinement.* The operator or custodian of public shelter of the public animal shelter shall make a reasonable effort to ascertain whether the animal has a collar, tag, license, tattoo, or other form of identification. If identification is found on the animal, it shall be held for an additional five days, unless it is sooner claimed by the rightful owner. If the rightful owner of the animal is identified, the operator or custodian of the shelter shall make a reasonable effort to notify the owner of the animal's confinement within the next 48 hours following its confinement.
- D. *Charges and fees.* The owner of any animal claimed may be charged for the actual expenses incurred during its impoundment. In addition, the Board of Supervisors may, after a public hearing, adopt an ordinance to charge the owner a fee for impoundment and increased fees for later impoundments of the same animal.
- E. *Animal not claimed during the confinement period deemed abandoned.* If an animal confined pursuant to this section is not claimed upon expiration of the applicable holding period as provided in subsections (B) and (C), it shall be deemed abandoned and become the property of the public animal shelter.
- F. *Disposition of unclaimed animal deemed abandoned.* The public animal shelter may dispose of any unclaimed animal deemed abandoned under subsection (E) by any of the following methods:
 - 1. *Release to a releasing agency.* Release to any humane society, public or private animal shelter, or other releasing agency within the Commonwealth, subject to the requirements of Virginia Code § 3.2-6546(D)(1).
 - 2. *Adoption by a County resident.* Adoption by a County resident, subject to the requirements of Virginia Code § 3.2-6546(D)(2).
 - 3. *Adoption by a resident of an adjacent locality.* Adoption by a resident of an adjacent locality, subject to the requirements of Virginia Code § 3.2-6546(D)(3).
 - 4. *Adoption by any other person.* Adoption by any other person, subject to the requirements of Virginia Code § 3.2-6546(D)(4).
 - 5. *Release to an out-of-state releasing agency for purposes of adoption or euthanasia.* Release for the purposes of adoption or euthanasia only, to an animal shelter, or any other releasing agency, located in and lawfully operating under the laws of another state, subject to the requirements of Virginia Code § 3.2-6546(D)(5).

6. *Euthanization.* Euthanization by the animal shelter, subject to the requirements of Virginia Code § 3.2-6546(D)(¶1).

State law reference-Va. Code § 3.2-6546.

Comment: This section is new.

Sec. 4-311 Disposing companion animal and livestock carcasses.

When a companion animal or livestock dies:

- A. *Owner required dispose of body.* The owner of the companion animal or livestock shall promptly cremate, bury, or sanitarily dispose of the animal upon its death. The failure of the owner to do so is a violation of this section.
- B. *Disposal of the body by a County officer.* If, after notice from the Police Department, animal control officer or other County officer, the owner fails to do so, the animal control officer or other officer shall bury or cremate the companion animal or livestock.
- C. *Recovery of costs by the County.* The County may recover from the owner its costs to dispose the animal.

(Code 1967; § 4-11; 4-13-98; Code 1988, §§ 4-3, 4-11; Ord. 98-A(1), 8-5-98, § 4-206; Ord. 09-4(1), 7-8-09)

State law reference-Va. Code §§ 3.2-6554, ~~48.2-510~~.

Comment: This section is current section 4-109. A provision in current section 4-109 allowing the County to collect the costs of disposal in the same manner as taxes and levies are collected is deleted because it is not enabled.

Division 3. Rabies Control

Sec. 4-312 Vaccination of dogs and cats is required.

Dogs and cats four months of age and older are required to be vaccinated as follows:

- A. *Owner required to have dog or cat vaccinated.* Any owner of a dog or cat four months of age or older shall have the animal currently vaccinated for rabies by a licensed veterinarian or licensed veterinary technician who is under the immediate and direct supervision of a licensed veterinarian on the premises unless otherwise provided by regulations. The vaccine used shall be licensed by the U.S. Department of Agriculture for use in that species.
- B. *Vaccination certificate.* The supervising veterinarian on the premises shall provide the owner or custodian of the dog or cat with a rabies vaccination certificate or herd rabies vaccination certificate and shall keep a copy in his own files. At the discretion of the director of the Charlottesville-Albemarle Health Department, a medical record from a licensed veterinary establishment reflecting a currently vaccinated status may serve as proof of vaccination.
- C. *Contents of the vaccination certificate.* The rabies vaccination certificate shall include, at a minimum, the signature of the veterinarian, the animal owner's name and address, the locality where the animal resides, the species of the animal, the sex, the age, the color, the primary breed, whether the animal is spayed or neutered, the vaccination number, and the expiration date.

D. *Obligation of owner to furnish a certificate upon request.* The owner or custodian of a dog or cat shall furnish within a reasonable period of time, upon the request of an animal control officer or other law enforcement officer, State Veterinarian's representative, or official of the Department of Health, the certificate of vaccination for such dog or cat.

E. *Rabies clinics.* Vaccinations provided by rabies clinics are subject to the following:

1. *Approval of clinic is required.* All rabies clinics require the approval by the Charlottesville-Albemarle Health Department and the Board of Supervisors.
2. *Duties of the clinic veterinarian.* The licensed veterinarian who administers rabies vaccinations at the clinic shall: (i) provide the owner or custodian a rabies vaccination certificate for each vaccinated animal; and (ii) ensure that a licensed veterinary facility retains a copy of the rabies vaccination certificate.
3. *Obligation of sponsoring organization to furnish location of copy of certificate.* The sponsoring organization of a rabies clinic shall, upon the request of the owner or custodian, an animal control officer, a humane investigator, a law-enforcement officer, a State Veterinarian's representative, a licensed veterinarian, or an official of the Department of Health, provide the name and contact information of the licensed veterinary facility where a copy of the rabies vaccination certificate is retained. However, the County shall ensure that a clinic is conducted to serve its jurisdiction at least once every two years.

F. *Vaccination after summons issued.* Vaccination after a summons to appear before a court has issued for failure to vaccinate a dog or cat does not operate to relieve the owner from the penalties or court costs provided under Virginia Code §§ 16.1-69.48:1 or 17.1-275.7.

(Code 1967, § 4-35; 4-8-87; 12-14-88; Code 1988, § 4-38; Ord. 98-A(1), 8-5-98, § 4-500; Ord. 09-4(1), 7-8-09; Ord. 10-4(1), 9-1-10)

State law reference-Va. Code §§ 3.2-6521, 3.2-6529(A).

Comment: This section is current section 4-400. Subsection (C) is moved from current section 4-208.

Sec. 4-313 Providing rabies certificates or rabies certificate information; veterinarians and the Director of Finance.

Rabies certificates or rabies certificate information shall be provided by veterinarians and the Director of Finance as follows:

- A. *Duty of veterinarians.* Any veterinarian who vaccinates a dog against rabies or who directs a veterinary technician in his employment to vaccinate a dog against rabies shall provide a copy of the rabies vaccination certificate or the relevant information contained in the certificate to the County's Director of Finance within 45 days after the dog is vaccinated. "Relevant information" means the minimum information in a rabies vaccination certificate required by County Code § 4-312(C).
1. *Penalty.* Any veterinarian who willfully fails to provide the Director of Finance with a copy of the rabies vaccination certificate or the relevant information contained in the certificate may be subject to a civil penalty not to exceed \$10 per certificate.
 2. *Disposition of penalties.* Penalties received pursuant to subsection (A)(1) shall be placed in the County's general fund for the purpose of animal control activities including spay or neuter programs.

- B. *Duty of Director of Finance.* The Director of Finance shall send any rabies vaccination certificate received for any dog or other animal owned by a person residing in another locality to the treasurer of that locality.

(Ord. 08-4(2), 9-3-08, § 4-303; Ord. 09-4(1), 7-8-09)

State law reference-Va. Code § 3.2-6529.

Comment: This section is current section 4-208(A) and (C).

Sec. 4-314 Animals that show active signs of rabies, may have been exposed to rabies, or are suspected to be rabid.

The following apply when animals show active signs of rabies, may have been exposed to rabies, or are suspected to be rabid:

- A. *Dogs or cats showing active signs of rabies or suspected of having rabies.* Any dog or cat showing active signs of rabies or suspected of having rabies that is not known to have exposed a person, companion animal, or livestock to rabies shall be confined under competent observation for as long as to determine a diagnosis. If, in the discretion of the director of the Charlottesville-Albemarle Health Department, confinement is impossible or impracticable, the dog or cat shall be euthanized by one of the methods approved by the State Veterinarian as provided in Virginia Code § 3.2-6546.
- B. *Dogs or cats that may have been exposed to rabies; no proof of current rabies vaccination available.* The following applies when any dog or cat, for which no proof of current rabies vaccination is available, that may have been exposed to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, by an animal suspected to be rabid:
1. *Isolation.* The dog or cat shall be isolated in a public or private animal shelter, kennel, or enclosure approved by the Charlottesville-Albemarle Health Department for a period not to exceed six months at the expense of the owner or custodian in a manner and by a date certain as determined by the director of the Charlottesville-Albemarle Health Department.
 2. *Vaccination.* The dog or cat shall be vaccinated for rabies by a licensed veterinarian before the dog or cat is released. Inactivated rabies vaccine may be administered at the beginning of isolation.
 3. *Disposition if isolation is not feasible or maintained.* If the director of the Charlottesville-Albemarle Health Department determines that isolation is not feasible or maintained, the dog or cat shall be euthanized by one of the methods approved by the State Veterinarian as provided in Virginia Code § 3.2-6546.
- C. *Dogs or cats that may have been exposed to rabies; proof of current rabies vaccination available* The following applies when any dog or cat, for which proof of current rabies vaccination is available, that may have been exposed to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, by an animal suspected to be rabid:
1. *Confinement.* The dog or cat shall be confined to the premises of the owner or custodian, or other site as may be approved by the Charlottesville-Albemarle Health Department, at the expense of the owner or custodian, for a period of 45 days.
 2. *Revaccination.* The dog or cat shall be revaccinated for rabies by a licensed veterinarian immediately following the exposure.

3. *Disposition if dog or cat not confined.* The director of the Charlottesville/Albemarle Health Department may exercise discretion to determine the disposition of any dog or cat not confined as provided in subsection (C)(1).
- D. *Animals other than dogs and cats showing active signs of rabies.* The director of the Charlottesville-Albemarle Health Department shall exercise discretion to determine the disposition of any animal, other than a dog or cat, showing active signs of rabies. The disposition may include testing and euthanasia.
- E. *Animals other than dogs and cats exposed or may have been exposed to rabies.* The director of the Charlottesville-Albemarle Health Department shall exercise discretion and determine the disposition of any animal, other than a dog or cat, that is exposed or may have been exposed to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, by an animal suspected to be rabid.
- F. *Duty of person to report.* Every person having knowledge of the existence of an animal that is suspected to be rabid and that may have exposed a companion animal or livestock to rabies shall report immediately to the Charlottesville-Albemarle Health Department the existence of the animal, the place where it was seen, the owner's name, if known, and the signs suggesting rabies.
- G. *Punishment.* A violation of this section is punishable as a class 1 misdemeanor.

(Code 1967, § 4-37; Code 1988, § 4-40; Ord. 98-A(1), 8-5-98, § 4-502; Code 1967, § 4-38; Code 1988, § 4-41; Ord. 98-A(1), 8-5-98, § 4-503; Ord. 09-4(1), 7-8-09; Ord. 10-4(1), 9-1-10; Ord. 14-4(1), 6-4-14, effective 7-1-14)

State law reference-Va. Code § 3.2-6522.

Comment: This section is part of current section 4-401.

Sec. 4-315 Animals that exposed or may have exposed a person to rabies.

The following applies to animals that exposed or may have exposed a person to rabies:

- A. *Confinement.* At the discretion of the director of the Charlottesville-Albemarle Health Department, any animal that may have exposed a person to rabies shall be confined under competent observation for 10 days at the expense of the owner or custodian, unless the animal develops active signs of rabies, expires, or is euthanized before that time. A seriously injured or sick animal may be euthanized as provided in Virginia Code § 3.2-6546.
- B. *Animals other than dogs and cats that exposed or may have exposed a person to rabies through a bite or other means.* The director of the Charlottesville-Albemarle Health Department shall exercise discretion and determine the disposition of any suspected rabid animal, other than a dog or cat, that exposed or may have exposed a person to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane. The disposition may include euthanasia as provided in Virginia Code § 3.2-6546, or as directed by the State agency with jurisdiction over that species.
- C. *Testing head or brain of dead animal that may have exposed a person to rabies.* When any animal may have exposed a person to rabies later dies due to illness or euthanasia, either within an observation period, when applicable, or as part of a public health investigation, its head or brain shall be sent to the Division of Consolidated Laboratory Services of the Department of General Services or be tested as directed by the Charlottesville-Albemarle Health Department.

D. *Duty of person to report.* Every person having knowledge of the existence of an animal that is suspected to be rabid and that may have exposed a person to rabies shall report immediately to the Charlottesville-Albemarle Health Department the existence of the animal, the place where it was seen, the owner's name, if known, and the signs suggesting rabies.

E. *Punishment.* A violation of this section is punishable as a class 1 misdemeanor.

(Code 1967, § 4-37; Code 1988, § 4-40; Ord. 98-A(1), 8-5-98, § 4-502; Code 1967, § 4-38; Code 1988, § 4-41; Ord. 98-A(1), 8-5-98, § 4-503; Ord. 09-4(1), 7-8-09; Ord. 10-4(1), 9-1-10; Ord. 14-4(1), 6-4-14, effective 7-1-14)

State law reference—Va. Code § 3.2-6522.

Comment: This section is part of current section 4-401.

Division 4. Stolen Dogs and Cats, and Noise

Sec. 4-316 Dogs and cats are deemed to be personal property.

All dogs and cats are deemed to be personal property and:

- A. *May be the subject of certain prosecutions.* Dogs and cats may be the subject of prosecutions for larceny and malicious or unlawful trespass.
- B. *Owner may bring a lawsuit.* Any owner of a dog or cat may maintain any action for the killing of any such animals, or injury thereto, or unlawful detention or use thereof, as in the case of other personal property.
- C. *Owner may recover damages from the person who killed or injured dog or cat.* The owner of any dog or cat that is killed or injured contrary to the provisions of this chapter or State law by any person is entitled to recover from that person the value of the dog or cat, or the damage done to it, in an appropriate action at law from such person.

(Code 1967, § 4-6; Code 1988, § 4-6; Ord. 98-A(1), 8-5-98, § 4-200; Code 1967, § 407; Code 1988, § 4-7; Ord. 98-A(1), 8-5-98, § 4-201; Ord. 09-4(1), 7-8-09)

State law reference—Va. Code § 3.2-6585.

Comment: This section is current section 4-104.

Sec. 4-317 Authority of animal control officer to seize stolen or unlawfully detained dog; disposition.

When an animal control officers finds a stolen or unlawfully held or detained dog, the following apply:

- A. *Authority of animal control officer to seize the dog.* Any animal control officer finding a stolen dog or a dog unlawfully held or detained is authorized to seize and hold the dog pending action before the general district court or other court.
- B. *Return to owner if court action not filed within seven days.* If a court action is not instituted within seven days, the animal control officer shall deliver the dog to its owner.
- C. *Presence of a dog on the premises of another does not create presumption of theft.* The presence of a dog on the premises of a person other than its legal owner shall raise no presumption of theft against the owner of the premises, but it shall be that person's duty to notify the animal control officer, and

the animal control officer shall take the dog in charge and notify its legal owner to remove it.

(Code 1967, § 4-8; 4-13-88; Code 1988, § 4-8; Ord. 98-A(1), 8-5-98, § 4-202; Ord. 09-4(1), 7-8-09)

State law reference-- Va. Code § 3.2-6585.

Comment: This section is current section 4-102, which is based on Virginia Code § 3.2-6585. The last sentence of current section 4-102 states: “The legal owner of the dog shall pay a reasonable charge for the keep of such dog while in the possession of the animal control officer.” Animal Control recommends that this sentence be deleted because the costs are borne by the SPCA and, therefore, there is no reason for this section to remain in the County Code.

Sec. 4-318 Frequent or continuous sounds by animals are prohibited.

Frequent or continuous howls, barks, and other excessive or continuous sounds by animals may be enforced as follows:

- A. *Sounds from animals; exclusions.* It is unlawful and shall be a nuisance for an owner or custodian of an animal to harbor the animal within the County if that animal frequently or for a continued duration howls, barks or makes other excessive or continuous sounds which are audible on the property of a complainant in the County. For the purposes of this section, “excessive or continuous sounds” means any howling, barking or other animal noise which continues for at least 30 consecutive minutes with no cessation of such sounds for time periods greater than five minutes during the 30 consecutive minute period. This section does not apply to any of the following:
 - 1. *Animals on certain Rural Areas-zoned parcels.* Sounds created by any animal located on a parcel five acres or more in size that is zoned Rural Areas district.
 - 2. *Animals in shelters.* Sounds created by any animal in a public or private animal shelter.
 - 3. *Animals in commercial kennels.* Sounds created by any animal in a commercial kennel as defined in County Code Chapter 18.
 - 4. *Livestock or poultry.* Sounds created by livestock or poultry.
- B. *Complaints of animal noise.* Notwithstanding County Code § 4-102, no person shall be charged with a violation of this section unless the complainant appears before a magistrate and requests a summons to be issued. However, when a violation is committed in the presence of an animal control officer or police officer, he shall have the authority to initiate all necessary proceedings.
- C. *Penalty for violation.* A violation of this section is punishable as a class 3 misdemeanor, and any owner or custodian of an animal found guilty under this section shall be required to abate the disturbance.

(Ord. 08-4(1), 6-11-08, § 4-601, § 4-602, §4-603; Ord. 09-4(1), 7-8-09; Ord. 14-4(1), 6-4-14, effective 7-1-14)

State law reference-Va. Code § 15.2-1200.

Comment: This section is current section 4-106. The penalty section has been significantly revised on the recommendation of Animal Control to delete the second and third sentences of subsection (C), which currently provide: “Upon a third conviction within twelve (12) months of any offense under this section involving the same animal, in addition to imposing a fine, the court shall order the animal to be removed from any area of the county covered by this section. If the owner or

custodian of the animal fails to comply with such order within two (2) weeks, the animal control officer shall seize the animal and offer the animal to a public or private animal shelter for adoption in a home outside of the area of the county covered by this section.” This section will be moved to County Code Chapter 7, which has an article containing the County’s general noise regulations, when it is revised.

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true, correct copy of an Ordinance duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of _____ to _____, as recorded below, at a regular meeting held on _____.

Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Dill	_____	_____
Mr. Gallaway	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Ms. Palmer	_____	_____
Mr. Randolph	_____	_____