

ORDINANCE NO. 19-4()

AN ORDINANCE TO AMEND ARTICLE 2, DOGS, OF CHAPTER 4, ANIMALS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Article 2, Dogs, of Chapter 4, Animals and Fowl, is hereby amended as follows:

By Amending and Renaming:

Sec. 4-225 Dog running at large is prohibited; when a dog is required to be leashed.

Chapter 4. Animals

Article 2. Dogs

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

Sec. 4-225 Dog running at large is prohibited; when a dog is required to be leashed.

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 or custodian’s immediate control~~ and the dog is not firmly secured by a physical leash or lead attached to a collar or harness and under the control of a responsible person capable of physically restraining the dog. A “dog that is off the property of its owner or custodian” includes, but is not limited to, any dog that is on a public right-of-way, public road, public sidewalk, or public trail that is under the control of the County, the State, or another public entity, pursuant to an easement on the property of the dog’s owner or custodian.
- B. *When a dog is not considered to be running at large.* A dog is not considered to “run at large” in the following circumstances:
 1. Hunting. If, during the hunting season, it is on a bona fide hunt in the company of a licensed hunter-~~or~~.
 2. Field trials or training. ~~During~~ field trials or formal obedience, agility, or similar training periods when the dog is accompanied by its owner or custodian.
 3. Fenced dog park or exercise area. When the dog is in a securely fenced, specifically designated dog park or dog exercise area established by the County or another governmental entity, a homeowner’s association, or community organization, where the fence enclosing is designed to prevent a dog from escaping.
 4. Service dog; when leashing is not required. The dog is a service animal whose handler, because of a disability, is unable to use a harness, leash, or other tether, or the use of such device would interfere with the service dog’s safe and effective performance of work or tasks, provided that the service dog is otherwise under the handler’s control through voice control, signals, or other effective means.

C. *Seizure, impoundment, and disposition.* Any dog observed or captured while unlawfully running at large and not in the presence of its owner or custodian 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, 3.2-6539, 3.2-6544(B);.

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	_____	_____