

<p style="text-align: center;">ACTIONS Board of Supervisors Meeting of October 3, 2018</p>		
		October 4, 2018
AGENDA ITEM/ACTION	ASSIGNMENT	VIDEO
<p>1. Call to Order.</p> <ul style="list-style-type: none"> Meeting was called to order at 1:03 p.m., by the Chair, Ms. Mallek. All BOS members were present with the exception of Mr. Gallaway, who arrived at 1:31 p.m. Also present were Jeff Richardson, Greg Kamptner, Claudette Borgersen and Travis Morris. 		Link to video
<p>4. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> By a vote of 5:0:1 (Gallaway absent), ADOPTED the final agenda. 		
<p>5. Brief Announcements by Board Members.</p> <p><u>Liz Palmer:</u></p> <ul style="list-style-type: none"> Announced the upcoming Ivy MUC amnesty days for bulky waste. Announced that on Thursday, October 4, the North Garden Ruritans will be holding a town hall to discuss transportation safety issues on Route 29 South and the community. <p><u>Rick Randolph:</u></p> <ul style="list-style-type: none"> Announced that the town of Scottsville Twilight tours will start on October 20; and the Scottsville Wizarding Fest will be on October 27. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Reported on her attendance at the Chamber Job report announcement. Announced that 35th Annual Arts and Craft Festival will be held on October 6 and 7 in Crozet. Mention that this is the 10-year Anniversary of the Quick Start Tennis program. <p><u>Norman Dill:</u></p> <ul style="list-style-type: none"> Mentioned that he attended the Rivanna River Conference and reported that it was a great success. 		
<p>6. Proclamations and Recognitions:</p> <p>a. 2018 Virginia Association of Chiefs of Police Life Saving Award.</p> <ul style="list-style-type: none"> Chief Ron Lantz presented award to Officer Paul Quillon. <p>b. ICMA Voice of the People - Transformation in Safety.</p> <ul style="list-style-type: none"> Deputy County Executive Doug Walker present award to Chief Dan Eggleston, Chief Ron Lantz and Allison Farole. Doug Walker introduce new Emergency Communications Director Barry Neulan. <p>c. Proclamation Recognizing October as Wine Month.</p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED proclamation. <p>d. Proclamation Recognizing October 5-14, 2018 as Virginia Artisan Week and October 2018, as Virginia Artisan Month.</p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED proclamation. 	<p>(Attachment 1)</p> <p>(Attachment 2)</p>	
<p>7. From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> <u>Peter Krebs</u>, spoke on behalf of the Piedmont Environmental Council towards the City/County Transportation MOU. <u>Randy Rogers</u>, JABA Community Services 		

	<p>Manager, spoke on JABA's insurance counseling program.</p> <ul style="list-style-type: none"> • <u>Matthew Christensen</u>, resident of the Rio District spoke on racism and asked the Board to speak out against it. 	
8.1	<p>FY 2018 Appropriations.</p> <ul style="list-style-type: none"> • ADOPTED Resolution to approve #2018099 and #2018100 appropriations for local government and school division projects. 	<p><u>Clerk</u>: Forward copy of signed resolution to OMB and County Attorney's office. (Attachment 3)</p>
8.2	<p>FY 2019 Appropriations.</p> <ul style="list-style-type: none"> • ADOPTED Resolution to approve #2019031, #2019032, #2019033, #2019034, #2019035, #2019036, #2019037, #2019038, #2019039 and #2019040 appropriations for local government and school division projects. • ADOPTED Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing. 	<p><u>Clerk</u>: Forward copy of signed resolution to OMB and County Attorney's office. (Attachment 4)</p> <p>(Attachment 5)</p>
8.3	<p>Continuing, Cooperative and Comprehensive (3-C) Agreement Update for Metropolitan Transportation Planning.</p> <ul style="list-style-type: none"> • ADOPTED Resolution to approving the attached 3-C Agreement. 	<p><u>Clerk</u>: Forward copy of signed resolution to County Attorney's office. (Attachments 6)</p> <p><u>County Attorney</u>: Provide Clerk with fully executed copy of agreement. (Attachment 7)</p>
8.4	<p>Special Exception to reduce side setback from 10' to 5' Building Permit #B201801813AR (J. Towler).</p> <ul style="list-style-type: none"> • ADOPTED Resolution approving the special exception, subject to the condition. 	<p><u>Clerk</u>: Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 8)</p>
8.5	<p>Resolution to Authorize the County's Acceptance of an Unmanned Aircraft System in Search and Rescue Operations</p> <ul style="list-style-type: none"> • ADOPTED Resolution authorizing the County's acceptance of the UAS and authorizing the County Executive to sign the MOU. 	<p><u>Clerk</u>: Forward copy of signed resolution to Sherriff Office and County Attorney's office. (Attachment 9)</p> <p><u>County Attorney</u>: Provide Clerk with fully executed copy of MOU. (Attachment 10)</p>
8.6	<p>ZTA 2018-04 – Beekeeping.</p> <ul style="list-style-type: none"> • ADOPTED ordinance. 	<p><u>Clerk</u>: Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachment 11)</p>
8.7	<p>VACo 2018 Annual Meeting Voting Credentials.</p> <ul style="list-style-type: none"> • APPOINTED Supervisor Ann Mallek as delegate and Supervisor Norman Dill as alternate. 	<p><u>Clerk</u>: Forward signed form to VACo.</p>
9.	<p>Regional Natural Hazard Mitigation Plan.</p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED Resolution adopting the Regional Natural Hazard Mitigation Plan. 	<p><u>Clerk</u>: Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 12)</p>
10.	<p>FY20 – FY22 Strategic Plan Update Discussion.</p> <ul style="list-style-type: none"> • HELD. 	
	<p>Recess.</p> <ul style="list-style-type: none"> • At 3:40 p.m., the Board recessed and reconvened at 3:50 p.m. 	
11.	<p>Park's Edge Apartments.</p> <ul style="list-style-type: none"> • DISCUSSED. 	<p><u>Housing</u>: Proceed as discussed.</p>
12.	<p>Rivanna Water and Sewer Authority (RWSA) Quarterly Report.</p> <ul style="list-style-type: none"> • RECEIVED. 	
13.	<p>Virginia Department of Transportation (VDOT) Quarterly Report.</p> <ul style="list-style-type: none"> • RECEIVED. 	
14.	<p>County Transportation Planner Quarterly Report.</p>	

<ul style="list-style-type: none"> • RECEIVED. 		
15.	<p>Closed Meeting.</p> <ul style="list-style-type: none"> • At 4:51 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia: • Under Subsection (3), to discuss and consider the disposition of real property in the City of Charlottesville related to court facilities, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County; and • Under Subsection (6), to discuss and consider the investment of public funds in an affordable housing project where bargaining is involved where, if made public initially, the financial interest of the County would be adversely affected; and • Under Subsection (8), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to the negotiation of an agreement for, and the possible relocation of, court facilities; and • Under Subsection (29), to discuss the terms and scope of a possible public contract for transportation services involving the expenditure of public funds where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Board. 	
16.	<p>Certify Closed Meeting.</p> <ul style="list-style-type: none"> • At 6:21 p.m., the Board reconvened into open meeting and certified the closed meeting. 	
17.	<p>Vacancies and Appointments.</p> <ul style="list-style-type: none"> • Held later on agenda. 	
18.	<p>From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> • There were none. 	
19.	<p>Action Item: Community Use of County Facilities Policy.</p> <ul style="list-style-type: none"> • By a vote of 6:0, APPROVED Community Use of County Facilities Policy Option C - Limited public parking not associated with County or Schools Division business. 	
20.	<p>Pb. Hrg: East Rivanna Fire Station Easements.</p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED resolution approving the vacation of the two existing easements and authorizing the County Executive to execute any deed(s) or other document(s) needed to vacate the easements once the deed(s) or other document(s) have been approved as to substance and form by the County Attorney. 	<p><u>Clerk:</u> Forward copy of signed resolution to Fire Rescue and County Attorney's office. (Attachment 13)</p> <p><u>County Attorney:</u> Provide Clerk with recorded copy of deed. (Attachment 14)</p>
21.	<p>Pb. Hrg: Open Air Burning Regulations for Land Clearing and Development Operations.</p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED ordinance. 	<p><u>Clerk:</u> Forward copy of signed ordinance to Fire Rescue and County Attorney's office. (Attachment 15)</p>
22.	<p>Pb. Hrg: Ordinance to Amend County Code Chapter 4, Animals and Fowl.</p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED ordinance. 	<p><u>Clerk:</u> Forward copy of signed ordinance to County Attorney's office. (Attachment 16)</p>
	<p>Note: At 8:05 p.m., Rick Randolph left the meeting and returned at 8:08 p.m.</p>	
	<p>Recess.</p> <ul style="list-style-type: none"> • At 9:04 p.m., the Board recessed and reconvened at 9:13 p.m. 	

23.	<p>From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> • Provided update on the Regional Transit Partnership. <p><u>Ned Gallaway:</u></p> <ul style="list-style-type: none"> • Announced that on October 17, TJPDC will have an open house to discuss the Long Range Transportation Plan, and the Jefferson Area Bike and Pedestrian Plan. 		
24.	<p>From the County Executive: Report on Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> • There were none. 		
	<p>Closed Meeting.</p> <ul style="list-style-type: none"> • At 9:23 p.m., the Board went into a Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia: • Under Subsection (1),to: <ol style="list-style-type: none"> 1. Discuss and consider appointment s to boards, committees, and commissions in which there are pending vacancies or requests for reappointments; and 2. Conduct the annual performance review of the County Executive; and • Under Subsection (3), to discuss and consider the disposition of real property in the City of Charlottesville related to court facilities, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County; and • Under Subsection (7), to consult with legal counsel and briefing by staff members pertaining to actual litigation between the Board and the City of Charlottesville, where the consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the County and the Board; and • Under Subsection (8), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to the negotiation of an agreement for, and the possible relocation of, court facilities. 		
	<p>Certify Closed Meeting.</p> <ul style="list-style-type: none"> • At 10:30 p.m., the Board reconvened into open meeting and certified the closed meeting. 		
	<p>Vacancies and Appointments.</p> <ul style="list-style-type: none"> • REAPPOINTED, Mr. Jonathon Early and Mr. Robert Finley to the 5th & Avon Community Advisory Committee with said terms to expire September 30, 2020. • REAPPOINTED, Ms. Audrey Kocher to the Places 29 (Rio) Community Advisory Committee with said term to expire September 30, 2020. • APPOINTED Ms. Judith (Judy) Schulssel to the Places 29 (Rio) Community Advisory Committee with said term to expire September 30, 2020. 		
25.	<p>Adjourn to October 4, 2018, 10:00 a.m., 1600 5th Street, Room A.</p> <ul style="list-style-type: none"> • The meeting was adjourned at 10:32 p.m. 		

ckb/tom

Attachment 1 – Wine Month Proclamation
Attachment 2 – Proclamation Recognizing Virginia Artisan Week and Virginia Artisan Month
Attachment 3 – Resolution to Approve Additional FY18 Appropriation
Attachment 4 – Resolution to Approve Additional FY 19 Appropriations
Attachment 5 – Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing
Attachment 6 – Resolution to Approve the Charlottesville Albemarle Metropolitan Planning Organization “3-C” Agreement
Attachment 7 – Memorandum of Understanding on Metropolitan Planning Responsibilities
Attachment 8 – Resolution to Approve Special Exception for B201801813AR J. Towler
Attachment 9 – Resolution to Authorize Acceptance of Property
Attachment 10 – Memorandum of Understanding Between the County of Albemarle and the Sheriff for Albemarle
Attachment 11 – Ordinance No. 18-18(4)
Attachment 12 – Resolution Albemarle County Adoption of the Regional Natural Hazard Mitigation Plan
Attachment 13 – Resolution Approving Vacation of Easements Serving East Rivanna Fire Station
Attachment 14 – Deed of Vacation
Attachment 15 – Ordinance No. 18-6(1)
Attachment 16 – Ordinance No. 18-4(1)

**Proclamation
Virginia Wine Month**

- WHEREAS,** from modest beginnings in colonial times, Virginia has become a nationwide leader in the wine industry, now 5th in the nation in grape production and 8th in the nation in wine production, with wine sales growing to 588,700 cases (7 million bottles) of Virginia wine sold worldwide in 2017; an all time record; and
- WHEREAS,** wines from the Commonwealth, including those from Albemarle County, are winning national and international awards and recognition for their elegant qualities, imparted by skilled vintners and Virginia's terroir; the winner of the 2018 Governor's Cup is King Family Winery; and
- WHEREAS,** many of Albemarle's 36 vineyards, most with wineries on site, are run by families as strong agricultural enterprises that can be passed on to future generations, providing economic benefit for winery owners and employees and for other Albemarle ventures supported by the patronage and purchasing power of winery visitors, including farming of heritage and heirloom crops, restaurant cuisine committed to selling local where possible, and tourism focused on sustaining the land and the local culture; and
- WHEREAS,** in 2017 Albemarle County had the 2nd most bearing acres of grapes in the state-- over 16% of the state's total bearing acres -- and is part of the central region of Virginia which produced the most tons of grapes -- 2,744 tons, or 42% of the total in the state in 2017; and
- WHEREAS,** Albemarle County values our wineries' stewardship, keeping their land producing and protected in agricultural uses, preserving scenic vistas, historic sites and other amenities which make Albemarle wineries ideal places of entertainment, culture, enjoyment and social engagement that enrich Albemarle County's quality of life and culture of hospitality.
- NOW, THEREFORE, BE IT PROCLAIMED,** that we, the Albemarle County Board of Supervisors, do hereby recognize Albemarle County wineries and their contribution to the Virginia wine industry's success and encourage County residents and visitors to visit a winery or purchase local wines through local restaurants and shops during October 2018, Virginia Wine Month.

Signed this 3rd day of October, 2018.

**Proclamation Recognizing
October 5-14, 2018 as Virginia Artisan Week
and
October 2018 as Virginia Artisan Month**

- WHEREAS,** the culture of the Virginia artisan inspires appreciative audiences for its unique work and distinctive way of life; and
- WHEREAS,** the production and use of handmade arts and artisan agricultural products invoke an intimate lifelong relationship of value and appreciation for the work of highly skilled individuals; and
- WHEREAS,** the state of Virginia currently hosts 27 community-connected and developing artisan trails representing 34 counties and 7 cities across the Commonwealth that are strengthening our economy through a connective community Artisan Trail Network; and,
- WHEREAS,** artisans and agricultural artisans contribute to strong local and creative economies and are integrated into every aspect of life in Virginia -- strengthening the economy, enriching civic life, driving tourism, and exerting a profound positive influence on the education of our children;
- WHEREAS,** the Monticello Artisan Trail, the partnership of Albemarle and Nelson Counties and Charlottesville was the first in the state and has increased the success of its members;
- NOW, THEREFORE, BE IT PROCLAIMED** that we the Albemarle County Board of Supervisors, do hereby recognize the week of **October 5 - 14, 2018** as **American Craft Week** and all of October, 2018, as **Virginia Artisan Month** and encourage all citizens to join in local festivals and events and to visit your neighborhood artisan studio.

Signed and sealed this 3rd day of October, 2018.

**RESOLUTION TO APPROVE
ADDITIONAL FY 18 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2018099 and #2018100 are approved; and
- 2) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2018.

**RESOLUTION TO APPROVE
ADDITIONAL FY 19 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2019031, #2019032, #2019033, #2019034, #2019035, #2019036, #2019037, #2019038, #2019039 and #2019040 are approved; and
- 2) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2019.

**RESOLUTION OF OFFICIAL INTENT TO REIMBURSE
EXPENDITURES WITH PROCEEDS OF A BORROWING**

WHEREAS, the Albemarle County Board of Supervisors, Virginia (the "Borrower") intends to acquire, construct and equip the items and projects set forth in Exhibit A hereto (collectively, the "Project"); and

WHEREAS, plans for the Project have advanced and the Borrower expects to advance its own funds to pay expenditures related to the Project (the "Expenditures") prior to incurring indebtedness and to receive reimbursement for such Expenditures from proceeds of tax-exempt bonds or taxable debt, or both.

NOW, THEREFORE, BE IT RESOLVED by the Albemarle County Board of Supervisors that:

1. The Borrower intends to utilize the proceeds of tax-exempt bonds (the "Bonds") or to incur other debt to pay the costs of the Hollymead Dam Spillway Improvements in an amount not currently expected to exceed \$367,200.00.
2. The Borrower intends that the proceeds of the Bonds be used to reimburse the Borrower for Expenditures with respect to the Project made on or after the date that is no more than 60 days prior to the date of this Resolution. The Borrower reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds or other debt.
3. Each Expenditure was or will be, unless otherwise approved by bond counsel, either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure); (b) a cost of issuance with respect to the Bonds; (c) a nonrecurring item that is not customarily payable from current revenues; or (d) a grant to a party that is not related to or an agent of the Borrower so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Borrower.
4. The Borrower intends to make a reimbursement allocation, which is a written allocation by the Borrower that evidences the Borrower's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Borrower recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction of at least five years.
5. The Borrower intends that the adoption of this Resolution confirms the "official intent" within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.
6. This Resolution shall take effect immediately upon its passage.

* * * *

**CAPITAL IMPROVEMENT PROGRAM
BOND FUNDED PROJECTS
FY 19**

General Government	Amount (\$)
Cost of Issuance	\$7,200
Hollymead Dam Spillway Improvements	\$360,000
General Government Subtotal	\$367,200
Total Debt Issue - FY 19 Projects	\$367,200

**RESOLUTION TO APPROVE
THE CHARLOTTESVILLE ALBEMARLE METROPOLITAN
PLANNING ORGANIZATION “3-C” AGREEMENT**

WHEREAS, the Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA) on June 30, 1983 jointly issued, and on May 27, 2016 updated, rules and regulations which require that each urbanized area, as a condition to the receipt of Federal capital or operating assistance, have a continuing, cooperative and comprehensive transportation (3-C) planning process carried out by a metropolitan planning organization (MPO) in cooperation with the States and their local jurisdictions that results in plans and programs consistent with the planned development of the “urbanized area” pursuant to 23 U.S.C. 134, 23 U.S.C. 150, and 49 U.S.C. 5303, as amended; and

WHEREAS, 23 CFR 450.314 – Metropolitan Planning Agreements – requires MPOs, States and Providers of Public Transportation to cooperatively determine the mutual responsibilities necessary to carry out the metropolitan transportation planning process, and directs MPOs, States and Providers of Public Transportation to periodically review and update these agreements; and

WHEREAS, 23 CFR 450.306 - Scope of the metropolitan transportation planning process – establishes a performance-driven approach to transportation decision-making to be carried out in the metropolitan transportation planning and programming process; and

WHEREAS, the Charlottesville Albemarle Metropolitan Planning Organization serves as the MPO for the Charlottesville-Albemarle Urbanized Area; and

WHEREAS, the Commonwealth of Virginia and the Virginia Department of Rail and Public Transportation, the City of Charlottesville, the County of Albemarle, and JAUNT, through agreement with the Charlottesville Albemarle MPO and Thomas Jefferson Planning District Commission as the administrative agent of the MPO, provide for the financial assistance and mutually agreed upon terms and conditions for which such assistance will be provided;

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby approves the CA-MPO 3-C Agreement and authorizes the County Executive to sign the Agreement once it has been approved as to substance and form by the County Attorney.

**MEMORANDUM OF UNDERSTANDING
ON METROPOLITAN TRANSPORTATION PLANNING
RESPONSIBILITIES FOR THE CHARLOTTESVILLE-ALBEMARLE
METROPOLITAN PLANNING AREA**

This agreement is made and entered into as of _____, 2018 by and between the Commonwealth of Virginia hereinafter referred to as the State, the Charlottesville-Albemarle Metropolitan Planning Organization hereinafter referred to as the MPO; and the City of Charlottesville, the Charlottesville Area Transit Service, Albemarle County and JAUNT, Inc. hereinafter referred to as the Public Transportation Providers; and the Thomas Jefferson Planning District Commission serving as planning and administrative staff to the MPO, hereinafter referred to as the Staff.

WHEREAS, joint responsibilities must be met for establishing and maintaining a continuing, cooperative, and comprehensive (3-C) metropolitan transportation planning and programming process as defined and required by the United States Department of Transportation in regulations at [23 CFR 450 Subpart C](#), and

WHEREAS, the regulations at [23 CFR 450.314](#) direct that the MPO, State, and Public Transportation Provider responsibilities for carrying out the 3-C process shall be cooperatively determined and clearly identified in a written agreement.

NOW, THEREFORE, it is recognized and agreed that, as the regional transportation planning and programming authority in cooperation with the Staff, State and Public Transportation Provider, the MPO shall serve as the forum for cooperative development of the transportation planning and programming activities and products for the Charlottesville-Albemarle metropolitan area. It is also agreed that the following articles will guide the 3-C process. Amendments to this agreement may be made by written agreement among the parties of this agreement.

**Article 1
Planning and Modeling Boundaries**

The MPO is responsible as the lead for coordinating transportation planning and programming in the Charlottesville-Albemarle metropolitan transportation planning area (MPA) that includes the City of Charlottesville and a portion of Albemarle County. A map providing a visual and itemized description of the current MPA will be included on the MPO website. It is recognized that the scope of the regional study area used with the travel demand model may extend beyond the MPA. The boundaries of the MPA shall be subject to approval of the MPO and the Governor. The MPA shall, at a minimum, cover the U.S. Bureau of the Census' designated urbanized area and the contiguous geographic area expected to become urbanized within the 20 year long range plan forecast period. The boundaries will be reviewed by the MPO and the State at least after

each Census decennial update, to adjust the MPA boundaries as necessary. Planning funds shall be provided to financially support the MPO's planning activities under 23 CFR 450 and 49 CFR 613, and the latest applicable metropolitan planning funding agreement with the State for the metropolitan planning area. All parties to this agreement shall comply with applicable state and federal requirements necessary to carry out the provisions of this agreement.

Article 2

MPO Structure & Committees

The MPO shall consist of, at a minimum, a Policy Board and a standing advisory group, the MPO Technical Committee. The MPO shall establish and follow rules of order and record. The Policy Board and MPO Technical Committee each shall be responsible for electing a chairman with other officers elected as deemed appropriate. These committees and their roles are described below. Redesignation of an MPO is required when an existing MPO proposes to make substantial changes on membership voting, decisionmaking authority, responsibility, or the procedure of the MPO.

(A) The Policy Board serves as the MPO's policy board, and is the chief regional authority responsible for cooperative development and approval of the core transportation planning activities and products for the urbanized region including:

- the MPO budget and Unified Planning Work Program (UPWP); and
- the performance based Constrained Long Range Transportation Plan (CLRP); and
- the performance-based Transportation Improvement Program (TIP) including all regionally significant projects regardless of their funding source; and
- the adoption of performance measure targets in accord with federal law and regulations that are applicable to the MPO metropolitan planning area; and
- the reporting of targets and performance to be used in tracking progress toward attainment of critical outcomes for the MPO region [450.314]; and
- the Public Participation Plan

The Policy Board will consider, analyze as appropriate, and reflect in the planning and programming process the improvement needs and performance of the transportation system, as well as the federal metropolitan planning factors consistent with 23 CFR 450.306. The Policy Board and the MPO will comply and certify compliance with applicable federal requirements as required by [23 CFR 450.336](#). The Policy Board and the MPO also shall comply with applicable state requirements such as, but not limited to, the Freedom of Information Act requirements which affect public bodies under the Code of Virginia at [2.2-3700 et sequel](#).

Voting membership of the Policy Board shall consist of the following representatives, designated by and representing their respective governments and agencies:

- One representative participating on behalf of the State appointed by the Commonwealth of Virginia Secretary of Transportation, and
- Locally elected officials representing each County, independent City, Town or other appropriate representation within the metropolitan transportation planning area.

The individual voting representatives may be revised from time to time as designated by the respective government or agency. State elected officials may also serve on the MPO. Nonvoting members may be added or deleted by the Policy Board through a majority of all voting members. Voting and nonvoting designated membership of the Policy Board will be identified and updated on the MPO's website with contact information.

(B) The MPO Technical Committee provides technical review, supervision and assistance in transportation planning. Members are responsible for providing, obtaining, and validating the required latest official travel and socio-economic planning data and assumptions for the regional study area. Members are to ensure proper use of the data and assumptions by the MPO with appropriate travel forecast related models. Additional and specific responsibilities may be defined from time to time by the Policy Board. This committee consists of the designated technical staff of the Policy Board members, plus other interests deemed necessary and approved by the Policy Board. The designated voting and nonvoting membership of the MPO Technical Committee will be updated by the Policy Board, and will be identified online with contact information.

(C) Regular Meetings – The Policy Board and MPO Technical Committee shall each be responsible for establishing and maintaining a regular meeting schedule for carrying out respective responsibilities and to conduct official business. Meeting policies and procedures shall follow regulations set forth in 23 CFR §450.316. The regular meeting schedule of each committee shall be posted on the MPO's website and all meetings shall be open to the public. Any meetings and records concerning the business of the MPO shall comply with State Freedom of Information Act requirements.

Article 3

Unified Planning Work Program (UPWP)

Transportation planning activities anticipated within the Charlottesville-Albemarle Metropolitan Planning Area during the next one or two year period shall be documented and prepared annually by the Staff and the MPO Technical Committee in accord with 23 CFR 450.308 and reviewed and endorsed by the Policy Board. Prior to the expenditure of any funds, such UPWP shall be subject to the approval of the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and the State for funding the activities. Any changes in

transportation planning and related activities, regardless of funding source, shall be accomplished by amendments to the UPWP and adoption by the Policy Board according to the same, full procedure as the initial UPWP.

Article 4

Participation Plan

The Policy Board shall adopt and maintain a formal, written Public Participation Plan. The Participation Plan shall provide reasonable opportunity for involvement with all interested parties in carrying out the metropolitan area's transportation planning and programming process, providing reasonable opportunities for preliminary review and comment especially at key decision points. Initial or revised participation plan procedures shall undergo a minimum 45 day draft public review and comment period. The Participation Plan will be published and available on the MPO's website. The State may assist, upon request of the MPO and on a case by case basis, in the provision of documents in alternative formats to facilitate the participation of persons with limited English proficiency or visual impairment.

The MPO also shall, to the extent practicable, develop and follow documented process(es) that at least outline the roles, responsibilities and key points for consulting with adjoining MPOs, other governments and agencies and Indian Tribal or federal public lands regarding other planning activities, thereby ensuring compliance with all sections of [23 CFR 450.316](#). The process(es) shall identify procedures for circulating or providing ready access to draft documents with supporting materials that reference, summarize or detail key assumptions and facilitate agency consultations, and public review and comment as well as provide an opportunity for MPO consideration of such comments before formal adoption of a transportation plan or program.

Article 5

Inclusion and Selection of Project Recommendations

Selection of projects for inclusion into the financially Constrained Long-Range Plan (CLRP)

Recommended transportation investments and strategies to be included in the CLRP shall be determined cooperatively by the MPO, the State, and Public Transportation Provider(s). The CLRP shall be updated at least every five years, and address no less than a 20 year planning horizon. Prior to the formal adoption of a final CLRP, the MPO shall provide the public and other interested stakeholders (including any intercity bus operators) with reasonable opportunities for involvement and comment as specified in 23 CFR 450.316 and in accordance with the procedures outlined in the Participation Plan. The MPO shall demonstrate explicit consideration and response to public input received during the development of the CLRP.

Development of the Transportation Improvement Program (TIP)

The financially constrained TIP shall be developed by the MPO with assistance from the State and Public Transportation Provider(s). The TIP shall cover a minimum four year period and shall be updated at least every four years, or more frequently as determined by the State to coincide and be compatible with the Statewide Transportation Improvement development and approval process.

The State shall assist the MPO and Public Transportation Provider(s) in the development of the TIP by: 1) providing the project listing, planned funding and obligations, and 2) working collaboratively to ensure consistency for incorporation into the STIP. The TIP shall include any federally funded projects as well as any projects that are regionally significant regardless of type of funding. Projects shall be included and programmed in the TIP only if they are consistent with the recommendations in the CLRP. The State and the Public Transportation Provider(s), assisted by the state, shall provide the MPO a list of project, program, or grouped obligations by year and phase for all the State and the public transportation projects to facilitate the development of the TIP document. The TIP shall include demonstration of fiscal constraint and may include additional detail or supporting information provided the minimum requirements are met. The MPO shall demonstrate explicit consideration and response to public input received during the development of the TIP.

Once the TIP is compiled and adopted by the Policy Board the MPO shall forward the approved TIP, MPO certification, and MPO TIP resolution to the State. After approval by the MPO and the Governor, the State shall incorporate the TIP, without change, into the STIP. The incorporation of the TIP into the STIP demonstrates the Governor's approval of the MPO TIP. Once complete, the STIP shall be forwarded by the State to FHWA and FTA for review and approval.

Article 6

Financial Planning and Programming, and Obligations

The State, the MPO and the Public Transportation Provider(s) are responsible for financial planning that demonstrates how metropolitan long-range transportation plans and improvement programs can be implemented consistent with principles for financial constraint. Federal requirements direct that specific provisions be agreed on for cooperatively developing and sharing information for development of financial plans to support the metropolitan transportation plan (23 CFR 450.324) and program (23 CFR 450.326), as well as the development of the annual listing of obligated projects (23 CFR 450.334).

Fiscal Constraint and Financial Forecasts

The CLRP and TIP shall be fiscally constrained pursuant to 23 CFR 450.324 and 450.326 respectively with highway, public transportation and other transportation project costs inflated to reflect the expected year of expenditure. To support the development of the financial plan for the CLRP, the State shall provide the MPO with a long-range forecast of expected state and federal transportation revenues

for the metropolitan planning area. The Public Transportation Provider(s), similarly, shall provide information on the revenues expected for public transportation for the metropolitan planning area. The financial plan shall contain system-level estimates of the costs and the revenue sources reasonably expected to be available to adequately operate and maintain the federal aid highways and public transportation. The MPO shall review the forecast and add any local or private funding sources reasonably expected to be available during the planning horizon. Recommendations on any alternative financing strategies to fund the projects and programs in the transportation plan shall be identified and included in the plan. In the case of new funding sources, strategies for ensuring their availability shall be identified and documented. If a revenue source is subsequently found removed or substantially reduced (i.e., by legislative or administrative actions) the MPO will not act on a full update or amended CLRP and/or TIP that does not reflect the changed revenue situation.

Annual Obligation Report

Within 90 days after the close of the federal fiscal year the State and the Public Transportation Provider(s) shall provide the MPO with information for an Annual Obligation Report (AOR). This report shall contain a listing of projects for which federal highway and/or transit funds were obligated in the preceding program year. It shall include all federally funded projects authorized or revised to increase obligations in the preceding program year, and at a minimum include TIP project description and implementing agency information and identify, for each project, the amount of Federal funds requested in the TIP, the Federal funding that was obligated during the preceding year, and the Federal funding remaining and available for subsequent years. The MPO shall publish the AOR in accordance with the MPO's public participation plan criteria for the TIP.

Article 7

Performance-Based Metropolitan Planning Process Responsibilities

The MPO

The MPO, in cooperation with the State and Public Transportation Provider(s), shall establish and use a performance-based approach in carrying out the region's metropolitan transportation planning process consistent with 23 CFR 450.306, and 23 CFR 490. The MPO shall integrate into the metropolitan transportation planning process, directly or by reference, the goals, objectives, performance measures, and targets described in applicable transportation plans and transportation processes, as well as any plans developed under 49 U.S.C. Chapter 53 by providers of public transportation required as part of a performance-based program. The MPO shall properly plan, administratively account for and document the MPO's performance based planning activities in the MPO UPWP.

The MPO shall develop, establish and update the federally required transportation performance targets that apply for the MPO metropolitan planning area in coordination with the State(s) and the Public Transportation Provider(s) to the maximum extent practicable. The Policy Board shall adopt federal targets of the MPO after reasonable opportunity for and consideration of public review and comment, and not later than 180 days after the date on which the relevant State(s) and Public Transportation Provider(s) establish or update the Statewide and Public Transportation Provider(s) performance targets, respectively. No later than 21 days of the MPO deadline for the selection of new or updated targets, for each federally required performance measure, the MPO shall formally notify the state(s) and Public Transit Provider(s) of whether the MPO: 1) has selected "to contribute toward the accomplishment" of the statewide target selected by the state, or 2) has identified and committed to meet a specific quantitative target selected by the Public Transportation Provider(s) or the MPO for use in the MPO's planning area of Virginia.

In the event that a Virginia MPO chooses to establish a MPO-specific federal highway or transit performance measure quantitative target, then the Virginia MPO shall be responsible for its own performance baseline and outcome analyses, and for the development and submittal of special report(s) to the State for the MPO-specific highway and/or transit performance measure(s). Reports from the Virginia MPOs that choose their own MPO-specific highway or transit target(s) will be due to the State no later than 21 days from the date that the MPO is federally required to establish its performance target for an upcoming performance period. The special report(s) for each new or updated MPO-specific highway target shall be sent from the Virginia MPO to the VDOT Construction District Engineer. The special report(s) for each new or updated MPO-specific transit target shall be sent from the Virginia MPO to the Department of Rail and Public Transportation. The special report(s) shall include summary documentation on the performance analyses calculation methods, baseline conditions, quantitative target(s), and applicable outcome(s) regarding the latest performance period for the MPO-specific performance measure(s). For the Virginia MPOs which agree to plan and program projects "to contribute toward the accomplishment" of each of the statewide performance measure targets, the State will conduct the performance analyses for the MPO's metropolitan planning area in Virginia and provide online summaries for each measure such that no special report to the State will be due from these MPOs.

If a Virginia MPO chooses to contribute to achieving the statewide performance target, the MPO shall, at minimum, refer to the latest performance measure analyses and summary information provided by the State, including information that was compiled and provided by the State on the metropolitan planning area's performance to inform the development of appropriate performance targets. The MPO may use State performance measures information and targets to update the required performance status reports and discussions associated with each MPO CLRP and/or TIP update or non-administrative modification. The MPO's

transportation performance targets, recent performance history and status will be identified and considered by the MPO's Policy Board in the development of the MPO CLRP with its accompanying systems performance report required per 23 CFR 450.324, as well as in the development of the TIP with its accompanying description of the anticipated effect of the TIP toward achieving the performance targets, linking their TIP investment priorities to the performance targets as required per 23 CFR 450.326. The MPO CLRP and its accompanying systems performance report, and/or the MPO TIP and its accompanying description of the anticipated effect of the TIP, shall directly discuss or reference the latest State performance measure status information available and posted online by the State regarding the metropolitan planning area at the time of the MPO's Technical Committee recommendation of the draft MPO long range plan or draft TIP.

The State

Distinct from the roles of the metropolitan Public Transportation Provider(s) with federal performance measures on transit (transit is the subject of the next section), the State is the lead party responsible for continuous highway travel data measurement and collection. The State shall measure, collect highway data and provide highway field data for use in federal highway related performance measure analyses to inform the development of appropriate federal performance targets and performance status reports. MPO information from MPO-specific data analyses and reports might not be incorporated, referenced or featured in computations in the Virginia statewide performance data analyses or reports. The State shall provide highway analyses for recommending targets and reporting on the latest performance history and status not only on a statewide basis but also on the Virginia portions of each of Virginia's MPO metropolitan planning areas, as applicable. The findings of the State's highway performance analyses will inform the development or update of statewide targets.

Information regarding proposed statewide targets for highway safety and non-safety federal performance measures will be presented to the Commonwealth Transportation Board (CTB) at the CTB's public meetings and related documents, including, but not limited to, presentations and resolutions, will be made publicly available on the CTB website. The MPO and Public Transportation Provider(s) shall ensure that they inform the State of any special data or factors that should be considered by the State in the recommendation and setting of the statewide performance targets.

All statewide highway safety targets and performance reports are annually due from the State to FHWA beginning August 31, 2017 and each year thereafter. The MPO shall report their adopted annual safety performance targets to the State for the next calendar year within 180 days from August 31st each year. The statewide highway non-safety performance two and/or four year targets are due for establishment from the State initially no later than May 20, 2018 for use with the state biennial baseline report that is due by October 1, 2018. The subsequent state biennial report, a mid-period report for reviews and possible target

adjustments, is due by October 1, 2020. Thereafter, State biennial updates are cyclically due by October 1st of even numbered years with a baseline report to be followed in two years by a mid-period report. Using information cooperatively compiled from the MPOs, the State and the Public Transportation Providers, the State shall make publicly available the latest statewide and (each) MPO metropolitan planning area's federally required performance measure targets, and corresponding performance history and status.

The Public Transportation Provider(s)

For the metropolitan areas, Public Transportation Providers are the lead parties responsible for continuous public transit data measurement and collection, establishing and annually updating federal performance measure targets for the metropolitan transit asset management and public transportation agency safety measures under 49 U.S.C. 5326(c) and 49 U.S.C. 5329(d), respectively, as well as for updates that report on the public transit performance history and status. The selection of the performance targets that address performance measures described in 49 U.S.C. 5326(c) and 49 U.S.C. 5329(d) shall be coordinated, to the maximum extent practicable, between the MPO, the State and Public Transportation Provider(s) to ensure consistency with the performance targets that Public Transportation Providers establish under 49 U.S.C. 5326(c) and 49 U.S.C. 5329(d). Information from the Public Transportation Provider(s) on new or updated public transit asset management and safety performance targets, and data-reports on the public transit performance history and status relative to the targets is necessary for use and reference by the affected State(s) and the MPO(s). The Public Transportation Provider(s) that receive federal funds shall annually update and submit their transit asset management targets and data-reports to the FTA's National Transit Database consistent with FTA's deadlines based upon the applicable Public Transportation Provider's fiscal year. The Public Transportation Provider(s) shall notify, and share their information on their targets and data-reports electronically with the affected State(s) and MPO(s) at the time that they share the annual information with FTA, and coordinate, as appropriate, to adequately inform and enable the MPO(s) to establish and/or update metropolitan planning area transit target(s) no later than 180 days thereafter, as required by performance-based planning process.

IN WITNESS WHEREOF, the parties have executed this agreement on the day and year first written above.

Chair
Charlottesville-Albemarle
Metropolitan Planning Organization

WITNESS BY _____
DATE _____

Secretary of Transportation
Commonwealth of Virginia

WITNESS BY _____
DATE _____

City Manager
City of Charlottesville for
Charlottesville Area Transit

WITNESS BY _____
DATE _____

County Executive
Albemarle County

WITNESS BY _____
DATE _____

Executive Director
Jaunt, Inc.

WITNESS BY _____
DATE _____

Executive Director
Thomas Jefferson
Planning District Commission

WITNESS BY _____
DATE _____

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR B201801813AR J. TOWLER**

WHEREAS, the Owner of Tax Map Parcel Number 061Z0-02-0C-01300 filed a request for a special exception in conjunction with B201801813AR J. Towler, to modify the required setback, as depicted on the pending application under review by the County's Department of Community Development.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the Memorandum prepared in conjunction with the special exception request and the attachments thereto, including staff's supporting analysis, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-4.19(4), 18-15.1, and 18-33.49, the Albemarle County Board of Supervisors hereby approves the special exception to modify the required setback, subject to the condition attached hereto.

* * *

B201801813AR J. Towler Special Exception Condition

1. The minimum side setback of the front SW corner of the carport from the property line on the west side of the property, abutting Tax Map Parcel Number 61Z0-02-0C-01200, shall be five feet (5').

**RESOLUTION TO AUTHORIZE
ACCEPTANCE OF PROPERTY**

WHEREAS, The Albemarle County Sheriff's Office purchased a DJI Matrice 210 unmanned aircraft system ("UAS") for its use; and

WHEREAS, a Memorandum of Understanding between the County and the Sheriff's Office is necessary in order to allow the Sheriff's Office to perform search and rescue and training functions with the UAS pursuant to Virginia Code § 19.2-60.1(C) and non-law enforcement situation assessments under Virginia Code § 19.2-60.1(D).

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby authorizes the Sheriff's Office use of the DJI Matrice 210 unmanned aircraft system and authorizes the County Executive to execute the Memorandum of Understanding once it has been approved by the County Attorney.

MEMORANDUM OF UNDERSTANDING
BETWEEN THE COUNTY OF ALBEMARLE, VIRGINIA
AND THE SHERIFF FOR ALBEMARLE COUNTY

This Memorandum of Understanding (the "Agreement") is made and entered into on the ____ day of September 2018, by and between the County of Albemarle, Virginia (the "County") and the Sheriff for Albemarle County (the "Sheriff");

WHEREAS, the Sheriff has purchased a DJI Matrice 210 unmanned aircraft system along with essential cameras, power accessories, and other accessories for the operation of the DJI Matrice 210 unmanned aircraft system;

and

WHEREAS, the intent of the Sheriff's purchase is for the Sheriff's Office to use the DJI Matrice 210 unmanned aircraft system for search and rescue operations; and

WHEREAS, the County and the Sheriff desire to enter into an agreement setting forth their understanding with respect to the use and operation of the DJI Matrice 210 unmanned aircraft system.

NOW THEREFORE, the parties hereto covenant and agree as follows:

A. Ownership. The DJI Matrice 210 unmanned aircraft system (hereinafter "UAS") shall remain the property of the County.

B. Certificate of Authorization. The Sheriff shall prepare and submit to the County for approval any authorizations or amendments to the County's Certificate of Authorization for public use for the Federal Aviation Administration. The Sheriff shall be responsible for registration responsibilities for the UAS, including fees.

C. Use. Upon receipt of a public use Certificate of Authorization from the Federal Aviation Administration, the County will transfer possession of the UAS to the Sheriff.

D. Specific UAS Operations. The Sheriff shall use the UAS for search and rescue operations, pursuant to Virginia Code §19.2-60.1(C). The Sheriff may use the UAS for incident situation assessment functions that are non-law enforcement purposes pursuant to Virginia Code §19.2-60.1(D). Additionally, the Sheriff may use the UAS for training purposes for the aforementioned search and rescue operations pursuant to Virginia Code § 19.2-60.1(C).

E. Insurance. The County shall maintain property insurance on the UAS for the duration of this agreement. The Sheriff's Office shall maintain liability insurance for operations related to the UAS for the duration of this agreement, and said liability insurance shall be the primary policy. The Sheriff shall add the County to its policy as an additional insured on a primary and noncontributory basis. The County will also require a waiver of subrogation to be executed and included in the Sheriff's general liability and umbrella insurance policies to which the County is named as additional insured.

F. Term of Agreement. This Agreement shall take effect upon the full execution of this Agreement by the Sheriff and the County and shall remain in force for the duration of the Sheriff's term in office (including terms for which he is re-elected), unless terminated by either party upon

thirty (30) days prior written notice. This Agreement may be amended only upon the written agreement of both the Sheriff and the County.

SHERIFF OF ALBEMARLE COUNTY, VIRGINIA

By: JS Harding Date: 9/18/18
J.E. "Chip" Harding, Sheriff

COUNTY OF ALBEMARLE, VIRGINIA

By: _____ Date: _____
Jeff Richardson, County Executive

Approved as to Form:

County Attorney

ORDINANCE NO. 18-18(4)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS, ARTICLE II, BASIC REGULATIONS, AND ARTICLE III, DISTRICT REGULATIONS, 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 18, Zoning, Article I, General Provisions, Article II, Basic Regulations, and Article III, District Regulations, are hereby amended and reordained as follows:

By Amending:

Sec. 3.1 Definitions.
 Sec. 12.2 Permitted uses.
 Sec. 13.2 Permitted uses.
 Sec. 14.2 Permitted uses.
 Sec. 15.2 Permitted uses.
 Sec. 16.2 Permitted uses.

By Adding:

Sec. 5.1.63 Residential beekeeping

Chapter 18. Zoning**Article I. General Provisions****Section 3. Definitions**

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3.1 DEFINITIONS

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Urban beekeeping: Beekeeping on any residentially-zoned lot. Beekeeping in the Rural Areas District, RA, and the Monticello Historic District, MHD, shall not be considered urban beekeeping.

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Article II. Basic Regulations**Section 5. Supplementary Regulations**

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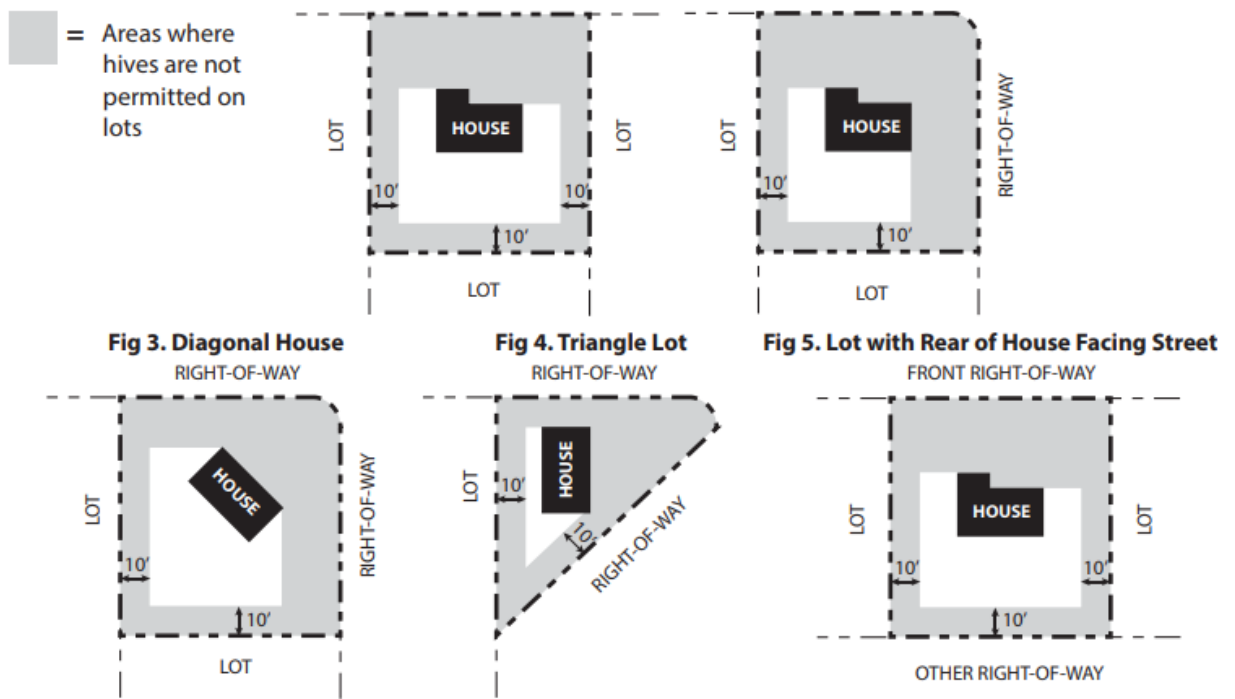
5.1.63 URBAN BEEKEEPING

Urban beekeeping shall be subject to the following:

- a. It shall be unlawful for any person to keep, place, or allow a beehive to remain:
 1. Closer than 10 feet to a public right-of-way or to the lot line of an adjoining lot not owned by the person maintaining the beehive; or
 2. Closer than 30 feet to any structure other than the structure of the person maintaining the beehive.
- b. All beehives shall be oriented with the entrance facing away from the adjacent lot or public right-of-way.
- c. The beehive and all related materials may only be located within the rear yard of the lot as shown in figure 1.

Figure 1

Figures 1 - 5



- d. If a beehive is located less than 10 feet above ground level and within 30 feet of any lot line adjoining a residential lot or public right-of-way, a barrier of sufficient density to establish bee flyways above head height must separate the beehive from the lot line or public right-of-way. The barrier may be constructed of fencing or evergreen vegetation or a combination of the two. The barrier must be no less than six feet in height and extend no less than ten feet in length on either side of the beehive.
- e. If a beehive is located at least 10 feet above ground level, the beehive shall be located a minimum of five feet from the side of the structure and 30 feet from any structure other than a structure of the person maintaining the beehive.
- f. The beekeeper shall conspicuously post a sign warning individuals of the presence of bees. This sign shall include the lot owner's name and a telephone number at which the beekeeper can be reached in case of emergency.
- g. The beekeeper shall provide written or verbal notice that they intend to keep bees to the owner of each abutting lot under different ownership than the lot on which beehives will be located. The notice shall identify the lot on which the beehives will be located. The notice shall be mailed or delivered at least 10 days prior to the establishment of beehives on the lot.
- h. Each beekeeper shall ensure that no wax comb or other material that might encourage robbing by other bees are left on the grounds of the lot on which the beehive is located (the "apiary lot"). Once removed from the site, the wax comb or other materials shall be handled and stored in sealed containers, or placed within a building or other insect-proof container.
- i. Each beekeeper shall maintain his beekeeping equipment in good condition, including keeping the beehives painted if they have been painted but are peeling or flaking, and securing unused equipment from weather, potential theft or vandalism, and occupancy by swarms. It shall not be a defense to this section that a beekeeper's unused equipment attracted a swarm and that the beekeeper is not intentionally keeping bees. Unused equipment shall be stored in sealed containers, or placed within a building or other insect-proof container.
- j. No person may keep more than the following numbers of bee colonies on any lot, based upon the size or configuration of the apiary lot:
 1. One-half acre or smaller lot: two colonies;
 2. Larger than 1/2 acre and up to 3/4 acre lot: four colonies;
 3. Larger than 3/4 acre and up to 1 acre lot: six colonies;

4. Larger than 1 acre and up to 5 acre lot: eight colonies;
 5. Larger than 5 acre lot: no restriction.
- k. If a beekeeper serves the community by removing a swarm or swarms of honey bees from locations where they are not desired, the beekeeper shall not be considered in violation of the portion of this section limiting the number of colonies if he temporarily houses the swarm on the apiary lot in compliance with the standards of practice set out in this section for no more than 30 days from the date acquired.

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Article III. District Regulations

Section 12. Village Residential

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Sec. 12.2 Permitted uses.

Sec. 12.2.1 By right.

The following uses shall be permitted by right in the VR district, subject to the applicable requirements of this chapter:

1. Detached single-family dwellings.
2. Side-by-side duplexes provided that density is maintained and provided further that buildings are located so that each unit could be provided with a lot meeting all other requirements for detached single-family dwellings except for side yards at the common wall. Other two-family dwellings shall be permitted provided density is maintained.
3. Cluster development of permitted residential uses.
4. Rental of permitted residential uses and guest cottages, provided that yard, area and other requirements of this ordinance shall be met for each such use whether or not such use is on an individual lay-out.
5. (Repealed 9-2-81)
6. Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility. Water distribution and sewerage collection lines, pumping stations and appurtenances owned and operated by the Albemarle County Service Authority. Except as otherwise expressly provided, central water supplies and central sewerage systems in conformance with Chapter 16 of the Code of Albemarle and all other applicable law. (Amended 5-12-93)
7. Accessory uses and buildings including home occupation, Class A (reference 5.2) and storage buildings.
8. Temporary construction uses (reference 5.1.18).
9. Public uses and buildings including temporary or mobile facilities such as schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies (reference 31.2.5); public water and sewer transmission, main or trunk lines, treatment facilities, pumping stations and the like, owned and/or operated by the Rivanna Water and Sewer Authority (reference 31.2.5; 5.1.12). (Amended 11-1-89)
10. Tourist lodgings (reference 5.1.17).
11. Wayside stands for the display and sale of seasonal agricultural products (reference 5.1.19).
12. Group home (reference 5.1.07).
13. Agriculture.
14. Manufactured homes on individual lots (reference 5.6)

15. Stormwater management facilities shown on an approved final site plan or subdivision plat.
 16. Tier I and Tier II personal wireless service facilities (reference 5.1.40).
 17. Farm sales (reference 5.1.47).
 18. Farm stands (reference 5.1.47).
 19. Family day homes (reference 5.1.56).
 20. Urban beekeeping (reference 5.1.63).
- (§ 20-12.2.1, 12-10-80; 9-2-81; 11-1-89; 11-11-92; § 18-12.2.1, Ord. 98-A(1), 8-5-98; Ord. 02-18(6), 10-9-02; Ord. 04-18(2), 10-13-04; Ord. 10-18(4), 5-5-10; Ord. 13-18(5), 9-11-13; Ord. 17-18(4), 8-9-17; Ord. 18-18(1), 1-10-18)

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Section 13. Residential – R-1

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13.2 PERMITTED USES

13.2.1 BY RIGHT

The following uses shall be permitted by right in the R-1 district, subject to the applicable requirements of this chapter:

1. Detached single-family dwellings.
2. Cluster development of permitted residential uses.
3. Rental of permitted residential uses and guest cottages, provided that yard, area, and other requirements of this ordinance shall be met for each such use whether or not such use is on an individual lay-out.
4. (Repealed 9-2-81)
5. (Repealed 9-2-81)
6. Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility. Water distribution and sewerage collection lines, pumping stations and appurtenances owned and operated by the Albemarle County Service Authority. Except as otherwise expressly provided, central water supplies and central sewerage systems in conformance with Chapter 16 of the Code of Albemarle and all other applicable law. (Amended 5-12-93)
7. Accessory uses and buildings including home occupation, Class A (reference 5.2) and storage buildings.
8. Temporary construction uses (reference 5.1.18).
9. Public uses and buildings including temporary or mobile facilities such as schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies (reference 31.2.5); public water and sewer transmission, main or trunk lines, treatment facilities, pumping stations and the like, owned and/or operated by the Rivanna Water and Sewer Authority (reference 31.2.5; 5.1.12). (Amended 11-1-89)
10. Tourist lodgings (reference 5.1.17).
11. Group home (reference 5.1.07). (Amended 8-9-17)
12. Stormwater management facilities shown on an approved final site plan or subdivision plat. (Added 10-9-02)
13. Tier I and Tier II personal wireless service facilities (reference 5.1.40). (Added 10-13-04)

14. Family day homes (reference 5.1.56). (Added 9-11-13)

15. Urban beekeeping (reference 5.1.63).

(§ 20-13.2.1, 12-10-80; 9-2-81; 11-1-89; 5-12-93; Ord. 02-18(6), 10-9-02; Ord. 04-18(2), 10-13-04; Ord. 13-18(5), 9-11-13; Ord. 17-18(4), 8-9-17)

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Section 14. Residential – R-2

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14.2 PERMITTED USES

14.2.1 BY RIGHT

The following uses shall be permitted by right in the R-2 district, subject to the applicable requirements of this chapter:

1. Detached single-family dwellings.
2. Cluster development of permitted residential uses.
3. Rental of permitted residential uses and guest cottages, provided that yard, area and other requirements of this ordinance shall be met for each such use whether or not such use is on an individual lay-out.
4. (Repealed 9-2-81)
5. (Repealed 9-2-81)
6. Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility. Water distribution and sewerage collection lines, pumping stations and appurtenances owned and operated by the Albemarle County Service Authority. Except as otherwise expressly provided, central water supplies and central sewerage systems in conformance with Chapter 16 of the Code of Albemarle and all other applicable law. (Amended 5-12-93)
7. Accessory uses and buildings including home occupations (reference 5.2) and storage buildings.
8. Temporary construction uses (reference 5.1.18).
9. Public uses and buildings including temporary or mobile facilities such as schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies (reference 31.2.5); public water and sewer transmission main or trunk lines, treatment facilities, pumping stations and the like, owned and/or operated by the Rivanna Water and Sewer Authority (reference 31.2.5, 5.1.12). (Amended 11-1-89).
10. Tourist lodgings (reference 5.1.17).
11. Group home (reference 5.1.07). (Amended 8-9-17)
12. Stormwater management facilities shown on an approved final site plan or subdivision plat. (Added 10-9-02)
13. Tier I and Tier II personal wireless service facilities (reference 5.1.40). (Added 10-13-04)
14. Family day homes (reference 5.1.56). (Added 9-11-13)
15. Urban beekeeping (reference 5.1.63).

(§ 20-14.2.1, 12-10-80; 9-2-81; 11-1-89; 5-12-93; Ord. 02-18(6), 10-9-02; Ord. 04-18(2), 10-13-04; Ord. 13-18(5), 9-11-13; Ord. 17-18(4), 8-9-17)

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Section 15. Residential – R-4

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15.2 PERMITTED USES

15.2.1 BY RIGHT

The following uses shall be permitted by right in the R-4 district, subject to the applicable requirements of this chapter:

1. Detached single-family dwellings.
2. Side-by-side duplexes provided that density is maintained, and provided further that buildings are located so that each unit could be provided with a lot meeting all other requirements for detached single-family dwellings except for side yards at the common wall. Other two-family dwellings shall be permitted provided density is maintained.
3. Semi-detached and attached single-family dwellings such as triplexes, quadruplexes, townhouses, atrium houses and patio houses provided that density is maintained, and provided further that buildings are located so that each unit could be provided with a lot meeting all other requirements for detached single-family dwellings except for side yards at the common wall.
4. Cluster development of permitted residential uses.
5. Rental of permitted residential uses and guest cottages, provided that yard, area and other requirements of this ordinance shall be met for each such use whether or not such use is on an individual lay-out.
6. (Repealed 9-2-81)
7. (Repealed 9-2-81)
8. Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility. Water distribution and sewerage collection lines, pumping stations and appurtenances owned and operated by the Albemarle County Service Authority. Except as otherwise expressly provided, central water supplies and central sewerage systems in conformance with Chapter 16 of the Code of Albemarle and all other applicable law. (Amended 5-12-93)
9. Accessory uses and buildings including home occupation, Class A (reference 5.2) and storage buildings.
10. Temporary construction uses (reference 5.1.18).
11. Public uses and buildings including temporary or mobile facilities such as schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies (reference 31.2.5); public water and sewer transmission, main or trunk lines, treatment facilities, pumping stations and the like, owned and/or operated by the Rivanna Water and Sewer Authority (reference 31.2.5; 5.1.12). (Amended 11-1-89)
12. Tourist lodgings (reference 5.1.17).
13. Group home (reference 5.1.07). (Amended 8-9-17)
14. Stormwater management facilities shown on an approved final site plan or subdivision plat. (Added 10-9-02)
15. Tier I and Tier II personal wireless service facilities (reference 5.1.40). (Added 10-13-04)
16. Family day homes (reference 5.1.56). (Added 9-11-13)
17. Urban beekeeping (reference 5.1.63).

(§ 20-15.2.1, 12-10-80; 9-2-81; 11-1-89; 5-12-93; Ord. 02-18(6), 10-9-02; Ord. 04-18(2), 10-13-04; Ord. 13-18(5), 9-11-13; Ord. 17-18(4), 8-9-17)

.....
Article III. District Regulations

Section 16. Residential – R-6
.....

16.2 PERMITTED USES

16.2.1 BY RIGHT

The following uses shall be permitted by right in the R-6 district, subject to the applicable requirements of this chapter:

1. Detached single-family dwellings.
2. Semi-detached and attached single-family dwellings such as duplexes, triplexes, quadraplexes, townhouses, atrium houses and patio houses provided that density is maintained, and provided further that buildings are located so that each unit could be provided with a lot meeting all other requirements for detached single-family dwellings except for side yards at the common wall.
3. Multiple-family dwellings such as garden apartments.
4. Cluster development of permitted residential uses.
5. Rental of permitted residential uses and guest cottages; provided that yard, area and other requirements of this ordinance shall be met for each such use whether or not such use is on an individual lot.
6. Group home (reference 5.1.07). (Amended 8-9-17)
7. Boarding houses.
8. Tourist lodgings (reference 5.1.17).
9. (Repealed 9-2-81)
10. (Repealed 9-2-81)
11. Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility. Water distribution and sewerage collection lines, pumping stations and appurtenances owned and operated by the Albemarle County Service Authority. Except as otherwise expressly provided, central water supplies and central sewerage systems in conformance with Chapter 16 of the Code of Albemarle and all other applicable law. (Amended 5-12-93)
12. Public uses and buildings including temporary or mobile facilities such as schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies (reference 31.2.5); public water and sewer transmission, main or trunk lines, treatment facilities, pumping stations and the like, owned and/or operated by the Rivanna Water and Sewer Authority (reference 31.2.5; 5.1.12). (Amended 11-1-89)
13. Temporary construction uses (reference 5.1.18).
14. Accessory uses and buildings including home occupation, Class A (reference 5.2) and storage buildings.
15. Stormwater management facilities shown on an approved final site plan or subdivision plat. (Added 10-9-02)
16. Tier I and Tier II personal wireless service facilities (reference 5.1.40). (Added 10-13-04)
17. Family day homes (reference 5.1.56). (Added 9-11-13)
18. Urban beekeeping (reference 5.1.63).

(§ 20-16.2.1, 12-10-80; 9-2-81; 11-1-89; 5-12-93; Ord. 02-18(6), 10-9-02; Ord. 04-18(2), 10-13-04; Ord. 13-18(5), 9-11-13; Ord. 17-18(4), 8-9-17)

**RESOLUTION
ALBEMARLE COUNTY ADOPTION
OF THE
REGIONAL NATURAL HAZARD MITIGATION PLAN**

WHEREAS, the Disaster Mitigation Act of 2000, as amended, requires that local governments develop, adopt and update natural hazard mitigation plans in order to receive certain federal assistance; and,

WHEREAS, the Thomas Jefferson Planning District's Regional Natural Hazard Mitigation Plan has been prepared in accordance with the Federal Emergency Management Agency (FEMA) requirements at 44C.F.R. 201.6; and,

WHEREAS, The County of Albemarle has been involved in the preparation of the Regional Natural Hazard Mitigation Plan through representation on the Working Group by staff from Albemarle County and the Charlottesville-Albemarle-UVA Emergency Communications Center; and,

WHEREAS, the Virginia Department of Emergency Management (VDEM) and FEMA have deemed the submitted plan satisfactory with no changes recommended; and,

WHEREAS, hazard mitigation is essential to protect life and property by reducing the potential for future damages and economic losses resulting from natural disasters.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors does hereby adopt the Regional Natural Hazard Mitigation Plan.

**RESOLUTION APPROVING VACATION OF EASEMENTS
SERVING EAST RIVANNA FIRE STATION**

WHEREAS, the County of Albemarle and the East Rivanna Volunteer Fire Co., Incorporated jointly hold a drainfield easement and an access easement (the "Easements") over Parcel 093A1-00-00-004R0, which Easements serve the East Rivanna Fire Station;

WHEREAS, Rivanna Investment Holdings LLC now wishes to vacate these existing Easements, in exchange for providing the East Rivanna Fire Station with access to the public water and sewer system; and

WHEREAS, the Board finds it is in the best interest of the County to vacate these existing easements in exchange for the provision of public water and sewer to the East Rivanna Fire Station.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the proposed vacation of these Easements, and authorizes the County Executive to execute any deed(s) or other required document(s) once they have been approved as to substance and form by the County Attorney.

This document was prepared by:
 Williams Mullen
 321 East Main Street
 Suite 400
 Charlottesville, VA 22902

Albemarle Tax Map Parcel ID No.: 093A1-00-00-004R0

This deed is exempt from taxation under Virginia Code § 58.1-811(A)(3).

DEED OF VACATION
 (for Drainfield and Access Easement – Phase IB)

THIS DEED OF VACATION, made as of this ____ day of _____, 2018, by and between **RIVANNA INVESTMENT HOLDINGS LLC**, a Delaware limited liability company (“Rivanna”), to be indexed as Grantor, the **COUNTY OF ALBEMARLE, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (the “County”), and **EAST RIVANNA VOLUNTEER FIRE CO., INCORPORATED**, a Virginia corporation (the “Rivanna Fire Department”), each to be indexed as Grantees.

WITNESSES:

WHEREAS, Rivanna is the owner in fee simple of that certain real property (hereinafter, the “Remaining Rivanna Village Property”), located in Albemarle County, Virginia more particularly described as follows:

ALL that certain lot or parcel of land, with improvements thereon and appurtenances thereto, containing 81.703 acres, more or less, shown as “Remainder of Revised TMP 093A1-00-00-00400” on that certain subdivision plat by Roudabush, Gale & Associates, Inc., entitled “Subdivision Plat, Phase I, Block A, Town Villas, Rivanna Village, Scottsville District, Albemarle County, Virginia,” dated November 14, 2017, and recorded in the Clerk’s Office of the Circuit Court of the County of Albemarle, Virginia in Deed Book 5025, page 711;

BEING a portion of the same property conveyed to Rivanna Investment Holdings LLC by special warranty deed, from Rivanna Village LLC, a Virginia limited liability company, dated October 21, 2016, and recorded in the Clerk’s Office of the Circuit Court of the County of Albemarle, Virginia in Deed Book 4837, at page 148.

WHEREAS, by that certain Deed of Gift dated as of January 13th, 1992, and recorded in the Clerk’s Office of the Circuit Court of the County of Albemarle, Virginia in Deed Book 1204,

page 201 (the "Existing Deed"), Glenmore Associates Limited Partnership, predecessor-in-interest to Rivanna, dedicated those portions of the Remaining Rivanna Village Property shown as "Drainfield Easement (2.000 Ac.)" and "50' Access Easement" on that certain plat prepared by S&L Key Incorporated, entitled "Plat Showing Parcel "X", Drainfield Easement and Drainfield Access Easement, Being a Portion of Tax Map 93, Parcel 59, "Glenmore Farm," Rivanna District, Albemarle County, Virginia" last revised January 29, 1992 (the "Existing Plat") to the County and Rivanna Fire Department (the "Existing Easements"); and

WHEREAS, Rivanna is developing the Remaining Rivanna Village Property in accordance with that certain subdivision plat entitled "Subdivision Plat, Phase IB, Blocks A, B, C, D1, E, and F1, Rivanna Village, Scottsville District, Albemarle County, Virginia," prepared by Roudabush, Gale & Associates, Inc., dated July 7, 2016, last revised July 11, 2018, which such plat was recorded in the land records of the Clerk's Office of the Circuit Court of the County of Albemarle, Virginia, in Deed Book ____, at page ____ (the "Plat"); and

WHEREAS, as part of the development of the Remaining Rivanna Village Property, Rivanna desires to vacate all rights, title and interest in the Existing Easements, in exchange for providing the Grantees with access to the public water and sewer system.

NOW, THEREFORE, in consideration of the premises and the sum of Ten Dollars (\$10.00), cash in hand paid, the receipt of which is hereby acknowledged, Rivanna does hereby VACATE the Existing Easements, as shown on the Existing Plat.

Rivanna hereby covenants to develop the Remaining Rivanna Village Property in accordance with the Plat, including providing the Grantees access to the public water and sewer system.

The Rivanna Fire Department accepts the vacation of the Existing Easements in exchange for Rivanna's provision of access to the public water and sewer system, as evidenced by the duly authorized execution and recordation of this Deed of Vacation.

The County, acting by and through its County Executive, duly authorized by resolution adopted by the Board of Supervisors of the County of Albemarle, Virginia, accepts the vacation

of the Existing Easements pursuant to Virginia Code § 15.2-1803, in exchange for Rivanna's provision of access to the public water and sewer system, as evidenced by the County Executive's signature hereto and the recordation of this Deed of Vacation.

[SIGNATURE PAGES IMMEDIATELY FOLLOW]

36140834_1

IN WITNESS WHEREOF, Rivanna has caused this Deed of Vacation to be executed on its behalf by its duly authorized agent.

RIVANNA INVESTMENT HOLDINGS LLC,
a Delaware limited liability company

By: Limehouse Street LLC, a Delaware limited
liability company, its Sole Member

By: Wharf Street LLC, a Delaware limited
liability company, its Majority Member

By: _____
Todd Kuhl, Authorized Person

STATE/Commonwealth of _____
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 2018 by Todd Kuhl, as Authorized Person of Wharf Street LLC, a Delaware limited liability company, a Majority Member of Limehouse Street LLC, a Delaware limited liability company, the Sole Member of RIVANNA INVESTMENT HOLDINGS LLC, a Delaware limited liability company, on behalf of such company.

My commission expires: _____.

Notary Public

Notary Registration No.: _____

[SIGNATURES CONTINUE ON THE FOLLOWING PAGE]

**EAST RIVANNA VOLUNTEER FIRE CO.,
INCORPORATED,**
a Virginia corporation

By: _____

Printed Name: _____

Title: _____

STATE/Commonwealth of _____
City/County of _____, to-wit:

The foregoing instrument was acknowledged before me this ____ day of _____,
2018 by _____, as _____ of EAST RIVANNA VOLUNTEER FIRE
CO., INCORPORATED, a Virginia corporation, on its behalf.

My commission expires: _____.

Notary Public

Notary Registration No.: _____

[SIGNATURES CONTINUE ON THE FOLLOWING PAGE]

36140834_1

COUNTY OF ALBEMARLE, VIRGINIA

Jeffrey B. Richardson
County Executive

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged before me this ____ day of _____,
2018 by Jeffrey B. Richardson, County Executive, on behalf of the Board of Supervisors of
the County of Albemarle, Virginia, Grantee.

Notary Public

My Commission Expires: _____

Registration number: _____

Approved as to form:

County Attorney

36140834_1

ORDINANCE NO. 18-6(1)

AN ORDINANCE TO AMEND CHAPTER 6, FIRE PROTECTION, ARTICLE IV, BURNING OF BRUSH, ETC., 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 6, Fire Protection, Article IV, Burning of Brush, Etc., is hereby amended and reordained as follows:

By Amending:

- Sec. 6-402 Adoption of Virginia State air pollution control board regulations.
- Sec. 6-404 Prohibitions on open burning.
- Sec. 6-406 Permissible open burning.
- Sec. 6-407 Permits.
- Sec. 6-408 Penalties for violation.

CHAPTER 6. FIRE PROTECTION**ARTICLE IV. BURNING OF BRUSH, ETC.**

State law reference--For state law similar to provisions of this article, see Va. Code § 10.1-1142.

.....

Sec. 6-402 Adoption of Virginia State Air Pollution Control Board regulations.

The Commonwealth of Virginia State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution, Part IV, Emissions Standards for Open Burning (9VAC5, Ch. 130), in current form and as amended in the future, are hereby adopted and incorporated by reference; provided, however, any county regulation specified in this article more restrictive than such state regulations shall apply and take precedence over the state regulations. Any permits required by such state regulations may be issued by the county, if authorized by the state agency otherwise responsible.

(Code 1988, § 9-21.1; Ord. 98-A(1), 8-5-98)

.....

Sec. 6-404 Prohibitions on open burning.

A. No owner or other person shall cause or permit open burning or the use of a special incineration device for disposal of refuse except as provided in this ordinance.

B. No owner or other person shall cause or permit open burning or the use of a special incineration device for disposal of rubber tires, asphaltic materials, crankcase oil impregnated wood or other rubber or petroleum based materials except when conducting bona fide fire fighting instruction at fire fighting training schools having permanent facilities.

C. No owner or other person shall cause or permit open burning or the use of a special incineration device for disposal of hazardous waste or containers for such materials.

D. No owner or other person shall cause or permit open burning or the use of a special incineration device for the purpose of a salvage operation or for the disposal of commercial/industrial waste.

E. No owner or other person shall cause or permit open burning or the use of a special incineration device for disposal of household waste or garbage.

F. Open burning or the use of special incineration devices permitted under the provisions of this ordinance does not exempt or excuse any owner or other person from the consequences, liability, damages or injuries which may result from such conduct; nor does it excuse or exempt any owner or other person from complying with other applicable laws, ordinances, regulations and orders of the governmental entities having jurisdiction, even though the open burning is conducted in compliance with this ordinance. In this regard special attention should be directed to § 10.1-1142 of the Forest Fire Law

of Virginia, the regulations of the Virginia Waste Management Board, and the State Air Pollution Control Board's Regulations for the Control and Abatement of Air Pollution.

G. Open burning shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous as described in Chapter 70 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution, Air Pollution Episode Prevention. When open burning creates or adds to a hazardous situation, or a required permit for open burning has not been obtained, the Fire Marshal is authorized to order the extinguishment of the open burning operation.

(Code 1988, § 9-22; Ord. 98-A(1), 8-5-98; Ord. 13-6(1), 1-9-13)

Sec. 6-405 Exemptions.

The following activities are exempted to the extent covered by the State Air Pollution Control Board's Regulations for the Control and Abatement of Air Pollution:

1. open burning for training and instruction of government and public fire fighters under the supervision of the designated official and industrial in-house firefighting personnel;
2. open burning for camp fires or other fires that are used solely for recreational purposes, for ceremonial occasions, for outdoor noncommercial preparation of food, and for warming of outdoor workers;
3. open burning for the destruction of any combustible liquid or gaseous material by burning in a flare or flare stack;
4. open burning for forest management and agriculture practices approved by the State Air Pollution Control Board; and
5. open burning for the destruction of classified military documents.

(Code 1988, § 9-22.1; Ord. 98-A(1), 8-5-98)

Sec. 6-406 Permissible open burning.

A. Open burning is permitted for the disposal of leaves and tree, yard, and garden trimmings originating from and located on the premises of private property, provided that the following conditions are met:

1. the burning takes place on the premises of the private property; and
2. the location of the burning is not less than 300 feet from any occupied building unless the occupants have given prior permission, other than a building located on the property on which the burning is conducted.

B. Open burning is permitted for disposal of debris waste resulting from property maintenance, from the development or modification of roads and highways, parking areas, railroad tracks, pipelines, power and communication lines, buildings or building areas, sanitary landfills, or any other clearing operations which may be approved by the Fire Official, provided that all of the following conditions are met:

1. all reasonable effort shall be made to minimize the amount of material burned, with the number and size of the debris piles approved by the Fire Official;
2. the material to be burned shall consist of brush, stumps, and similar debris waste originating from and located on the premises, and shall not include demolition material;
3. the burning shall be at least 2,000 feet, or 1,000 feet when using an incinerator device, from any occupied building not on the same property on which the burning is conducted, unless the occupants of the building has given prior written permission for the burning;
4. the burning shall be conducted at the greatest distance practicable from highways and air fields;

5. the burning shall be attended at all times and conducted to ensure the best possible combustion with a minimum of smoke being produced;
6. the burning shall not be allowed to smolder beyond the minimum period of time necessary for the destruction of the materials;
7. the burning shall be conducted only between 8:00 a.m. and 8:00 p.m.;
8. the burning shall be conducted only Monday through Friday;
9. the burning shall not be conducted during the restricted dates of February 15 through April 30 of each year; and
10. the burning shall be conducted only when the prevailing winds are away from any city, town or built-up area.

C. Open burning is permitted for disposal of debris on the site of local landfills provided that the burning does not take place on land that has been filled and covered so as to present an underground fire hazard due to the presence of methane gas provided that all of the following conditions are met:

1. the burning shall take place on the premises of a local sanitary landfill which meets the provisions of the regulations of the Virginia Waste Management Board;
2. the burning shall be attended at all times;
3. the material to be burned shall consist only of brush, tree trimmings, yard and garden trimmings, clean burning construction waste, clean burning debris waste, or clean burning demolition waste;
4. all reasonable effort shall be made to minimize the amount of material that is burned;
5. no materials may be burned in violation of the regulations of the Virginia Waste Management Board or the State Air Pollution Control Board.

The exact site of the burning on a local landfill shall be established in coordination with the regional director and the Fire Official; no other site shall be used without the approval of these officials. The fire official shall be notified of the days during which the burning will occur.

(Code 1988, § 9-22.1; Ord. 98-A(1), 8-5-98; Ord. 13-6(1), 1-9-13)

State law reference – Va. Code § 10.1-1142.

Sec. 6-407 Permits.

A. *Permit for open burning required.* When open burning of debris waste (section 6-406(B)) or open burning of debris on the site of a local landfill (section 6-406(C)) is to occur within Albemarle County, the person responsible for the burning shall obtain a permit from the Fire Official prior to the burning.

B. *Application for permit.* The person responsible for the burning shall submit a complete application for a permit, which shall include proof of liability insurance in an amount of no less than \$1.5 million and must be issued by a company registered with the Virginia Bureau of Insurance. A written site and burn plan shall be submitted with any application.

C. *Issuance of permit.* Such a permit may be granted only after confirmation by the Fire Official that the burning can and will comply with the provisions of this ordinance and any other conditions which are deemed necessary to ensure that the burning will not endanger the public health and welfare or to ensure compliance with any applicable provisions of the State Air Pollution Control Board's Regulations for the Control and Abatement of Air Pollution. The permit may be issued for each occasion of burning or for a specific period of time deemed appropriate by the Fire Official and in conformance with this article.

D. *Number of permits.* No more than three permits shall be issued per year for any parcel.

E. *Permit for use of special incineration device.* Prior to the initial installation (or reinstallation, in cases of relocation) and operation of special incineration devices, the person responsible for the burning shall obtain a permit from the Fire Official, such permits to be granted only after confirmation by the Fire Official that the burning can and will comply with the applicable provisions in Regulations for the Control and Abatement of Air Pollution and that any conditions are met which are deemed necessary by the Fire Official to ensure that the operation of the devices will not endanger the public health and welfare. Permits granted for the use of special incineration devices shall at a minimum contain the following conditions:

1. all reasonable effort shall be made to minimize the amount of material that is burned. Such efforts shall include, but are not limited to, the removal of pulpwood, sawlogs and firewood;
2. the material to be burned shall consist of brush, stumps and similar debris waste and shall not include demolition material;
3. the burning shall be at least 1,000 feet from any occupied building unless the occupants have given prior permission, other than a building located on the property on which the burning is conducted; burning shall be conducted at the greatest distance practicable from highways and air fields. If the Fire Official determines that it is necessary to protect public health and welfare, he may direct that any of the above cited distances be increased;
4. the burning shall be attended at all times and conducted to ensure the best possible combustion with a minimum of smoke being produced. Under no circumstances should the burning be allowed to smolder beyond the minimum period of time necessary for the destruction of the materials;
5. the burning shall be conducted only when the prevailing winds are away from any city, town or built-up area;
6. the use of special incineration devices shall be allowed only for the disposal of debris waste, clean burning construction waste, and clean burning demolition waste; and
7. permits issued under this paragraph shall be limited to a specific period of time deemed appropriate by the Fire Official and in conformance with this article.

F. *Fees.* An application for a permit under section 6-407(B) or 6-407(E) shall be accompanied by a processing fee as set forth in the fee schedule maintained by the Fire Official, as may be amended from time to time. An application is not complete without payment of the processing fee.

(Code 1988, § 9-24; Ord. 98-A(1), 8-5-98; Ord. 13-6(1), 1-9-13)

Sec. 6-408 Penalties for violation.

- A. Any violation of this ordinance is punishable as a class 1 misdemeanor.
- B. Each separate incident may be considered a new violation.
- C. The Fire Official shall enforce the terms and conditions of this ordinance.

(Code 1988, § 9-25; Ord. 98-A(1), 8-5-98)

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.
4-402	4-316	Harboring or concealing rabid animals.

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.	4-318	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.	4-317	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.	4-319	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 poultry killed by dogs.	4-235	Compensation for livestock and poultry killed by by a dog.
4-204	Female dogs in season.	4-228	Failure to confine female dogs in heat is prohibited.
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.
4-213	Display of receipts; collar and tag displaying to be worn; penalties.	4-208	Preserving dog license receipts; 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; acts that inflicting pain, injury, or suffering are prohibited. 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 with rabies certificate Information; civil penalty.	4-205 Duty of the Director of Finance to notify owners 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; exemptions. 4-204 Amount of dog license tax.
4-218 Dangerous dogs.	4-210 “Dangerous dog” and “dog” defined. 4-211 When there is 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. 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 a 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.
	4-308	Release, adoption, or euthanization of an animal determined to have been abandoned, cruelly treated, deprived of adequate care.
	4-309	Delivery of an animal determined to have been abandoned, cruelly treated, deprived of adequate care.
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 license required to be obtained; exceptions.
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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.
- 4-403 Inoculation for rabies at animal shelters.
- 4-404 Tag showing vaccination required on dogs at large.
- 4-405 Applicability of article.

Chapter 4. Animals

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 certain portions of the Comprehensive Animal Care laws (Virginia Code § 3.2-6500 *et seq.*).

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

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.

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.

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 four 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, floor mat, 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.

“Ambient temperature” means the temperature surrounding the animal.

“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. “Boarding establishment” does not include any private residential dwelling that shelters, feeds, and waters fewer than five companion animals not owned by the proprietor.

“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.

“Dangerous dog” is defined in section 4-210.

“Dealer” means any person who in the regular course of business for compensation or profit buys, sells, transfers, exchanges, or barbers 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 State.

“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 State or any political subdivision thereof and who is responsible for preventing and detecting crime and enforcing the penal, traffic, or highway laws of the State. 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; 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.

“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 a retail 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 State 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.

“Vicious dog” is defined in section 4-221.

(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.

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).

Article 2. Dogs

Division 1. Licenses

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

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 exemptions:

- 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.

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.

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; and (iii) providing 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).

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 § 6532.

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.

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.

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.

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.

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).

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)

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).

Sec. 4-211 When there is 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).

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).

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 State 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).

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 \$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 \$100,000.00.
- 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).

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

If the court finds a dog to be a dangerous dog, the 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).

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

If the court finds a dog 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).

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

If a dog was previously declared a dangerous dog pursuant to County Code § 4-213 and the declaration arose out of a separate and distinct incident:

- A. *Punishment; attack on cat or dog that is a companion animal.* The owner or custodian of the dog 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 of the dog 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).

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 by the court 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).

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

If the owner of a dog found by the court 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).

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).

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).

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).

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).

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 State 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).

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 or custodian’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),

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.

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 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. *Vaccinations during confinement.* During the time that an animal is confined pursuant to subsection (C), the operator or custodian of the public animal shelter may vaccinate the animal to prevent the risk of communicable diseases, provided that: (i) all vaccines are administered in accordance with a protocol approved by a licensed veterinarian; and (ii) rabies vaccines are administered by a licensed veterinarian or licensed veterinary technician under the immediate direction and supervision of a licensed veterinarian in accordance with Virginia Code § 3.2-6521.
- E. *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.
- F. *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.
- G. *Disposition of unclaimed dog deemed abandoned.* The public animal shelter may dispose of any unclaimed dog deemed abandoned under subsection (F) 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 State, 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).

H. *Disposition of unclaimed and unlicensed dog by animal control officer.* In addition to the methods of disposition in subsection (G), 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.

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.

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.

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).

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).

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).

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).

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 State and be prohibited from returning to the State. Any dog ordered removed from the State that is later found in the State 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).

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.

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.

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 § 3.2-6544(B).

Sec. 4-301 Cruelty to animals; acts that inflict pain, injury, or suffering are prohibited.

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. In addition, evidence of any of the following establishes a rebuttable presumption that this subsection has been violated:

a. The person places any animal, including any dog, on a tether:

1. That does not terminate at both ends with a swivel.
2. That is shared with other animals.
3. For more than two hours cumulative in any 24-hour period.
4. During an excessive heat warning or heat advisory issued by the National Weather Service, the State, or the County.
5. During a severe weather warning issued by the National Weather Service, including any hurricane warning, tropical storm warning, tornado warning, severe thunderstorm warning, or winter storm warning.

6. On uninhabited or abandoned property in the County.

b. The person places any animal, including any dog, on a tether that, if it is on a pulley or running line:

1. That restricts movement of the animal.
2. Is inappropriate for the animal's age and size.
3. Is not attached to the animal by a collar.
4. Is less than 15 feet in length.
5. Is more than seven feet above the ground.
6. Is configured to allow the animal to be injured, strangled, or entangled with other animals or objects.

c. The person places any female dog in heat on a tether or tethers a dog that is six months' old or younger.

d. The person transports an animal in an open-bed truck or similar vehicle either when the animal is tethered or is in a carrier that is not secured to the vehicle so that it is unmovable and allows normal postural movements of the animal.

2. *Depriving food, drink, shelter, or treatment.* Any person who deprives any animal of necessary food, drink, shelter, or emergency veterinary treatment. In addition, evidence of any of the following establishes a rebuttable presumption that this subsection has been violated:
 - a. The person provides a shelter for an animal that is composed of metal or plastic barrels, airline crates, or carrying crates.
 - b. The person provides a shelter for a dog or cat that is without a floor or the floor is not raised off the ground by at least two inches.
 - c. The person deprives an animal of clean, fresh, potable water that is a drinkable temperature.
 - d. Depending on the age, breed, or both, of a dog or cat, the person provides a shelter for the dog or cat that is located or is in a condition so that, because of environmental conditions, the dog or cat is deprived of necessary shelter.
 - e. The person provides shelter for a dog or cat that is infested with mold, insects, or parasites.
 - f. The person provides a shelter for a dog or cat that has vents, cracks, or holes, other than the entrance, that allows rain or other moisture into the shelter.
 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 pursuing 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:
1. *Class 1 misdemeanor.* A violation of this section is punishable as a class 1 misdemeanor.
 2. *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.
 3. *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 reference - Va. Code §§ 3.2-6544(B), 3.2-6570.

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 reference - Va. Code §§ 3.2-6544(B), 3.2-6570.

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

It is unlawful for any person to abandon or dump any animal; provided that it is not unlawful for an owner to release an animal to a public or private animal shelter or other releasing agency. Any person who unlawfully abandons or dumps any animal shall be guilty of a class 1 misdemeanor.

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

State law reference - Va. Code §§ 3.2-6543(A), 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.

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.

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.* Subject to subsection (B), 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 seized 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 shall be 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 if it 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 shall 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 shall 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 State 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.

Sec. 4-307 Sale of an animal, other than a companion animal, determined to have been abandoned, cruelly treated, deprived of adequate care.

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 shall 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).

Sec. 4-308 Release, adoption, or euthanization of an animal determined to have been abandoned, cruelly treated, deprived of adequate care.

If the court orders that an animal be disposed of pursuant to County Code § 4-306(C)(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 State, 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)(11).
- 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).

Sec. 4-309 Delivery of an animal determined to have been abandoned, cruelly treated, deprived of adequate care.

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 a 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).

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 State, 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.

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.

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).

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.

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.

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.

Sec. 4-316 Harboring or concealing rabid animals.

It is unlawful for any person to conceal a rabid animal to keep the animal 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 § 3.2-4543.

Division 4. Stolen Dogs and Cats, and Noise

Sec. 4-317 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.

Sec. 4-318 Authority of animal control officer to seize stolen or unlawfully detained dog; disposition.

When an animal control officer 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.

Sec. 4-319 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.