

ORDINANCE NO. 20-4()

AN ORDINANCE TO AMEND DIVISION 4, STOLEN DOGS AND CATS, AND NOTICE, OF ARTICLE 3, ANIMALS, OF CHAPTER 4, ANIMALS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Division 4, Stolen Dogs and Cats, and Noise, of Article 3, Animals, of Chapter 4, Animals, is hereby amended as follows:

By Amending:

Sec. 4-319 Frequent or continuous sounds by animals are prohibited

Chapter 4. Animals

Article 3. Animals

Division 4. Stolen Dogs and Cats, and Noise

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.~~
 21. *Animals in shelters.* Sounds created by any animal in a public or private animal shelter.
 32. *Animals in commercial kennels.* Sounds created by any animal in a commercial kennel as defined in County Code Chapter 18.
 43. *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.

(§ 4-319: (§ 4-106: Ord. 08-4(1), 6-11-08, § 4-601, § 4-602, § 4-603; Ord. 09-4(1), 7-8-09; Ord. 14-4(1), 6-4-14, effective 7-1-14); § 4-319, Ord 18-4(1), 10-3-18)

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

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

_____.

Clerk, Board of County Supervisors

| | <u>Aye</u> | <u>Nay</u> |
|--------------|------------|------------|
| Mr. Gallaway | _____ | _____ |
| Ms. Kirtley | _____ | _____ |
| Ms. Mallek | _____ | _____ |
| Ms. McKeel | _____ | _____ |
| Ms. Palmer | _____ | _____ |
| Ms. Price | _____ | _____ |