

ORDINANCE NO. 21-4()

AN ORDINANCE TO AMEND CHAPTER 4, ANIMALS, DIVISION 2, DANGEROUS DOGS, 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, Division 2, Dangerous Dogs, is hereby reordained and amended as follows:

By Amending:

- Sec. 4-210 "Dangerous dog" and "dog" defined.
- Sec. 4-219 Responsibility if the owner of a dangerous dog is a minor.
- Sec. 4-220 Fund to which collected fees are to be allocated.

By Amending and Renaming:

- Sec. 4-211 When there is reason to believe an animal ~~dog~~ is a dangerous dog; summons and confinement.
- Sec. 4-212 Circumstances when an animal ~~dog~~ shall not be found to be a dangerous dog.
- Sec. 4-213 Judicial proceedings on a summons that an animal ~~dog~~ is a dangerous dog.
- Sec. 4-214 Animal ~~Dog~~ found to be a dangerous dog; requirement to obtain a dangerous dog registration certificate.
- Sec. 4-215 Animal ~~Dog~~ found to be a dangerous dog; confinement, leasing, and muzzling.
- Sec. 4-216 Animal ~~Dog~~ found to be a dangerous dog; an owner's ongoing obligation to inform the County animal control officer; notice by animal control officer and abandonment; notice, generally.
- Sec. 4-217 Previous finding that an animal ~~dog~~ is a dangerous dog; subsequent acts by a dangerous dog.
- Sec. 4-218 Previous finding that an animal ~~dog~~ is a dangerous dog; willful noncompliance by owner.

Chapter 4. Animals

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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.* ~~An animal canine or canine crossbreed~~ that has bitten, attacked, or inflicted serious injury on a companion animal that is a dog or cat or killed a companion animal that is a dog or cat. "Serious injury" to a dog or cat includes a serious impairment of health or bodily function that requires significant medical attention, a serious disfigurement, or any injury that has a reasonable potential to cause death or any injury other than a sprain or strain. 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 incident originated ~~attack occurred~~ on the property of the attacking or biting dog's owner ~~or custodian~~. In determining whether serious injury

to a companion animal that is a dog or cat has occurred, the officer may consult with a licensed veterinarian.

2. *Bite, attack, or injury on a person; exception.* ~~An animal canine or canine crossbreed~~ that has bitten, attacked, or inflicted serious injury on a person. “Serious injury” to a person includes laceration, broken bone, or substantial puncture of the skin by the animal’s teeth. ~~An animal 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 ~~animal 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” ~~includes means~~, when used in reference to a “dangerous dog,” a hybrid canine or canine crossbreed, as defined in Virginia Code § 3.2-6581.

(§ 4-210: (§ 4-218: 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); § 4-210, Ord. 18-4(1), 10-3-18)

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

Sec. 4-211 When there is reason to believe an animal dog is a dangerous dog; summons and confinement.

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

- A. *Application for a summons.* ~~The Any~~ law enforcement officer or the animal control officer who (i) has reason to believe an animal is a dangerous dog and (ii) is located in the jurisdiction where the animal resides or where the act was committed may apply to a magistrate ~~serving the County for the issuance of~~ to issue a summons requiring the owner or custodian, if known, to appear before a general district court at a specific 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 the his belief that the dog is dangerous. Nothing shall prohibit a law enforcement officer or animal control officer from securing a summons to determine whether an animal that is surrendered but not euthanized is a dangerous dog.~~

- B. *Written notice.* A law enforcement officer or animal control officer who applies for a summons pursuant to subsection (A) shall provide the owner with written notice of the application for a summons. For 30 days after the written notice is provided, the owner shall not dispose of the animal other than by surrender to an animal control officer or by euthanasia by a licensed veterinarian. An owner who elects to euthanize a dog about which notice has been given shall provide documentation of the euthanasia to an animal control officer.

- ~~B.C.~~ *Content of the summons.* The summons shall advise the owner of the nature of the proceeding and the matters at issue.

- ~~B.D.~~ *Confining the dog.* 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 the his belief that the dog is dangerous. The animal control officer ~~may~~ shall confine the ~~animal 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 animal ~~dog~~ in a manner that protects the public safety, the officer may permit the owner ~~or custodian~~ to confine the animal ~~dog~~ until the time that evidence is heard in court and a verdict is rendered. Upon being served with a summons, the owner shall not dispose of the animal, other than by euthanasia, until the case has been adjudicated.

(§ 4-211: (§ 4-218: 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); § 4-211, Ord. 18-4(1), 10-3-18)

State law reference - Va. Code § 3.2-6540(~~C~~),(~~D~~),(~~E~~),(~~F~~).

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

An animal ~~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 animal ~~dog~~ is not dangerous or a threat to the community.

(§ 4-212: (§ 4-218: 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); § 4-212, Ord. 18-4(1), 10-3-18)

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

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

Judicial proceedings on a summons that an animal ~~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 harborer~~ of the animal ~~alleged~~

~~dangerous dog~~ to produce it and to provide documentation that it has been or will be within three business days implanted with electronic identification registered to the owner. The owner shall provide the registration information to the animal control officer.

B. *Remedies if the court finds the animal dog to be a dangerous dog.* If, after hearing the evidence, the court finds that the animal dog is a dangerous dog:

1. *Comply with statutory requirements.* The court shall order the animal's owner to comply with the provisions of this Division and Virginia Code §§ 3.2-6540.01, 3.2-6542, and 3.2-6542.1.

~~1.2.~~ *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. The court's order shall not preclude the injured person from pursuing civil remedies, including damages that accrue after the original finding that the animal is a dangerous dog; and

~~23.~~ *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 animal dog was taken into custody until the dog is disposed of or returned to the owner.

C. If, after hearing the evidence, the court decides to defer further proceedings without entering an adjudication that the animal is a dangerous dog, it may do so, notwithstanding any other provision of this Section. If the court defers further proceedings, it shall place specific conditions upon the owner of the animal, including the requirement that the owner provide documentation that the dog has been or will be, within three business days, implanted with electronic identification registered to the owner. The registration information shall be provided to the animal control officer. If the owner violates any of the conditions, the court may enter an adjudication that the animal is a dangerous dog and proceed as otherwise provided. Upon fulfillment of the conditions, the court shall dismiss the proceedings against the animal and the owner without an adjudication that the animal is a dangerous dog.

~~DC.~~ *Trial and Appeals.* The procedure for appeal and trial is the same as provided by law for misdemeanors. Trial by jury shall be as provided in Virginia Code § 19.2-260 *et seq.* The Commonwealth State is required to prove its case beyond a reasonable doubt. Unless good cause is determined by the court, the evidentiary hearing shall be held not more than 30 days from the issuance of the summons. Unless good cause is determined by the court, the appeal of a dangerous dog finding shall be heard within 30 days.

(§ 4-213: (§ 4-218: 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); § 4-213, Ord. 18-4(1), 10-3-18)

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

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

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

- A. *Owner must obtain a dangerous dog registration certificate.* The owner of any animal 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 properly and safely muzzled and controlled by a physical leash used by the responsible adult owner ~~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 registered to the owner. The registration information shall be provided to the animal control officer.
 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. Signs shall remain posted at all points of entry to the home and yard as long as the animal remains 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.* Annually, the following must be done regarding an animal that is a dangerous dog:
1. *Updated registration and fees.* 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. If the dangerous dog adjudication occurred within 60 days of the end of the calendar year, the first renewal shall be included in the initial registration at no additional charge to the owner.
 2. *Inspection.* Prior to the renewal date of a dangerous dog registration each year, an animal control officer shall conduct an inspection of the dangerous dog and the premises

on which it is kept. No certificate of renewal shall be issued without the annual inspection.

3. *Proof of insurance.* The owner of a dangerous dog shall maintain the liability insurance coverage or bond in surety required by subdivision (B)(6) and provide evidence of its continued coverage to the animal control officer.
4. *Exceptions.* No dangerous dog registration certificate required under this Section shall be issued to any person who is younger than 18 years of age or who fails to present satisfactory evidence of (i) compliance with the provisions of this Division; (ii) the animals' current rabies vaccination, if applicable; and (iii) a current County dog license.

G. *Virginia Dangerous Dogs Registry.* The animal control officer shall post dangerous dog registration information on the Virginia Dangerous Dogs Registry.

(§ 4-214: (§ 4-218: 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); § 4-214, Ord. 18-4(1), 10-3-18)

State law reference - Va. Code §§ 3.2-6542.10(G), (H), 3.2-6540.01(I).

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

If the court finds an animal ~~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, an animal ~~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.

(§ 4-215: (§ 4-218: 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); § 4-215, Ord. 18-4(1), 10-3-18)

State law reference - Va. Code § 3.2-6540.01(†).

Sec. 4-216 Animal ~~Dog~~ found to be a dangerous dog; an owner's ongoing obligation to inform the County animal control officer; notice by animal control officer and abandonment; notice, generally.

A. If the court finds an animal ~~dog~~ to be a dangerous dog, the owner has the following obligations to inform the County's animal control officer:

1. *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, including a

new owner and information regarding the transfer of ownership; (ii) all the means necessary to locate the owner and the dog at any time; (iii) any instance in which the animal is loose or unconfined; (iv) complaints or incidents of attack by the dog upon any person, cat, or dog; (v) any claims made or lawsuits brought as a result of any attack by the dog; (vi) chip (electronic implantation as required by County Code § 4-214(B)(4)) identification information; and (vii) proof of insurance or surety bond as required by County Code § 4-214(B)(6); (viii) the escape, loss, or death of the animal.

~~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.~~

~~2. When notification is required within 10 days. Unless for good cause shown, the owner shall, within at least 10 days prior to after relocating, provide written notice about the relocation to the County's animal control officer authority and the new address to which the dog has been moved. The animal control officer shall update the Dangerous Dog Registry accordingly.~~

~~B. If the animal control officer provides notice to the owner that the animal may be reclaimed, after 10 days, the owner's failure to reclaim the animal shall be considered an abandonment, and the animal may be disposed of according to Virginia Code § 3.2-6546.~~

C. Notice of an animal's determination as a dangerous dog shall be provided:

1. Adoption within the Commonwealth. Any releasing agency transferring or releasing for adoption within the Commonwealth an animal found to be a dangerous dog pursuant to County Code § 4-213 shall notify in writing the receiving party of the requirements of this Division.
2. Adoption outside the Commonwealth. Any releasing agency transferring or releasing for adoption outside the Commonwealth an animal found to be a dangerous dog pursuant to County Code § 4-213 shall notify the appropriate animal control officer in the receiving jurisdiction that the animal has been found to be a dangerous dog.
3. Relocation to the Commonwealth. Any owner of an animal found to be a dangerous dog in another state shall, upon bringing such animal to reside in the Commonwealth, notify the animal control officer of the jurisdiction in which the owner resides that the animal has been found to be a dangerous dog.
4. Surrender. Any owner who disposes by surrender, gift, sale, transfer, or trade to a releasing agency an animal found to be a dangerous dog pursuant to County Code § 4-213 shall notify the receiver in writing that the animal has been found to be a dangerous dog.

A violation of this subsection is a class 3 misdemeanor.

(§ 4-216: (§ 4-218: 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); § 4-216, Ord. 18-4(1), 10-3-18)

State law reference - Va. Code §§ 3.2-6540.01(JE), (KF), (G), 3.2-6540.02.

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

If an animal ~~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 animal ~~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 animal ~~dog~~ shall be guilty of a class 1 misdemeanor if the animal ~~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 animal ~~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 animal ~~dog~~ is a police dog and was engaged in the performance of its duties as a police dog at the time of the attack.
- D. *Judicial prohibition.* The court may determine that a person convicted under this Section shall be prohibited from owning, possessing, or residing on the same property with a dog.

(§ 4-217: (§ 4-218: 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); § 4-217, Ord. 18-4(1), 10-3-18)

State law reference - Va. Code § 3.2-6540.04(L).

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

Any owner of an animal ~~dog~~ that has been found by the court to be a dangerous dog who willfully fails to comply with the requirements of this ~~d~~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 an animal ~~dog~~ found to be a dangerous dog is charged with a violation of this ~~s~~Section, the animal control officer shall confine the dangerous dog until the evidence is heard and a verdict is rendered by the court. Unless good cause is determined by the court, the evidentiary hearing shall be held within 30 days of the issuance of the summons.
- 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~~ 30 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~~ 30 days to comply with the requirements of this ~~d~~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.
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.

(§ 4-218: (§ 4-218: 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); § 4-218, Ord. 18-4(1), 10-3-18)

State law reference - Va. Code § 3.2-6540.~~03(M)~~.

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

If the owner of an animal ~~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 Division ~~section~~ and Virginia Code §§ 3.2-6540.01 through 3.2-6540.04, 3.2-6542, and 3.2-6542.1.

(§ 4-219: (§ 4-218: 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); § 4-219, Ord. 18-4(1), 10-3-18)

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

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

All fees collected pursuant to this ~~d~~Division, less the costs incurred by the County in producing and distributing the certificates and tags required by this ~~d~~Division and fees due to the Department of Agriculture and Consumer Services ~~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.

(§ 4-220: (§ 4-218: 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); § 4-220, Ord. 18-4(1), 10-3-18)

State law reference - Va. Code § 3.2-6542.~~20(N)~~.

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. LaPisto-Kirtley	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Ms. Palmer	_____	_____
Ms. Price	_____	_____