

ORDINANCE NO. 09-4(1)PRIVATE

AN ORDINANCE TO AMEND AND REORDAIN 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 and reordained as follows:

By Amending:

Sec. 4-100 Definitions

Sec. 4-101 Enforcement of animal laws; penalties

By Renumbering:

Sec. 4-102 Boundary lines declared lawful fences; animals running at large beyond boundaries of own land to Sec. 4-103

Sec. 4-202 Duty of animal control officer or other officer upon finding stolen, etc., dogs to Sec. 4-102

Sec. 4-209 Unauthorized removal of collars or tags to Sec. 4-203

Sec. 4-210 Harboring or concealing untaxed or mad dogs to Sec. 4-204

Sec. 4-211 Diseased dogs to Sec. 4-205

Sec. 4-212 Female dogs in season to Sec. 4-206

Sec. 4-300 Dog license required to Sec. 4-207

Sec. 4-301 Procedure for obtaining licenses to Sec. 4-208

Sec. 4-302 What license shall consist of; evidence of rabies Vaccination; duplicate tags to Sec. 4-209

Sec. 4-303 Veterinarians to provide treasurer with rabies certificate information; civil penalty to Sec. 4-210

Sec. 4-304 Amount of license tax to Sec. 4-211

Sec. 4-305 When license tax payable, valid to Sec. 4-212

Sec. 4-306 Payment of license tax subsequent to summons to Sec. 4-213

Sec. 4-307 Effect of dog not wearing collar and tag as evidence to Sec. 4-214

Sec. 4-308 Display of receipts; collar and tag to be worn; penalties to Sec. 4-215

Sec. 4-501 Tag showing vaccination required on dogs at large to Sec. 4-403

Sec. 4-504 Applicability of article to Sec. 4-406

By Amending and Renumbering:

Sec. 4-200 Dogs deemed personal property; rights relating thereto and Sec. 4-201 Unlawful killing of dogs to Sec. 4-104 Dogs and cats deemed personal property

Sec. 4-201 Unlawful killing of dogs to Sec. 4-104

Sec. 4-203 Dogs killing, injuring or chasing livestock or poultry-Generally. to Sec. 4-201

Sec. 4-204 Dogs killing, injuring or chasing livestock or poultry-Impoundment and disposition to Sec. 4-302 Dogs killing, injuring or chasing livestock or poultry-Impoundment and disposition

Sec. 4-205 Disposition of unlicensed dogs to Sec. 4-303 Disposition of unlicensed dogs; running at large

Sec. 4-206 Disposition of carcasses to Sec. 4-109 Disposition of companion animal carcasses

Sec. 4-207 Cruelty to animals; penalty to Sec. 4-108

Sec. 4-208 Duties of animal control officers; seizures and impoundments of animals; notice and hearing; disposition of animals to Sec. 4-300

Sec. 4-213 In certain areas to Sec. 4-200 Running at large prohibited

Sec. 4-302 What license shall consist of; evidence of rabies vaccination; duplicate tags to Sec. 4-209

Sec. 4-400 Definitions and Sec. 4-401 Dangerous dogs; to Sec. 4-219 Dangerous and vicious

vicious dogs animals

Sec. 4-500 Vaccination of dogs and cats required to Sec. 4-400

Sec. 4-502 Confinement of animals suspected of having being in close proximity to Sec. 4-401 Rabid animals; emergency ordinance rabies or of

to animals having rabies and Sec. 4-503 Confinement of animals which have bitten persons

Sec. 4-601 Noise from animals; Sec. 4-602 Complaints of animal noise; and Sec. 4-603 Penalty for violations to Sec. 4-106 Noise from animals; penalty

By Adding:

Sec. 4-104 Dogs and cats deemed personal property; rights relating thereto
 Sec. 4-105 Care of companion animals
 Sec. 4-107 Abandonment of animal; penalty
 Sec. 4-110 Reserved.
 Sec. 4-202 Compensation for livestock and poultry killed by dogs
 Sec. 4-216 Business license required
 Sec. 4-217 Commercial dog breeding; requirements
 Sec. 4-218 Violations; penalty
 Sec. 4-301 Impoundment; expenses; lien; disposition of animal
 Sec. 4-401 Rabid animals; emergency
 Sec. 4-402 Inoculation for rabies at animal shelters

PRIVATE CHAPTER 4. ANIMALS AND FOWL ~~1~~ "CHAPTER 4. ANIMALS AND FOWL"

ARTICLE I. IN GENERAL

Sec. 4-100 Definitions.

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

(1) *Abandon*. The term "abandon" means to desert, forsake, or absolutely give up an animal without having secured another owner or custodian for the animal or by failing to provide the elements of basic care as set forth in Virginia Code § ~~3.2-6503 3.1-796.68~~ for a period of five (5) consecutive days.

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

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

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

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

(6) *Adequate space*. The term "adequate space" means sufficient space to allow each animal to (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal and (ii) interact safely with other animals in the enclosure. When an animal is tethered, "adequate space" means a tether that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least 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.

(7) *Adequate water.* The term "adequate water" means provision of and access to clean, fresh, potable water of a drinkable temperature which is provided in a suitable manner, in sufficient volume, and at suitable intervals, but at least once every twelve (12) hours, to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles which are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.

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

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

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

(11) *Animal.* The term "animal" means any nonhuman vertebrate species except fish. For the purposes of Article IV, Rabies Control, animal shall mean any species susceptible to rabies. For the purposes of section 4-111, animal shall mean any nonhuman vertebrate species including fish captured and killed or disposed of in a reasonable customary manner. domestic animal, including both agricultural and companion animals, if not specified otherwise. For the purposes of article IV, "animal" means any species susceptible to rabies. ***Amended to mirror Code of Virginia definition.*

(12) *Animal shelter.* The term "animal shelter" means a facility, other than a private residential dwelling and its surrounding grounds, which is used to house or contain animals and which is owned, operated, or maintained by a non-governmental entity, duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals. ***Amended to mirror Code of Virginia definition.*

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

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

(15) *Clearly visible sign.* The term "clearly visible sign" means a sign that is (i) unobstructed from view, (ii) contains legible writing, and (iii) may be read by a person without assistance while standing ten feet away from the sign. *New term to provide clarity to a requirement in Dangerous Dog provision.*

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

(17) *Commercial dog breeder.* The term "commercial dog breeder" means any person who, during any twelve (12) month period, maintains thirty (30) or more adult female dogs for the primary purpose of the sale of their offspring as companion animals. ***New term to mirror Code of Virginia and is required pursuant to Code of Virginia to coincide with Article II Dogs and Other Animals, Division 3. Commercial Breeders.*

~~(18)~~(16) *Companion animal.* The term "companion animal" means any domestic or feral dog, domestic or feral cat, non-human primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal which is bought, sold, traded, or bartered by any person. Agricultural animals, game species, or any animals regulated under federal law as research animals shall not be considered companion animals for the purposes of this chapter.

~~(19)~~(17) *Enclosure.* The term "enclosure" means a structure used to house or restrict animals from running at large.

~~(20)~~(18) *Euthanasia.* The term "euthanasia" means the humane destruction of an animal accomplished by a method that

involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent which causes painless loss of consciousness, and death during such loss of consciousness.

(21) Foster care provider. The term “foster care provider” means an individual who provides care or rehabilitation for companion animals through an affiliation with a pound, animal shelter, or other releasing agency. ****New term and mirrors Code of Virginia definition.**

~~(22)(19)~~ Hearing dog. The term “hearing dog” means a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond.

(23) Injury. The term “injury” means any superficial cut, scratch, scrape, or minor tear to the skin, or any bruise to bone or skin area. An injury shall be presumed to have occurred when a dog knocks a person to the ground or tears that person's clothing or any possession on his or her person. ****Term which was previously defined in Dangerous dogs and vicious dogs section.**

~~(24)(20)~~ Kennel. The term “kennel” means any establishment in which five (5) or more canines, felines, or hybrids of either are kept for the purposes of breeding, hunting training, renting, buying, boarding, selling, or showing.

(25) Leash. The term “leash” means any rope, strap, chain, or other material not exceeding four (4) feet in length, being held in the hand of a person capable of controlling the dog to which it is attached. ****Term which was previously defined in Dangerous dogs and vicious dogs section.**

~~(26)(21)~~ Livestock. The term "livestock" includes all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; caprae animals; animals of the genus Lama; ratites; fish or shellfish in aquaculture facilities, as defined in Virginia Code § ~~3.2-2600 3-1-73.6~~; 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. ****Amended to reflect change in Code of Virginia reference.**

~~(27)(22)~~ Owner. The term "owner" means any person who: (i) has a right of property in an animal, (ii) keeps or harbors an animal, (iii) has an animal in his care, or (iv) acts as a custodian of an animal.

~~(28)(23)~~ Person. The term "person" means any individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity.

~~(29)(24)~~ Poultry. The term “poultry” includes all domestic fowl and game birds raised in captivity.

~~(30)(25)~~ Pound. The term "pound" means a facility operated by the Commonwealth, or county for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted animals; or a facility operated for the same purpose under a contract with any county, city, town, or incorporated society for the prevention of cruelty to animals.

~~(31)(26)~~ Primary enclosure. The term "primary enclosure" means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, cage, compartment, or hutch. For tethered animals, the term includes the shelter and the area within reach of the tether.

(32) Properly cleaned. The term “properly cleaned” means that carcass, debris, food waste and excrement are removed from the primary enclosure with sufficient frequency to minimize the animals’ contact with the above-mentioned contaminants; the primary enclosure is sanitized with sufficient frequency to minimize odors and the hazards of disease; and the primary enclosure is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with the stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants. ****New term to mirror Code of Virginia and to coincide with Sec. 4-105 Care of companion animals.**

~~(33)(27)~~ Releasing agency. The term “releasing agency” means a pound, 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.

(34) Serious injury. The term “serious injury” means any bodily injury for which medical attention was sought and obtained, which involves a serious laceration requiring stitches to more than one puncture wound or which is serious in the opinion of a licensed physician. ****Term which was previously defined in Dangerous dogs and vicious dogs section.**

~~(35)(28)~~ *Service dog.* The term "service dog" means a dog trained to accompany its owner for the purpose of carrying items, retrieving objects, pulling a wheelchair or other such activities of service or support.

~~(36)(29)~~ *Sterilize or sterilization.* The term "sterilize" or "sterilization" means a surgical or chemical procedure performed by a licensed veterinarian that renders a dog or cat permanently incapable of reproducing.

~~(37)(30)~~ *Treatment or adequate treatment.* The term "treatment" or "adequate treatment" means the responsible handling or transportation of animals in the person's ownership, custody or charge, appropriate for the age, species, condition, size and type of the animal.

~~(38)(31)~~ *Veterinary treatment.* The term "veterinary treatment" means treatment by or on the order of a duly licensed veterinarian.

(Code 1967, § 4-4; 4-13-88; Code 1988, § 4-4; Ord. 98-A(1), 8-5-98; Ord. 09-4(1), 2-4-09)

~~State law reference—Similar provisions, Va. Code § 3.1-796.66 Va. Code §§ 3.2-6500, 6528.~~

Sec. 4-101 Enforcement of animal laws; penalties.

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

B. Unless otherwise specified, any person violating ~~violation of~~ a provision of this chapter shall ~~constitute~~ be guilty of a class 4 misdemeanor, ~~punishable by fine as provided by state law.~~ ***Amended to update current practices and to be in accordance with Code of Virginia language.*

(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), 2-4-09)

~~State law reference—Payment of license tax, subsequent to summons, Va. Code § 3.1-796.103; punishment for conviction of misdemeanor, Va. Code §§ 3.2-6555, 18.2-11; position of animal control officer created, Va. Code § 3.1-796.104.~~

Sec. 4-102 ~~202~~ Duty of animal control officer or other officer upon finding stolen, etc., dogs.

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

***No changes.*

(Code 1967, § 4-8; 4-13-88; Code 1988, § 4-8; Ord. 98-A(1), 8-5-98, § 4-202; Ord. 09-4(1), 2-4-09)

~~State law reference—For similar state law, see Va. Code § 3.2-6585 3.1-796.127.~~

Sec. 4-103 ~~102~~ Boundary lines declared lawful fences; animals running at large beyond boundaries of own land.

The boundary lines of each lot or tract of land in the county are hereby declared to be a lawful fence. It shall be unlawful for the owner or manager of any horse, mule, swine, sheep, goat or cattle of any description to permit any such animals to run at large beyond the boundaries of their own land. ***No changes.*

(Code 1967, § 4-1; Code 1988, § 4-1; Ord. 98-A(1), 8-5-98, § 4-102; Ord. 09-4(1), 2-4-09)

State law reference—“No Fence” law, Code of Va., Va. Code §§ 55-310 306 - 55-316; and 18.2-121.1, damages for trespass by animals in crossing lawful fences, Code of Va., §§ 55-306 to 55-309.

Sec. 4-104 ~~200~~ Dogs and cats deemed personal property; ~~rights relating thereto.~~

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

Sec. 4-201 ~~Unlawful killing of dogs.~~

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

(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), 2-4-09)

State law reference—~~For similar state law, see Va. Code § 3-1-796.127~~ 3.2-6585.

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

Each owner shall provide the following for his companion animal:

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

The provisions of this section shall also apply to every pound, animal shelter, or other releasing agency, and every foster care provider, dealer, pet shop, exhibitor, kennel, groomer, and boarding establishment. This section shall not require that animals used as food for other animals be euthanized. ***New section per Code of Virginia; verbatim Code of Virginia language. Incorporated at request of ACO's.*

(Ord. 09-4(1), 2-4-09)

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

Sec. 4-106 ~~601~~ Noise from animals; penalty.

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

Sec. 4-602 B. Complaints of animal noise. Notwithstanding section 4-101 of this Code, no person shall be charged with a violation of this section unless the complainant appears before a magistrate and requests a summons to be issued. However, when a violation is committed in the presence of an animal control officer or police officer, he shall have the authority to initiate all necessary proceedings.

Sec. 4-603 C. Penalty for violation. A violation of this section shall be punishable as a ~~C~~ class 3 misdemeanor, and any owner or custodian of an animal found guilty under this section shall be required to abate the disturbance. Upon a third

conviction within twelve (12) months of any offense under this section involving the same animal, in addition to imposing a fine, the court shall order the animal to be removed from any area of the county covered by this section. If the owner or custodian of the animal fails to comply with such order within two (2) weeks, the animal control officer shall seize the animal and offer the animal to ~~the SPCA~~ an animal shelter for adoption in a home outside of the area of the county covered by this section.

***Amendment to the "reasonable person" standard to ensure compliance with recent ruling in Tanner v. City of Virginia Beach. Replaced "SPCA" with "animal shelter".*

(Ord. 08-4(1), 6-11-08, § 4-601, § 4-602, §4-603; Ord. 09-4(1), 2-4-09)

Sec. 4-107 Abandonment of animal; penalty.

No person shall abandon or dump any animal. Violation of this section shall be punishable as a class 3 misdemeanor. Nothing in this section shall be construed to prohibit the release of an animal by its owner to a pound, animal shelter, or other releasing agency. ****New section per Code of Virginia; mirror Code of Virginia language.**

(Ord. 09-4(1), 2-4-09)

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

Sec. 4-108 ~~207~~ Cruelty to animals; penalty

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

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

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

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

~~D. For purposes of this section, the word "animal" shall be construed to include birds and fowl.~~

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

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

F. Any person who: (i) tortures, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation or cruelly and unnecessarily beats, maims or mutilates any dog or cat that is a companion animal whether belonging to him or another; and (ii) as a direct result causes the death of such dog or cat that is a companion animal, or euthanasia of such animal on recommendation of a licensed veterinarian upon determination that such euthanasia was necessary due to the condition of the animal, shall be subject to prosecution pursuant to Virginia Code § 3.2-6570. If a dog or cat is attacked on its owner's property by a dog so as to cause injury or death, the owner of the injured dog or cat may use all reasonable and necessary force against the dog at the time of the attack to protect his dog or cat. Such owner may be presumed to have taken necessary and appropriate action to defend his dog or cat and shall therefore be presumed not to have violated this subsection. The provisions of this subsection shall not supersede section 4-106 or 4-201.

G. Any person convicted of violating this section may be prohibited by the court from possession or ownership of companion animals. ***Amended to mirror Code of Virginia language.*

(Ord. 98-A(1), 8-5-98, § 4-207; Ord. 09-4(1), 2-4-09)

~~State law references- Va. Code § 3.2-6570. Ordinances prohibiting cruelty to animals, Va. Code § 3.1-796.94; abandonment of animals, penalty, Va. Code § 3.1-796.73; cruelty to animals, penalty, Va. Code § 3.1-796.122~~

Sec. 4-109 ~~206~~ Disposition of companion animal and livestock carcasses.

~~The owner of any companion animal or livestock or fowl which has died from any cause shall forthwith cremate or, bury the carcass in a lawful and sanitary manner, or sanitarily dispose of the animal upon its death. If the owner fails to do so within 24 hours after receipt of notice from the police department, animal control officer or other county officer, the county shall have such carcass so disposed of by its own agents or employees at the owner's sole cost and expense. If, after notice from the police department, animal control officer or other county officer, the owner fails to do so, the animal control officer or other officer shall bury or cremate the companion animal or livestock, and may recover on behalf of the county from the owner the cost for the service. The county may collect the costs of disposal in the same manner as taxes and levies are collected. ***Amended to mirror Code of Virginia language and included the term livestock at request of ACO's.*~~

(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), 2-4-09)

~~State law reference--Disposal of dead companion animals, Va. Code § 3.1-796.124 §§ 3.2-6554; provision for removal of garbage, refuse, etc. Va. Code § 15.2-901; burial or cremation of animals or fowl which have died, Va. Code § 18.2-510.~~

Sec. 4-110 Reserved.

ARTICLE II. DOGS AND OTHER ANIMALS

~~State law reference--For comprehensive animal laws relative to dogs and other animals, see Va. Code §§ 3.2-6500 et seq. 3.1-796.66 through 3.1-796.129.~~

DIVISION 1. IN GENERAL

Sec. 4-202 ~~Duty of animal control officer or other officer upon finding stolen, etc., dogs:~~

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

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

~~State law reference--For similar state law, see Va. Code § 3.1-796.127.~~

~~DIVISION 2. RUNNING AT LARGE~~**~~Sec. 4-211 Diseased dogs:~~**

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

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

~~State law reference—Similar provisions, Va. Code § 3-1-796.128(6).~~

~~Sec. 4-212 Female dogs in season:~~

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

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

~~Sec. 4-200 Running at large prohibited 213 In certain areas.~~

~~A. Dogs shall not run at large in the county except in those areas zoned Rural Areas District; however, running at large in areas zoned Rural Areas District is prohibited in the following designated areas:~~

~~A. It shall be unlawful for the owner of any dog to permit such dog to run at large at any time within the following designated areas of the county:~~

~~(1) University of Virginia grounds lying within the county. (7-19-73)~~

~~(2) Orchard Acres Subdivision, Crozet, as platted and put to record in the clerk's office of the county: Section 1, Deed Book 322, page 146; section 2, Deed Book 471, page 401. (7-19-73)~~

~~(3) Woodbrook Subdivision as platted and put to record in the clerk's office of the county: Section 1, Deed Book 358, page 297; section 2, vacated, Deed Book 414, page 115; section 3, Deed Book 386, page 39; section 4, Deed Book 397, page 177; section 4A, Deed Book 408, page 215; section 5, Deed Book 402, page 111; section 6, Deed Book 408, page 215; section 7, Deed Book 419, page 359; section 8, Deed Book 459, page 209; section 8A, Deed Book 481, page 231. (8-22-73)~~

~~(4) Georgetown Green as platted and put to record in the clerk's office of the county in Deed Book 440, page 93. (9-26-73)~~

~~(2) (5) Crozet areas:~~

~~(a) beginning at a point corner common to parcels 96, 46 and 45B of section 56 of the county tax maps; thence, in a westerly direction along the southern boundaries of parcels 45B and 39, section 56 of the county tax maps to the centerline of State Route 240; thence with State Route 240 north to the intersection of the northeastern corner of parcel 11 of section 56 of the county tax map; thence, in a westerly direction with the northern boundary of parcel 11 to a corner with parcel 10D of section 56 of the county tax map; thence, in a southerly and westerly direction with the eastern and southern boundaries of parcels 10D, 10 and 9 of section 56 and parcel 69 of section 55 to a corner with parcels 69 and 71A of section 55; thence, with the boundaries of parcel 71A of section 56 in a southerly, westerly and northerly direction to the corner with parcel 70F of section 55; thence, in a westerly direction with the southern boundaries of parcels 70F, 72 (13), and 72B of section 55 to the southwestern corner of parcel 72B, a corner common with parcels 74 and 75 of section 55; thence, with the eastern boundary of parcel 74 in a northerly direction to the center of State Route 691 and continuing in a northerly direction across State Route 691 and along the eastern boundary of parcel 66 of section 55 to a corner with Orchard Acres, (section 55C); thence, with Orchard Acres in a clockwise direction to its intersection with the Chesapeake and Ohio Railway and continuing across the railway to its northern right-of-way; thence, in an easterly direction along the C & O right-of-way to its intersection with the western boundary of parcel 51 of section 55 extended; thence, in a northeasterly direction across State Route 788 to its intersection with the western boundary of parcel 51 of section 55; thence, in a northeasterly direction along the western boundaries of parcels 51, 50, and 49 section 55 and parcel 1 of section 56 to a corner with parcel 48 of section 55; thence, in a northwesterly and northeasterly direction along the southern boundary of parcel 48 of section 55 and the southern and western boundary of parcel 47 of section 55 continuing in a northeastern direction along the western boundaries of parcels 1, 3 and 5E of section 56 to a corner with parcel 5E of section 55;~~

~~parcel 17 of section 40 and Sunrise Acres (section 40A); Crozet areas, beginning at the point of intersection of Buck Road, State Route 789 and Railroad Avenue, State Route 788; thence, in a northwesterly direction along the southern boundary of tax map 55 parcel 51; thence, in a northeasterly direction along the western boundary of tax map 55 parcels 51 and 51A to the point of intersection with tax map 55 parcel 50; thence, in a northwesterly direction along the southern boundary of tax map 55 parcel 50 to the point of intersection with tax map 55 parcel 49; thence, in a northeasterly direction along the western boundary of tax map 55 parcel 49 to the point of intersection with tax map 56 parcel 1; thence, in a northwesterly direction along the western boundaries of tax map 56 parcel 1 and tax map 55 parcel 47, and following the boundary of tax map 55 parcel 47 in a northeasterly direction to the point of intersection with tax map 55 parcel 48; thence, in a northwesterly direction along the southern boundary of tax map 55 parcel 48 and then following the western boundary of tax map 55 parcel 48 in a northeasterly direction and continuing in a northeasterly direction along the western boundaries of tax map 56 parcels 1B, 3 and 5E to the point of intersection with the Sunrise Acres subdivision (tax map 40A), thence, with Sunrise Acres in a clockwise direction to the intersection with the centerline of White Hall Road, State Route 810; thence, in a southwesterly and southeasterly direction with State Route 810 to the intersection with Buck Road, State Route 789 and continuing along Buck Road, State Route 789 to the point of beginning. the southern boundary of parcel 64 of section 56; thence, in an eastern direction with the southern boundary of its inter-section with parcel 66 of section 56, thence, in a southerly and easterly direction around the western and southern boundaries of parcel 66 of section 56 to its intersection with parcel 66B of section 56, thence, in an eastern direction along the southern boundary of parcel 66B, section 56, to a corner with parcel 58 of section 56A (2); thence, in a southerly and easterly direction along the western boundary of parcel 58 to section 56A (2) to its inter-section with State Route 240 and continuing across State Route 240 and parcel 60 to section 56A (2) and the C & O Railway to a corner common to parcels 67 and 68 of section 56A (2) on the southern right-of-way of the C & O Railway, thence, with the southern right-of-way of the C & O Railway in a westerly direction to its intersection with a corner common to parcel 58 of section 56 and parcel 71B of section 56A (2); thence, in a southerly and easterly direction along the western and southern boundary of parcel 58 of section 56 to a corner with parcel 57A (1) of section 56, thence, in a southerly and easterly direction along the western and southern boundary of parcel 57A (1) of section 56 and the southern boundary of parcel 57 of section 56 to a corner with parcel 55 of section 56; thence, with parcel 55 of section 56 in a northeasterly direction to a corner with parcel 54 of section 56; thence, in a southeasterly direction with the southern boundary of parcel 54 of section 56 to its intersection with parcel 48 of section 56; thence, in a southeasterly and southern direction along the eastern boundary of parcel 48 of section 56 to its corner with parcel 47 of section 56, thence, in a southerly direction along the eastern boundaries of parcels 47 and 46 of section 56 to the point of beginning.~~

(b). The real property commonly known as Claudius Crozet Park, comprised of the following tax map, sections and parcel numbers:

- tax map 56A2, section 1, parcel 72;
- tax map 56A2, section 1, parcel 72A; and
- tax map 56A2, section 4, parcel A4.

(c). Sunrise Acres Subdivision, as platted and recorded in the office of the clerk of the circuit court for the county, in Deed Book 367, page 312, and in Plat Book 367, pages 315 and 316.

~~(6) — Jefferson Village Subdivision as platted and put to record in the clerk's office of the county in Deed Book 449, page 637 and Deed Book 452, page 87. (12-19-73)~~

~~(7) — Camelot Subdivision as platted and put to record in the clerk's office of the county in Deed Book 450, pages 127 through 129, Deed Book 545, page 68 and Deed Book 653, page 79. (1-23-74, 5-21-86)~~

~~(8) — Sherwood Manor Subdivision as platted and put to record in the clerk's office of the county in Deed Book 504, page 114 and Deed Book 514, page 505. (1-23-74)~~

~~(9) — Four Seasons as platted and put to record in the clerk's office of the county in Deed Book 467, page 378 and Deed Book 481, page 417. (3-27-74)~~

~~(10) — Earlysville Heights Subdivision as platted and put to record in the clerk's office of the county in Deed Book 452, page 165 and Deed Book 491, page 3. (3-27-74)~~

~~(11) — Westmoreland Subdivision as platted and put to record in the office of the clerk of the circuit court of the county, as section 1, Deed Book 402, page 91; section 2, Deed Book 414, page 29; section 3, Deed Book 419, page 265, and section 4, Deed Book 423, page 19. (5-22-74)~~

~~(12) — Hessian Hills Subdivision as platted and put to record in the office of the clerk of the circuit court of the county, as section 1, Deed Book 316, page 254; section 2, Deed Book 327, page 327; section 3, Deed Book 370, page 145; Deed Book 379, page 365 and section 4, Deed Book 378, page 107. (10-9-74)~~

~~(13) — Knollwood Subdivision as platted and put to record in the office of the clerk of the circuit court of the~~

~~county, in Deed Book 272, page 3. (Does not include Old Forge Road or Hessian Hills Apartments.) (10-9-74)~~

~~(14) Stonehenge Subdivision as platted and put to record in the office of the clerk of the circuit court of the county, in Deed Book 543, page 409; Deed Book 545, page 660; Deed Book 548, pages 326, 345, 346, 347, 348, 522 and Deed Book 550, page 320. (1-22-75)~~

~~(15) Queen Charlotte Subdivision as platted and recorded in the office of the clerk of the circuit court of the county, in Deed Book 395, page 6. (3-10-76)~~

~~(3) (16) Country Green Apartments as platted and recorded in the office of the clerk of the circuit court of the county, in Deed Book 453, page 553. (12-7-77)~~

~~(17) Oak Hill Subdivision as platted and recorded in the office of the clerk of the circuit court of the county, in Deed Book 360, page 105; Deed Book 362, page 22; Deed Book 391, page 483; Deed Book 396, page 291; Deed Book 398, page 317; Deed Book 401, page 228; Deed Book 405, page 433; Deed Book 441, page 299 and Deed Book 468, page 85. (5-22-78)~~

~~(18) Westgate Apartments (County Tax Map 61, parcels 42, 42C and 42D) as platted and recorded in the office of the clerk of the circuit court of the county, in Deed Book 497, page 636; and Deed Book 529, page 147. (5-22-78)~~

~~(19) Solomon Court Apartments (County Tax Map 61, parcels 42 and 43D) as platted and recorded in the office of the clerk of the circuit court of the county, in Deed Book 349, page 390; Deed Book 353, page 145 and Deed Book 430, page 181. (5-22-78)~~

~~(20) Carrsbrook Subdivision as platted and recorded in the office of the clerk of the circuit court of the county, in Deed Book 357, page 55; Deed Book 361, page 127; Deed Book 376, page 224; Deed Book 380, pages 249, 251 and 253; Deed Book 384, page 27 and Deed Book 387, page 469. (6-21-78)~~

~~(21) Deerwood Subdivision as platted and recorded in the office of the clerk of the circuit court of the county, in Deed Book 426, page 457; and Deed Book 455, page 16. (6-21-78)~~

~~(22) Greenbrier Heights Subdivision as platted and recorded in the office of the clerk of the circuit court of the county, in Deed Book 550, page 601. (10-7-81)~~

~~(23) Huntwood Subdivision as platted and recorded in the office of the clerk of the circuit court in Deed Book 728, page 377; and Deed Book 728, page 378. (5-13-87)~~

~~(24) Hollymead as platted and recorded in the office of the clerk of the circuit court for the following areas: Sections 1 and 2 in Deed Book 531, pages 309 through 313; section 3 in Deed Book 714, page 444; Hollymead Square in Deed Book 633, page 330; tax map 46, parcel 28G in Deed Book 418, page 440; tax map 46, parcel 26B2 in Deed Book 741, page 304; and tax map 46B1-01-1 in Deed Book 489, page 381. (9-16-87)~~

~~(25) The urban area of the county, the communities of Hollymead and Crozet and the village of Scottsville, all as defined in the Comprehensive Plan for Albemarle County, Virginia, and as shown on a map which is on file in the office of the clerk to the board of supervisors. (11-4-87)~~

~~(4) (26) Waverly Subdivision as platted and recorded in the office of the clerk of the circuit court of the county, in Deed Book 697, page 382; and Deed Book 781, pages 267 and 270. (12-16-87)~~

~~(5) (27) Whipporwill Hollow as platted and recorded in the office of the clerk of the circuit court of the county, in Deed Book 643, pages 285 to 292; Deed Book 644, pages 269 and 270; Deed Book 646, pages 220 to 221; Deed Book 657, pages 789 to 790; Deed Book 659, pages 561 to 565; Deed Book 694, pages 544 to 545; and Deed Book 867, page 253. (12-16-87)~~

~~(6) (28) Key West/Cedar Hills Subdivision as platted and recorded in the office of the clerk of the circuit court of the county, in Deed Book 353, pages 193 to 197; Deed Book 365, page 202; Deed Book 371, page 474; Deed Book 388, page 514; Deed Book 393, page 417; Deed Book 410, page 577; Deed Book 420, page 259; Deed Book 505, page 607; Deed Book~~

530, page 351; Deed Book 543, page 114; Deed Book 661, page 44; Deed Book 692, page 453; and Deed Book 809, page 623. (9-7-88)

~~(7)-(29)~~ North Pines Subdivision as platted and recorded in the office of the clerk of the circuit court of the county, in Deed Book 703, pages 742, 743 and 744. (1-17-90)

~~(8)-(30)~~ The Meadows in Crozet as platted and recorded in the office of the clerk of the circuit court of the county, in Deed Book 651, page 149. (8-8-90)

~~(9)-(31)~~ Milton Heights Subdivision as platted and recorded in the office of the clerk of the circuit court of the county, in Deed Book 343, page 64. (8-17-94)

~~(10)-(32)~~ Shadwell Estates Subdivision as platted and recorded in the office of the clerk of the circuit court of the county, in Deed Book 339, page 458. (8-17-94)

~~(11)-(33)~~ Thurston Subdivision as platted and recorded in the office of the clerk of the circuit court of the county, in Deed Book 637, page 456. (12-7-94)

~~(34)~~ Glenmore Planned Residential Development as recorded in the Office of the Clerk of the Circuit Court of the County in Deed Book 1074, page 203 and Deed Book 1209, page 257. (1-4-95)

~~(35)~~ Peacock Hill as recorded in the Office of the Clerk of the Circuit Court of the County in Deed Book 589, pages 205-212; Deed Book 708, pages 286; Deed Book 777, pages 039; Deed Book 904, pages 182; Deed Book 960, page 174; Deed Book 1025, page 610; Deed Book 1123, pages 071; Deed Book 1189, page 407; Deed Book 1310, page 128. (9-6-95)

~~(12)-(36)~~ Lexington Subdivision as platted and recorded in the office of the clerk of the circuit court of the county in Deed Book 564, page 088. (3-12-97)

~~(13)-(37)~~ Bedford Hills Subdivision as platted and recorded in the office of the clerk of the circuit court of the county in Deed Book 365, page 212. (12-2-98)

~~(14)-(38)~~ Westmont Subdivision as platted and recorded in the office of the clerk of the circuit court of the county, in Deed Book 1513, page 201, and in Deed Book 1617, page 510. (5-3-00)

~~(15)-(39)~~ Blue Springs Farm Subdivision as platted and recorded in the office of the clerk of the circuit court of the county, in Deed Book 1341, page 121.

~~(16)-(40)~~ Farmington Subdivision as platted and recorded in the office of the clerk of the circuit court of the county in Deed Book 203, page 53; Deed Book 203, page 233, Deed Book 205, page 504; Deed Book 206, page 44; Deed Book 207, page 370; Deed Book 207, page 483; Deed Book 208, page 130; Deed Book 209, page 195; Deed Book 213, page 296; Deed Book 216, page 44; Deed Book 223, page 146; Deed Book 240, page 203; Deed Book 246, page 183; Deed Book 247, page 315; Deed Book 247, page 355; Deed Book 290, page 214; Deed Book 292, page 485; Deed Book 296, page 205; Deed Book 325, page 225; Deed Book 357, page 527; Deed Book 394, page 63; Deed Book 463, page 72; together with all streets and roads abutting the lots depicted on the said plats.

~~(17)-(41)~~ Section One of Corville Farm Subdivision as platted and recorded in the office of the clerk of the circuit court of the county in Deed book 474, page 003.

B. For the purposes of this section, a dog shall be deemed to "run at large" ~~be running at large~~ while roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control. However, a dog shall not be considered at large if during the hunting season it is on a bona fide hunt in the company of a licensed hunter or during field trials or training periods when accompanied by its owner. ~~Any person who permits his dog to run at large shall be deemed to have violated the provisions of this section, and, upon conviction, shall be guilty of a Class 4 misdemeanor and punished by a fine of not more than two hundred fifty dollars (\$250.00). It shall be the duty of the animal control officer to enforce the provisions of this section.~~

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

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

***Amended to prohibit running at large throughout the county, except in areas zoned Rural District; unless such areas were already identified in previous animal ordinance as a "no running at large" area.*

(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), 2-4-09)

~~State law reference--Authority of county to adopt this section, Va. Code § 3.1-796.93 § 3.2-6538.~~

Sec. 4-201 ~~203~~ Dogs killing, injuring or chasing livestock or poultry--Generally.

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

B. Any animal control officer who has reason to believe that any dog is killing livestock or poultry shall be empowered to seize such dog solely for the purpose of examining such dog in order to determine whether it committed any of the depredations mentioned herein. Any animal control officer or other person who has reason to believe that any dog is killing livestock, or committing any of the depredations mentioned in this section, shall apply to a magistrate of the county, who shall issue a warrant requiring the owner or custodian, if known, to appear before the general district court at a time and place named therein, at which time evidence shall be heard. If it shall appear that the dog is a livestock killer, or has committed any of the depredations mentioned in this section, the district court shall order that the dog be: (i) killed immediately by the animal control officer or other officer designated by the court; (ii) or removed to another state that does not border the Commonwealth and prohibited from returning to the Commonwealth. Any dog ordered removed from the Commonwealth that is later found in the Commonwealth shall be disposed of pursuant to Virginia Code § 3.2-6570. ***Amended to mirror Code of Virginia language.*

(Code 1967, § 4-9; 4-13-88; Code 1988, § 4-9; Ord. 98-A(1), 8-5-98, § 4-203; Ord. 09-4(1), 2-4-09)

~~State law reference--For similar state law, see Va. Code § 3.1-796.116 § 3.2-6552.~~

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

Any person who has any livestock or poultry killed or injured by any dog not his own shall be entitled to receive as compensation the fair market value of such livestock or poultry not to exceed four hundred dollars (\$400.00) per animal or ten dollars (\$10.00) per fowl if: (i) the claimant has furnished evidence within sixty (60) days of discovery of the quantity and value of the dead or injured livestock and the reasons the claimant believes that death or injury was caused by a dog; (ii) the animal control officer or other officer shall have been notified of the incident within seventy-two (72) hours of its discovery; and (iii) the claimant first has exhausted his legal remedies against the owner, if known, of the dog doing the damage for which compensation under this section is sought. Exhaustion shall mean a judgment against the owner of the dog upon which an execution has been returned unsatisfied. ***New section which mirrors Code of Virginia language.*

Ord. 09-4(1), 2-4-09

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

Sec. 4-203 ~~209~~ Unauthorized removal of collars or tags.

It shall be unlawful for any person, except the owner or custodian, to remove a collar or a legally acquired license tag from a dog. ***No changes.*

(Code 1967, § 4-14; Code 1988, § 4-12; Ord. 98-A(1), 8-5-98, § 4-209; Ord. 09-4(1), 2-4-09)

State law reference—Va. Code § 3.2-6587 ~~For similar state law, see Va. Code § 3.1-796.128(8).~~

Sec. 4-204 ~~210~~ Harboring or concealing untaxed or mad dogs.

It shall be unlawful for any person to conceal or harbor any dog on which the required license tax has not been paid, or to conceal a mad dog to keep the same from being killed. ***No changes.*

(Code 1967, § 4-15; Code 1988, § 4-13; Ord. 98-A(1), 8-5-98, § 4-210; Ord. 09-4(1), 2-4-09)

State law reference—Va. Code § 3.2-6587 ~~Similar provisions, Va. Code §§ 3.1-796.128(7) and (9).~~

Sec. 4-205 ~~211~~ Diseased dogs or cats.

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

(Code 1967, § 4-12; Code 1988, § 4-17; Ord. 98-A(1), 8-5-98, § 4-211; Ord. 09-4(1), 2-4-09)

State law reference—Va. Code § 3.2-6587 ~~Similar provisions, Va. Code § 3.1-796.128(6).~~

Sec. 4-206 ~~212~~ Female dogs in season.

It shall be unlawful for the owner of any female dog in season to fail to keep such female dog confined beyond reach of any male dog at large. ***No changes.*

(Code 1967, § 4-13; Code 1988, § 4-18; Ord. 98-A(1), 8-5-98, § 4-211; Ord. 09-4(1), 2-4-09)

ARTICLE III. DIVISION 2. LICENSES

Sec. 4-207 ~~300~~ Required.

It shall be unlawful for any person other than a releasing agency that has registered as such annually with the county to own a dog four (4) months old or older in the county unless such dog is licensed, as required by the provisions of this article. ***No changes.*

(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), 2-4-09)

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

Sec. 4-208 ~~301~~ Procedure for obtaining licenses.

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

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

C. The director of finance or his designee shall retain the application information during the period for which such

license is valid, and shall be available for public inspection.

D. It shall be unlawful for any person to make a false statement in order to secure a dog license to which he is not entitled. ~~Any person convicted of making a false statement in order to secure a dog license to which he is not entitled shall be guilty of a Class 4 misdemeanor and punished by a fine of not more than two hundred fifty dollars (\$250.00).~~

E. ~~Any person convicted of~~ Failure to pay the dog license tax imposed by this division prior to February 1 of any year or at such other time as may be required by this division on any dog four (4) months of age or older and owned by him shall be a violation of this chapter. ~~be guilty of a Class 4 misdemeanor and punished by a fine of not more than two hundred fifty dollars (\$250.00).~~ ***No substantive changes Deleted references to class 4 misdemeanor because section 4-101(B) states violations of this chapter shall be a class 4 misdemeanor unless stated otherwise.*

(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), 2-4-09)

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

Sec. 4-~~209~~ ~~302~~ What license shall consist of; evidence of rabies vaccination; duplicate tags.

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

B. No dog license shall be issued for any dog unless there is presented to the director of finance or his designee, satisfactory evidence that such dog has been inoculated or vaccinated against rabies, as required by section 4-~~301~~208, by a currently licensed veterinarian or currently licensed technician who was under the immediate and direct supervision of a licensed veterinarian on the premises.

C. If a dog license tag shall become lost, destroyed or stolen, the owner or custodian shall at once apply to the director of finance or his designee for a duplicate license tag by presenting the original license receipt. Upon affidavit of the owner or custodian before the director of finance or his designee that the original license tag has been lost, destroyed or stolen, he shall issue a duplicate license tag. The owner or custodian shall immediately affix the duplicate license tag to the collar of the dog. The director of finance or his designee shall endorse the number of the duplicate and the date issued on the face of the original receipt. The fee for a duplicate tag shall be one dollar (\$1.00). ***No change, except Code reference in paragraph b.*

(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), 2-4-09)

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

Sec. 4-~~210~~ ~~303~~ Veterinarians to provide treasurer with rabies certificate information; civil penalty.

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

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

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

finance or his designee shall issue a license receipt and a permanent tag.

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

Any veterinarian that willfully fails to provide the director of finance with a copy of the rabies vaccination certificate or the information contained in such certificate may be subject to a civil penalty not to exceed ten dollars (\$10.00) per certificate. Monies raised pursuant to this subsection shall be placed in the county's general fund for the purpose of animal control activities including spay or neuter programs. ***No substantive changes.*

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

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

Sec. 4-~~211~~ ~~304~~ Amount of license tax.

- A. Dog license taxes shall be as follows:
1. *Spayed Female/Neutered Male.*
 - One year tag: Five dollars (\$5.00)
 - Two year tag: Ten dollars (\$10.00)
 - Three year tag: Fifteen dollars (\$15.00)
 2. *Unspayed Female/Unneutered Male.*
 - One year tag: Ten dollars (\$10.00)
 - Two year tag: Twenty dollars (\$20.00)
 - Three year tag: Thirty dollars (\$30.00)
 3. *Kennel license* Fifty dollars (\$50.00) per block of ten dogs

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

(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), 2-4-09)

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

Sec. 4-~~212~~ ~~305~~ When license tax payable, valid.

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

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

C. If a dog shall become four (4) months of age or if a dog over four (4) months of age unlicensed by this county shall come into the possession of any person in this county between November 1 and December 31 of any year, the license tax for the succeeding calendar year shall be paid forthwith by the owner and such license shall protect the dog from the date of payment of the license tax. ***No changes.*

(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), 2-4-09)

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

Sec. 4-213 ~~306~~ Payment of license tax subsequent to summons.

Payment of the license tax subsequent to a summons to appear before the judge of the general district court or other court for failure to pay the license tax within the time required shall not operate to relieve such owner from any penalty for the violation of this article. ***No changes.*

(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), 2-4-09)

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

Sec. 4-214 ~~307~~ Effect of dog not wearing collar and tag as evidence.

Any dog not wearing a collar bearing a license tag of the proper calendar year shall prima facie be deemed to be unlicensed, and in any proceeding under this article, the burden of proof of the fact that the dog has been licensed or was otherwise not required to bear a tag at the time shall be on the owner of the dog. ***No changes.*

(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), 2-4-09)

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

Sec. 4-215 ~~308~~ Display of receipts; collar and tag to be worn; penalties.

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

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

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

C. ~~It shall be unlawful for the owner of any dog to allow his dog to run found running~~ at large at any time of the year in violation of this section ~~upon conviction, shall be guilty of a class 4 misdemeanor and punished by a fine of not more than two hundred fifty dollars (\$250.00).~~ ***No substantive changes. Amend language regarding violation of this section as it is already set forth in section 4-101(B).*

(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), 2-4-09)

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

DIVISION 3. COMMERCIAL BREEDERS

*****New division and sections required per Code of Virginia. All language mirrors Code of Virginia.***

Sec. 4-216 Business license required.

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

(Ord. 09-4(1), 2-4-09)

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

Sec. 4-217 Commercial dog breeding; requirements.

Commercial dog breeders shall:

- A. Maintain no more than fifty (50) dogs over the age of one (1) year at any time for breeding purposes.
- B. Breed female dogs only:
 - (i) after annual certification by a licensed veterinarian that the dog is in suitable health for breeding;
 - (ii) after the dog has reached the age of eighteen (18) months; and
 - (iii) if the dog has not yet reached the age of eight (8) years.
- C. Dispose of dogs only by gift, sale, transfer, barter, or euthanasia by a licensed veterinarian.
- D. Dispose of deceased dogs in accordance with Virginia Code § 3.2-6554.
- E. Maintain accurate records for at least five (5) years including:
 - (i) the date on which a dog enters the operation;
 - (ii) the person from whom the animal was purchased or obtained, including the address and phone number of such person;
 - (iii) a description of the animal, including the species, color, breed, sex, and approximate age and weight;
 - (iv) any tattoo, microchip number, or other identification number carried by or appearing on the animal;
 - (v) each date that puppies were born to such animal and the number of puppies;
 - (vi) all medical care and vaccinations provided to the animal, including certifications required by a licensed veterinarian under this chapter; and
 - (vii) the disposition of each animal and the date.

(Ord. 09-4(1), 2-4-09)

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

Sec. 4-218 Violations; penalty.

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

(Ord. 09-4(1), 2-4-09)

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

DIVISION 4. DANGEROUS AND VICIOUS DOGS

Sec. 4-219 Dangerous and vicious dogs.

ARTICLE IV. VICIOUS AND DANGEROUS ANIMALS

Sec. 4-400 Definitions:

For the purposes of this division and unless otherwise required by the context, the following words and terms shall have
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~~the meanings respectively ascribed to them by this section:~~

A. As used in this section:

~~(1) *Dangerous dog.* The term “dangerous dog” “*Dangerous dog*” means a canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person or companion animal that is a dog or cat, or killed a companion animal that is a dog or cat. ~~however, when~~ When a dog attacks or bites ~~another dog~~ a companion animal that is a dog or cat, the attacking or biting dog shall not be deemed dangerous if:~~

- ~~(i) if no serious physical injury as determined by a licensed veterinarian has occurred to the other dog or cat as a result of the attack or bite; or~~
- ~~(ii) if both dogs animals are owned by the same person;~~
- ~~(iii) such attack occurs on the property of the attacking or biting dog’s owner or custodian; or~~
- ~~(iv) for other good cause as determined by the court.~~

No dog shall be found to be a dangerous dog as a result of biting, attacking, or inflicting injury on ~~another~~ 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.

~~(2) *Injury.* The term “injury” means any superficial cut, scratch, scrape, or minor tear to the skin, or any bruise to bone or skin area. An injury shall be presumed to have occurred when a dog knocks a person to the ground or tears that person’s clothing or any possession on his or her person.~~

~~(3) *Leash.* The term “leash” means any rope, strap, chain or other material not exceeding four feet in length, being held in the hand of a person capable of controlling the dog to which it is attached.~~

~~(4) *Serious injury.* The term “serious injury” means any bodily injury for which medical attention was sought and obtained, which involves a serious laceration requiring stitches to more than one puncture wound or which is serious in the opinion of a licensed physician.~~

~~(5) *Vicious dog.* The term “vicious dog” “*Vicious dog*” means a canine or canine cross breed that has:~~

- ~~(i) killed a person;~~
- ~~(ii) inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; 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 Section 4-401(B) of this chapter, that it is a dangerous dog, provided that its owner has been given notice of that finding.~~

~~Sec. 4-401 Dangerous dogs; vicious dogs.~~

~~A.B. Any law-enforcement officer or animal control officer who has reason to believe The animal control officer upon reasonable believe that a canine or canine crossbreed within its jurisdiction is a dangerous dog or vicious dog shall apply to a magistrate of the jurisdiction for the issuance of a summons requiring the owner or custodian, if known, to appear before in a general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. If a law-enforcement officer successfully makes an application for the issuance of a summons, he shall contact the local animal control officer and inform him of the location of the dog and the relevant facts pertaining to his belief that the dog is dangerous or vicious. The animal control officer shall confine the animal until such time as evidence shall be heard and a verdict rendered. If the animal control officer determines that the owner or custodian can confine the animal in a manner that protects the public safety, he may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal’s owner to comply with the provisions of this section. If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of Virginia Code ~~§3.1-796.119~~: § 3.2-6562. The court, upon finding the animal to be a dangerous or vicious dog, may order the owner, custodian, or harbinger thereof to pay restitution for actual damages to any person injured by the animal or whose companion animal was injured or killed by the animal. The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in Virginia Code §§ 19.2-260 et.seq.~~

~~B. Notwithstanding the provision of subdivision (A), an animal control officer may determine after investigation whether a dog is a dangerous dog. If the animal control officer determines that a dog is a dangerous dog, he may order the animal’s owner to comply with the provisions of this section. If the animal’s owner disagrees with the animal control officer’s determination, he may appeal the determination to the general district court for a trial on the merits. Such appeal shall be filed no later than ten (10) days after receipt of notice of the officer’s determination.~~

C. No canine or crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed prohibited. No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or damage was sustained by a person who was: (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian; (ii) committing, at the time, a willful trespass upon the premises occupied by the animal's owner or custodian; or (iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog that was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog or vicious dog. No animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its ~~owner or~~ owner's or custodian's property, shall be found to be a dangerous dog or a vicious dog.

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

~~D.~~ E. The owner of any animal found to be a dangerous dog shall, within ten (10) days of such finding, obtain a dangerous dog registration certificate from the ~~C~~county for a fee of fifty dollars (\$50.00), in addition to other fees that may be authorized by law. The ~~C~~county shall also provide the owner with a uniformly designed tag that identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained pursuant to this subsection shall be renewed annually for the same fee in the same manner as the initial certificate was obtained. The county shall provide a copy of the dangerous dog registration certificate and verification of compliance to the state veterinarian.

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

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

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

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

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

~~F.~~ G. While on the property of its owner, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. The structure shall be designed to provide the animal with shelter from the elements of nature. When off its owner's property, an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.

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

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

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

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

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

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

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

3) shall be subject to prosecution pursuant to Virginia Code § 3.2-6540 if the owner or custodian whose willful act or omission in the care, control, or containment of a canine, canine crossbreed, or other animals is so gross, wanton, and culpable as to show a reckless disregard for human life, and is the proximate cause of such dog or other animal attacking and causing serious bodily injury to any person.

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

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

~~L.~~ All fees collected pursuant to this section, less the costs incurred by the ~~C~~county in producing and distributing the certificates and tags required by this section, 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 3-1-796.104.1~~. ***Amended to mirror Code of Virginia language.*

(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), 2-4-09)

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

ARTICLE III. IMPOUNDMENT

Sec. 4-~~300 208~~ Duties of animal control officers; seizure and impoundment of animals; notice and hearing; disposition of animals.

A. Any animal control officer or law enforcement officer may lawfully seize and impound any animal that has been abandoned, has been cruelly treated, or is suffering from an apparent violation of this chapter that has rendered the animal in such a condition as to constitute a direct and immediate threat to its life, safety or health. Before seizing or impounding any agricultural animal, such animal control officer or law enforcement officer shall contact the ~~S~~state ~~V~~veterinarian or a ~~S~~state ~~V~~veterinarian's representative, who shall recommend to such person the most appropriate action for the disposition of the agricultural animal. The animal control officer shall notify the owner of the agricultural animal and the local attorney for the Commonwealth of the recommendation. The animal control officer may impound the agricultural animal on the land where the agricultural animal is located if:

1. The owner or tenant of the land where the agricultural animal is located gives written permission;
2. A general district court so orders; or
3. The owner or tenant of the land where the agricultural animal is located cannot be immediately located, and it is in the best interest of the agricultural animal to be impounded on the land where it is located until the written permission of the owner or tenant of the land can be obtained.

If there is a direct and immediate threat to an agricultural animal, the animal control officer or law enforcement officer

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may seize the animal, in which case the ~~humane investigator~~ law-enforcement officer or animal control officer shall file within five (5) business days on a form approved by the ~~State~~ ~~V~~veterinarian a report on the condition of the animal at the time of the seizure, the disposition of the animal, and any other information required by the ~~State~~ ~~V~~veterinarian.

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

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

C. The procedure for appeal and trial shall be the same as provided by law for misdemeanors. If requested by either party on appeal to the circuit court, trial by jury shall be as provided in Virginia Code §§ 19.2-260 et seq. Article 4 (§§ 19.2-260 et seq.) of Chapter 15 of Title 19.2 of the Code of Virginia, and the Commonwealth shall be required to prove its case beyond a reasonable doubt.

D. The animal control officer shall provide for such animal until the court has concluded the hearing. If the court determines that the animal has been neither abandoned, cruelly treated, nor deprived of adequate care, the animal shall be returned to the owner. If the court determines that the animal has been abandoned, cruelly treated, or deprived of adequate care, then the court shall order that the animal be: (i) sold by the animal control officer; (ii) humanely destroyed, or disposed of by sale or gift to a federal agency, state-supported institution, agency of the ~~C~~ommonwealth, agency of another state, or a licensed federal dealer having its principal place of business located within the ~~C~~ommonwealth; (iii) delivered to any local humane society or shelter, or to any person who is a resident of the county or an adjacent county and who will pay the required license fee, if any, on such animal; or (iv) delivered to the person with a right of property in the animal as provided in subsection E. ~~placed for adoption with any person who will pay the required license fee, if any, on such animal.~~

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

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

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

H. If the court finds that an agricultural animal has been abandoned or cruelly treated, the court may prohibit the possession or ownership of any other agricultural animal by the owner of the agricultural animal if the owner has exhibited a pattern of abandoning or cruelly treating agricultural animals as evidenced by previous convictions of violating section 4-107 or section 4-110. In making a determination to prohibit the possession or ownership of agricultural animals, the court may take into consideration the owner's mental and physical condition. ~~In making a determination as to whether the owner is able to adequately provide for the animal or is a fit person to own the animal, the court may take into consideration the owner's past~~

~~record of convictions under this section or other laws prohibiting cruelty to animals or pertaining to the care or treatment of animals and the owner's mental and physical condition.~~

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

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

K. Nothing in this section shall be construed to prohibit the humane destruction of a critically injured or ill animal for humane purposes by the impounding animal control officer or licensed veterinarian. ***Amended to mirror Code of Virginia language.*

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

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

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

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

(Ord. 09-4(1), 2-4-09)

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

Sec. 4-302 ~~204~~ Dogs killing, injuring or chasing livestock or poultry--Impoundment and disposition.

In the event any animal control officer or other person has reason to believe that any dog is killing livestock or committing any of the depredations mentioned in section 4-~~203~~ 201, and a warrant or summons is issued by a magistrate of the county, as set out in section 4-~~203~~ 201, the alleged killer dog may be impounded by the animal control officer until such time as the owner or custodian thereof shall provide evidence of the adequate provisions to be made to protect livestock or poultry from such dog, which provisions may include, but not be limited to, securing of such dog on the premises of the owner or custodian, with defined limitations of access. Any dog released under such conditions shall be kept under such securing provisions, and any person failing to keep such dog so secured shall be deemed in violation of this section. ~~Conviction of a violation of this section shall be deemed a misdemeanor offense and shall be punishable as provided by section 1-116.~~ The owner or custodian redeeming such dog from impoundment as provided above shall also furnish the license(s) and pay the fee(s) as provided by sections 4-~~300~~207 and 4-~~303~~210, respectively. If the court finds such dog is not a livestock killer or has not committed any of the depredations mentioned in section 4-~~203~~201, any dog not re-deemed within ten (10) days of disposition of the original charge by the court shall be dealt with by the animal control officer in the same manner as provided for the disposition of unlicensed dogs in section 4-~~205~~303. ***No changes except for Code references and deleting reference of class 4 misdemeanor as it is already set forth in section 4-101(B).*

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

Sec. 4-303 ~~205~~ Disposition of unlicensed dogs; running at large.

A. The animal control officer shall have the authority to capture, euthanize or turn over to an animal shelter ~~the S.P.C.A.~~ any dog of unknown ownership found running at large on which the license tax has not been paid.

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

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

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

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

Any person, animal control officer or other officer euthanizing a dog under this chapter shall cremate, bury or sanitarily dispose of the same. Prior to disposition by euthanasia or otherwise, all the provisions of Virginia Code § 3.2-6563 ~~3.1-796.96~~ shall have been complied with.

CB. All drugs and drug administering equipment used by animal control officers or other officers to capture dogs pursuant to this section shall have been approved by the state veterinarian. ***Amended to mirror Code of Virginia language.*

(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), 2-4-09)

State law reference - Va. Code §§ 3.2-6546 (c); 3.2-6562 ~~3.1-796.119~~.

~~ARTICLE IV. VICIOUS AND DANGEROUS ANIMALS~~

~~ARTICLE V~~ IV. RABIES CONTROL

State law reference--~~Authority of county to adopt measures to prevent rabies, see Va. Code §§ 3.2-6521; 3.2-6522; 3.2-6523; 3.2-6525~~ ~~3.1-796.100; as to control of rabies generally, see Va. Code §§ 32.1-48.1 to 32.1-48.4.~~

Sec. 4-~~400~~ 500 Vaccination of dogs and cats required.

A. The owner or custodian of all dogs and domesticated cats four (4) months of age and older shall have them 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. The supervising veterinarian on the premises shall provide the owner of the dog or the custodian of the domesticated cat with a certificate of vaccination. The owner of the dog or the custodian of the domesticated cat shall furnish within a reasonable period of time, upon the request of an animal control offer or other law enforcement officer, state veterinarian's representative, or official of the Department of Health, the certificate of vaccination for such dog or cat. The vaccine used shall be licensed by the U.S. Department of Agriculture for use in that species.

~~A. No dog or cat four months of age or older shall be permitted within the county, unless such dog or cat shall have been vaccinated or immunized against rabies within a period of thirty-six (36) months with a rabies vaccine approved by the state department of health.~~

~~B. It shall be unlawful for any person to own, keep or harbor any dog or cat over four months old within the county, unless such dog or cat shall have been vaccinated or inoculated against rabies within a period of thirty-six (36) months with a rabies vaccine approved by the state department of health. ***Amended to mirror Code of Virginia language.*~~

(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), 2-4-09)

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

Sec. 4-401 Rabid animals, emergency ordinance.

Where there is sufficient reason to believe that a rabid animal is at large, the board of supervisors shall have the power to pass an emergency ordinance that shall become effective immediately upon passage, requiring owners of all dogs and cats therein to keep the same confined on their premises unless leashed under restraint of the owner in such a manner that persons or animals will not be subject to the danger of being bitten by the rabid animal. Any such emergency ordinance enacted pursuant to the provisions of this section shall be operative for a period not to exceed thirty (30) days unless renewed by the board of supervisors. The board of supervisors shall also have the power and authority to pass ordinances restricting the running at large in their respective jurisdiction of dogs and cats that have not been inoculated or vaccinated against rabies and to provide penalties for the violation thereof.

~~Sec. 4-502 Confinement of animals suspected of having rabies or of being in close proximity to animals having rabies.~~

~~The health officer for the county is empowered to order the owner or person responsible for any animal suspected of having rabies or of having been in close proximity of a rabid animal to confine such animal under competent observation at the expense of the owner for a period reasonably necessary to determine whether the animal is actually infected with rabies.~~

Dogs or cats showing active signs of rabies or suspected of having rabies shall be confined under competent observation for such a time as may be necessary to determine a diagnosis. If confinement is impossible or impracticable, such dog or cat shall be euthanized by one of the methods approved by the state veterinarian as provided in Virginia Code § 3.2-6546.

Every person having knowledge of the existence of an animal apparently afflicted with rabies shall report immediately to the Charlottesville/Albemarle Health Department the existence of such animal, the place where seen, the owner's name, if known, and the symptoms suggesting rabies.

Any dog or cat, for which no proof of current rabies vaccination is available, and that is 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 believed to be afflicted with rabies, shall be confined in a pound, kennel or enclosure approved by the Charlottesville/Albemarle Health Department for a period not to exceed six (6) months at the expense of the owner. If this is not feasible, 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. A rabies vaccination shall be administered prior to release. Inactivated rabies vaccine may be administered at the beginning of confinement. Any dog or cat so bitten, or exposed to rabies through saliva or central nervous system tissue, in a fresh open wound or mucous membrane with proof of a valid rabies vaccination, shall be revaccinated immediately following the bite and shall be confined to the premises of the owner, or other site as may be approved by the Charlottesville/Albemarle Health Department, for a period of forty-five (45) days.

~~Sec. 4-503 Confinement of animals which have bitten persons.~~

At the discretion of the ~~health officer for the county~~ director of the Charlottesville/Albemarle Health Department, any animal ~~which that~~ has bitten a person shall be confined ~~at the expense of the owner~~ under competent observation for ten (10) days, unless the animal develops active symptoms of rabies or expires before that time. A seriously injured or sick animal may be euthanized as provided in Virginia Code § 3.2-6546, and its head sent to the Division of Consolidated Laboratory Services of the Department of General Services, or the Charlottesville/Albemarle Health Department, for evaluation.

When any potentially rabid animal, other than a dog or cat, exposes or may have exposed a person to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, that animal shall be confined at the discretion of the director of the Charlottesville/Albemarle Health Department in a manner approved by the health department or euthanized as provided in Virginia Code § 3.2-6546.

Any person who fails to comply with the provisions of this section shall be guilty of a class 1 misdemeanor.**New section and mirrors Code of Virginia language, except for the addition of the 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), 2-4-09)

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

Sec. 4-402 Inoculation for rabies at animal shelters.

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

(Ord. 09-4(1), 2-4-09)

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

Sec. 4-403 501 Tag showing vaccination required on dogs at large.

It shall be unlawful for any dog owner or his agent to allow a dog to run at large in the county at any time without a collar and tag evidencing a rabies vaccination, as required by this article. ****No changes.**

(Code 1967, § 4-36; Code 1988, § 4-39; Ord. 98-A(1), 8-5-98, § 4-501; Ord. 09-4(1), 2-4-09)

Sec. 4-404 504 Applicability of article.

The provisions of this article shall not apply to any dogs temporarily brought into the county for a period not to exceed thirty (30) days, for showing or breeding purposes; provided, that any such dog shall remain confined at all times. ****No changes.**

(Code 1967, § 4-39; Code 1988, § 4-42; Ord. 98-A(1), 8-5-98, § 4-504; Ord. 09-4(1), 2-4-09)

~~State law reference—Authority of county to adopt measures to prevent rabies, see Va. Code §§ 3.2-6525; 3.1-796.100; as to control of rabies generally, see Va. Code §§ 32.1-48.1 to 32.1-48.4.~~

~~ARTICLE VI. ANIMAL NOISE~~

[Return to exec summary](#)