

**BE ORDAINED** that the Amelia County Board of Supervisors hereby adopts the Amelia County Comprehensive Animal Ordinance as follows:

## **Amelia County Comprehensive Animal Control Ordinance**

*State Law References: Comprehensive animal laws, Chapter 65 of Title 3.2 of the Code of Virginia, (§ 3.2-6500 et seq.); authority of county to adopt ordinances paralleling state animal laws, § 3.2-6543.*

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**ARTICLE I.  
GENERAL PROVISIONS**

**Sec. 1-1. Definitions.**

For the purpose of this article and unless otherwise required by the context, the following words, terms and phrases shall have the meanings respectively ascribed to them by this section. Words and terms not defined, herein, which are defined in § 3.2-6500 of the Code of Virginia shall have the meanings respectively ascribed to them by that section:

***"Animal control officer"*** means a person appointed as an animal control officer or deputy animal control officer as provided in §3.2-6555 of the Code of Virginia.

***"Companion animal"*** means any domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal that is bought, sold, traded, or bartered by any person. Agricultural animals, game species, or any animals regulated under federal law as research animals shall not be considered companion animals for the purposes of this ordinance, nor shall "wild or exotic animals" as specifically defined in this section.

***"Kennel"*** means any establishment in which five (5) or more canines, felines or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling or showing.

***"Livestock"*** includes all domestic or domesticated: bovine animals, equine animals, ovine animals, porcine animals, cervidae animals, capradae animals, animals of the genus Lama, ratites, 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.

***"Other officer"*** includes all persons employed or elected by the people of Virginia or the county whose duty it is to preserve the peace, make arrests, or enforce the law.

***"Own/owner"*** includes any person having a right of property in an animal, any person who keeps or harbors an animal, any person who has an animal in his care, or any person who acts as its custodian.

***"Poultry"*** includes all domestic fowl and game birds raised in captivity.

***"Running at large"*** A dog shall be deemed to run at large while roaming, running or self-hunting off the property of its owner or custodian and not under the owner's or custodian's immediate control; "immediate control" shall be mean the dog responds immediately the owner's or custodian's command, however given, and forthwith returns

to the owner or custodian.

**“Wild or exotic animal”** means any live monkey (nonhuman primate), raccoon, skunk, wolf, squirrel, fox, leopard, panther, tiger, lion, lynx or any other similar warm-blooded animal, poisonous snake or tarantula which can normally be found in the wild state or any other member of crocodilian, including but not limited to alligators, crocodiles, caimans and gavials. Ferrets, nonpoisonous snakes, rabbits and laboratory rats which have been bred in captivity and which never have known the wild shall be excluded from this definition.

## **Sec. 1-2. Violations of ordinance generally.**

The following shall be unlawful acts and are Class 4 misdemeanors:

- (1) **License application.** For any person to make a false statement in order to secure a dog license to which he is not entitled.
- (2) **License tax.** For any dog owner to fail to pay any license tax required by this ordinance before February 1 for the year in which it is due. In addition, the court may order confiscation and the proper disposition of the dog.
- (3) **Running at large.** For any dog owner to allow a dog to run at large in violation of this ordinance.
- (4) **Rabies regulations.** For any person to fail to obey the applicable provisions of this ordinance pertaining to rabies control.
- (5) **Dead companion animals.** For any owner to fail to dispose of the body of his companion animals in accordance with Code of Virginia, § 3.2-6554.
- (6) **Diseased dogs and cats.** 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.
- (7) **Concealing a dog or cat.** For any person to conceal or harbor any dog on which any required license tax has not been paid.
- (8) **Removing collar and tag.** For any person, except the owner or custodian, to remove a legally acquired license tag from a dog without the permission of the owner or custodian.
- (9) **Other violations.** Any other violation of this article for which a specific penalty is not provided.

*State law references: Similar provisions, Code of Virginia, § 3.2-6587.*

**Sec. 1-3. Position of animal control officer established; general duties and responsibilities of animal control officer.**

The Board of Supervisors shall employ an animal control officer who shall have the power to enforce the comprehensive animal laws of the Commonwealth of Virginia (Chapter 65 of Title 3.2 of the Code of Virginia), all local ordinances enacted pursuant to such state laws, including this ordinance, and all laws for the protection of domestic animals. The board of supervisors may also employ one or more deputy animal control officers to assist the animal control officer in the performance of his duties. Animal control officers and deputy animal control officers shall have a knowledge of the animal control and protection laws of the Commonwealth that they are required to enforce. When in uniform or upon displaying a badge or other credentials of office, animal control officers and deputy animal control 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 § 9.1-101 of the Code of Virginia, to any person found in the act of violating any such law or any ordinance enacted pursuant to such law. The animal control officer and the deputy animal control officers shall be paid as the board of supervisors shall prescribe.

*State law references: Code of Virginia, §§ 3.2-6555 (position of animal control officer), 3.2-6556 (required training of animal control officers), 3.2-6557 (animal control officers; limitations, records).*

**Sec. 1-4. Reserved.**

**Sec. 1-5. Lot or tract boundary lines considered as lawful fences as to livestock.**

The boundary lines of each lot or tract of land within the county shall be a lawful fence as to livestock domesticated by man.

*State Law References: Authority for above section and effect of its adoption, Code of Virginia, § 55-310 et seq.*

**Sec. 1-6. Livestock and poultry running at large.**

It shall be unlawful for the owner of any livestock or poultry to permit the same to run at large beyond the limits of the boundaries of the lot or tract of land where such animal is confined.

*State Law References: Similar provisions, Code of Virginia, § 55-316; authority for local ordinance § 3.2-6544.*

**Sec. 1-7. Impoundment of animals running at large.**

Any animal, other than a dog, cat, or wild animal, found running at large in the county shall be taken up by the animal control officer or other officer, and impounded at the

animal pound or other facility and thereafter disposed of under the same terms and conditions as prescribed in section 2-3 for dogs. For purposes of this section, running at large shall mean off the property of its owner or custodian and not leashed or otherwise tethered.

*State Law References: Similar provisions and duty of county to maintain pound, Code of Virginia, § 3.2-6546.*

**Sec. 1-8. 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 food, drink, shelter or emergency veterinary treatment; (iii) 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) willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal; (v) carries or causes to be 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 (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.

(b) Nothing in this section shall be construed to prohibit the dehorning of cattle.

(c) For the 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 permitted and regulated under state law.

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

(f) It is unlawful for any person to kill a domestic dog or cat for the purpose of obtaining the hide, fur or pelt of the dog or cat. A violation of this subsection shall constitute a **Class 1 misdemeanor**.

(g) 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 the euthanasia of such animal on the recommendation of a licensed veterinarian upon determination that such euthanasia was necessary due to the condition of the animal, shall be guilty of a ***Class 1 misdemeanor***.

(h) Any person who confines an animal in an unattended, enclosed vehicle where the outside temperature is seventy (70) degrees or greater, and the interior of the vehicle is not provided with conditioned air to maintain an internal temperature of eighty (80) degrees Fahrenheit or less, shall be guilty of a ***Class 3 misdemeanor***.

(i) Any person who confines an animal in an unattended, enclosed vehicle so as to cause the animal to suffer from heat stress, shall be guilty of a ***Class 1 misdemeanor***. The animal control officer or other officer shall have the authority to remove any animal found in an enclosed vehicle that appears to be suffering from heat stress. The animal shall be provided immediate veterinary care. The animal owner or custodian shall be responsible for all expenses incurred during the removal of the animal or its subsequent treatment and impoundment.

(j) In enforcing subsections (h) and (i) of this section, there shall be a rebuttable presumption that the registered owner of the vehicle committed any violation hereof.

(k) Any person convicted of violating this section may be prohibited by the court from possession or ownership of companion animals.

*State Law References: Similar provisions, Code of Virginia, § 3.2-6570; authority of county to adopt above section, § 3.2-6543.*

**Sec. 1-9. Animal fighting; penalty.**

*See § 3.2-6571 for applicable state law provisions.*

**Sec. 1-10. Reserved.**

**Sec. 1-11. Abandonment of animal; penalty.**

*See § 3.2-6504 for applicable state law provisions.*

**Sec. 1-12. Burial or cremation of dead animals and fowl.**

(a) When the owner of any animal or fowl, other than a companion animal, which has died, knows of such death, such owner shall forthwith have its body cremated, buried, or sanitarily disposed. If he fails to do so, a judge of the general district court, after notice to the owner if he can be ascertained, shall cause any such dead animal or fowl to be cremated, buried or sanitarily disposed by the animal control officer or other officer. The animal control officer or other officer shall be entitled to recover from the owner of every such animal so cremated, buried or sanitarily disposed the actual cost of the cremation,

burial or disposal, not to exceed seventy-five dollars (\$75.00), and from the owner of every such fowl so cremated or buried the actual cost of cremation or burial, not to exceed five dollars (\$5.00). Such costs shall be recovered in the same manner as fees are recovered, free from all exemptions in favor of such owner.

(b) Nothing in this section shall be deemed to require the burial or cremation of the whole or portion of any animal or fowl which is to be used for food or in any commercial manner.

*State Law References: Similar provisions and authority for above section, Code of Virginia, § 18.2-510.*

**Sec. 1-13. Dogs and cats deemed personal property; rights relating thereto.**

(a) All dogs and cats in this county shall be deemed to be personal property and may be the subject of larceny and malicious or unlawful trespass, and the owners thereof may maintain an action for killing of any such dogs or cats, or injury thereto, or unlawful detention or use thereof as in the case of other personal property. The owner of any dog or cat which is injured or killed contrary to the provisions of this ordinance by any person shall be entitled to recover the value thereof or the damage done thereto in an appropriate action at law from such person.

(b) The animal control officer or other officer finding a stolen dog or cat, or a dog or cat held or detained contrary to law, shall have authority to seize and hold such dog or cat pending action before the general district court or other court. If no such action is instituted within seven (7) days, the animal control officer or other officer shall deliver the dog or cat to its owner. The presence of a dog or cat on the premises of a person other than its legal owner shall raise no presumption of theft against the owner or occupant of such premises; however the animal control officer may take such dog or cat in charge or notify its legal owner to remove the dog or cat. The legal owner of the dog or cat shall pay the same charge as established in this ordinance for impoundment fees, for the keeping of such dog or cat while in the possession of the animal control officer.

*State Law References: Similar provisions, Code of Virginia, § 3.2-6585.*

**Sec. 1-14. Maintenance of premises used for keeping animals.**

(a) Each stable, pen, coop or other place where any animal or fowl is kept shall be maintained at all times in a safe and sanitary condition and so as not to constitute a nuisance. Solid and liquid waste matter shall be removed as frequently as may be necessary to prevent offensive odors and to prevent accumulations constituting a hazard to the health or safety of any person.

(b) A violation of this section shall constitute a Class 1 misdemeanor.

*State Law References: Similar provisions, Code of Virginia, § 3.2-6544.*

**Sec. 1-15. Duties of owner.**

(a) Each owner of a companion animal shall, at minimum, provide the companion animal with the following:

- (1) Adequate feed and adequate water;
- (2) Adequate shelter;
- (3) Adequate space in the primary enclosure for the particular type of animal depending upon its age, size, and weight;
- (4) Veterinary care when needed and to prevent suffering; and
- (5) Humane care and treatment.

(b) The provisions of this section shall also apply to every animal shelter and boarding kennel with respect to animals contained therein.

**Sec. 1-16. Severability.**

If one or more of the provisions of this Ordinance shall be held by a court of competent jurisdiction in a final judicial decision to be unconstitutional or otherwise unenforceable for any reason, then such provisions shall be deemed severable from the remaining provisions of this Ordinance and shall in no way affect the validity of the remaining provisions of this Ordinance, which shall remain in full force and effect.

**Sec. 1-17. Effective date and repeal of prior animal ordinances.**

The ordinance entitled “An Ordinance Establishing a County License Tax on Dogs, Appointment of a County Animal Control Officer, Rabies Vaccination Requirements for Cats and Dogs, Prohibiting Dogs Running At Large In Certain Sections of the County and Imposing Punishment for Violations Thereof,” as adopted on March 14, 1983, including all subsequent amendments thereto, as well as all other dog ordinances heretofore enacted by the Board of Supervisors are hereby repealed and rescinded.

This ordinance shall take effect immediately upon the approval of the Board of Supervisors on \_\_\_\_\_, \_\_\_\_\_, 2009.

**ARTICLE II.  
DOGS GENERALLY**

**Sec. 2-1. Dogs Not to Run at Large From April 15 to May 15.**

It shall be unlawful for any owner or custodian of any dog to allow any dog to run at large in the County of Amelia during the period of April 15 to May 15 of each calendar year. For the purpose of this ordinance a dog shall be deemed to run at large while roaming, running or self-hunting off the property of it's owner or custodian and not under the owner's or custodian's immediate control. Any person who permits his/her dog to run at large or remain unconfined or unrestricted or not penned up shall be deemed to have

violated the provisions of this section.

*State Law References: Similar provisions, Code of Virginia, § 3.2-6538.*

**Sec.2-2. Prohibition of Dogs Running at Large in Certain Portions of the County.** It will be unlawful for any dog to run at large at any time in the following portions of the County:

1. **Genito Mills Estates**, Section A, Plat Book Number 3, Pages 249, 250 and 251 - Date of Recordation: April 14, 1970.
2. **Genito Mills Estates**, Section B, Plat Book Number 4, Pages 54, 55 and 56 - Date of Recordation: February 1, 1973.
3. **Winterham Place Subdivision**, Section 1, Plat Cabinet B, Slide 21 - Date of Recordation: June 30, 1987. Amended November 20, 1996
4. **Winterham Place Subdivision**, Section 2, Plat Cabinet B, Slide 66 - Date of Recordation: August 31, 1990. Amended November 20, 1996
5. **Amelia Courthouse Village Area**, Within the boundaries of the Amelia Courthouse Village Area to include a 200 foot buffer along the outer perimeter of said boundary and along both sides of all identified streets as depicted on the map attached hereto as **Exhibit A** and incorporated herein by reference, and more particularly described as follows:

Beginning at the intersection of business route 360 (Goodes Bridge Road) and route 614 (Otterburn Road) running northeast to the intersection of business 360 and route 1004 (Parks Street); continuing south on route 1004 to the intersection of route 1004 and route 1003 (Church Street); continuing west on route 1003 to the intersection of route 1003 and route 38 (North Fives Fork Road); continuing southeast on route 38 to the intersection of route 38 and route 1002 (Dunn Street); continuing east on route 1002 to the intersection of route 1002 and route 1001 (Green Street); continuing southwest on route 1001 to the intersection of route 1001 and route 1001 (Eggleston Street); continuing northwest on route 1001 (Eggleston Street) to the intersection of route 1001 and route 38; continuing southwest on route 38 to the intersection of route 38 and route 614; continuing northwest on route 614 back to the origin at the intersection of route 614 and business route 360.

Included along this boundary are numerous dead-end streets which are inclusive of the Amelia Courthouse Village Area and are identified as: route 1003 (Church Street) running east of the intersection of route 1004 and route 1003; route 1005 (Factory Street) running south off of route 1003; the continuation of route 1002 (Dunn Street) running east from the intersection of route 1002 and route 1001; Dunnston Drive (private road) running north off of route 1002; Ravencrest Court (private road) running east off of Dunnston Drive; Deekens Street (private road)

running southwest off of Dunn Street; Green Street (private road) running southwest from the intersection of route 1001 at Greenstreet and Eggleston Street; and Irving Lane (private road) running southwest off of route 38.

**Sec. 2-3. Impoundment; procedures; fees.**

**(a) Pound to be maintained and accessible to public.**

The board of supervisors shall maintain a pound in accordance with the regulations and guidelines issued by the Virginia Board of Agriculture and Consumer Services, and provisions of 3.2-6546 of the Code of Virginia, both of which shall control over any provisions herein that conflict with such regulation, guideline or statute. The pound shall be accessible to members of the public at reasonable hours during the week.

**(b) Responsibility for operation of pound.**

In addition to their other duties, the animal control officer and deputy animal control officers shall be responsible for the daily operation of the pound.

**(c) Impoundment of animals generally.**

It shall be the duty of the animal control officer or other officer to take in charge any dog found running at large in violation of this Ordinance and to hold such dog at the county animal pound for a period of not less than five (5) days, such period to commence on the day immediately following the day the dog is initially confined, unless sooner claimed by the owner thereof. The operator or custodian of the county animal pound shall make a reasonable effort to ascertain if the dog has a tag, license or tattooed identification. If such identification is found on the dog, a reasonable effort shall be made to return the dog to its owner or place the dog for adoption before humanely destroying the dog. No dog with identification may be disposed of by sale or gift to a federal agency, state-supported institution, agency of the commonwealth or agency of another state. An additional five-day holding period shall be added to the holding period described above for any dog with a tag, license or tattooed identification. Nothing contained in this section shall be construed to prohibit confinement of other companion animals in the pound.

**(d)** During the period of impoundment of a dog under this section, if the rightful owner may be readily identified the animal control officer shall notify the owner of the dog's confinement within forty-eight (48) hours next following its confinement or conduct a diligent search to determine ownership of the dog. Accurate records shall be kept to document each attempt that is made to identify the owner and notify him of the impoundment. A rightful owner claiming a dog impounded under this section shall, in order to obtain its release, pay to the county an impoundment fee of \$10.00 for each day the animal has been confined in the pound, plus an additional fee of \$15.00 if the dog is not properly licensed or if the dog has been impounded on prior occasion(s).

**(e)** If an animal confined under this section has not been claimed, upon expiration of the appropriate holding period, it shall be deemed abandoned and become the property of the pound or shelter.

(f) If a dog deemed to be abandoned under this section did not when delivered to the county animal pound bear a collar, tag, license, tattoo, or other form of identification, it may be humanely destroyed or disposed of by (i) sale or gift to a federal agency, state-supported institution, agency of the Commonwealth, or agency of another state, provided that such agency, or institution agrees to confine the animal for an additional period of not less than five (5) days, (ii) by delivery to any local humane society or shelter, or (iii) by delivery to any person who is a resident of the county and who will pay the required license tax on such dog in addition to a \$10.00 adoption fee.

(g) If a dog deemed to be abandoned under this section when delivered to the county animal pound bore a collar, tag, license, tattoo, or other form of identification it may be humanely destroyed or disposed of by the methods described in subsections (d) (ii) and (iii) above. Notwithstanding the foregoing provisions of this subsection (e), no dog shall be delivered to a laboratory for research purposes. A dog deemed to be abandoned under this section may also be delivered to any person who proposes to adopt it as a companion animal and who will pay the required license tax on it in addition to a \$10.00 adoption fee; provided that no more than two (2) animals or a family of animals shall be delivered during any thirty-day period to any one such person.

(h) No provision in this section shall prohibit the destruction by the animal control officer of a critically injured or critically ill animal or any animal not weaned, whether or not the animal is critically injured or critically ill, for humane purposes. Any animal destroyed pursuant to the provisions of this section shall be euthanized by one of the methods described or approved by the state veterinarian.

*State Law References: Similar provisions and duty of county to maintain pound, Code of Virginia, § 3.2-6546.*

**Sec. 2-4. Killing or injuring or chasing livestock or poultry.**

(a) It shall be the duty of the animal control officer or other officer who may find a dog in the act of killing or injuring livestock or poultry to kill such dog forthwith, whether such dog bears a license tag or not. Any other 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.

(b) 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. 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.

(c) 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.

**(d)** If any person, including the animal control officer, has reason to believe that any dog is killing livestock or committing any of the depredations mentioned in this section, he shall apply to a magistrate of the county, who shall issue a warrant requiring the owner or custodian, if known, to appear before the judge of the general district court at the time and place named therein, at which time evidence shall be heard. If it shall be determined by the court that such dog is a livestock killer or has committed any of the depredations mentioned in this section, the court shall order that the dog be (i) euthanized immediately by the animal control officer or other officer designated by the judge of the general district court or (ii) removed to another state that does not border on the Commonwealth. Any dog ordered removed that is later found in the Commonwealth shall be ordered by a court to be euthanized immediately.

*State Law References: Similar provisions, Code of Virginia, § 3.2-6552.*

**Sec. 2-5. Compensation for livestock or poultry killed by dogs.**

**(a)** Any person who has any livestock or poultry killed or injured by any dog not his own in the county shall be entitled to receive as compensation therefor 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:

**(1)** Within seventy-two (72) hours of discovery of the death or injury, the claimant gives notice of the incident to the animal control officer;

**(2)** Within sixty (60) days of the discovery of the death or injury, claimant has furnished the animal control officer such evidence, under oath, of the quantity and value of livestock or poultry so killed or injured and the reasons the claimant believes that death or injury was caused by a dog;

**(3)** The animal control officer conducts an investigation and determines the claim meets the criteria set forth in this section for compensation; and

**(4)** 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.

**(b)** Upon payment under this section the county shall be subrogated to the extent of compensation paid to the right of action to the owner of the livestock or poultry against the owner of the dog and may enforce the same in an appropriate action at law.

*State Law References: Similar provisions, Code of Virginia, § 3.2-6553.*

**Sec. 2-6. Disposal of dead companion animals.**

(a) Any person, including the animal control officer or other officer, killing a companion animal under this article, shall cremate, bury or sanitarly dispose the body of such companion animal.

(b) The owner of any companion animal shall forthwith cremate, bury or sanitarly dispose the body of such companion animal upon its death.

(c) If, after notice, any owner fails to comply with this section, the animal control officer or other officer shall bury, cremate or sanitarly dispose the companion animal and may recover, on behalf of the county, from the owner his cost for this service.

*State Law References: Similar provisions, Code of Virginia, §3.2-6554.*

**Sec. 2-7. Kennels and kennel dogs--Generally; display of license tag; disposition of identification plates.**

The owner of a multi-dog license shall display the license tag in full view in a prominent location adjacent to where the dogs are kept. Regardless of how the dogs are confined, one of the identification plates provided therewith shall be attached to the collar of each dog authorized to be kept. 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 law enforcement officer upon request.

*State Law References: Similar provisions, Code of Virginia, § 3.2-6524 (dog license requirements, generally), § 3.2-6527 (obtaining a license), § 3.2-6528 (kennel licenses).*

**Sec. 2-8. Fraudulent, etc., operation of kennel.**

A multi-dog license shall not be obtained or utilized in such a manner as to defraud the county of the license tax applying to dogs which cannot be legally covered there under or in any manner to violate other provisions of this article. Violation of this section shall constitute a Class 3 misdemeanor.

**ARTICLE III.  
VICIOUS AND DANGEROUS DOGS**

*State Law References: Similar provisions, Code of Virginia, § 3.2-6540.*

**Sec. 3-1. Definitions.**

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

**“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. When a dog attacks or bites a companion animal that is a dog or cat, the attacking or biting dog shall not be deemed dangerous **(i)** if no serious physical injury as determined by a licensed veterinarian has occurred to the dog

or cat as a result of the attack or bite; **(ii)** if both animals are owned by the same person; **(iii)** if 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 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.

**“Vicious dog”** means a canine or canine crossbreed 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 local ordinance that it is a dangerous dog, provided that its owner has been given notice of that finding.

### **Sec. 3-2. Control of dangerous or vicious dogs; penalties.**

**(a)** Any law enforcement officer or animal control officer who has reason to believe that a canine or canine crossbreed within his 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 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 § 3.2-6562 of the Code of Virginia. The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in Article 4 (§ 19.2-260 et seq. of Chapter 15 of Title 19.2 of the Code of Virginia). The county shall be required to prove its case beyond a reasonable doubt.

**(b)** No canine or canine 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 a 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's or custodian's property, shall be found to be a dangerous dog or a vicious dog.

**(c)** 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)** 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 local animal control officer or treasurer for a fee of fifty dollars (\$50.00), in addition to other fees that may be authorized by law. The local animal control officer or treasurer 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 and in the same manner as the initial certificate was obtained. The animal control officer shall provide a copy of the dangerous dog registration certificate and verification of compliance to the State Veterinarian.

**(e)** 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 (i) of the animal's current rabies vaccination, if applicable; (ii) that the animal has been neutered or spayed; 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)** 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) The owner of any dog found to be dangerous shall register the animal with the Commonwealth of Virginia Dangerous Dog Registry, as established under § 3.2-6542 of the Code of Virginia, within forty-five (45) days of such a finding by a court of competent jurisdiction.

(h) The owner shall also cause the local animal control officer to be promptly notified of (i) the names, addresses, and telephone numbers of all owners; (ii) all of 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 information or both; (vi) proof of insurance or surety bond; and (vii) the death of the dog.

(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. 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 moved and the new address to which the animal has been moved.

(j) Any owner or custodian of a canine or canine crossbreed or other animal is guilty of a:

(1) *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) *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.

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 is guilty of a *Class 1 misdemeanor*.

(l) All fees collected pursuant to this section, less the costs incurred by the animal control authority in producing and distributing the certificates and tags required by this section, shall be paid into a special dedicated fund in the treasury of the county for the purpose of paying the expenses of any training course required under § 3.2-6556 of the Code of Virginia.

**ARTICLE IV.  
DOG LICENSE**

**Sec. 4-1. Required.**

It shall be unlawful for any person to own a dog four (4) months old or older in the county, unless such dog is licensed under the provisions of this article.

State Law References: Similar provisions, Code of Virginia, § 3.2-6524.

**Sec. 4-2. Application; applicant must be county resident.**

(a) Any person may obtain a dog license by making oral or written application to the treasurer, accompanied by the amount of the license tax. The treasurer shall only have the authority to license dogs of owners or custodians who reside within the boundary limits of the county and may require information to establish the location of the residence of any applicant.

(b) 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. Violation of this section shall constitute a Class 3 misdemeanor.

(c) Nothing in this article shall preclude compliance with all provisions of the county zoning ordinance.

*State Law References: Similar provisions, Code of Virginia, §§ 3.2-6526, 3.2-6527, 3.2-6587 (penalty).*

**Sec. 4-3. Fee imposed.**

(a) An annual license fee is hereby imposed on dogs required to be licensed under this article. The amount of the license tax shall be as follows:

<b>Unneutered or unspayed dog:</b>	\$10.00
<b>Neutered or spayed dog:</b>	\$ 5.00
<b>Kennel license (21 to 50 dogs):</b>	\$50.00
<b>Kennel license (20 dogs or less):</b>	\$35.00.

(b) No license fee shall be imposed under this section 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 that is a search and rescue dog; or that is trained and serves as a service dog for a mobility-impaired person. As used herein, 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; and "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 or service or support.

(c) All money collected by the treasurer pursuant to this section shall be deposited into the general fund of the county.

*State Law References: Code of Virginia, § 3.2-6528.*

**Sec. 4-4. When license tax due and payable.**

The license tax imposed on dogs by section 4-3 shall be due and payable as follows:

(1) On or before the first day of January and not later than the thirty-first day of January of each year, the owner of any dog four (4) months old or older shall pay such tax.

(2) 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 between the first day of January and the thirty-first day of October of any year, the license tax for the current calendar year shall be paid by the owner forthwith.

(3) 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 between the first day of November and the thirty-first day of December 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 to the end of the succeeding calendar year.

*State Law References: Similar provisions, Code of Virginia, § 3.2-6530.*

**Sec. 4-5. Failure to pay tax when due.**

It shall be unlawful for the owner of any dog to fail to pay the license tax imposed by this article before February 1 for the year in which it is due. In addition, to any fine imposed hereunder, the court may order the confiscation and the proper disposition of any dog for which the license fee has not been paid. Payment of the license tax subsequent to a summons to appear before a court for failure to do so within the time required by this article shall not operate to relieve such owner from the penalties provided for such failure.

*State Law References: Similar provisions, Code of Virginia, §§ 3.2-6536, 3.2-6587 (penalty).*

**Sec. 4-6. Issuance, composition and contents.**

(a) Upon receipt of a proper application and the prescribed license tax, the treasurer shall issue a dog license; provided, that no such license shall be issued for any dog, unless there is presented to the treasurer a current certificate of vaccination or inoculation issued for the dog pursuant to section 5-61, valid for the entire license year or years. When the license is issued, such certificate shall be marked and returned to the dog's owner. It shall

be unlawful for any person to present a certificate for a dog other than that for which it was issued.

**(b)** Each dog license shall consist of a license tax receipt and a metal tag. Such receipt shall have recorded thereon the amount of the tax paid, the name and address of the owner or custodian of the dog, the date of payment, the year for which the license is issued, the serial number of the tag and whether the license is for a male, female or unsexed female dog or for a kennel. The metal tag issued hereunder shall be stamped or otherwise permanently marked to show the name of the county, the sex of the dog and the calendar year for which issued and a serial number.

*State Law References: Similar provisions, Code of Virginia, §§ 3.2-6526, 3.2-6527.*

**Sec. 4-7. Preservation and exhibition of license receipt; tag to be worn by dog; exceptions.**

**(a)** A dog license receipt shall be carefully preserved by the person to whom it is issued and exhibited promptly on request for inspection by the animal control officer or any other officer of the county. Dog license tags shall be securely fastened to a substantial collar by the owner and worn by such dog. The owner of the dog may remove the collar and license tag required by this section when the dog is engaged in lawful hunting; when the dog is competing in a dog show, supervised obedience training, or supervised field trial; when the dog has a skin condition which would be exacerbated by the wearing of a collar; when the dog is confined; or when the dog is under the immediate control of its owner.

**(b)** 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 proceedings under this article, the burden of proof of the fact that such dog has been licensed or is otherwise not required to bear a tag at the time shall be on the owner of the dog.

*State Law References: Similar provisions, Code of Virginia, §§ 3.2-6531, 3.2-6533.*

**Sec. 4-8. Removal of tag.**

It shall be unlawful for any person, other than the owner, to remove a license tag from a dog without the permission of the owner.

*State Law References: Similar provisions, Code of Virginia, § 3.2-6587.*

**Sec. 4-9. Duplicate tags.**

If a dog license tag shall become lost, destroyed or stolen, the owner shall at once apply to the treasurer for a duplicate license tag. Upon presenting the original license receipt and an affidavit that the original license tag has been lost, destroyed or stolen, the treasurer shall issue a duplicate license tag, which the owner shall immediately affix to the collar of the dog. The treasurer shall endorse the number of the duplicate and the date

issued on the face of the original license receipt. The fee for a duplicate tag shall be established by resolution adopted by the board of supervisors.

*State Law References: Similar provisions, Code of Virginia, § 3.2-6532.*

**Sec. 4-10. Concealing or harboring unlicensed dog.**

It shall be unlawful for any person to conceal or harbor any dog upon which the license tax imposed by this article has not been paid.

*State Law References: Similar provisions, Code of Virginia, § 3.2-6587.*

**ARTICLE V.  
RABIES CONTROL**

*State Law References: Authority of county to adopt ordinances to prevent spread of rabies, Code of Virginia, §§ 3.2-6521, 3.2-6525, 3.2-6526, 3.2-6543.*

**Sec. 5-1. Vaccination or inoculation of dogs and domesticated cats.**

(a) It shall be unlawful for any person to own, keep or hold or harbor any dog or domesticated cat over the age of four (4) months within the county, unless such dog or cat shall have a current rabies vaccination administered by a currently licensed veterinarian. The vaccine used shall be licensed by the United States Department of Agriculture for use in that species.

(b) Any person transporting a dog or cat into the county from some other jurisdiction shall conform with this section within thirty (30) days.

(c) At the time of vaccination or inoculation, as required by this section, a suitable and distinctive rabies tag and a certificate of vaccination or inoculation, properly executed and signed by a licensed veterinarian, shall be issued for such dog or cat.

(d) The certificate issued pursuant to subsection (c) above shall certify that the dog or cat in question has been vaccinated or inoculated in accordance with this section. Such certificate shall show the date of vaccination or inoculation, the rabies tag number, the date of required immunization, a brief description of the dog or cat, its age, sex and primary breed, whether or not the animal is spayed or neutered, the name and address of the owner, and the locality in which the animal resides.

(e) A certificate issued under this section shall be carefully preserved by the owner of the dog or cat and exhibited promptly on request for inspection by the animal control officer or any other law-enforcement officer.

(f) The veterinarian shall forward a copy of the certificate, issued under this section, or

the relevant information contained in the certificate, to the county treasurer within 45 days of such vaccination. The veterinarian shall also retain a copy of the certificate.

**Sec. 5-2. Emergency declaration of quarantine.**

When there is sufficient reason to believe that a rabid animal is at large, the board of supervisors may pass an emergency ordinance which 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. Such ordinance shall be operative up to thirty (30) days unless renewed by the governing body.

*State Law References: Similar provisions, Code of Virginia, § 3.2-6522.*

**Sec. 5-3. Procedure when dog or domesticated cat exposes person to rabies.**

(a) The owner of a dog or domesticated cat which has exposed a person to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, or any person having knowledge of any dog or domesticated cat which has so exposed a person to rabies shall immediately notify the animal control officer, the sheriff's department, or the director of the health department. The animal control officer or director of the health department shall immediately examine such animal, and in his discretion:

- (1) Confine the dog or cat in a strong enclosure on the owner's premises, and isolated from all other animals and persons, for a period of ten (10) days, unless the dog or cat develops active symptoms of rabies; or
- (2) Impound or board the dog or cat, at the owner's expense, with a licensed kennel or veterinarian hospital, for a period of ten (10) days, unless the dog or cat develops active symptoms of rabies; or
- (3) Impound the dog or cat in the county animal pound, at the owner's expense, for a period of ten (10) days, unless the dog or cat develops active symptoms of rabies; or
- (4) Confine the dog or cat under competent observation for ten (10) days, unless the animal develops active symptoms of rabies or expires before that time.

(b) At the end of the period of confinement under this section, if the dog or cat has not developed active symptoms of rabies, it may be released to its owner. If the dog or cat was confined at the animal pound, the owner shall pay the impoundment fee, transport fee and daily charges authorized by this ordinance. If the dog or cat was confined in a kennel or veterinarian hospital, the owner shall pay the standard boarding fee charged by such kennel or hospital. Should a dog or cat confined under this section die prior to expiration of the ten-day confinement period, the owner shall still be required to pay

confinement costs to the date of death of the dog or cat.

(c) Any dog or cat confined under this section and not claimed by its owner as herein provided for may be disposed of as provided in section 2-3.

*State Law References: Similar provisions, Code of Virginia, § 3.2-6522.*

**Sec. 5-4. Procedure when animal other than a dog or domesticated cat exposes person or another animal other than a dog or cat to rabies.**

(a) 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 animal control officer or director of the health department in a manner approved by the state health department or humanely euthanized. The head of a euthanized animal shall be kept and evaluated by the health department, or sent to the division of consolidated laboratory services of the Virginia Department of General Services for evaluation.

(b) When any animal, other than a dog or cat, believed to be afflicted with rabies, exposes another animal, other than a dog or cat, to rabies through a bite or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, that newly exposed animal shall be confined at the discretion of the animal control officer or health director in a manner approved by the health department or humanely euthanized.

*State Law References: Similar provisions, Code of Virginia, § 3.2-6522.*

**Sec. 5-5. Report of existence of rabid animal.**

Every person having knowledge of the existence of an animal apparently afflicted with rabies shall report immediately to the animal control officer or the county health department the existence of such animal, the place where seen, the owner's name, if known, and the symptoms suggesting rabies.

*State Law References: Similar provisions, Code of Virginia, § 3.2-6522.*

**Sec. 5-6. Confinement or destruction of dogs or cats showing signs of or suspected of having rabies.**

Any dog or cat found within the county showing active signs of rabies or suspected of having rabies shall be forthwith taken into custody by the animal control officer or other officer and confined under competent observation for such 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 by the § 3.2-6546 of the Code of Virginia, and the head shall be delivered to the health

department for examination.

*State Law References: Similar provisions, Code of Virginia, § 3.2-6522.*

**Sec. 5-7. Destruction or confinement of dog or cat exposed to rabies.**

(a) Any dog or cat for which no proof of current rabies vaccination is available and which 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 affected with rabies shall be confined in a pound, kennel or enclosure approved by the health department for a period not to exceed six (6) months, at the expense of the owner of such dog or cat; however, if this is not feasible, the dog or cat shall be euthanized. A rabies vaccination shall be administered four (4) weeks prior to release from confinement. Inactivated rabies vaccine may be administered at the beginning of confinement.

(b) Any dog or cat which has proof of a valid rabies vaccination, and which has been bitten or exposed to rabies through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, shall be revaccinated immediately and confined to the premises of its owner or other site as may be approved by the health department, for a period of forty-five (45) days.

*State Law References: Similar provisions, Code of Virginia, § 3.2-6522.*

**Sec. 5-8. Concealing animal to prevent its destruction or confinement under article.**

(a) It shall be unlawful for any person to conceal any dog or other animal to keep the same from being destroyed or confined in accordance with this article.

(b) A violation of this section shall constitute a Class 1 misdemeanor.

**Sec. 5-9. Penalty for violation of quarantine.**

Any person who has been directed by the animal control officer, the health director, or both to confine any animal in accordance with the provisions of this article to prevent the potential spread of rabies, and who disobeys that direction in any particular, shall be guilty of a Class 1 misdemeanor.

**ARTICLE VI.  
HYBRID CANINES**

*State Law References: Similar provisions, Code of Virginia, §§ 3.2-6582, 3.2-6583, 3.2-6584.*

**Sec. 6-1. Definitions.**

For the purposes of this article and unless otherwise required by the context, the

following words and terms shall have the meanings respectively ascribed to them by this section:

**“Adequate confinement”** means that, while on the property of its owner and not under the direct supervision and control of the owner or custodian, a hybrid canine shall be confined in a humane manner in a securely enclosed and locked structure of sufficient height and design to (i) prevent the animal's escape; or if the hybrid canine is determined to be a dangerous dog pursuant to the structure shall prevent direct contact with any person or animal not authorized by the owner to be in direct contact with the hybrid canine, and (ii) provide a minimum of one hundred (100) square feet of floor space for each adult animal. Tethering of a hybrid canine not under the direct supervision and control of the owner or custodian shall not be considered adequate confinement.

**“Hybrid canine”** means any animal which at any time has been or is permitted, registered, licensed, advertised or otherwise described or represented as a hybrid canine, wolf or coyote by its owner to a licensed veterinarian, law enforcement officer, animal control officer, humane investigator, official of the department of health, or state veterinarian's representative.

**“Responsible ownership”** means the ownership and humane care of a hybrid canine in such a manner as to comply with all laws and ordinances regarding hybrid canines and prevent endangerment by the animal to public health and safety.

### **Sec. 6-2. Permit--Required.**

It shall be unlawful for any person to own a hybrid canine in the county, unless such person holds a valid permit for the ownership of such hybrid canine in accordance with the provisions of this article.

### **Sec. 6-3. Duration, scope and conditions.**

(a) Any hybrid canine permit issued in accordance with this article shall be valid for a period of no more than one year from the date of issuance. The permittee shall have sole responsibility for ensuring that all permit renewals are timely initiated to ensure that a valid permit is continuously in effect throughout the period the permittee's ownership of a hybrid canine within the county.

(b) No permittee shall own more than two (2) hybrid canines at any time. Only one (1) permit shall be issued for any single address or household.

(c) All permits issued in accordance with this article shall be subject to the following:

(1) Each hybrid canine shall wear a collar bearing identification, including the name, address and telephone number of the owner of the hybrid canine.

(2) Each hybrid canine shall be maintained in an adequate confinement, as

defined in this article.

(3) Each hybrid canine shall be muzzled and kept under the control of a competent adult handler, on a leash, lead, rope or chain whenever it is not on the property of its owner.

(d) In the event that any hybrid canine shall be found in any condition inconsistent with the requirements set forth herein, any permit issued for such hybrid canine shall be immediately deemed null and void, and such hybrid canine shall be taken into the custody of the department of animal control.

**Sec. 6-4. Application fee.**

(a) Any person seeking a hybrid canine permit shall complete an application provided by the department of animal control including following:

(1) Name, address, phone number and age of the applicant.

(2) Species, gender, color, age, sex, vaccination history and origin of the hybrid canine.

(3) Photographs of the hybrid canine shall be provided by the applicant sufficient (to the satisfaction of animal control) to show the size, color and any identifying marks or characteristics of the hybrid canine.

(b) Any application for a hybrid canine permit shall be accompanied by payment of an application fee in the amount of twenty-five dollars (\$25.00).

**Sec. 6-5. Penalty.**

Any person violating any of the provisions of this article shall be deemed guilty of a Class 3 misdemeanor for the first violation and a Class 1 misdemeanor for any subsequent violation.

**ARTICLE VII. WILD OR EXOTIC ANIMALS**

**Sec. 7-1. Permit required to keep wild or exotic animals.**

(a) No person shall keep or permit to be kept on his premises any wild or exotic animal, unless that person shall have previously obtained a permit from the county for such animal, except that persons holding a category I, II, or III wildlife rehabilitation permit issued by the Virginia Department of Game and Inland Fisheries may possess native wild animals for the purpose of rehabilitation pursuant to the conditions of their wildlife rehabilitation permit.

(b) Application for a wild or exotic animal permit shall be made to the animal control officer on an application form prescribed by the animal control officer, and shall be accompanied by a \$50 permit fee. The animal control officer has the authority to issue or deny permits for wild or exotic animals. A decision by the chief animal control officer to deny a permit may be appealed to the board of supervisors.

(c) No permit shall be approved by the animal control officer or the board of supervisors unless the applicant has demonstrated in the application:

- (1) That the wild or exotic animal will be securely enclosed at all times in a manner that is appropriate for the character of the animal;
- (2) That the animal will be provided with an appropriate habitat and be properly fed, cared for and handled;
- (3) That the keeping of such animal on the premises is consistent with the nature and character of the neighborhood; and
- (4) That the owner has obtained any federal or state permits required for possession of that particular species of animal.

(d) The permit shall be nontransferable and subject to such conditions as are deemed necessary to assure the public safety and welfare and appropriate care of the animal. The permit shall list, by species and quantity, each wild or exotic animal permitted to be kept on the premises, and shall authorize the applicant to keep only the animals identified in the application at the address listed in the application. Any permitted animal that dies or is sold or relocated out of the county may be replaced by an animal of the same species. Any additions, as a result of breeding of permitted animals or acquisition of additional wild or exotic animals shall require an amendment to the permit. No animal may be moved to another location within the county without prior issuance of a permit for the new location.

(e) Upon notice and an opportunity to be heard, any permit shall be subject to revocation by the approving authority for any of the following reasons:

- (1) Failure to comply with the terms of this section or the conditions of the permit;
- (2) Falsification of any information on the permit application; or
- (3) Violation of any local, state or federal laws applicable to animals.

(f) It shall be unlawful for the owner of any wild or exotic animal to allow such animal to run at large in the county. It shall be the duty of the animal control officer or other officer who finds any wild or exotic animal running at large in violation of this section to take such animal into custody.

*State Law References: Similar provisions, Code of Virginia: Regulation of keeping of animals and fowl, Code of Virginia, § 3.2-6544.*

**Sec. 7-2. Disposal of wild or exotic animals.**

Any person who owns a wild or exotic animal not permitted in accordance with this article shall dispose of the animal by removal of the animal from the county, by giving or selling the animal to a zoological park, or by releasing the animal to the animal control officer.

The animal control officer is authorized to release the animal to the wild only if the animal is indigenous to the area and can be safely released into its native habit, to a zoological park, or to a responsible adult, or euthanize the animal, if the circumstances warrant.

Be it further Ordained that this ordinance, as approved by the Board of Supervisors upon due consideration and after all required public notice and hearing, shall take effect immediately this 15th day of April, 2009.