

**Peacock Hill Community Association**

P.O. Box 11

Ivy, Virginia 22945

(434) 296-2484 FAX (434) 296-2474 E-mail: peacockhillcommunityassociation@hotmail.com

September 13, 2005

Dear Members of the Board of Supervisors:

As residents of Ivy, we petition the Board of Supervisors to amend the Albemarle County Code Sec 4-213 (B) regarding the penalty for conviction of dogs running at large. We feel that the current maximum \$25 fine for this Class 4 misdemeanor is out of step with the maximum of \$250 allowable under State Code (VA Code 3.1-796.128).

A number of residents of Peacock Hill have been plagued by an individual who lets his many dogs run loose in their yards and on the community roads. Often running in a pack, these dogs have threatened them and their children on community roads and howled on their property at all hours of the day and night, in flagrant violation of the County's ordinance against dogs running at large (Sec. 4-213). In recent years, numerous personal appeals by disturbed neighbors, as well as formal letters of complaint by the Community Association and direct warnings from the Animal Control Officer, have failed to bring about compliance with the law and peace to our neighborhood. Over the last year, several of us have followed the lead of Animal Control Officer Sharon Tate, whose warrants we have supported with abundant evidence and court testimony. In Albemarle General District Court, our neighbor has pled guilty twice and was convicted a third time of letting his dogs run at large.

Nevertheless, the \$25 penalty for each conviction has proved woefully weak as a deterrent, leaving us all at risk. The individual just pays the fine, goes home, and then lets his dogs run loose again. At the last hearing of June 21, 2005, the presiding judge, the Hon. William G. Barkley, stated that his hands were tied as a result of the County Code stipulating the maximum fine and that he could not impose a higher penalty.

In consulting with County Attorney Mark Trank, we have learned that allowing dogs to run at large is a Class 4 misdemeanor under VA Code 3.1-796.128, which allows for a maximum fine of \$250. Therefore, we hereby request that the Board of Supervisors amend Sec 4-213 (B) to increase the maximum fine stated to \$250, bringing County Code into harmony with State Code. This action will allow judges the discretion of imposing a higher penalty for repeat offenders, which will have a better chance of bringing about compliance with the law. For a dog owner unconcerned with the peace and wellbeing of his neighbors and immune to the pleas of the community, the current fine of \$25 is a completely ineffective instrument in bringing a long pattern of violations to an end.

According to Animal Control Officer Sharon Tate, such repeat violations are not only a problem in Peacock Hill but also in numerous other subdivisions and areas of the County. On behalf of our families and neighbors, and in hopes of promoting the peace and welfare of residents throughout the County, we respectfully request your urgent and decisive action in this matter.

Sincerely,

Phil Hightower,

President, Peacock Hill Community Association