

ALBEMARLE COUNTY CODE

Chapter 4

Animals

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Article 3. Animals

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Chapter 4. Animals

Article 1. Administration

Sec. 4-100 Purpose.

The purpose of this chapter is to promote the public health, safety, and welfare by protecting people, companion animals, and livestock by implementing certain portions of the Comprehensive Animal Care laws (Virginia Code § 3.2-6500 *et seq.*).

(§ 4-100, Ord. 18-4(1), 10-3-18)

State law reference - Va. Code § 3.2-6500 *et seq.*

Sec. 4-101 Administration.

This chapter is administered and implemented as follows:

- A. *Authority to administer and implement this chapter.* Animal control officers employed by the County are authorized to administer and implement this chapter.
- B. *Contract with other localities.* The County may contract with other localities to enforce animal protection and control laws. The contract may provide for reimbursement of a portion of the salary and expenses of any County animal control officer providing services to other localities.

(§ 4-101: 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), 7-8-09; Ord. 18-4(1), 10-3-18)

State law reference - Va. Code § 3.2-6555.

Sec. 4-102 Powers of animal control officers.

Animal control officers have the following powers:

- A. *Power to enforce this chapter.* Any animal control officer is authorized to enforce this chapter.
- B. *Power to enforce State laws.* Any animal control officer is authorized to enforce those parts of the Comprehensive Animal Care laws (Virginia Code § 3.2-6500 *et seq.*) that are required to be enforced by the County's animal control officers, and to enforce all other State laws for the protection of domestic animals.
- C. *Issue summons.* Any animal control officer is authorized to issue summons to any person found in the act of violating any provision of the Comprehensive Animal Care laws (Virginia Code § 3.2-6500 *et seq.*) or this chapter.
- D. *Obtain a felony warrant.* Any animal control officer is authorized to obtain felony warrants as necessary regarding any person found in the act of violating any provision of the Comprehensive Animal Care laws (Virginia Code § 3.2-6500 *et seq.*), provided that the execution of the warrant shall be carried out by any law enforcement officer as defined in Virginia Code § 9.1-101.
- E. *Other State powers, duties, and restrictions.* Any animal control officer is authorized to perform all other powers and duties, and is subject to all restrictions on the powers and duties of animal control officers provided in the Comprehensive Animal Care laws (Virginia Code § 3.2-6500 *et seq.*).

(§ 4-102: (§ 4-101: 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), 7-8-09); § 4-102, Ord. 18-4(1), 10-3-18)

State law reference - Va. Code § 3.2-6555.

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Sec. 4-103 Definitions.

The following definitions apply to this chapter unless the context requires a different meaning:

“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 for a period of four consecutive days.

“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.

“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.

“Adequate feed” means access to and the provision of food that is: (i) of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; (ii) prepared so as to permit ease of consumption for the age, species, condition, size, and type of each animal; (iii) provided in a clean and sanitary manner; (iv) placed so as to minimize contamination by excrement and pests; and (v) 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.

“Adequate shelter” means provision of and access to shelter that: (i) is suitable for the species, age, condition, size, and type of each animal; (ii) provides adequate space for each animal; (iii) 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; (iv) is properly lighted; (v) is properly cleaned; (vi) enables each animal to be clean and dry, except when detrimental to the species; and (vii) for dogs and cats, provides a solid surface, resting platform, pad, floor mat, 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.

“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: (i) permits the above actions and is appropriate to the age and size of the animal; (ii) 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 (iii) 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.

“Adequate water” means: (i) providing and providing access to clean, fresh, potable water of a drinkable temperature that is provided in a suitable manner, in sufficient volume, and at suitable intervals appropriate for the weather and temperature, 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 (ii) is provided in clean, durable receptacles that 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.

“Adoption” means the transfer of ownership of a dog or a cat, or any other companion animal, from a releasing agency to an individual.

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“Agricultural animals” means all livestock and poultry.

“Ambient temperature” means the temperature surrounding the animal.

“Animal” means any nonhuman vertebrate species except fish. For the purposes of emergency ordinances pertaining to rabid animals and County Code § 4-312 *et seq.* pertaining to rabid animals, “animal” means any species susceptible to rabies. For the purposes of County Code § 4-301 pertaining to cruelty to animals, “animal” means any nonhuman vertebrate species including fish except those fish captured and killed or disposed of in a reasonable and customary manner.

“Animal control officer” means a person employed by the Board of Supervisors on behalf of the County and appointed by the Chief of the Albemarle County Police Department as an animal control officer or a deputy animal control officer.

“Boarding establishment” means a place or establishment other than a public or private animal shelter where companion animals not owned by the proprietor are sheltered, fed, and watered in exchange for a fee. “Boarding establishment” does not include any private residential dwelling that shelters, feeds, and waters fewer than five companion animals not owned by the proprietor.

“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.

“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 are not considered companion animals for the purposes of this chapter.

“Dangerous dog” is defined in section 4-210.

“Dealer” means any person who in the regular course of business for compensation or profit buys, sells, transfers, exchanges, or barter companion animals. The following people are not considered to be a “dealer”: (i) any person who transports companion animals in the regular course of business as a common carrier; or (ii) any person whose primary purpose is to find permanent adoptive homes for companion animals.

“Direct and immediate threat” means any clear and imminent danger to an animal’s health, safety or life.

“Dump” means to knowingly desert, forsake, or absolutely give up without having secured another owner or custodian any dog, cat, or other companion animal in any public place including the right-of-way of any public highway, road or street or on the property of another.

“Emergency veterinary treatment” means veterinary treatment to stabilize a life-threatening condition, alleviate suffering, prevent further disease transmission, or prevent further disease progression.

“Enclosure” means a structure used to house or restrict animals from running at large.

“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 that causes painless loss of consciousness, and death during the loss of consciousness.

“Exhibitor” means any person who has animals for or on public display, excluding an exhibitor licensed by the United States Department of Agriculture.

“Facility” means a building or portion thereof as designated by the State Veterinarian, other than a private residential dwelling and its surrounding grounds, that is used to contain a primary enclosure or enclosures in which animals are housed or kept.

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“Foster care provider” means a person who provides care or rehabilitation for companion animals through an affiliation with a public or private animal shelter, home-based rescue, releasing agency, or other animal welfare organization.

“Foster home” means a private residential dwelling and its surrounding grounds, or any facility other than a public or private animal shelter, at which site through an affiliation with a public or private animal shelter, home-based rescue, releasing agency, or other animal welfare organization care or rehabilitation is provided for companion animals.

“Groomer” means any person who, for a fee, cleans, trims, brushes, makes neat, manicures, or treats for external parasites any animal.

“Home-based rescue” means an animal welfare organization that takes custody of companion animals for the purpose of facilitating adoption and houses the companion animals in a foster home or a system of foster homes.

“Humane” means any action taken in consideration of and with the intent to provide for the animal's health and well-being.

“Humane investigator” means a person who has been appointed by a circuit court as a humane investigator as provided in Virginia Code § 3.2-6558.

“Humane society” means any incorporated, nonprofit organization that is organized for the purposes of preventing cruelty to animals and promoting humane care and treatment or adoptions of animals.

“Incorporated” means organized and maintained as a legal entity in the State.

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

“Law-enforcement officer” means any person who is a full-time or part-time employee of a police department or sheriff's office that is part of or administered by the State or any political subdivision thereof and who is responsible for preventing and detecting crime and enforcing the penal, traffic, or highway laws of the State. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

“Livestock” includes all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; capradae animals; animals of the genus Lama; ratites; fish or shellfish in aquaculture facilities, as defined in Virginia Code § 3.2-2600; 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.

“Ordinance” means any law, rule, regulation, or ordinance adopted by the Board of Supervisors.

“Other officer” includes all other persons employed or elected by the people of Virginia, or by any locality, whose duty it is to preserve the peace, to make arrests, or to enforce the law.

“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.

“Pet shop” means a retail establishment where companion animals are bought, sold, exchanged, or offered for sale or exchange to the general public.

“Poultry” includes all domestic fowl and game birds raised in captivity.

“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.

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“Private animal shelter” means a facility operated for the purpose of finding permanent adoptive homes for animals that is used to house or contain animals and that is owned or operated by an incorporated, nonprofit, and nongovernmental entity, including a humane society, animal welfare organization, society for the prevention of cruelty to animals, or any other similar organization.

“Properly cleaned” means: (i) that carcasses, debris, food waste, and excrement are removed from the primary enclosure with sufficient frequency to minimize the animals’ contact with the above-referenced contaminants; (ii) the primary enclosure is sanitized with sufficient frequency to minimize odors and the hazards of disease; and (iii) 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.

“Properly lighted,” when referring to a facility, means sufficient illumination to: (i) permit routine inspections, maintenance, cleaning, and housekeeping of the facility, and observation of the animals; (ii) provide regular diurnal lighting cycles of either natural or artificial light, uniformly diffused throughout the facility; and (iii) promote the well-being of the animals.

“Properly lighted,” when referring to a private residential dwelling and its surrounding grounds, means sufficient illumination to: (i) permit routine maintenance and cleaning of the private residential dwelling and its surrounding grounds and observation of the companion animals; and (ii) provide regular diurnal lighting cycles of either natural or artificial light to promote the well-being of the animals.

“Public animal shelter” means: (i) a facility operated by the State or any locality, for the purpose of impounding or sheltering seized, stray, homeless, abandoned, unwanted, or surrendered animals; or (ii) a facility operated for the same purpose under a contract with any locality, which includes the Charlottesville-Albemarle Society for the Prevention of Cruelty to Animals.

“Releasing agency” means: (i) a public animal shelter; or (ii) a private 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.

“Sanitize” means to make physically clean and to remove and destroy, to a practical minimum, agents injurious to health.

“Sore” means, when referring to an equine: (i) that an irritating or blistering agent has been applied, internally or externally, by a person to any limb or foot of an equine; (ii) any burn, cut, or laceration that has been inflicted by a person to any limb or foot of an equine; (iii) any tack, nail, screw, or chemical agent that has been injected by a person into or used by a person on any limb or foot of an equine; (iv) any other substance or device that has been used by a person on any limb or foot of an equine; or (v) a person has engaged in a practice involving an equine, and as a result of an application, infliction, injection, use, or practice, the equine suffers, or can reasonably be expected to suffer, physical pain or distress, inflammation, or lameness when walking, trotting, or otherwise moving, except that “sore” does not include such an application, infliction, injection, use, or practice in connection with the therapeutic treatment of an equine by, or under the supervision of, a licensed veterinarian. Notwithstanding anything in this definition to the contrary, nothing precludes shoeing, using pads, and using action devices, as permitted by 9 C.F.R. Part 11.2.

“Sterilize” or “sterilization” means a surgical or chemical procedure performed by a licensed veterinarian that renders a dog or cat permanently incapable of reproducing.

“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.

“Veterinary treatment” means treatment by or on the order of a duly licensed veterinarian.

“Vicious dog” is defined in section 4-221.

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(§ 4-103: (§ 4-100: Code 1967, § 4-4; 4-13-88; Code 1988, § 4-4; Ord. 98-A(1), 8-5-98; Ord. 09-4(1), 7-8-09; Ord. 11-4(1), 2-2-11; Ord. 13-4(1), 7-3-13; Ord. 14-4(1), 6-4-14, effective 7-1-14; Ord. 15-4(1), 7-1-15); § 4-103, Ord. 18-4(1), 10-3-18)

State law reference - Va. Code § 3.2-6500.

Sec. 4-104 Penalties.

Any violation of this chapter for which a specific penalty is not specified is a class 4 misdemeanor.

(§ 4-104: (§ 4-101: 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), 7-8-09); § 4-104, Ord. 18-4(1), 10-3-18)

State law reference - Va. Code § 3.2-6587(A)(9).

Article 2. Dogs

Division 1. Licenses

Sec. 4-200 Dog license tax required to be paid and dog license required to be obtained; exemptions.

Each person who owns a dog that is at least four months old shall pay the dog license tax and obtain a dog license as provided in this division, subject to the following exemptions:

- A. *Dogs in the custody of releasing agencies; exemptions from tax and licensure.* A releasing agency that is registered with the County as a releasing agency is not required to pay the dog license tax or to obtain a dog license.
- B. *Guide dogs, hearing dogs, and service dogs; exemption from tax.* The dog license tax is not required to be paid on any dog that is trained and serves as a guide dog for a blind person, is trained and serves as a hearing dog for a deaf or hearing impaired person, or is trained and serves as a service dog for a mobility-impaired or otherwise disabled person. "Hearing dog," "mobility-impaired person," "otherwise disabled person, and "service dog" have the same meanings as assigned in Virginia Code § 51.5-40.1.

(§ 4-200: (§ 4-205: 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), 7-8-09)(§ 4-209: 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), 7-8-09); § 4-200, Ord. 18-4(1), 10-3-18)

State law reference - Va. Code §§ 3.2-6524, 3.2-6528, 51.5-44.

Sec. 4-201 When dog license tax is due and payable.

The dog license tax is due and payable as follows:

- A. *When due and payable.* The license tax imposed on dogs by this division is due and payable no later than 30 days after a dog has reached the age of four months, or no later than 30 days after an owner acquires a dog four months of age or older, and each year thereafter for which the dog is required to be licensed, no later than January 31 of any year for which a license is required, subject to the following:
 1. *Dog reaches the age of four months or comes to County between January 1 and October 31.* If a dog reaches the age of four months, or if a dog over four months old is unlicensed by the County and comes into the possession of a County resident between January 1 and October 31 of any year, the license tax for the current calendar year shall be paid.
 2. *Dog reaches the age of four months or comes to County between November 1 and December 31.* If a dog reaches the age of four months, or if a dog over four months old is unlicensed by the County

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comes into the possession of a County resident between November 1 and December 31 of any year, the license tax for the succeeding calendar year shall be paid, and the dog shall be licensed from the date the license tax is paid.

- B. *Failure to pay dog license tax.* It is a violation of this chapter for any person required by this division to obtain a dog license to fail to pay the license tax prior to February 1 of any year or at any other time as may be required by subsections (A)(1) and (A)(2).

(§ 4-201: (§ 4-206: 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), 7-8-09)(§ 4-210: 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), 7-8-09); § 4-201, Ord. 18-4(1), 10-3-18)

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

Sec. 4-202 Procedure to obtain a license and pay license tax; issuance; form of the license.

Dog licenses shall be obtained when the dog license tax is paid, as follows:

- A. *Application.* Any County resident shall obtain either a one year, two year, or three year dog license by: (i) making an oral or written application to the Director of Finance; (ii) paying the applicable license tax required by County Code § 4-204; and (iii) providing satisfactory evidence that the dog has been inoculated or vaccinated against rabies, as required by County Code § 4-312, which may be established by providing either a current certificate of vaccination against rabies or satisfactory evidence that a certificate has been obtained.
- B. *To whom license may be issued.* The Director of Finance shall license only dogs owned by County residents or dogs whose custodians are County residents. The Director of Finance may require the applicant to provide information to establish that the applicant is a County resident.
- C. *Issuing the license.* Upon receiving a complete application, the Director of Finance shall issue a receipt for the license tax paid, on which the name and address of the owner or custodian, the date of payment, the year(s) for which the license is issued, the serial number of the tag, whether the dog is a male or female, whether the dog is spayed or neutered, or whether the dog is in 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.
- D. *Form of the license.* A dog license consists of a license receipt and a metal tag. For individual licenses, the tag shall be stamped or otherwise permanently marked to show that the County issued the license and shall bear a serial number or other identifying information prescribed by the County. For kennel licenses, the metal tag shall show the number of dogs authorized to be kept under the license, and shall have attached to it a metal identification plate for each dog covered by the license tag, numbered to correspond with the serial number of the license tag.
- E. *Retaining application information; public inspection.* The Director of Finance shall retain the application information during the period that a license is valid, and shall allow it to be available for public inspection.
- F. *False statements prohibited.* It is a violation of this chapter for any person to make a false statement in order to obtain a dog license to which he is not entitled.

(§ 4-202: (§ 4-206: 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), 7-8-09)(§

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4-207: 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), 7-8-09)(§ 4-213: 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), 7-8-09); § 4-202, Ord. 18-4(1), 10-3-18)

State law reference - Va. Code §§ 3.2-6526, 3.2-6527, 3.2-6530(B), 3.2-6587(A).

Sec. 4-203 Duplicate license tag to replace lost, destroyed, or stolen tag.

If a dog license tag is lost, destroyed, or stolen, the owner or custodian shall immediately apply to the Director of Finance to obtain a duplicate license tag as follows:

- A. *Present license receipt and an affidavit, and pay fee.* The owner or custodian shall present to the Director of Finance the original license receipt and an affidavit stating that the original license tag has been lost, destroyed or stolen, and pay a \$1.00 fee.
- B. *Issuing the duplicate license tag.* The Director of Finance shall issue a duplicate license tag to an owner or custodian who presents the information and pays the fee required by subsection (A). The Director shall endorse the number of the duplicate and the date issued on the face of the original receipt.
- C. *Affixing the duplicate license tag.* The owner or custodian shall immediately affix the duplicate license tag to the collar of the dog.

(§ 4-203: (§ 4-207: 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), 7-8-09); § 4-203, Ord. 18-4(1), 10-3-18)

State law reference - Va. Code § 6532.

Sec. 4-204 Amount of license dog tax.

The dog license taxes are as follows:

- A. *Spayed Female/Neutered Male.*
 - One year tag: \$5.00
 - Two year tag: \$10.00
 - Three year tag: \$15.00
- B. *Unspayed Female/Unneutered Male.*
 - One year tag: \$10.00
 - Two year tag: \$20.00
 - Three year tag: \$30.00
- C. *Kennel license:* \$50.00 per block of ten dogs

(§ 4-204: (§ 4-209: 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), 7-8-09; Ord. 14-4(1), 6-4-14, effective 7-1-14); § 4-204, Ord. 18-4(1), 10-3-18)

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

Sec. 4-205 Duty of the Director of Finance to notify owners of unlicensed but vaccinated dogs.

The owner of each unlicensed but vaccinated dog is responsible for applying for a license for the dog as provided by this division. If the Director of Finance determines, from reviewing the rabies vaccination information required to be provided by veterinarians pursuant to County Code § 4-313, that the owner of an unlicensed dog has failed to apply for a license within 90 days after the date of the vaccination, the Director shall send an application to the owner and request the owner to submit a complete application and pay the applicable dog license tax required by County Code § 4-204. Upon receiving the completed application and payment of the applicable dog license tax, the Director shall issue a license as provided in County Code § 4-202.

(§ 4-205: (§ 4-208: Ord. 08-4(2), 9-3-08, § 4-303; Ord. 09-4(1), 7-8-09); § 4-205, Ord. 18-4(1), 10-3-18)

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

Sec. 4-206 Paying the dog license tax after a summons is issued.

An owner is not relieved from the penalties or court costs provided by Virginia Code § 16.2-69.48:1 or Virginia Code § 17.1-275.7 if he pays the dog license tax after a summons to appear before the judge of the general district court or another court is issued for failure to pay the license tax within the time required by County Code § 4-201.

(§ 4-206: (§ 4-211: 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), 7-8-09); § 4-206, Ord. 18-4(1), 10-3-18)

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

Sec. 4-207 Dog is presumed to be unlicensed if it is not wearing a valid license tag.

Any dog that is not wearing a collar bearing a valid license tag for the proper calendar year shall *prima facie* be deemed to be unlicensed. In any proceeding under this division, the burden of proof of the fact that the dog is licensed, or was otherwise not required to bear a tag at the time is on the owner of the dog.

(§ 4-207: (§ 4-212: 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), 7-8-09); § 4-207, Ord. 18-4(1), 10-3-18)

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

Sec. 4-208 Preserving dog license receipts; displaying dog license tags.

Any dog owner and kennel shall preserve dog license receipts and display dog licenses tags as follows:

A. *Individual owners.* Any dog owner shall carefully preserve dog license receipts and promptly show them when an animal control officer or any other officer requests to inspect them. Any dog owner shall securely fasten dog license tags to a substantial collar and ensure that the collar and license tag are worn by the dog. A dog owner may remove the collar and license tag required by this section in any of the following situations:

1. The dog is engaged in lawful hunting.
2. The dog is competing in a dog show.
3. The dog has a skin condition which would be exacerbated by wearing a collar.
4. The dog is confined.
5. The dog is under the immediate control of its owner.

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- B. *Kennels.* The kennel owner shall securely fasten the license tag to the kennel enclosure in full view and keep one of the identification plates provided with the license tag attached to the collar of each dog authorized to be kept enclosed in the kennel. The kennel owner must keep any identification plates not in use and promptly show them when an animal control officer or other officer requests to inspect them.

(§ 4-208: (§ 4-213: 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), 7-8-09); § 4-208, Ord. 18-4(1), 10-3-18)

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

Sec. 4-209 Harboring or concealing unlicensed dogs.

It is unlawful for any person to conceal or harbor any dog on which the required license tax has not been paid.

(§ 4-209: (§ 4-214: Code 1967, § 4-15; Code 1988, § 4-13; Ord. 98-A(1), 8-5-98, § 4-210; Ord. 09-4(1), 7-8-09); § 4-209, Ord. 18-4(1), 10-3-18)

State law reference - Va. Code § 3.2-6587(A)(7)

Division 2. Dangerous Dogs

Sec. 4-210 “Dangerous dog” and “dog” defined.

As used in this division:

A. “Dangerous dog” means:

1. *Bite, attack, or injury on a dog or cat; exceptions.* A canine or canine crossbreed that has bitten, attacked, or inflicted injury on a companion animal that is a dog or cat, or killed a companion animal that is a dog or cat. When a dog attacks, bites, or inflicts injury on a companion animal that is a dog or cat, the attacking or biting dog is not deemed dangerous if, upon investigation, a law enforcement officer or animal control officer finds that: (i) no serious physical injury as determined by a licensed veterinarian has occurred to the dog or cat as a result of the attack or bite; (ii) both animals are owned by the same person; or (iii) the attack occurred on the property of the attacking or biting dog’s owner or custodian
2. *Bite, attack, or injury on a person; exception.* A canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person. A canine or canine crossbreed is not a dangerous dog if, upon investigation, a law-enforcement officer or animal control officer finds that the injury inflicted by the canine or canine crossbreed upon a person consists solely of a single nip or bite resulting only in a scratch, abrasion, or other minor injury.

B. “Dog” means, when used in reference to a “dangerous dog,” a canine or canine crossbreed.

(§ 4-210: (§ 4-218: Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A; Ord. 98-A(1), 8-5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13; Ord. 17-4(1), 6-7-17, effective 7-1-17); § 4-210, Ord. 18-4(1), 10-3-18)

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

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

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

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- A. *Application for a summons.* The law enforcement officer or the animal control officer may apply to a magistrate serving the County to issue a summons requiring the owner or custodian, if known, to appear before a general district court at a specified time. A law enforcement officer who successfully applies for a summons to be issued shall contact the County's animal control officer and inform the animal control officer of the dog's location and the relevant facts pertaining to his belief that the dog is dangerous.
- B. *Content of the summons.* The summons shall advise the owner of the nature of the proceeding and the matters at issue.
- C. *Confining the dog.* The animal control officer shall confine the dog until the time that evidence is heard in court and a verdict is rendered. If the animal control officer determines that the owner or custodian can confine the dog in a manner that protects the public safety, he may permit the owner or custodian to confine the dog until the time that evidence is heard in court and a verdict is rendered.

(§ 4-211: (§ 4-218: Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A; Ord. 98-A(1), 8-5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13; Ord. 17-4(1), 6-7-17, effective 7-1-17); § 4-211, Ord. 18-4(1), 10-3-18)

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

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

A dog shall not be found to be a dangerous dog if any of the following apply:

- A. *During hunting or dog handling event.* The dog bit, attacked, or inflicted injury on a dog or cat while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event.
- B. *Particular breed.* Solely because the dog is a particular breed. The ownership of a particular breed of dog is not prohibited.
- C. *Person was committing crime, trespassing, or provoking, tormenting, or physically abusing the dog.* The threat, injury or damage was sustained by a person who was: (i) committing, at the time, a crime upon the premises occupied by the dog's owner or custodian; (ii) committing, at the time, a willful trespass upon the premises occupied by the dog's owner or custodian; or (iii) provoking, tormenting, or physically abusing the dog, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the dog at other times.
- D. *Police dogs.* The dog is a police dog and was engaged in the performance of its duties as a police dog at the time of the acts complained of.
- E. *Responding to pain or injury or protecting.* The dog was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, at the time of the acts complained of.
- F. *Court finds dog not dangerous or a threat to the community.* The court determines, based on the totality of the evidence before it, or for other good cause, that the dog is not dangerous or a threat to the community.

(§ 4-212: (§ 4-218: Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A; Ord. 98-A(1), 8-5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13; Ord. 17-4(1), 6-7-17, effective 7-1-17); § 4-212, Ord. 18-4(1), 10-3-18)

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

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

Judicial proceedings on a summons that a dog is a dangerous dog are as follows:

- A. *Authority to compel the alleged dangerous dog to be produced.* The court, through its contempt powers, may compel the owner, custodian, or harbinger of the alleged dangerous dog to produce it.
- B. *Remedies if the court finds the dog to be a dangerous dog.* If, after hearing the evidence, the court finds that the dog is a dangerous dog:
 - 1. *Pay restitution.* The court may order the owner, custodian, or harbinger of the dangerous dog to pay restitution for actual damages to any person injured by the dog or whose companion animal was injured or killed by the dog; and
 - 2. *Pay reasonable expenses.* The court, in its discretion, may also order the owner to pay all reasonable expenses incurred in caring and providing for the dangerous dog from the time the dog was taken into custody until the dog is disposed of or returned to the owner.
- C. *Appeals.* The procedure for appeal and trial is the same as provided by law for misdemeanors. Trial by jury shall be as provided in Virginia Code § 19.2-260 *et seq.* The State is required to prove its case beyond a reasonable doubt.

(§ 4-213: (§ 4-218: Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A; Ord. 98-A(1), 8-5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13; Ord. 17-4(1), 6-7-17, effective 7-1-17); § 4-213, Ord. 18-4(1), 10-3-18)

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

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

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

- A. *Owner must obtain a dangerous dog registration certificate.* The owner of any dog found to be a dangerous dog shall, within 30 days after the finding, obtain a dangerous dog registration certificate from the Director of Finance.
- B. *Requirements to obtain a dangerous dog registration certificate.* In order to obtain a dangerous dog registration certificate, the owner shall pay a fee of \$150.00, in addition to other fees that may be authorized by law, and present to the Director of Finance satisfactory evidence of all of the following:
 - 1. *Rabies vaccination.* The dog's current rabies vaccination, if applicable.
 - 2. *Spayed or neutered.* The dog has been spayed or neutered.
 - 3. *Confinement.* The dog is and will be confined in a proper enclosure, is and will be confined inside the owner's residence, or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed.
 - 4. *Dog identified by electronic implantation.* The dog has been permanently identified by means of electronic implantation.
 - 5. *Owner's residence posted.* The owner's residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property.

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6. *Liability insurance or bond in surety.* The owner has liability insurance coverage, to the value of at least \$100,000.00 that covers dog bites. The owner may obtain and maintain a bond in surety, in lieu of liability insurance, to the value of at least \$100,000.00.
- C. *To whom certificate may be issued.* The Director of Finance may issue a dangerous dog registration certificate only to persons 18 years of age or older.
- D. *Form of the certificate; tag.* A dangerous dog registration certificate includes a uniformly designed tag provided by the Director of Finance that identifies the dog as a dangerous dog.
- E. *Affixing and displaying the tag.* The owner shall affix the tag to the dog's collar and ensure that the dog wears the collar and tag at all times.
- F. *Renewals.* The owner shall update and renew a dangerous dog registration certificate by January 31 of each year, until the dangerous dog is deceased. The annual renewal fee is \$85; otherwise, the certificate shall be renewed in the same manner as the initial certificate was obtained and the requirements of this section apply.
- G. *Virginia Dangerous Dogs Registry.* The animal control officer shall post dangerous dog registration information on the Virginia Dangerous Dogs Registry.

(§ 4-214: (§ 4-218: Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A; Ord. 98-A(1), 8-5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13; Ord. 17-4(1), 6-7-17, effective 7-1-17); § 4-214, Ord. 18-4(1), 10-3-18)

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

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

If the court finds a dog to be a dangerous dog, the dog shall be controlled as follows;

- A. *When the dog is on the property of its owner.* When on the property of its owner, a dog found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. While the dog is confined within the structure, it shall be provided for according to County Code § 4-300.
- B. *When the dog is off of the property of its owner.* When off the property of its owner, an animal found to be a dangerous dog shall be kept on a leash and muzzled in a manner that will not to cause injury to the animal or interfere with the animal's vision or respiration, but will prevent it from biting a person or another animal.

(§ 4-215: (§ 4-218: Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A; Ord. 98-A(1), 8-5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13; Ord. 17-4(1), 6-7-17, effective 7-1-17); § 4-215, Ord. 18-4(1), 10-3-18)

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

Sec. 4-216 Dog found to be a dangerous dog; an owner's ongoing obligation to inform the County animal control officer.

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

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- A. *When prompt notification is required.* The owner shall promptly notify the animal control officer about: (i) the names, address, and telephone numbers of all owners; (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, cat or dog; (iv) any claims made or lawsuits brought as a result of any attack by the dog; (v) chip (electronic implantation as required by County Code § 4-214(B)(4)) identification information; and (vi) proof of insurance or surety bond as required by County Code § 4-214(B)(6).
- B. *When immediate notification is required.* The owner shall immediately, upon learning the information, notify the animal control officer if the dog: (i) is loose or unconfined; (ii) bites a person or attacks another animal; or (iii) is sold, given away, or dies.
- C. *When notification is required within 10 days.* The owner shall, within 10 days after relocating, provide written notice about the relocation to the County's animal control authority and the new address to which the dog has been moved.

(§ 4-216: (§ 4-218: Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A; Ord. 98-A(1), 8-5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13; Ord. 17-4(1), 6-7-17, effective 7-1-17); § 4-216, Ord. 18-4(1), 10-3-18)

State law reference - Va. Code § 3.2-6540(J), (K).

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

If a dog was previously declared a dangerous dog pursuant to County Code § 4-213 and the declaration arose out of a separate and distinct incident:

- A. *Punishment; attack on cat or dog that is a companion animal.* The owner or custodian of the dog shall be guilty of a class 2 misdemeanor if the dog attacks and injures or kills a cat or dog that is a companion animal belonging to another person.
- B. *Punishment; attack on a person.* The owner or custodian of the dog shall be guilty of a class 1 misdemeanor if the dog bites a human being or attacks a human being causing bodily injury.
- C. *Exceptions.* Subsections (A) and (B) do not apply in the following circumstances:
 - 1. *Responding to pain or injury or protecting.* The dog was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, at the time of the acts complained of.
 - 2. *Police dogs.* The dog is a police dog and was engaged in the performance of its duties as a police dog at the time of the attack.

(§ 4-217: (§ 4-218: Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A; Ord. 98-A(1), 8-5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13; Ord. 17-4(1), 6-7-17, effective 7-1-17); § 4-217, Ord. 18-4(1), 10-3-18)

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

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

Any owner of a dog that has been found by the court to be a dangerous dog who willfully fails to comply with the requirements of this division, the following apply:

- A. *Punishment.* The owner shall be guilty of a class 1 misdemeanor.

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- B. *Confining the dangerous dog prior to hearing and verdict.* When an owner or custodian of a dog found to be a dangerous dog is charged with a violation of this section, the animal control officer shall confine the dangerous dog until the evidence is heard and a verdict is rendered by the court.
- C. *Authority to compel the alleged dangerous dog to be produced.* The court, through its contempt powers, may compel the owner, custodian, or harbinger of the animal alleged dangerous dog to produce it.
- D. *Additional remedies upon conviction.* If the owner is convicted under this section:
1. *Order that the dog be disposed.* The court may order the dangerous dog to be disposed of by the County pursuant to Virginia Code § 3.2-6562.
 2. *Allow the owner 45 days to comply; order that the dog be disposed if compliance is not achieved.* In the alternative to subsection (D)(1), the court may grant the owner up to 45 days to comply with the requirements of this division, during which time the dangerous dog shall remain in the custody of the animal control officer until compliance has been verified. If the owner fails to achieve compliance within the time specified by the court, the court shall order the dangerous dog to be disposed of by the County pursuant to Virginia Code § 3.2-6562.
 3. *Pay reasonable expenses.* The court, in its discretion, may also order the owner to pay all reasonable expenses incurred in caring and providing for the dangerous dog from the time the dog was taken into custody until the dog is disposed of or returned to the owner.

(§ 4-218: (§ 4-218: Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A; Ord. 98-A(1), 8-5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13; Ord. 17-4(1), 6-7-17, effective 7-1-17); § 4-218, Ord. 18-4(1), 10-3-18)

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

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

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

(§ 4-219: (§ 4-218: Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A; Ord. 98-A(1), 8-5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13; Ord. 17-4(1), 6-7-17, effective 7-1-17); § 4-219, Ord. 18-4(1), 10-3-18)

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

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

All fees collected pursuant to this division, less the costs incurred by the County in producing and distributing the certificates and tags required by this division and fees due to the State Veterinarian for maintaining the Virginia Dangerous Dog Registry, shall be paid into a special dedicated fund of the County for the purpose of paying the expenses of any training course required under Virginia Code § 3.2-6556.

(§ 4-220: (§ 4-218: Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A; Ord. 98-A(1), 8-5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13; Ord. 17-4(1), 6-7-17, effective 7-1-17); § 4-220, Ord. 18-4(1), 10-3-18)

State law reference - Va. Code § 3.2-6540(N).

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Division 3. Vicious Dogs

Sec. 4-221 “Dog,” “serious injury,” and “vicious dog” defined.

As used in this division:

- A. “Dog” means, when used in reference to a “vicious dog,” a canine or canine crossbreed.
- B. “Serious injury” means an injury having a reasonable potential to cause death or any injury other than a sprain or strain, and it includes serious disfigurement, serious impairment of health, or serious impairment of bodily function and requiring significant medical attention.
- C. “Vicious dog” means a canine or canine crossbreed that has: (i) killed a person; (ii) inflicted serious injury to a person; 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 ordinance that it is a dangerous dog, provided that its owner has been given notice of that finding.

(§ 4-221: (§ 4-219: Ord. 13-4(1), 7-3-13); § 4-221, Ord. 18-4(1), 10-3-18)

State law reference - Va. Code § 3.2-6540.1(A).

Sec. 4-222 Reason to believe a dog is a vicious dog; summons and confinement.

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

- A. *Application for a summons.* The law enforcement officer or the animal control officer shall apply to a magistrate serving the County to issue a summons requiring the owner or custodian, if known, to appear before a general district court at a specified time. A law enforcement officer who successfully applies for a summons to be issued shall contact the County’s animal control officer and inform the animal control officer of the dog’s location and the relevant facts pertaining to his belief that the dog is vicious.
- B. *Content of the summons.* The summons shall advise the owner of the nature of the proceeding and the matters at issue.
- C. *Confining the dog.* The animal control officer shall confine the dog until the time that evidence is heard in court and a verdict is rendered.

(§ 4-222: (§ 4-219: Ord. 13-4(1), 7-3-13); § 4-222, Ord. 18-4(1), 10-3-18)

State law reference - Va. Code § 3.2-6540.1(B).

Sec. 4-223 Circumstances when a dog shall not be found to be a vicious dog.

A dog shall not be found to be a vicious dog in the following circumstances:

- A. *Particular breed.* Solely because the dog is a particular breed. The ownership of a particular breed of dog is not prohibited.
- B. *Person was committing crime, trespassing, or provoking, tormenting, or physically abusing the dog.* The threat, injury, or damage was sustained by a person who was: (i) committing, at the time, a crime upon the premises occupied by the dog’s owner or custodian; (ii) committing, at the time, a willful trespass upon the premises occupied by the dog’s owner or custodian; or (iii) provoking, tormenting, or physically abusing the dog, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the dog at other times.

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- C. *Police dogs.* The dog is a police dog and was engaged in the performance of its duties as a police dog at the time of the acts complained of.
- D. *Responding to pain or injury or protecting.* The dog was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, at the time of the acts complained of.

(§ 4-223: (§ 4-219: Ord. 13-4(1), 7-3-13); § 4-223, Ord. 18-4(1), 10-3-18)

State law reference - Va. Code § 3.2-6540.1(C).

Sec. 4-224 Judicial proceedings on a summons that a dog is a vicious dog.

Judicial proceedings on a summons that a dog is a vicious dog are as follows:

- A. *Authority to compel the alleged vicious dog to be produced.* The court, through its contempt powers, may compel the owner, custodian, or harbinger of the alleged vicious dog to produce it.
- B. *Remedies if the court finds the dog to be a vicious dog.* If, after hearing the evidence, the court finds that the dog is a vicious dog:
 - 1. *Euthanize the dog.* The court shall order the dog euthanized in accordance with Virginia Code § 3.2-6562;
 - 2. *Pay restitution.* The court may order the owner, custodian, or harbinger of the vicious dog to pay restitution for actual damages to any person injured by the dog or to the estate of any person killed by the dog; and
 - 3. *Pay reasonable expenses.* The court, in its discretion, may also order the owner to pay all reasonable expenses incurred in caring and providing for the vicious dog from the time the dog was taken into custody until the dog is disposed of.
- C. *Appeals.* The procedure for appeal and trial is the same as provided by law for misdemeanors. Trial by jury shall be as provided in Virginia Code § 19.2-260 *et. seq.* The State is required to prove its case beyond a reasonable doubt.

(§ 4-224: (§ 4-219: Ord. 13-4(1), 7-3-13); § 4-224, Ord. 18-4(1), 10-3-18)

State law reference - Va. Code § 3.2-6540.1(B).

Division 4. Dogs Running at Large and Dogs Damaging Livestock or Poultry

Sec. 4-225 Dog running at large is prohibited.

An owner shall not allow his dog to run at large in the County, subject to the following:

- A. *When a dog is deemed to run at large.* For the purposes of this section, a dog is deemed to "run 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.
- B. *When a dog is not considered to be running at large.* A dog is not considered to "run 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.
- C. *Seizure, impoundment, and disposition.* Any dog observed or captured while unlawfully running at large shall be seized, impounded, and disposed pursuant to Virginia Code § 3.2-6546(B), (C), and (D).

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(§ 4-225: (§ 4-200: 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), 7-8-09; Ord. 09-4(2), 10-7-09; Ord. 12-4(1), 4-11-12)(§ 4-213: 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), 7-8-09); § 4-225, Ord. 18-4(1), 10-3-18)

State law reference - Va. Code §§ 3.2-6538, 3.2-6544(B).

Sec. 4-226 Dog running at large without a license tag is prohibited.

An owner shall not allow his dog to run at large as described in County Code § 4-225(A) in the County without wearing a license tag, subject to the following:

- A. *When a dog is not required to wear a license tag.* A dog is not considered to be “without wearing a license tag” if the owner removed the collar and license tag in any of the following situations:
 - 1. The dog is engaged in lawful hunting.
 - 2. The dog is competing in a dog show.
 - 3. The dog has a skin condition which would be exacerbated by wearing a collar.
 - 4. The dog is confined.
 - 5. The dog is under the immediate control of its owner.
- B. *Seizure, impoundment, and disposition.* Any dog observed or captured while unlawfully running at large without wearing a license tag shall be seized, impounded, and disposed pursuant to County Code § 4-227 and, as applicable Virginia Code §§ 3.2-6546(B), (C), and (D) and 3.2-6562.

(§ 4-226: (§ 4-200: 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), 7-8-09; Ord. 09-4(2), 10-7-09; Ord. 12-4(1), 4-11-12)(§ 4-303: 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), 7-8-09; Ord. 14-4(1), 6-4-14, effective 7-1-14); § 4-226, Ord. 18-4(1), 10-3-18)

State law reference - Va. Code §§ 3.2-6531, 3.2-6538, 3.2-6543.

Sec. 4-227 Seizure, impoundment, and disposition of dogs running at large.

Any dog observed or captured while unlawfully running at large shall be seized, impounded, and disposed:

- A. *Confinement in an animal shelter.* The dog shall be confined in a public animal shelter.
- B. *Minimum duration of confinement.* The dog shall be confined in the public animal shelter for a minimum of five days, unless it is sooner claimed by its rightful owner. The five-day period begins on the day immediately following the day the dog is initially confined in the shelter.
- C. *Effort to identify rightful owner; extended duration of confinement.* The operator or custodian of the public animal shelter shall make a reasonable effort to ascertain whether the dog has a collar, tag,

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license, tattoo, or other form of identification. If identification is found on the dog, it shall be held for an additional five days, unless it is sooner claimed by the rightful owner. If the rightful owner of the dog is identified, the operator or custodian of the shelter shall make a reasonable effort to notify the owner of the dog's confinement within the next 48 hours following its confinement.

- D. *Vaccinations during confinement.* During the time that an animal is confined pursuant to subsection (C), the operator or custodian of the public animal shelter may vaccinate the animal to prevent the risk of communicable diseases, provided that: (i) all vaccines are administered in accordance with a protocol approved by a licensed veterinarian; and (ii) rabies vaccines are administered by a licensed veterinarian or licensed veterinary technician under the immediate direction and supervision of a licensed veterinarian in accordance with Virginia Code § 3.2-6521.
- E. *Charges and fees.* The owner of any dog claimed may be charged for the actual expenses incurred during its impoundment. In addition, the Board of Supervisors may, after a public hearing, adopt an ordinance to charge the owner a fee for impoundment and increased fees for later impoundments of the same dog.
- F. *Dog not claimed during the confinement period deemed abandoned.* If a dog confined pursuant to this section is not claimed upon expiration of the applicable holding period as provided in subsections (B) and (C), it shall be deemed abandoned and become the property of the public animal shelter.
- G. *Disposition of unclaimed dog deemed abandoned.* The public animal shelter may dispose of any unclaimed dog deemed abandoned under subsection (F) by any of the following methods:
1. *Release to a releasing agency.* The public animal shelter may release the dog to any humane society, public or private animal shelter, or other releasing agency within the State, subject to the requirements of Virginia Code § 3.2-6546(D)(1).
 2. *Adoption by a County resident.* Adoption by a County resident, subject to the requirements of Virginia Code § 3.2-6546(D)(2).
 3. *Adoption by a resident of an adjacent locality.* Adoption by a resident of an adjacent locality, subject to the requirements of Virginia Code § 3.2-6546(D)(3).
 4. *Adoption by any other person.* Adoption by any other person, subject to the requirements of Virginia Code § 3.2-6546(D)(4).
 5. *Release to an out-of-state releasing agency for purposes of adoption or euthanasia.* Release for the purposes of adoption or euthanasia only, to an animal shelter, or any other releasing agency, located in and lawfully operating under the laws of another state, subject to the requirements of Virginia Code § 3.2-6546(D)(5).
 6. *Euthanization.* Euthanization by the animal shelter, subject to the requirements of Virginia Code § 3.2-6546(D)(¶1).
- H. *Disposition of unclaimed and unlicensed dog by animal control officer.* In addition to the methods of disposition in subsection (G), if a dog for which a license tax has not been paid was found running at large, and the applicable holding period as provided in subsections (B) and (C) has expired, an animal control officer or other officer may deliver the dog to any person in the County who: (i) will pay the required license tax due on the dog; (ii) is able to provide adequate space and adequate shelter for the dog and is otherwise capable of adequately caring for the dog; and (iii) has never been charged with animal cruelty.

(§ 4-227: (§ 4-303: 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), 7-8-09; Ord. 14-4(1), 6-4-14, effective 7-1-14); § 4-227, Ord. 18-4(1), 10-3-18)

State law reference - Va. Code §§ 3.2-6546(B),(C), (D), 3.2-6562.

Sec. 4-228 Failure to confine female dogs in heat is prohibited.

An owner shall confine his female dog in heat beyond the reach of any male dog who may run at large.

(§ 4-228: (§ 4-204: Code 1967, § 4-13; Code 1988, § 4-18; Ord. 98-A(1), 8-5-98, § 4-212; Ord. 09-4(1), 7-8-09); § 4-228, Ord. 18-4(1), 10-3-18)

State law reference - Va. Code §§ 3.2-6538, 3.2-6543.

Sec. 4-229 Allowing kennel dogs to stray beyond enclosure is prohibited.

A kennel owner or operator shall not allow a kennel dog to stray beyond the limits of the kennel enclosure, provided that kennel dogs may be temporarily removed from their enclosure while under the control of the owner for the purpose of exercising, hunting, breeding, trial, or showing.

(§ 4-229, Ord. 18-4(1), 10-3-18)

State law reference - Va. Code §§ 3.2-6538, 3.2-6543.

Sec. 4-230 Finding a dog in the act of killing or injuring livestock or poultry or chasing livestock.

If an animal control officer or other person finds any dog in the act of killing or injuring livestock or poultry or chasing livestock, the following apply:

- A. *Duty of an animal control officer.* Any animal control officer finding a dog in the act of killing or injuring livestock or poultry has a duty to promptly seize or kill the dog, regardless of whether the dog is wearing a license tag.
- B. *Right of any other person.* Any person finding a dog in the act of killing or injuring livestock or poultry has the right to kill the dog on sight.
- C. *Right of livestock owner or agent.* Any livestock owner or the livestock owner's agent finding a dog chasing livestock on land used by the livestock has the right to kill the dog on sight when the circumstances show that the chasing is harmful to the livestock.

(§ 4-230: (§ 4-201: Code 1967, § 4-9; 4-13-88; Code 1988, § 4-9; Ord. 98-A(1), 8-5-98, § 4-203; Ord. 09-4(1), 7-8-09; Ord. 14-4(1), 6-4-14, effective 7-1-14; Ord. 16-4(1), 7-6-16); § 4-230, Ord. 18-4(1), 10-3-18)

State law reference - Va. Code § 3.2-6552(A).

Sec. 4-231 Authority of court when dog is a confirmed livestock or poultry killer.

When a dog is a confirmed livestock or poultry killer, the court has the following authority:

- A. *Authority to compel the dog to be produced.* The court, through its contempt powers, may compel the owner, custodian, or harbinger of the dog to produce it.
- B. *Authority order that dog be killed.* Any court may 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.

(§ 4-231: (§ 4-201: Code 1967, § 4-9; 4-13-88; Code 1988, § 4-9; Ord. 98-A(1), 8-5-98, § 4-203; Ord. 09-4(1), 7-8-09; Ord. 14-4(1), 6-4-14, effective 7-1-14; Ord. 16-4(1), 7-6-16); § 4-231, Ord. 18-4(1), 10-3-18)

State law reference - Va. Code § 3.2-6552(A).

Sec. 4-232 Reason to believe a dog is killing livestock or poultry; seizing the dog.

Any animal control officer having reason to believe that any dog is killing livestock or poultry is empowered to seize the dog solely for the purpose of examining the dog in order to determine whether it has killed livestock or poultry.

(§ 4-232: (§ 4-201: Code 1967, § 4-9; 4-13-88; Code 1988, § 4-9; Ord. 98-A(1), 8-5-98, § 4-203; Ord. 09-4(1), 7-8-09; Ord. 14-4(1), 6-4-14, effective 7-1-14; Ord. 16-4(1), 7-6-16); § 4-232, Ord. 18-4(1), 10-3-18)

State law reference - Va. Code § 3.2-6552(B).

Sec. 4-233 Reason to believe a dog is killing or injuring livestock or poultry, or chasing livestock; applying for a warrant.

If an animal control officer or other person has reason to believe that any dog is killing or injuring livestock or poultry, or chasing livestock, the following apply:

- A. *Application for warrant.* The animal control officer or person shall apply to a magistrate serving the County for a warrant.
- B. *Issuance of warrant; content.* The magistrate shall issue warrant, which shall require the owner or custodian, if known, to appear before the general district court at a time and place named in the warrant.

(§ 4-233: (§ 4-201: Code 1967, § 4-9; 4-13-88; Code 1988, § 4-9; Ord. 98-A(1), 8-5-98, § 4-203; Ord. 09-4(1), 7-8-09; Ord. 14-4(1), 6-4-14, effective 7-1-14; Ord. 16-4(1), 7-6-16); § 4-233, Ord. 18-4(1), 10-3-18)

State law reference - Va. Code § 3.2-6552(B).

Sec. 4-234 Judicial proceedings on a warrant that a dog is believed to have killed or injured livestock or poultry, or chased livestock.

In judicial proceedings on a warrant that a dog is believed to have killed or injured livestock or poultry or chased livestock, the court may order the following:

- A. *Remedies if the court finds the dog to have killed or injured livestock or poultry, or chased livestock.* If, after hearing evidence, it appears to the court that the dog has killed or injured livestock or poultry, or chased livestock:
 - 1. *Killed or euthanized.* The court shall order that the dog be killed or euthanized immediately by the animal control officer or other officer designated by the court; or
 - 2. *Removed to another state.* The court shall order that the dog be removed to another state that does not border the State and be prohibited from returning to the State. Any dog ordered removed from the State that is later found in the State shall be ordered by a court to be killed or euthanized immediately.
- B. *Alternative remedies if the court finds the dog to have killed or injured only poultry.* If, after hearing evidence, it appears to the court that the dog has killed or injured only poultry, in the alternative to the remedies in subsection (A):
 - 1. *Transfer the dog to another owner and fitting with identifying microchip.* The court may order that the dog be transferred to another owner whom the court deems appropriate and permanently fitted with an identifying microchip registered to that owner; or
 - 2. *Confinement and fitting with identifying microchip; requirements when dog taken off of the owner's property.* The court may order that the dog be fitted with an identifying microchip

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

(§ 4-234: (§ 4-201: Code 1967, § 4-9; 4-13-88; Code 1988, § 4-9; Ord. 98-A(1), 8-5-98, § 4-203; Ord. 09-4(1), 7-8-09; Ord. 14-4(1), 6-4-14, effective 7-1-14; Ord. 16-4(1), 7-6-16); § 4-234, Ord. 18-4(1), 10-3-18)

State law reference - Va. Code § 3.2-6552(B), (C).

Sec. 4-235 Compensation for livestock and poultry killed by a dog.

Any person who has any livestock or poultry killed or injured by any dog not his own is entitled to receive as compensation from the County the fair market value of the livestock or poultry not to exceed \$750.00 per animal or \$10.00 per fowl if all of the following are satisfied:

- A. *Evidence of death and cause.* The claimant furnishes evidence within 60 days after 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.
- B. *Animal control officer notified.* The animal control officer or other officer shall have been notified of the incident within 72 hours after its discovery.
- C. *Legal remedies exhausted.* 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.

(§ 4-235: (§ 4-202: Ord. 09-4(1), 7-8-09; Ord. 14-4(1), 6-4-14, effective 7-1-14); § 4-235, Ord. 18-4(1), 10-3-18)

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

Sec. 4-236 Unauthorized removal of collars or tags.

It is unlawful for any person, except the owner or custodian, to remove a collar or a legally acquired license tag from a dog without the permission of the owner or custodian.

(§ 4-236: (§ 4-203: Code 1967, § 4-14; Code 1988, § 4-12; Ord. 98-A(1), 8-5-98, § 4-209; Ord. 09-4(1), 7-8-09); § 4-236, Ord 18-4(1), 10-3-18)

State law reference - Va. Code § 3.2-6587.

Article 3. Animals

Division 1. Animal Welfare

Sec. 4-300 Providing care to companion animals.

Companion animals shall be cared for as follows:

- A. *Required care.* Each owner, public or private animal shelter, other releasing agency, foster care provider, dealer, pet shop, exhibitor, kennel, groomer, and boarding establishment shall provide all of the following for any companion animal:

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1. *Food.* Adequate feed.
 2. *Water.* Adequate water.
 3. *Shelter.* Adequate shelter that is properly cleaned.
 4. *Space.* Adequate space in the primary enclosure for the particular type of animal depending upon its age, size, species, and weight.
 5. *Exercise.* Adequate exercise.
 6. *Care, treatment, transportation.* Adequate care, treatment, and transportation.
 7. *Veterinary care.* Veterinary care when needed or to prevent suffering or disease transmission.
- B. *Punishment.* A violation of this section is a class 4 misdemeanor, provided that a second or subsequent violation of subsection (A)(1), (A)(2), (A)(3), or (A)(7) is a class 2 misdemeanor and a second or subsequent violation of subsection (A)(4), (A)(5), or (A)(6) is a class 3 misdemeanor.
- C. *Animals used as food.* This section does not require that animals used as food for other animals be euthanized.

(§ 4-300: (§ 4-105: Ord. 09-4(1), 7-8-09; Ord. 10-4(1), 9-1-10; Ord. 14-4(1), 6-4-14, effective 7-1-14); § 4-300, Ord. 18-4(1), 10-3-18)

State law reference - Va. Code § 3.2-6544(B).

Sec. 4-301 Cruelty to animals; acts that inflict pain, injury, or suffering are prohibited.

Acts of cruelty to animals inflicting specific acts of pain, injury, or suffering are subject to the following:

- A. *Unlawful acts.* The following acts are unlawful:
1. *Inflicting death, injury, or pain generally.* Any person who 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. In addition, evidence of any of the following establishes a rebuttable presumption that this subsection has been violated:
 - a. The person places any animal, including any dog, on a tether:
 1. That does not terminate at both ends with a swivel.
 2. That is shared with other animals.
 3. For more than two hours cumulative in any 24-hour period.
 4. During an excessive heat warning or heat advisory issued by the National Weather Service, the State, or the County.
 5. During a severe weather warning issued by the National Weather Service, including any hurricane warning, tropical storm warning, tornado warning, severe thunderstorm warning, or winter storm warning.
 6. On uninhabited or abandoned property in the County.

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- b. The person places any animal, including any dog, on a tether that, if it is on a pulley or running line:
 1. That restricts movement of the animal.
 2. Is inappropriate for the animal's age and size.
 3. Is not attached to the animal by a collar.
 4. Is less than 15 feet in length.
 5. Is more than seven feet above the ground.
 6. Is configured to allow the animal to be injured, strangled, or entangled with other animals or objects.
 - c. The person places any female dog in heat on a tether or tethers a dog that is six months' old or younger.
 - d. The person transports an animal in an open-bed truck or similar vehicle either when the animal is tethered or is in a carrier that is not secured to the vehicle so that it is unmovable and allows normal postural movements of the animal.
2. *Depriving food, drink, shelter, or treatment.* Any person who deprives any animal of necessary food, drink, shelter, or emergency veterinary treatment. In addition, evidence of any of the following establishes a rebuttable presumption that this subsection has been violated:
- a. The person provides a shelter for an animal that is composed of metal or plastic barrels, airline crates, or carrying crates.
 - b. The person provides a shelter for a dog or cat that is without a floor or the floor is not raised off the ground by at least two inches.
 - c. The person deprives an animal of clean, fresh, potable water that is a drinkable temperature.
 - d. Depending on the age, breed, or both, of a dog or cat, the person provides a shelter for the dog or cat that is located or is in a condition so that, because of environmental conditions, the dog or cat is deprived of necessary shelter.
 - e. The person provides shelter for a dog or cat that is infested with mold, insects, or parasites.
 - f. The person provides a shelter for a dog or cat that has vents, cracks, or holes, other than the entrance, that allows rain or other moisture into the shelter.
3. *Roping, lassoing, or otherwise obstructing or interfering with an equine's legs.* Any person who ropes, lassoes, or otherwise obstructs or interferes with one or more legs of an equine in order to intentionally cause it to trip or fall for the purpose of engagement in a rodeo, contest, exhibition, entertainment, or sport unless the actions are in the practice of accepted animal husbandry or for the purpose of allowing veterinary care.
4. *Soring an equine.* Any person who sores any equine for any purpose or administers drugs or medications to alter or mask the sores for the purpose of sale, show, or exhibition of any kind, unless administering the drugs or medications is within the context of a veterinary client-patient relationship and solely for therapeutic purposes.
5. *Willfully pursuing any act of cruelty.* Any person who willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal.

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6. *Transporting animal in manner that produces torture or unnecessary suffering.* Any person who carries or causes to be carried by any vehicle, vessel, or otherwise any animal in a cruel, brutal, or inhumane manner, so as to produce torture or unnecessary suffering.
 7. *Causing or permitting another to engage in acts of cruelty.* Any person who causes any of the acts in subsections (A)(1) through (A)(6) or, being the owner of an animal that has been subjected to any of the acts in subsections (A)(1) through (A)(6), permits those acts to be done by another.
- B. *Penalties.* Any person who commits any of the acts in subsection (A) is subject to the following:
1. *Class 1 misdemeanor.* A violation of this section is punishable as a class 1 misdemeanor.
 2. *Court-ordered treatment.* The court may, in its discretion, require any person convicted of violating 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.
 3. *Prohibiting possessing or owning companion animals.* The court may, in its discretion, prohibit any person convicted of violating subsection (A) from possessing or owning companion animals or equine.
- C. *Excepted acts.* The following acts are not prohibited by subsection (A):
1. *Dehorning cattle.* Dehorning cattle that is conducted in a reasonable and customary manner.
 2. *Wildlife management activities, hunting, fishing, and trapping.* Authorized wildlife management activities, or hunting, fishing or trapping as regulated under the Virginia Code, including Virginia Code Title 29.1.
 3. *Farming activities.* Farming activities as provided by the Virginia Code or the County Code.
 4. *Right of an owner to use force to protect a dog or cat against an attack by another dog.* If a dog or cat is attacked on its owner's property by a dog so as to cause injury or death, the following apply:
 - a. *Owner may use force to protect the dog or cat.* 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.
 - b. *Owner presumed to have taken necessary and appropriate action.* The owner is presumed to have taken necessary and appropriate action to defend his dog or cat and is therefore presumed not to have violated this section.

(§ 4-301: (§ 4-108: Ord. 98-A(1), 8-5-98, § 4-207; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13); § 4-301, Ord. 18-4(1), 10-3-18)

State law reference - Va. Code §§ 3.2-6544(B), 3.2-6570.

Sec. 4-302 Cruelty to domestic dogs and cats; killing for hide, fur, or pelt.

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. Any person who commits any of the acts prohibited by this section is subject to the following:

- A. *Penalty.* A violation of this section is punishable as a class 1 misdemeanor.

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- B. *Prohibiting possessing or owning companion animals.* The court may, in its discretion, prohibit any person convicted of violating subsection (A) from possessing or owning companion animals or equine.

(§ 4-302: (§ 4-108: Ord. 98-A(1), 8-5-98, § 4-207; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13); § 4-302, Ord. 18-4(1), 10-3-18)

State law reference - Va. Code §§ 3.2-6544(B), 3.2-6570.

Sec. 4-303 Abandoning or dumping an animal is prohibited.

It is unlawful for any person to abandon or dump any animal; provided that it is not unlawful for an owner to release an animal to a public or private animal shelter or other releasing agency. Any person who unlawfully abandons or dumps any animal shall be guilty of a class 1 misdemeanor.

(§ 4-303: (§ 4-107: Ord. 09-4(1), 7-8-09; Ord. 14-4(1), 6-4-14, effective 7-1-14); § 4-303, Ord. 18-4(1), 10-3-18)

State law reference - Va. Code §§ 3.2-6543(A), 3.2-6544(B).

Sec. 4-304 Animals running at large beyond the boundaries of their own land; boundary lines declared lawful fences.

It is unlawful for the owner or manager of any horse, mule, swine, sheep, goat, or cattle of any description to permit the animal to run at large beyond the boundaries of their own land. The boundary lines of each lot or tract of land in the County are hereby declared to be a lawful fence.

(§ 4-304: (§ 4-103: Code 1967, § 4-1; Code 1988, § 4-1; Ord. 98-A(1), 8-5-98, § 4-102; Ord. 09-4(1), 7-8-09); § 4-304, Ord. 10-3-18, 10-3-18)

State law reference - Va. Code §§ 55-306, 55-316.

Sec. 4-305 Diseased dogs and cats are prohibited from straying from their premises.

It is unlawful for the owner of any dog or cat with a contagious or infectious disease to permit the dog or cat to stray from the owner's premises if the owner knows that the animal has the disease.

(§ 4-305: (§ 4-110: Code 1967, § 4-12; Code 1988, § 4-17; Ord. 98-A(1), 8-5-98, § 4-211; Ord. 09-4(1), 7-8-09); § 4-305, Ord. 18-4(1), 10-3-18)

State law reference - Va. Code § 3.2-6587.

Division 2. Seizure, Impoundment, and Disposition

Sec. 4-306 Seizure, impoundment, and disposition of animals that have been abandoned, cruelly treated, or are suffering.

Any animal subjected to cruelty, abandoned, or which is suffering from a violation of this chapter or Virginia Code § 3.2-6500 *et seq.* that has rendered the animal in a condition that poses a direct and immediate threat to its life, safety, or health may be seized, impounded, and disposed as follows:

- A. *Authority of law enforcement officer or animal control officer to seize and impound animal.* Subject to subsection (B), any law enforcement officer or animal control 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 or the Comprehensive Animal Care laws (Virginia Code § 3.2-6500 *et seq.*) that has rendered the animal in a condition that poses a direct and immediate threat to its life, safety, or health.

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- B. *Seizing or impounding an agricultural animal.* A law enforcement officer or animal control officer may seize or impound an agricultural animal only as follows:
1. *Prerequisite to seizure or impoundment; contacting the State Veterinarian and notifying the owner and the Commonwealth's Attorney.* Before seizing or impounding any agricultural animal, the law enforcement officer or animal control officer shall contact the State Veterinarian or the State Veterinarian's representative, who shall recommend to the officer the most appropriate action for effecting the seizure and impoundment. The law enforcement officer or animal control officer shall notify the owner of the agricultural animal and the Commonwealth's Attorney for the County of the recommendation. This subsection does not apply if the agricultural animal is under a direct and immediate threat.
 2. *Seizure when the animal is subject to a direct and immediate threat.* If there is a direct and immediate threat to an agricultural animal, the law enforcement officer or animal control officer may seize the animal. The law enforcement officer or animal control officer shall file within five business days on a form approved by the State Veterinarian a report on the condition of the animal at the time of the seizure, the location of impoundment, and any other information required by the State Veterinarian.
 3. *Impoundment is allowed on the land where the agricultural animal is located.* The law enforcement officer or animal control officer may impound the agricultural animal on the land where the agricultural animal is located in any of the following circumstances:
 - a. *Owner or tenant gives permission.* The owner or tenant of the land where the agricultural animal is located gives written permission;
 - b. *Court order.* The general district court so orders.
 - c. *Owner or tenant cannot be immediately located.* 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.
- C. *Petition and hearing in general district court after seizing or impounding an animal.* Upon seizing or impounding an animal, the law enforcement officer or animal control officer shall petition the County general district court for a hearing.
1. *When the hearing must be held.* The hearing shall be not more than 10 business days after the date the animal was seized or impounded.
 2. *Issue to be determined at the hearing.* The hearing shall be to determine whether the animal has been abandoned, has been cruelly treated, or has not been provided adequate care.
 3. *Notice of the hearing.* Notice of the hearing shall be given as provided in Virginia Code § 3.2-6569(D).
 4. *Determination and disposition.* The disposition of the hearing shall be either of the following:
 - a. *Animal not abandoned, cruelly treated, deprived of adequate care.* 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.
 - b. *Animal abandoned, cruelly treated, deprived of adequate care.* If the court determines that the animal has been abandoned, cruelly treated, or deprived of adequate care, or raised as a dog that has been, is, or is intended to be used in dogfighting in violation of Virginia Code § 3.2-6571, then the court shall order that the animal may be: (i) sold by the County, if it is not a

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companion animal, subject to County Code § 4-307; (ii) disposed of by the County pursuant to County Code § 4-308, whether the animal is a companion animal or an agricultural animal; or (iii) delivered to the person with a right of property in the animal as provided in County Code § 4-309.

5. *Additional authority of the court if it determines that the animal has been abandoned, cruelly treated, or deprived of adequate care.* If the court determines that the animal has been abandoned, cruelly treated, or deprived of adequate care:
- a. *Ordering the owner to pay reasonable expenses.* The court shall order the owner of the animal to pay to the providers of care all reasonable expenses incurred in caring and providing for the animal from the time the animal is seized until the animal is disposed of in accordance with this section and County Code §§ 4-307, 4-308, and 4-309.
 - b. *Prohibiting the owner from owning or possessing other companion animals.* The court shall prohibit the owner from owning or possessing other companion animals if the court determined that the owner had abandoned, cruelly treated, or deprived adequate care to a companion animal. In making a determination to prohibit the owner from owning or possessing other companion animals, the court may take into consideration the owner's past record of convictions under this chapter, the Comprehensive Animal Care laws (Virginia Code § 3.2-6500 *et seq.*), or other laws prohibiting cruelty to animals or pertaining to the care or treatment of animals and the owner's mental and physical condition. Any person who is prohibited from owning or possessing animals pursuant to this subsection may petition the court to repeal the prohibition after two 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.
 - c. *Prohibiting the owner from owning or possessing other agricultural animals.* The court shall prohibit the owner from owning or possessing any other agricultural animal if the owner has exhibited a pattern of abandoning or cruelly treating agricultural animals as evidenced by previous convictions of violating County Code §§ 4-301, 4-303, or 4-304. The court may also take into consideration the owner's mental and physical condition. Any person who is prohibited from owning or possessing animals pursuant to this subsection may petition the court to repeal the prohibition after two 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.
- D. *Appeals.* The procedure for appeal and trial is the same as provided by law for misdemeanors. Trial by jury shall be as provided in Virginia Code § 19.2-260 *et. seq.* The State is required to prove its case beyond a reasonable doubt.
- E. *Care for the animal until the hearing is concluded; cost and bond.* The law enforcement officer or the animal control officer shall provide for the animal until the court has concluded the hearing. The County may require the owner of any animal held pursuant to this section for more than 30 days to post a bond in surety with the County for the amount of the cost of boarding the animal for a period not to exceed nine months.
- F. *Humane destruction of critically injured or sick animal.* This section allows the humane destruction of a critically injured or ill animal for humane purposes by the impounding law enforcement officer or animal control officer, or by a licensed veterinarian.

(§ 4-306: (§ 4-300: Ord. 98-A(1), 8-5-98, § 4-208; Ord. 09-4(1), 7-8-09; Ord. 11-4(2), 7-6-11); § 4-306, Ord. 18-4(1), 10-3-18)

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

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Sec. 4-307 Sale of an animal, other than a companion animal, determined to have been abandoned, cruelly treated, deprived of adequate care.

If the court orders that an animal that is not a companion animal be sold pursuant to County Code § 4-306(C)(4)(b)(i), the following apply:

- A. *Disposition of proceeds.* 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. Any remaining proceeds 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.
- B. *Owner may not purchase or otherwise obtain the animal.* The owner determined by the court to have abandoned, cruelly treated, or deprived adequate care to an animal shall not purchase the animal or otherwise obtain the animal.

(§ 4-307: (§ 4-300: Ord. 98-A(1), 8-5-98, § 4-208; Ord. 09-4(1), 7-8-09; Ord. 11-4(2), 7-6-11); § 4-307, Ord. 18-4(1), 10-3-18)

State law reference - Va. Code § 3.2-6569(G), (L).

Sec. 4-308 Release, adoption, or euthanization of an animal determined to have been abandoned, cruelly treated, deprived of adequate care.

If the court orders that an animal be disposed of pursuant to County Code § 4-306C)(4)(b)(ii), the following apply:

- A. *Release, adoption or euthanization.* The animal may be disposed by the County by any of the following methods:
 - 1. *Release to a releasing agency.* Release to any humane society, public or private animal shelter, or other releasing agency within the State, subject to the requirements of Virginia Code § 3.2-6546(D)(1).
 - 2. *Adoption by a County resident.* Adoption by a County resident, subject to the requirements of Virginia Code § 3.2-6546(D)(2).
 - 3. *Adoption by a resident of an adjacent locality.* Adoption by a resident of an adjacent locality, subject to the requirements of Virginia Code § 3.2-6546(D)(3).
 - 4. *Adoption by any other person.* Adoption by any other person, subject to the requirements of Virginia Code § 3.2-6546(D)(4).
 - 5. *Release to an out-of-state releasing agency for purposes of adoption or euthanasia.* Release for the purposes of adoption or euthanasia only, to an animal shelter, or any other releasing agency, located in and lawfully operating under the laws of another state, subject to the requirements of Virginia Code § 3.2-6546(D)(5).
 - 6. *Euthanization.* Euthanization, subject to the requirements of Virginia Code § 3.2-6546(D)(¶1).
- B. *Owner may not adopt or otherwise obtain the animal.* The owner determined by the court to have abandoned, cruelly treated, or deprived adequate care to an animal may not adopt or otherwise obtain the animal.

(§ 4-308: (§ 4-300: Ord. 98-A(1), 8-5-98, § 4-208; Ord. 09-4(1), 7-8-09; Ord. 11-4(2), 7-6-11); § 4-308, Ord. 18-4(1), 10-3-18)

State law reference - Va. Code §§ 3.2-6546(D), 3.2-6569(F), (G).

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Sec. 4-309 Delivery of an animal determined to have been abandoned, cruelly treated, deprived of adequate care.

If the court orders that an animal be disposed of pursuant to County Code § 4-305(C)(4)(b)(iii), the following apply:

- A. *Delivery to a person with right of property in animal.* 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 that person.
- B. *Owner may not purchase or otherwise obtain the animal.* The owner determined by the court to have abandoned, cruelly treated, or deprived adequate care to an animal may not purchase or otherwise obtain the animal.

(§ 4-309: (§ 4-300: Ord. 98-A(1), 8-5-98, § 4-208; Ord. 09-4(1), 7-8-09; Ord. 11-4(2), 7-6-11); § 4-309, Ord. 18-4(1), 10-3-18)

State law reference - Va. Code §§ 3.2-6546(D), 3.2-6569(F), (G).

Sec. 4-310 Seizure, impoundment, and disposition of animals running at large.

Any animal observed or captured while unlawfully running at large shall be seized, impounded, and disposed as follows:

- A. *Confinement in an animal shelter.* The animal shall be confined in a public animal shelter.
- B. *Minimum duration of confinement.* The animal shall be confined in the public animal shelter for a minimum of five days, unless it is sooner claimed by its rightful owner. The five-day period begins on the day immediately following the day the animal is initially confined in the shelter.
- C. *Effort to identify rightful owner; extended duration of confinement.* The operator or custodian of public shelter of the public animal shelter shall make a reasonable effort to ascertain whether the animal has a collar, tag, license, tattoo, or other form of identification. If identification is found on the animal, it shall be held for an additional five days, unless it is sooner claimed by the rightful owner. If the rightful owner of the animal is identified, the operator or custodian of the shelter shall make a reasonable effort to notify the owner of the animal's confinement within the next 48 hours following its confinement.
- D. *Charges and fees.* The owner of any animal claimed may be charged for the actual expenses incurred during its impoundment. In addition, the Board of Supervisors may, after a public hearing, adopt an ordinance to charge the owner a fee for impoundment and increased fees for later impoundments of the same animal.
- E. *Animal not claimed during the confinement period deemed abandoned.* If an animal confined pursuant to this section is not claimed upon expiration of the applicable holding period as provided in subsections (B) and (C), it shall be deemed abandoned and become the property of the public animal shelter.
- F. *Disposition of unclaimed animal deemed abandoned.* The public animal shelter may dispose of any unclaimed animal deemed abandoned under subsection (E) by any of the following methods:
 - 1. *Release to a releasing agency.* Release to any humane society, public or private animal shelter, or other releasing agency within the State, subject to the requirements of Virginia Code § 3.2-6546(D)(1).

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2. *Adoption by a County resident.* Adoption by a County resident, subject to the requirements of Virginia Code § 3.2-6546(D)(2).
3. *Adoption by a resident of an adjacent locality.* Adoption by a resident of an adjacent locality, subject to the requirements of Virginia Code § 3.2-6546(D)(3).
4. *Adoption by any other person.* Adoption by any other person, subject to the requirements of Virginia Code § 3.2-6546(D)(4).
5. *Release to an out-of-state releasing agency for purposes of adoption or euthanasia.* Release for the purposes of adoption or euthanasia only, to an animal shelter, or any other releasing agency, located in and lawfully operating under the laws of another state, subject to the requirements of Virginia Code § 3.2-6546(D)(5).
6. *Euthanization.* Euthanization by the animal shelter, subject to the requirements of Virginia Code § 3.2-6546(D)(¶1).

(§ 4-310, Ord. 18-4(1), 10-3-18)

State law reference - Va. Code § 3.2-6546.

Sec. 4-311 Disposing companion animal and livestock carcasses.

When a companion animal or livestock dies:

- A. *Owner required dispose of body.* The owner of the companion animal or livestock shall promptly cremate, bury, or sanitarily dispose of the animal upon its death. The failure of the owner to do so is a violation of this section.
- B. *Disposal of the body by a County officer.* 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.
- C. *Recovery of costs by the County.* The County may recover from the owner its costs to dispose the animal.

(§ 4-311: (§4-109: 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), 7-8-09); § 4-311, Ord. 18-4(1), 10-3-18)

State law reference - Va. Code § 3.2-6554.

Division 3. Rabies Control

Sec. 4-312 Vaccination of dogs and cats is required.

Dogs and cats four months of age and older are required to be vaccinated as follows:

- A. *Owner required to have dog or cat vaccinated.* Any owner of a dog or cat four months of age or older shall have the animal 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 unless otherwise provided by regulations. The vaccine used shall be licensed by the U.S. Department of Agriculture for use in that species.
- B. *Vaccination certificate.* The supervising veterinarian on the premises shall provide the owner or custodian of the dog or cat with a rabies vaccination certificate or herd rabies vaccination certificate and shall keep a copy in his own files. At the discretion of the director of the Charlottesville-Albemarle

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Health Department, a medical record from a licensed veterinary establishment reflecting a currently vaccinated status may serve as proof of vaccination.

- C. *Contents of the vaccination certificate.* The rabies vaccination certificate shall include, at a minimum, the signature of the veterinarian, the animal owner's name and address, the locality where the animal resides, the species of the animal, the sex, the age, the color, the primary breed, whether the animal is spayed or neutered, the vaccination number, and the expiration date.
- D. *Obligation of owner to furnish a certificate upon request.* The owner or custodian of a dog or cat shall furnish within a reasonable period of time, upon the request of an animal control officer 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.
- E. *Rabies clinics.* Vaccinations provided by rabies clinics are subject to the following:
1. *Approval of clinic is required.* All rabies clinics require the approval by the Charlottesville-Albemarle Health Department and the Board of Supervisors.
 2. *Duties of the clinic veterinarian.* The licensed veterinarian who administers rabies vaccinations at the clinic shall: (i) provide the owner or custodian a rabies vaccination certificate for each vaccinated animal; and (ii) ensure that a licensed veterinary facility retains a copy of the rabies vaccination certificate.
 3. *Obligation of sponsoring organization to furnish location of copy of certificate.* The sponsoring organization of a rabies clinic shall, upon the request of the owner or custodian, an animal control officer, a humane investigator, a law-enforcement officer, a State Veterinarian's representative, a licensed veterinarian, or an official of the Department of Health, provide the name and contact information of the licensed veterinary facility where a copy of the rabies vaccination certificate is retained. However, the County shall ensure that a clinic is conducted to serve its jurisdiction at least once every two years.
- F. *Vaccination after summons issued.* Vaccination after a summons to appear before a court has issued for failure to vaccinate a dog or cat does not operate to relieve the owner from the penalties or court costs provided under Virginia Code §§ 16.1-69.48:1 or 17.1-275.7.

(§ 4-312: (§ 4-400: 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), 7-8-09; Ord. 10-4(1), 9-1-10); § 4-312, Ord. 18-4(1), 10-3-18)

State law reference - Va. Code §§ 3.2-6521, 3.2-6529(A).

Sec. 4-313 Providing rabies certificates or rabies certificate information; veterinarians and the Director of Finance.

Rabies certificates or rabies certificate information shall be provided by veterinarians and the Director of Finance as follows:

- A. *Duty of veterinarians.* Any veterinarian who vaccinates a dog against rabies or who directs a veterinary technician in his employment to vaccinate a dog against rabies shall provide a copy of the rabies vaccination certificate or the relevant information contained in the certificate to the County's Director of Finance within 45 days after the dog is vaccinated. "Relevant information" means the minimum information in a rabies vaccination certificate required by County Code § 4-312(C).
1. *Penalty.* Any veterinarian who willfully fails to provide the Director of Finance with a copy of the rabies vaccination certificate or the relevant information contained in the certificate may be subject to a civil penalty not to exceed \$10 per certificate.

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2. *Disposition of penalties.* Penalties received pursuant to subsection (A)(1) shall be placed in the County's general fund for the purpose of animal control activities including spay or neuter programs.

B. *Duty of Director of Finance.* The Director of Finance shall send any rabies vaccination certificate received for any dog or other animal owned by a person residing in another locality to the treasurer of that locality.

(§ 4-313: (§ 4-208: Ord. 08-4(2), 9-3-08, § 4-303; Ord. 09-4(1), 7-8-09); § 4-313, Ord. 18-4(1), 10-3-18)

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

Sec. 4-314 Animals that show active signs of rabies, may have been exposed to rabies, or are suspected to be rabid.

The following apply when animals show active signs of rabies, may have been exposed to rabies, or are suspected to be rabid:

A. *Dogs or cats showing active signs of rabies or suspected of having rabies.* Any dog or cat showing active signs of rabies or suspected of having rabies that is not known to have exposed a person, companion animal, or livestock to rabies shall be confined under competent observation for as long as to determine a diagnosis. If, in the discretion of the director of the Charlottesville-Albemarle Health Department, confinement is impossible or impracticable, 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.

B. *Dogs or cats that may have been exposed to rabies; no proof of current rabies vaccination available.* The following applies when any dog or cat, for which no proof of current rabies vaccination is available, that may have been 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 suspected to be rabid:

1. *Isolation.* The dog or cat shall be isolated in a public or private animal shelter, kennel, or enclosure approved by the Charlottesville-Albemarle Health Department for a period not to exceed six months at the expense of the owner or custodian in a manner and by a date certain as determined by the director of the Charlottesville-Albemarle Health Department.

2. *Vaccination.* The dog or cat shall be vaccinated for rabies by a licensed veterinarian before the dog or cat is released. Inactivated rabies vaccine may be administered at the beginning of isolation.

3. *Disposition if isolation is not feasible or maintained.* If the director of the Charlottesville-Albemarle Health Department determines that isolation is not feasible or maintained, 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.

C. *Dogs or cats that may have been exposed to rabies; proof of current rabies vaccination available* The following applies when any dog or cat, for which proof of current rabies vaccination is available, that may have been 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 suspected to be rabid:

1. *Confinement.* The dog or cat shall be confined to the premises of the owner or custodian, or other site as may be approved by the Charlottesville-Albemarle Health Department, at the expense of the owner or custodian, for a period of 45 days.

2. *Revaccination.* The dog or cat shall be revaccinated for rabies by a licensed veterinarian immediately following the exposure.

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3. *Disposition if dog or cat not confined.* The director of the Charlottesville/Albemarle Health Department may exercise discretion to determine the disposition of any dog or cat not confined as provided in subsection (C)(1).
- D. *Animals other than dogs and cats showing active signs of rabies.* The director of the Charlottesville-Albemarle Health Department shall exercise discretion to determine the disposition of any animal, other than a dog or cat, showing active signs of rabies. The disposition may include testing and euthanasia.
- E. *Animals other than dogs and cats exposed or may have been exposed to rabies.* The director of the Charlottesville-Albemarle Health Department shall exercise discretion and determine the disposition of any animal, other than a dog or cat, that is exposed or may have been 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 suspected to be rabid.
- F. *Duty of person to report.* Every person having knowledge of the existence of an animal that is suspected to be rabid and that may have exposed a companion animal or livestock to rabies shall report immediately to the Charlottesville-Albemarle Health Department the existence of the animal, the place where it was seen, the owner's name, if known, and the signs suggesting rabies.
- G. *Punishment.* A violation of this section is punishable as a class 1 misdemeanor.

(§ 4-314: (§4-401: 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), 7-8-09; Ord. 10-4(1), 9-1-10; Ord. 14-4(1), 6-4-14, effective 7-1-14); § 4-314, Ord. 18-4(1), 10-3-18)

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

Sec. 4-315 Animals that exposed or may have exposed a person to rabies.

The following applies to animals that exposed or may have exposed a person to rabies:

- A. *Confinement.* At the discretion of the director of the Charlottesville-Albemarle Health Department, any animal that may have exposed a person to rabies shall be confined under competent observation for 10 days at the expense of the owner or custodian, unless the animal develops active signs of rabies, expires, or is euthanized before that time. A seriously injured or sick animal may be euthanized as provided in Virginia Code § 3.2-6546.
- B. *Animals other than dogs and cats that exposed or may have exposed a person to rabies through a bite or other means.* The director of the Charlottesville-Albemarle Health Department shall exercise discretion and determine the disposition of any suspected rabid animal, other than a dog or cat, that exposed 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. The disposition may include euthanasia as provided in Virginia Code § 3.2-6546, or as directed by the State agency with jurisdiction over that species.
- C. *Testing head or brain of dead animal that may have exposed a person to rabies.* When any animal may have exposed a person to rabies later dies due to illness or euthanasia, either within an observation period, when applicable, or as part of a public health investigation, its head or brain shall be sent to the Division of Consolidated Laboratory Services of the Department of General Services or be tested as directed by the Charlottesville-Albemarle Health Department.
- D. *Duty of person to report.* Every person having knowledge of the existence of an animal that is suspected to be rabid and that may have exposed a person to rabies shall report immediately to the Charlottesville-Albemarle Health Department the existence of the animal, the place where it was seen, the owner's name, if known, and the signs suggesting rabies.

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E. *Punishment.* A violation of this section is punishable as a class 1 misdemeanor.

(§4-315: (§ 4-401: 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), 7-8-09; Ord. 10-4(1), 9-1-10; Ord. 14-4(1), 6-4-14, effective 7-1-14); § 4-315, Ord 18-4(1), 10-3-18)

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

Sec. 4-316 Harboring or concealing rabid animals.

It is unlawful for any person to conceal a rabid animal to keep the animal from being killed.

(§ 4-316: (§ 4-402: Code 1967, § 4-15; Code 1988, § 4-13; Ord. 98-A(1), 8-5-98, § 4-210; Ord. 09-4(1), 7-8-09); § 4-316, Ord. 18-4(1), 10-3-18)

State law reference - Va. Code § 3.2-4543.

Division 4. Stolen Dogs and Cats, and Noise

Sec. 4-317 Dogs and cats are deemed to be personal property.

All dogs and cats are deemed to be personal property and:

- A. *May be the subject of certain prosecutions.* Dogs and cats may be the subject of prosecutions for larceny and malicious or unlawful trespass.
- B. *Owner may bring a lawsuit.* Any owner of a dog or cat may maintain any action for the killing of any such animals, or injury thereto, or unlawful detention or use thereof, as in the case of other personal property.
- C. *Owner may recover damages from the person who killed or injured dog or cat.* The owner of any dog or cat that is killed or injured contrary to the provisions of this chapter or State law by any person is entitled to recover from that person the value of the dog or cat, or the damage done to it, in an appropriate action at law from such person.

(§ 4-317: (§ 4-104: 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), 7-8-09); § 4-317, Ord. 18-4(1), 10-3-18)

State law reference - Va. Code § 3.2-6585.

Sec. 4-318 Authority of animal control officer to seize stolen or unlawfully detained dog; disposition.

When an animal control officer finds a stolen or unlawfully held or detained dog, the following apply:

- A. *Authority of animal control officer to seize the dog.* Any animal control officer finding a stolen dog or a dog unlawfully held or detained is authorized to seize and hold the dog pending action before the general district court or other court.
- B. *Return to owner if court action not filed within seven days.* If a court action is not instituted within seven days, the animal control officer shall deliver the dog to its owner.
- C. *Presence of a dog on the premises of another does not create presumption of theft.* 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 the premises, but it shall be that person's duty to notify the animal control officer, and the animal control officer shall take the dog in charge and notify its legal owner to remove it.

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(§ 4-318: (§ 4-102: Code 1967, § 4-8; 4-13-88; Code 1988, § 4-8; Ord. 98-A(1), 8-5-98, § 4-202; Ord. 09-4(1), 7-8-09); § 4-318, Ord. 18-4(1), 10-3-18)

State law reference - Va. Code § 3.2-6585.

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

Frequent or continuous howls, barks, and other excessive or continuous sounds by animals may be enforced as follows:

- A. *Sounds from animals; exclusions.* It is unlawful and shall be a nuisance for an owner or custodian of an animal to harbor the animal within the County if that animal frequently or for a continued duration howls, barks or makes other excessive or continuous sounds which are audible on the property of a complainant in the County. For the purposes of this section, “excessive or continuous sounds” means any howling, barking or other animal noise which continues for at least 30 consecutive minutes with no cessation of such sounds for time periods greater than five minutes during the 30 consecutive minute period. This section does not apply to any of the following:
 - 1. *Animals on certain Rural Areas-zoned parcels.* Sounds created by any animal located on a parcel five acres or more in size that is zoned Rural Areas district.
 - 2. *Animals in shelters.* Sounds created by any animal in a public or private animal shelter.
 - 3. *Animals in commercial kennels.* Sounds created by any animal in a commercial kennel as defined in County Code Chapter 18.
 - 4. *Livestock or poultry.* Sounds created by livestock or poultry.
- B. *Complaints of animal noise.* Notwithstanding County Code § 4-102, no person shall be charged with a violation of this section unless the complainant appears before a magistrate and requests a summons to be issued. However, when a violation is committed in the presence of an animal control officer or police officer, he shall have the authority to initiate all necessary proceedings.
- C. *Penalty for violation.* A violation of this section is punishable as a class 3 misdemeanor, and any owner or custodian of an animal found guilty under this section shall be required to abate the disturbance.

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

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