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CHAPTER 5. ANIMALS.

ARTICLE I. In General.

§ 5-1. Lawful fences.

The boundary line of each lot or tract of land and any stream in the county shall be a lawful fence as to any livestock domesticated by man. (3/28/67)

State law reference - Virginia Code § 55-310

§ 5-2. Definitions.

As used in 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 §3.2-6503 of the Code of Virginia for a period of five 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 of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

"Adequate shelter" means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and for dogs and cats, provides a solid surface, resting platform, pad, 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. In addition,

- (A) Shelter, for livestock, includes structures or natural features such as trees or topography.
- (B) Shelter, for a dog, includes 1 or more of the following:
 - (a.) The residence of the dog's owner or other individual.
 - (b.) A shelter that is an enclosed structure with a roof, floor and at least three solid walls, or four solid walls with an opening in one side large enough to permit the dog to enter and exit comfortably, and of appropriate dimensions for the breed and size of the dog. The shelter shall have appropriate bedding. (ex. Shavings, hay, straw, leaves, pine needles)

"Adequate space" means sufficient space to allow each animal to: (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal; and (ii) interact safely with other animals in the enclosure. When an animal is tethered, "adequate space" means a tether that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least three times the length of the animal, as measured from the tip of its nose to the base of its tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space.

"Adequate water" means provision of and 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 state of hibernation or fasting normal for the species; and 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.

"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 § 3.2-6522, of the Code of Virginia, animal means any species susceptible to rabies. For the purposes of § 3.2-6570 of the Code of Virginia, 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 appointed as an animal control officer or deputy animal control officer as provided in § 3.2-6555 of the Code of Virginia.

"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.

"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 shall not be considered companion animals for the purposes of this chapter.

"Dangerous dog" is defined in § 3.2-6540 of the Code of Virginia.

"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 such loss of consciousness.

"Farming activity" means, consistent with standard animal husbandry practices, the raising, management, and use of agricultural animals to provide food, fiber, or transportation and the breeding, exhibition, lawful recreational use, marketing, transportation, and slaughter of agricultural animals pursuant to such purposes.

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

"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 Commonwealth or any political subdivision thereof and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth. 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 § 3.2-2600 of the Code of Virginia; 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.

"New owner" means an individual who is legally competent to enter into a binding agreement pursuant to subdivision B 2 of § 3.2-6574 of the Code of Virginia and who adopts or receives a dog or cat from a releasing agency.

"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.

"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.

"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 that carcasses, debris, food waste, and excrement are removed from the primary enclosure with sufficient frequency to minimize the animals' contact with the above-mentioned contaminants; the primary enclosure is sanitized with sufficient frequency to minimize odors and the hazards of disease; and the primary enclosure is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with the stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants.

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

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

"Public animal shelter" means a facility operated by the Commonwealth, or any locality, for the purpose of impounding or sheltering seized, stray, homeless, abandoned, unwanted, or surrendered animals or a facility operated for the same purpose under a contract with any locality.

"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.

"Research facility" means any place, laboratory, or institution licensed by the U.S. Department of Agriculture at which scientific tests, experiments, or investigations involving the use of living animals are carried out, conducted, or attempted.

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

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

"Treasurer" includes the treasurer and his assistants or other officer designated by law to collect taxes in such county.

"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.

"Weaned" means that an animal is capable of and physiologically accustomed to ingestion of solid food or food customary for the adult of the species and has ingested such food, without nursing, for a period of at least five days.

State law reference - Virginia Code § 3.2-6500

§ 5-3. Cruelty to animals.

A. Any person who: (i) overrides, overdrives, overloads, tortures, ill-treats, abandons, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly or unnecessarily beats, maims, mutilates, or kills any animal, whether belonging to himself or another; (ii) deprives any animal of necessary food, drink, shelter or emergency veterinary treatment; (iii) sores any equine for any purpose or administers drugs or medications to alter or mask such sores for the purpose of sale, show, or exhibition of any kind,

unless such administration of drugs or medications is within the context of a veterinary client-patient relationship and solely for therapeutic purposes; (iv) 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 such actions are in the practice of accepted animal husbandry or for the purpose of allowing veterinary care; (v) willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal; (vi) 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; or (vii) causes any of the above things, or being the owner of such animal permits such acts to be done by another is guilty of a Class 1 misdemeanor.

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

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

C. This section shall not prohibit authorized wildlife management activities or hunting, fishing or trapping as regulated under other titles of the Code of Virginia, including Title 29.1, or to farming activities as provided under this title or regulations adopted hereunder.

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

E. If a dog or cat is attacked on its owner's property by a dog so as to cause injury or death, the owner of the injured dog or cat may use all reasonable and necessary force against the dog at the time of the attack to protect his dog or cat. Such owner may be presumed to have taken necessary and appropriate action to defend his dog or cat and shall therefore be presumed not to have violated this subsection. The provisions of this subsection shall not overrule § 3.2-6540, 3.2-6540.1, or 3.2-6552 of the Code of Virginia.

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

State law reference - Virginia Code § 3.2-6570

§ 4 through § 10 reserved.

ARTICLE II. Licensing of Dogs.

§ 5-11. Unlicensed dogs prohibited.

It shall be unlawful for any person to own a dog four months old or older in the county unless such dog is licensed as required by the provisions of this article. (Ords.6-13-62; 9-13-72; 11-28-72)

State law reference - Virginia Code § 3.2-6524 and 3.2-6543

§ 5-12. Evidence showing inoculation for rabies prerequisite to obtaining dog license.

No license tag shall be issued for any dog unless there is presented, to the treasurer or other duly authorized issuing agency, evidence satisfactory to him showing that such dog has been inoculated or vaccinated against rabies by a currently licensed veterinarian.

State law reference - Virginia Code § 3.2-6529

§ 5-12.1. Rabies inoculation of companion animals; availability of certificate.

A. The owner or custodian of all dogs and cats four months of age and older shall have such 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 supervising veterinarian on the premises shall provide the owner or custodian of the dog or the cat with a rabies vaccination certificate or herd rabies vaccination certificate and shall keep a copy in his own files. The owner or custodian of the dog or the cat shall furnish within a reasonable period of time, upon the request of an animal control officer, humane investigator, law-enforcement officer, State Veterinarian's representative, or official of the Department of Health, the certificate of vaccination for such dog or cat. The vaccine used shall be licensed by the U.S. Department of Agriculture for use in that species. At the discretion of the local health director, a medical record from a licensed veterinary establishment reflecting a currently vaccinated status may serve as proof of vaccination.

B. All rabies clinics require the approval by the appropriate local health department and governing body. 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. 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 Virginia 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 or city shall ensure that a clinic is conducted to serve its jurisdiction at least once every two years.

C. Vaccination subsequent to a summons to appear before a court for failure to do so shall not operate to relieve such owner from the penalties or court costs provided under §16.1-69.48:1 or 17.1-275.7, Code of Virginia.

D. The Virginia Board of Health shall, by regulation, provide an exemption to the requirements of subsection A if an animal suffers from an underlying medical condition that is likely to result in a life-threatening condition in response to vaccination and such exemption would not risk public health and safety. For the purposes of § 3.2-6522, Code of Virginia such

exemption shall mean that the animal is considered not currently vaccinated for rabies. For the purposes of § 3.2-5902, 3.2-6526, and 3.2-6527, Code of Virginia, such exemption shall be considered in place of a current certificate of vaccination.

State law reference - Virginia Code § 3.2-6521

§ 5-13. How to obtain a dog license.

A. Any person may obtain a dog license by making oral or written application to the treasurer of the county, accompanied by the amount of the license tax and current certificate of vaccination as required by this article.

B. Upon receipt of proper application and current certificate of vaccination as required by this article, the treasurer or other officer charged with the duty of issuing dog licenses shall issue a license receipt for the amount on which he shall record the name and address of the owner or custodian, the date of payment, the year or years for which issued and the serial number of the tag, and deliver the metal license tags or plates provided for in this article.

C. The treasurer may establish substations in convenient locations in the county and appoint agents for the collection of the license tax and issuance of such licenses. 6/13/62)

State law reference - Virginia Code § 3.2-6527

§ 5-14. Amount of license tax.

A. There is hereby imposed a license tax on the ownership of dogs within the county, unless otherwise exempted by law.

B. The annual license tax on a fertile dog not in a licensed kennel shall be Ten Dollars (\$10.00). A multi-year license tax that runs concurrently with the dog's rabies vaccination effective period shall be Twenty-five Dollars (\$25.00).

C. The annual license tax on a neutered or infertile dog shall be Six Dollars (\$6.00). A multi-year license tax that runs concurrently with the dog's rabies vaccination effective period shall be Fifteen Dollars (\$15.00). Any person who applies for a license tag for a neutered or infertile dog shall present at the time of application certification from a licensed veterinarian attesting the neutering or infertility of the dog. If such certification is not so presented, the dog shall be taxed the fee levied on fertile dogs.

D. The tax for each kennel shall be calculated at the rate of fifty Dollars (\$50.00) for each block of up to twenty dogs.

E. For purposes of this chapter, "kennel" means an enclosure with five or more dogs.

(Ord. 6/13/62; 9/13/72; 11/28/72; 5/5/92; 9/23/09; 3/10/10, eff. 1/10/10)

State law reference - Virginia Code § 3.2-6528

§ 5-15. When license tax payable.

A. On January 1 and not later than January 31 of each year a license tax is due, the owner of any dog four months old or older shall pay a license tax as prescribed in section 5-14 of this article.

B. Within thirty days after the dog becomes four months of age, or not later than thirty days after an owner acquires a dog four months of age or older, the license tax for the current calendar shall be paid.

State law reference - Virginia Code § 3.2-6530

§ 5-16. Effect of dog not bearing tag as evidence.

Any dog not wearing a collar bearing a license tag of the proper calendar year shall prima facie be deemed to be unlicensed, and in any proceedings under this article the burden of proof of the fact that such dog has been licensed, or is otherwise not required to bear a tag at the time, shall be on the owner of the dog.

State law reference - Virginia Code § 3.2-6533

§ 5-17. Dog license; defined.

A. A dog license shall consist of a license receipt and a metal tag. The tag shall be stamped or otherwise permanently marked to show that the county issued the license and bear a serial number.

B. A kennel license shall consist of a license receipt which shall show that the county issued the license, shall show the number of dogs authorized to be kept under such license, and shall bear a serial number. It shall also consist of metal tags for the individual dogs, each of which shall be stamped or otherwise permanently marked to show that the county issued the license and bear a serial number. (6/13/62)

State law reference - Virginia Code § 3.2-6526

§ 5-18. Duplicate license tags.

If a dog license tag shall become lost, destroyed or stolen, the owner or custodian shall at once apply to the treasurer or his agent who issued the original license for a duplicate license

tag, presenting the original license receipt. Upon affidavit of the owner or custodian before the treasurer or his agent that the original license tag has been lost, destroyed or stolen, he shall issue a duplicate license tag which the owner or custodian shall immediately affix to the collar of the dog. The treasurer or his agent shall endorse the number of the duplicate and the date issued on the face of the original license receipt. The fee for a duplicate tag for any dog shall be one dollar. (Ords. 6/13/62; 9/13/72)

State law reference - Virginia Code § 3.2-6532

§ 5-19. Displaying receipts; dogs to wear tags.

A. Dog and kennel license receipts shall be carefully preserved by the licensees and exhibited promptly on request for inspection by any animal control officer or other officer.

B. Dog license tags shall be securely fastened to a substantial collar by the owner or custodian and worn by the licensed dog.

C. It shall be unlawful for the owner to permit any licensed dog four months old or older to run or roam at large at any time without a license tag.

D. The owner or custodian of the dog may remove the collar and license tag required by this section when (i) the dog is engaged in lawful hunting, (ii) the dog is competing in a dog show, (iii) the dog has a skin condition which would be exacerbated by the wearing of a collar, (iv) the dog is confined, or (v) the dog is under the immediate control of the owner or custodian.

E. A kennel dog shall not be permitted to stray beyond the limits of the enclosure but this shall not prohibit removing dogs therefrom temporarily while under the immediate control of the owner or custodian. (Ord. 6/13/62)

State law reference - Virginia Code § 3.2-6531

§ 5-20. Payment of license tax subsequent to summons.

Payment of the license tax subsequent to a summons to appear before a court for failure to pay the license tax within the time required shall not operate to relieve such owner from the penalties provided.

State law reference - Virginia Code § 3.2-6536

ARTICLE III. Control of Dogs.

§ 5-21. Running at large defined.

A. A dog shall be deemed to run at large while roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control.

B. A dog shall not be deemed under its owner's or custodian's immediate control unless it is under restraint. A dog under restraint shall mean any dog (i) secured by leash or lead, (ii) under control of a responsible person and obedient to that person's commands, (iii) within the real property limits of its owner or other person consenting to its presence, or (iv) restrained as a hunting dog as provided by state law. (Ord. 9/26/78)

State law reference - Virginia Code § 3.2-6538

§ 5-22. Dogs prohibited from running at large.

It shall be unlawful for any dog to run at large at any time anywhere in the county. Any person who owns a dog that runs at large shall be deemed to have violated the provisions of this section. (Ord. 9/26/78)

State law reference - Virginia Code § 3.2-6538

§ 5-23. Dogs not inoculated prohibited from running at large.

It shall be unlawful for any dog which has not been inoculated or vaccinated against rabies to run at large at any time anywhere in the county. A dog shall be deemed not inoculated if its owner or custodian cannot produce proof of current rabies vaccination. Any person who owns a dog which is not inoculated and such dog runs at large, shall be deemed to have violated the provisions of this section.

State law reference - Virginia Code § 3.2-6522 and 6525

§ 5-24. Reserved.

§ 5-25. Impoundment.

A. The board of supervisors shall maintain or cause to be maintained a public animal shelter or enclosure in accordance with state law and shall cause dogs running at large in violation of article III of this chapter to be confined therein.

B. Any animal which has been so confined must be kept for a period of not less than five days, such period to commence on the day immediately following the day the animal is initially confined to the facility, unless sooner claimed by the owner thereof.

C. A reasonable effort must be made to ascertain whether the animal has a collar, tag, license, tattoo, or other form of identification. If such identification is found on the animal, the animal shall be held for an additional five days, unless sooner claimed by the rightful owner. If the rightful owner of the animal can be readily 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. In the event that any animal confined in such facility is claimed by its rightful owner, the owner shall only be charged with the actual expenses incurred in keeping the animal impounded.

E. If an animal has not been claimed upon expiration of the appropriate holding period as provided in subsection B; it shall be deemed abandoned and become the property of the public animal shelter.

F. The public animal shelter shall be accessible to the public at reasonable hours during the week or by appointment.

(Ords. 9/26/78; 5/22/79; 9/23/09)

State law reference - Virginia Code § 3.2-6546

§ 5-26. Records.

An animal control officer or the custodian of any public animal shelter, upon taking custody of any animal in the course of his official duties, shall immediately make a record of the matter in a daily log. The record shall include a description of the animal including color, breed, sex, approximate weight, reason for seizure, location of seizure, the owner's name and address if known, all license or other identification numbers and the disposition of the animal.

State law reference - Virginia Code § 3.2-6557

§ 5-27. Reserved.

§ 5-28. Dogs killing, injuring or chasing livestock or poultry

A. It shall be the duty of any animal control officer or other officer who may find a dog in the act of killing or injuring livestock or poultry to seize or kill such dog forthwith whether such dog bears a tag or not. Any person finding a dog committing any of the depredations mentioned in this section shall have the right to kill such dog on sight as shall any owner of

livestock or his agent finding a dog chasing livestock on land utilized by the livestock when the circumstances show that such chasing is harmful to the livestock. Any court shall have the power to order the animal control officer or other officer to kill any dog known to be a confirmed livestock or poultry killer, and any dog killing poultry for the third time shall be considered a confirmed poultry killer. The court, through its contempt powers, may compel the owner, custodian, or harbinger of the dog to produce the dog.

B. Any animal control officer who has reason to believe that any dog is killing livestock or poultry shall confine the animal until such time as evidence shall be heard and a verdict rendered. Any animal control officer or other person who has reason to believe that any dog is killing livestock, or committing any of the depredations mentioned in this section, shall apply to a magistrate serving the locality wherein the dog may be, who shall issue a warrant requiring the owner or custodian, if known, to appear before a general district court at a time and place named therein, at which time evidence shall be heard. If it shall appear that the dog is a livestock killer, or has committed any of the depredations mentioned in this section, the district court shall order that the dog be: (i) killed immediately by the animal control officer or other officer designated by the court; or (ii) removed to another state that does not border on the Commonwealth and prohibited from returning to the Commonwealth. Any dog ordered removed from the Commonwealth that is later found in the Commonwealth shall be ordered by a court to be euthanized immediately.

Notwithstanding the provisions of subsection B, if it is determined that the dog has killed or injured other poultry, the district court may, instead of ordering killing, euthanasia, or removal to another state pursuant to this section, order either (a) that the dog be transferred to another owner whom the court deems appropriate and permanently fitted with an identifying microchip registered to the owner or (b) that the dog be fitted with an identifying microchip registered to the owner and confined indoors or in a securely enclosed and locked structure to 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 such a manner 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.

State law reference - Virginia Code § 3.2-6552

§ 5-29 through § 30 reserved.

ARTICLE IV. Compensation for Livestock and Poultry Killed by Dogs.

§ 5-31. Compensation provided.

Any person who has any livestock or poultry killed or injured by any dog not his own shall be entitled to receive as compensation the fair market value of such livestock or poultry,

not to exceed limits established by state law, provided the requirements of this article have been met. (Ord.4/24/79)

State law reference - Virginia Code § 3.2-6553

§ 5-32. Requirements for compensation.

No person shall be entitled to receive compensation under section 5-31 unless:

A. The claimant has furnished evidence within sixty days of discovery of the quantity and value of the dead or injured livestock and the reasons the claimant believes that death or injury was caused by a dog;

B. The animal control officer shall have been notified of the incident within seventy-two hours of its discovery;

C. The animal control officer has conducted an investigation which included a visual examination of the dead or injured livestock;

D. The board of supervisors of Augusta County, Virginia, has determined that the claim is supported by the investigation of the animal control officer; and

E. The claimant first has exhausted his legal remedies against the owner, if known, of the dog doing the damage for which compensation under section 5-31 is sought. Exhaustion shall mean a judgment against the owner of the dog upon which an execution has been returned unsatisfied. (Ords. 4/24/79; 3/12/86)

State law reference - Virginia Code § 3.2-6553

§ 5-33. Subrogation.

Upon payment under section 5-31, the board of supervisors of Augusta County, Virginia, shall be subrogated to the extent of compensation paid to the right of action to the owner of the livestock or poultry against the owner of the dog and may enforce the same in an appropriate action at law. (Ord. 4/24/79)

State law reference - Virginia Code § 3.2-6553

§ 5-34. Penalty for false claim.

For any person to present a false claim or to receive any money on a false claim under the provisions of this article shall constitute a Class 1 misdemeanor.

State law reference Virginia Code § 3.2-6587

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§ 5-35 through §5-40 reserved.

ARTICLE V. Diseased and Deceased Fowl.

§ 5-41. Importation of diseased fowl and carcasses of diseased fowl prohibited.

It shall be unlawful for any person knowingly to import, haul or transport into or through Augusta County any diseased fowl or carcasses of diseased fowl from areas subject to any lawful quarantine declared by any federal, state or local governmental agency without being properly permitted by the Virginia Department of Health or the Virginia Department of Agriculture and Consumer Services and with the concurrence of the Augusta County Board of Supervisors. (Ord. 6/24/84).

State law reference - Virginia Code § 15.2-1200

§ 5-42. Disposal of diseased fowl off-site prohibited.

A. It shall be unlawful for any person knowingly to deposit, dump or bury diseased fowl or carcasses of diseased fowl, which have been determined to have contracted a disease within an area subject to any lawful quarantine declared by any federal, state or local governmental agency, on property located within Augusta County, unless the property is the site where said fowl were ordinarily maintained and kept at the time the disease was detected.

B. Nothing herein shall be deemed to require on-site disposal of such fowl and carcasses where a determination is made by the Virginia Department of Health or the Virginia Department of Agriculture and Consumer Services that on-site disposal would increase the risk of spread of contagious diseases among persons, animals or fowl or would be hazardous to the environment.

C. In the event on-site disposal is not approved by the Virginia Department of Health or the Virginia Department of Agriculture and Consumer Services, such fowl and carcasses may be deposited and disposed of by methods approved by the Virginia Department of Health at locations within the county approved by the Virginia Department of Health or the Virginia Department of Agriculture and Consumer Services. (Ord. 4/24/84)

§ 5-43 through § 5-50 reserved.

ARTICLE VI. Enforcement.

§ 5-51. Miscellaneous offences.

The following shall be unlawful acts and constitute misdemeanors, and any person convicted thereof shall be subject to the following authorized punishments:

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A. For any dog owner to own a dog four months or older in the county without a license in violation of section 5-11, a fine of not less than ten dollars (\$10.00) and not more than two hundred fifty dollars (\$250.00).

B. For any dog owner to allow a dog to run at large in violation of section 5-22, a fine of not less than twenty five dollars (\$25.00) and not more than two hundred fifty dollars (\$250.00).

C. For any dog owner to allow a dog not inoculated to run at large in violation of section 5-23, a fine of not less than fifty dollars (\$50.00) and not more than two hundred fifty dollars (\$250.00).

D. For any person to violate any other provision of this chapter for which specific penalty is not provided, a fine of not less than ten dollars (\$10.00) and not more than two hundred fifty dollars (250.00).

State law reference - Virginia Code § 3.2-6587

§ 5-52. Power to issue summons.

When in uniform or upon displaying a badge or other credentials of office, animal control officers and deputy animal control officers shall have the power to issue a summons to any person found in the act of violating any provision of this chapter.

State law reference - Virginia Code § 3.2-6543 and 3.2-6555

§ 5-53. Issuance and service of summons in place of warrant.

A. Whenever any person is found violating any provision of this chapter punishable as a Class 3 or Class 4 misdemeanor or any other misdemeanor for which he cannot receive a jail sentence, the animal control officer or other authorized authority shall take the name and address of such person and issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons or notice.

B. Upon the giving by such person of his written promise to appear at such time and place, the animal control officer or other authorized authority shall forthwith release him from custody.

C. If any such person shall fail or refuse to discontinue the unlawful act, the animal control officer or other authorized authority may proceed according to the Commonwealth's procedures for arrest without warrant.

D. Any person refusing to give written promise to appear under the provisions of this section shall be taken immediately by the animal control officer or other authorized authority before a magistrate or other issuing authority having jurisdiction, who shall proceed according to the Commonwealth's procedures for arrest without warrant.

E. Any person who willfully violates his written promise to appear, given in accordance with this section, shall be treated in accordance with the Commonwealth's procedures and penalties for failure to appear.

State law reference - Virginia Code § 3.2-6555 and 19.2-74

§ 5-54. Violation of chapter; notice.

The treasurer may, on a form to be provided by the county, notify a dog owner by mail at his last known address, that the dog owner may pay the dog license fee within the time specified by the notice together with the added cost of the mailing and, if such fee is not paid within the time so prescribed, the treasurer will notify the animal control officer or other authorized authority that the dog owner has failed to pay such fee within the time so prescribed.

(Ord. 9/23/09)

§ 5-55 Violation of Chapter 5; penalty

Any person convicted of a violation of this chapter, unless a penalty is otherwise specified, shall be guilty a Class 4 misdemeanor and shall be punished by a fine of not more than two hundred fifty dollars (\$250.00)

State law reference - Virginia Code § 3.2-6587

§ 5-56. Giving false reports.

A. It shall be unlawful for any person (i) to knowingly give a false report as to the commission of any crime to any animal control officer or law-enforcement official with the intent to mislead, or (ii) without just cause and with intent to interfere with the operations of any animal control officer or law-enforcement official. Any person knowingly giving false reports shall be guilty of a Class 1 misdemeanor.

B. Any person who knowingly and willfully makes any materially false statement or representation to a law-enforcement officer or an animal control officer employed pursuant to § 3.2-6555 of the Code of Virginia, who is in the course of conducting an investigation of a crime by another is guilty of a Class 1 misdemeanor.

State law reference - Virginia Code § 18.2-460 D and § 18.2-461

§ 5-57. Interfering With an Animal Control Officer

No individual shall interfere with an animal control officer in the legal performance of his or her duties. This includes but not limited to, striking or attempting to strike the animal control officer; providing the animal control officer with false information; taking or attempting to take any animal from an animal control officer in the legal performance of his or her duties; or from any official vehicle used by the department to transport animals; or taking or damaging any county property used in conjunction with the animal control officer's duties. Any person interfering with an animal control officer's duties shall be by guilty of a Class 1 misdemeanor.

State law reference - Virginia Code § 18.2-460

§ 5-58 through § 5-60 reserved.

ARTICLE VII. Coyotes.

§ 5-61. Killing of coyotes.

It shall be lawful for any person to kill coyotes within the boundaries of Augusta County at any time, provided that, as to the property on which any such coyote is killed, (i) such person owns the property, (ii) such person is the lawful tenant in possession of the property, (iii) such person has the permission of the owner or lawful tenant in possession of the property to kill such coyote, or (iv) such property is owned by the Commonwealth of Virginia or the United States of America.

§ 5-62. Payment of bounty for coyotes, and § 5-63. Penalty for false claims repealed by ordinance dated May 12, 2010, effective July 1, 2010.

(Ord. 10/12/05, eff. 1/1/06; 5/12/10, eff. 7/1/10)

State law reference - Virginia Code §15.2-926.1

(Ord. 6/28/17)