

ROCKBRIDGE COUNTY CODE

Chapter 5

ANIMALS AND FOWL*

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ARTICLE I. IN GENERAL

Sec. 5-1. Brownsburg bird sanctuary.

The area embraced within two hundred (200) feet either side of the highway leading into Brownsburg along Route 252 between the Brownsburg signs and along Route 724 extending two hundred (200) yards north and south from the intersection of Route 252, be hereby designated as a bird sanctuary.

It shall be unlawful to trap, hunt, shoot or attempt to shoot or molest in any manner any bird or fowl or to rob bird nests or wild fowl nests. Provided, however, if starlings or similar birds are found to be congregating in such numbers in a particular locality that they constitute a nuisance or a menace to health or property, then said starlings or birds may be destroyed by the local residents affected by the nuisance.

Anyone violating the provisions of this Section shall be punishable by a fine of not more than one hundred dollars (\$100.00) or imprisonment not exceeding thirty (30) days.

This Section shall take effect immediately upon adoption.

Secs. 5-2--5-20. Reserved.

* **Cross reference(s)**—Health and sanitation, Ch. 16; dead animal disposal policy, §16-86 et seq.; riding or driving animals, §20-86; riding animals on highways after sunset, §20-87.

State law references – Comprehensive animal laws, Code of Virginia, §3.1-796.66 et seq.; local animal control ordinances, Code of Virginia, §3.1-796.94; County health regulations, Code of Virginia, §15.2-1200; offenses involving animals, Code of Virginia, §18.2-403.1 et seq.

ARTICLE II. DOGS

DIVISION 1. GENERALLY

Sec. 5-21. Authority of animal control officer.

In accordance with §§3.1-796.104 and 15.2-1427 of the Code of Virginia, the position of animal control officer is created. The duties and training of the animal control officer shall be those provided for in §§3.1-796.104, 3.1-796.104:1, and 3.1-796-105 of the Code of Virginia and such other duties as may be provided for by the Board of Supervisors.

Sec. 5-22. Definitions.

For the purpose of this Article, and unless otherwise required by the context:

Animal control officer means any animal control officer and any deputy animal control officer appointed under this Article and in accordance with §§3.1-796.104 and 3.1-796.104:1 of the Code of Virginia.

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

Livestock includes domestic or domesticated cattle, sheep, goats, swine, horses, mules, ponies, llamas, and emu and enclosed domesticated rabbits or hares, or any other domestic or domesticated animal specifically raised for food or fiber, except companion animals.

Other officer includes all other persons employed or elected by the people of Virginia, this County, or by any municipality, county or incorporated town thereof, whose duty it is to preserve the peace, to make arrests, or to enforce the law.

Own and *owner* includes any person who: (1) has a right of property in a dog; (2) keeps or harbors a dog; (3) has a dog in his care; (4) acts as a custodian of a dog.

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

Treasurer includes the Treasurer of this County and his other assistants or other officer designated by law to collect taxes in this County.

Sec. 5-23. Dogs deemed personal property.

All dogs in this County, whether licensed or not, shall be deemed personal property and may be the subject of larceny and malicious or unlawful trespass, and the owners may maintain an action for the killing of such dogs, or injury to them, or unlawful detention or use of such dogs, as in the case of other personal property. The owner of any dog that is injured or killed contrary to the provisions of this Article by any person shall be entitled to recover the value thereof for the damage done to the dog in an appropriate action at law from such person. An

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

State law reference(s)--Similar provision, Code of Virginia, §3.1-796.127.

Sec. 5-24. Prohibiting dogs from running at large.

All persons now owning a dog or dogs, or having a dog or dogs in their charge or custody, shall be required to keep such dog(s) confined to the owner's or custodian's premises, unless the dog or dogs are accompanied by the owner or custodian and are under their immediate control. For the purpose of this Section, a dog shall be deemed to run at large while roaming, running, or self-hunting off the property of its owner/custodian, and not under the immediate control of its owner/custodian, unless the landowner has given his/her permission for the dog to do so. It shall be the duty of the animal control officer, or such other officials as may be designated, to enforce the provisions of this Section; and any person who permits his dog(s) to run at large, or to remain unconfined or unrestricted or not penned, shall be deemed to have violated the provisions of this Section.

State law reference(s)--Authority for above Section, Code of Virginia, §3.1-796.93.

Sec. 5-25. Dogs killing or injuring sheep or other livestock or poultry.

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 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. The general district court or any other 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 livestock or 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.

Any animal control officer who has reason to believe that any dog is killing livestock or poultry shall be empowered to seize such dog solely for the purpose of examining such dog in order to determine whether it committed any of the depredations mentioned herein. Any animal control officer or other person who has reason to believe that any dog in this County is killing livestock, or committing any of the depredations mentioned in this Section, shall apply to a Magistrate of the County, who shall issue a warrant requiring the owner or custodian, if known, to appear before the judge of the general district court at a time and place named therein, at which time evidence shall be heard. If it shall appear that such dog is a livestock or poultry killer, or has committed any of the depredations mentioned in this Section, the general district court shall order: (i) that the dog be 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 killed immediately.

State law reference(s)--Similar provisions, Code of Virginia, §3.1-796.116.

Sec. 5-26. Compensation for livestock and poultry killed by dogs.

Any person who has any livestock or poultry killed or injured by any dog not his own shall be entitled to receive as compensation from the Board of Supervisors the fair market value of such livestock or poultry not to exceed four hundred dollars (\$400.00) per animal or ten dollars (\$10.00) per fowl, provided that:

- (1) The claimant has furnished evidence within sixty (60) days of discovery of the quantity and value of the dead or injured livestock and the reasons the claimant believes that death or injury was caused by a dog;
- (2) The animal control officer or other officer shall have been notified of the incident within seventy-two (72) hours of its discovery; and
- (3) 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.

Cross reference(s)--County finances, §2-46

State law reference(s)--Similar provisions, Code of Virginia, §§3.1-796.118, 3.1-796.128.

Sec. 5-27. Taking, confining, and disposing of unlicensed dogs.

It shall be the duty of the animal control officer to take and confine any dog of unknown ownership, on which the license fee has not been paid, found running at large, and to hold such dog for a period of five (5) days, during which time the animal control officer shall attempt to establish ownership of the dog. If, after five (5) days, the ownership has not been established, nor the dog claimed and the license fee paid, the animal control officer shall dispose of the dog, by delivering such dog to any person in the County who will pay the required license fee on the dog, by otherwise disposing of the dog in accordance with Code of Virginia, §3.1-796.96, or by humanely destroying the dog. Before disposing of the dog by euthanasia or otherwise, all the provisions of Code of Virginia, §3.1-796.96 shall be complied with. Any person, animal control officer, or other officer humanely destroying a dog under this Article shall cremate and bury the dog.

State law reference(s)--Similar provisions, Code of Virginia, §3.1-796.119.

Sec. 5-28. Disposal of dead dogs.

The owner of any dog that has died from disease or other cause shall forthwith cremate or bury the dog. If, after notice, the owner fails to do so, the animal control officer or other officer

shall bury or cremate the dog, and he may recover on behalf of the County from the owner his cost for this service.

Sec. 5-29. Rabies regulations.

A. It shall be unlawful for any person, firm, or corporation to own, keep, hold or harbor any dog four (4) months of age or older within Rockbridge County unless the dog has been currently and properly vaccinated against rabies by a licensed veterinarian. The vaccination may be carried out by the use of modified live virus (Flurry Strain) within twenty-four (24) months of the time of licensing, or by the use of a killed rabies vaccine within a period of sixty (60) days from the time of licensing. All vaccines used must be of a type approved by the Virginia State Department of Health.

B. Any person, firm or corporation transporting a dog into Rockbridge County from some other jurisdiction shall be required to conform to the above regulation within thirty (30) days from the day they bring such dog(s) into Rockbridge County if the dog(s) will be kept in Rockbridge County for more than sixty (60) days.

C. Vaccination tags shall be firmly attached to the dog's collar and must be worn at all times when the dog is not on the owner's or custodian's property or in the immediate control of some responsible person

D. Any dog found in Rockbridge County not vaccinated and not wearing an authentic vaccination tag as described in the preceding Subsection shall be impounded by the animal control officer, or other officer charged with enforcing this Article, for a period of five (5) days. The owner of such dog may secure the release of the dog by producing proof of ownership, having the dog properly vaccinated, and paying the costs of impounding and caring for the dog. At the expiration of the five (5) day period, any dog not so claimed by its owner or custodian shall be disposed of by giving it to any person willing to pay for the cost of vaccination and impounding. If the dog is not so disposed of, the dog shall be humanely destroyed by the animal control officer.

E. In order to effectuate the provisions of this Article, any person, firm or corporation applying for a dog license shall be required to present to the County official charged with the sale of dog licenses a certificate of current rabies vaccination properly executed and signed by a licensed veterinarian, certifying that the dog in question has been currently vaccinated in accordance with the provisions of this Article. When the dog license has been issued, the certificate of vaccination shall be so marked and returned to the applicant.

F. All animal bites to human beings shall be reported to the County Health Department within twenty-four (24) hours of their occurrence. The report shall include the name and post office address of the person bitten and the owner of the biting animal, and a reasonable description of the animal. The responsibility of so reporting is mutually charged to attending physicians, veterinarians, owners of the biting animals, and persons bitten, and any other persons who may have knowledge of this fact.

G. Any person bitten by a rabid animal in Rockbridge County shall be paid the costs of necessary treatment by the County, not to exceed five hundred dollars (\$500.00); provided that no person shall be entitled to recover the cost of necessary treatment herein provided unless he/she first applies to the Rockbridge County Health Director and that officer refuses or fails to treat the case.

H. All animals biting or otherwise injuring human beings or animals must immediately be placed under quarantine for a minimal period of fourteen (14) days. The area and conditions of quarantine shall be designated by the Rockbridge County Health Director or his duly authorized deputy. When suitable quarantine cannot be maintained by the owner, the animal shall be removed to a suitable pound and there be quarantined at the expense of the owner. All animals bitten by rabid animals, or by suspiciously rabid animals (animals bitten by suspected rabid animals, or animals suspected themselves of being rabid) shall either be destroyed or, if previously vaccinated in the manner satisfactory to the Public Health Director, may be held under quarantine for a minimal period of fourteen (14) days.

I. When, in the judgment of the Rockbridge County Health Director, an emergency is deemed to exist in Rockbridge County or any part thereof due to a widespread rabies epidemic, for the protection of the public, the Health Director may declare a quarantine in the County or such part thereof as may be so affected, and restrict all dogs to the owner's premises, and/or to the immediate custody of some responsible person for the duration of such emergency, as is set forth in the order of quarantine. Any such quarantine will remain in full force and effect until modified by the Board of Supervisors at a special or regular meeting.

J. The provisions of this Section shall be enforced by the animal control officer and his deputy or deputies, or by such other law enforcing officers as the Board of Supervisors may prescribe. The Board of Supervisors and such officer(s) shall agree in writing as to the compensation to be paid by the County to such officer(s) for their services rendered in enforcing this Section.

State law reference(s)--Authority of county to adopt ordinances to prevent spread of rabies, Code of Virginia, §3.1-796.100.

Sec. 5-30. Unlawful acts; penalties.

A. The following shall be unlawful acts and constitute Class 4 misdemeanors:

- (1) *License application*--For any person to make a false statement in order to secure a dog license to which he is not entitled.
- (2) *License tax*--For any dog owner to fail to pay the license tax required by this Article before February first (1st) for the year in which it is due. In addition, the court may order confiscation and proper disposition of the dog.
- (3) *Dogs running at large*--For any dog owner to allow a dog to run at large in violation of Section 5-24.

- (4) *Rabies regulation*--For any person to fail to obey a regulation passed pursuant to Section 5-29.
- (5) *Dead dog*--For any owner to fail to dispose of the body of his dog in violation of Section 5-28.
- (6) *Diseased dog*--For the owner of any dog with a contagious or infectious disease to permit such dog to stray from his premises if such disease is known to the owner.
- (7) *Removing collar and tag*--For any person, except the owner or custodian, to remove the legally acquired license tag from a dog.
- (8) *Concealing a dog*--For any person to conceal or harbor any dog on which the license tax has not been paid or to conceal a mad [or rabid] dog to keep the same from being killed.
- (9) Any other violation of this Article for which specific penalty is not provided.

B. The following shall be punished as a Class 1 misdemeanor:

False claim--For a person to present a false claim or to receive any money on a false claim under Section 5-26.

Sec. 5-31. Severability.

It is the intention of the Board of Supervisors that each separate provision of this Article shall be deemed independent of all other provisions herein, and that if any provisions of this Article be declared invalid, all other provisions thereof remain valid and enforceable.

Secs. 5-32--5-40. Reserved.

DIVISION 2. LICENSING

Sec. 5-41. License required.

It shall be unlawful for any person to own a dog four (4) months old or over in this County unless such dog is licensed under either a lifetime dog license, an annual kennel license, or dangerous dog registration. Unless having a dangerous dog registration, the owner of any dog four (4) months old or older shall obtain from the Treasurer of the County a lifetime dog license or an annual kennel license as provided in this Division. Such license shall be valid only as long as the dog's owner resides within the boundary limits of the County and the dog's rabies vaccination is kept current. Upon expiration of a rabies vaccination, a dog license or kennel license is no longer valid. Renewal of a lapsed rabies vaccination will restore validity of the

license, but shall not relieve such owner from the penalties provided in this Division for failure to maintain current rabies vaccination.

(Sec. 41 Amended by Ord. of 9-26-22, to be effective on and from date of adoption)

State law reference(s)—Unlicensed dogs prohibited, Code of Virginia, §3.2-6524.

Sec. 5-42. When license tax payable.

A. Lifetime dog license. The lifetime dog license must be purchased not later than thirty (30) days after a dog has reached the age of four (4) months, not later than thirty (30) days after an owner acquires a dog four (4) months of age or older, or not later than thirty (30) days after an owner becomes a resident of the County with a dog four (4) months of age or older. The lifetime dog license shall remain in effect for as long as such dog remains living with the owner or custodian in the County.

B. Annual kennel license. Kennel licenses shall expire annually on December 31st and must be renewed not later than January 31st of the following year. Kennel licenses purchased between November 1st and December 31st shall be valid for the remainder of the year during which it was purchased and for the next following year.

(Sec. 42 Amended by Ord. of 9-26-22, to be effective on and from date of adoption)

State law reference(s)--Similar provisions, Code of Virginia, §3.2-6530.

Sec. 5-43. How to obtain license; duty and authority of Treasurer.

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 license tax and current certificate of vaccination. The Treasurer shall only have authority to license dogs of resident owners or custodians who reside within the boundary limits of the County and may require information to this effect from any applicant. Upon receipt of proper application and current certificate of rabies vaccination, the Treasurer shall issue a license receipt for the amount on which he shall designate whether the license is lifetime or kennel, and record the name and address of the owner or custodian, the date of payment, the year such license is issued, the serial number(s) of the tag(s), whether the dog is male or female, neutered or spayed, or whether for a kennel, and deliver the metal license tags or plates provided for in this Division. The information thus received shall be retained by the Treasurer, open to public inspection, during the period for which such license is valid.

B. No license tag shall be issued for any dog unless there is presented, to the Treasurer at the time application for license is made, evidence satisfactory to him showing that such dog has been inoculated or vaccinated against rabies by a currently licensed veterinarian or currently licensed veterinary technician who was under the immediate and direct supervision of a licensed veterinarian on the premises.

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.

(Sec. 43 (formerly Sec. 45) Amended by Ord. of 9-26-22, to be effective on and from date of adoption)

State law reference(s)—License, Code of Virginia, §3.2-6527; rabies inoculation prerequisite to obtaining license, Code of Virginia, §§3.2-6521, 3.2-6526.

Sec. 5-44. Amount of license tax.

A license tax is hereby imposed on dogs required to be licensed under this Division in the following amounts:

- (1) Lifetime individual dog license: \$10.00 per dog
- (2) Annual kennel license:
 - (a) Five (5) to Twenty (20) dogs or hybrids: \$25.00
 - (b) Twenty-one (21) to Fifty (50) dogs or hybrids: \$50.00
- (3) The kennel license tax shall be in lieu of the tax on individual dogs in the kennel.
- (4) No license tax shall be levied on any dog that is trained and serves as a guide dog for a blind person; that is trained and serves as a hearing dog for a deaf- or hearing-impaired person; or that is trained and serves as a service dog for a mobility-impaired person. As used in this Section, the term “hearing dog” means a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond, and the term “service dog” means a dog trained to accompany its owner for the purpose of carrying items, retrieving objects, pulling a wheelchair, or other such activities of service or support.
- (5) Refunds for portions of the license tax shall not be permitted.

(Sec. 44 (formerly Sec. 41) Amended by Ord. of 9-26-22, to be effective on and from date of adoption)

State law reference(s)—Maximum amount of license tax, Code of Virginia, §3.2-6528.

Sec. 5-45. What license shall consist of.

A dog license shall consist of a license receipt and a metal tag. The tag shall be stamped or otherwise permanently marked to show the County, the type of tag, i.e. lifetime, and must bear a serial number. The license tag for a kennel shall show the number of dogs authorized to be kept under such license and have attached thereto a metal identification plate for each of such dogs numbered to correspond with the serial number of the license tag.

(Sec. 45 (formerly Sec. 46) Amended by Ord. of 9-26-22, to be effective on and from date of adoption)

State law reference(s)—Similar provisions, Code of Virginia, §3.1-796.90.

Sec. 5-46. Duplicate license tags.

If a dog license tag is lost, destroyed, or stolen, the owner or custodian shall at once apply to the Treasurer 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 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 shall endorse the number of the duplicate and the date issued on the face of the original license receipt. The fee for a duplicate tag shall be five dollars (\$5.00).

(Sec. 46 (formerly Sec. 47) Amended by Ord. of 9-26-22, to be effective on and from date of adoption)

State law reference(s)—Similar provisions, Code of Virginia, §3.2-6532.

Sec. 5-47. Displaying receipts and proof of rabies vaccination; dogs to wear tags.

Dog and kennel license receipts and proof of current rabies vaccination shall be carefully preserved by the licensees and exhibited promptly on request for inspection by any animal control officer or other law enforcement officer. Dog license tags shall be securely fastened to a substantial collar by the owner or custodian and worn by such dog. The owner or custodian of the dog may remove the collar and license tag required by this Section when:

- (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 the wearing of a collar;
- (4) The dog is confined; or
- (5) The dog is under the immediate control of its owner.

(Sec. 47 (formerly Sec. 48) Amended by Ord. of 9-26-22, to be effective on and from date of adoption)

State law reference(s)—Similar provisions, Code of Virginia, §3.2-6531.

Sec. 5-48. Effect of dog not wearing collar as evidence.

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

(Sec. 48 (formerly Sec. 44) Amended by Ord. of 9-26-22, to be effective on and from date of adoption)

State law reference(s)--Similar provisions, Code of Virginia, §3.2-6533.

Sec. 5-49. Violations.

A. The following are violations of this Division and each violation shall constitute a class 4 misdemeanor:

- (1) Failure to pay the tax imposed by this Division when the same is due.
- (2) Failure to obtain or maintain current rabies vaccination for a dog four (4) months old or older.

B. Payment of the tax or obtaining a rabies vaccination after the owner or custodian is served a summons to appear before a court for failure to do so within the time required shall not operate to relieve such owner from the penalties provided for such failure.

(Sec. 49 (formerly Sec. 43) Amended by Ord. of 9-26-22, to be effective on and from date of adoption)

State law reference(s)—Similar provisions, Code of Virginia, §§3.2-6536

Sec. 5-50. Regulating kennel dogs.

The owner of a kennel shall securely fasten the license tag to the kennel enclosure in full view and keep one of the identification plates provided therewith attached to the collar of each dog authorized to be kept enclosed in the kennel. Any identification plates not so in use must be kept by the owner or custodian and promptly shown to any animal control officer or other officer upon request. A kennel dog shall not be permitted to stray beyond the limits of the kennel enclosure; but this restriction shall not operate to prohibit removing dogs temporarily from the kennel while under the control of the owner or custodian to exercise, hunt, breed, show, or engage in field trials. A kennel shall not be operated in any manner to defraud the County of the license tax payable on dogs which cannot be legally considered as kennel dogs or in any manner to violate other provisions of this Division. If a kennel dog is found to be running at large in violation of Section 5-24, in addition to other penalties provided by this Chapter, the kennel license of the owner of such dog may be revoked if it appears to the court that the provisions of this Section have been violated by reason of carelessness or negligence on the part of such owner, and such owner thereupon shall be required to pay an individual license tax on each dog. (Sec. 50 (formerly Sec. 49) Amended by Ord. of 9-26-22, to be effective on and from date of adoption)

State law reference(s)—Authority to regulate kennel licenses, Code of Virginia, §3.2-6528.

Secs. 5-51--5-57. Reserved.

DIVISION 3. DANGEROUS AND VICIOUS DOGS

Sec. 5-58. Definitions.

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

Dangerous dog means a canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person or companion animal, other than a dog, or killed a companion animal.

Injury means any cut, scratch, scrape, or tear to the skin, or any bruise to bone or skin area.

Leash means any rope, strap, chain, or other material not exceeding four (4) feet in length, being held in the hand of a person capable of controlling the dog to which it is attached; provided, that the four (4) feet leash length restriction may be extended to a reasonable length under the circumstances if the dog is under the direction and control of a professional dog trainer.

Professional dog trainer means a person who is licensed to do business as such in the Commonwealth of Virginia and who also is a member in good standing of a national dog breed club.

Serious injury means any bodily injury for which medical attention was sought and obtained, which involved a serious laceration requiring stitches or more than one puncture wound or which is serious in the opinion of a licensed physician.

Vicious dog means a canine or canine crossbreed that has: (1) killed a person; (2) inflicted serious injury on a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or (3) continued to exhibit the behavior that resulted in a previous finding by a court that it is a dangerous dog, provided that its owner has been given notice of that finding.
(Ord. of 2/24/97)

Sec. 5-59. Dangerous dogs; vicious dogs.

A. The animal control officer, upon reasonable belief that a canine or canine crossbreed within the County is a dangerous dog or vicious dog shall apply to a magistrate for the issuance of a summons requiring the owner or custodian, if known, to appear in general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. The animal control officer or owner shall confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of this Division. If, after

hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of §3.1-796.119 of the Code of Virginia.

B. No canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed. No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or damage was sustained by a person who was: (1) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian; (2) committing, at the time, a willful trespass or other tort upon the premises occupied by the animal's owner or custodian; or (3) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog that was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog or vicious dog. No animal which, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring or its owner or owner's property, shall be found to be a dangerous dog or a vicious dog.

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

D. All certificates or renewals required to be obtained under this Section shall only be issued to persons eighteen (18) years of age or older who present satisfactory evidence: (1) of the animal's current rabies vaccination, if applicable; and (2) that the animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed. In addition, owners who apply for certificates or renewals under this Section shall not be issued a certificate or renewal unless they present satisfactory evidence that: (1) their residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property; and (2) the animal has been permanently identified by means of a tattoo on the inside thigh or by electronic implantation.

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

- (2) If the owner of an animal found by a 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 division.
- (3) After an animal has been found by a court to be a dangerous dog, the animal's owner shall, immediately upon learning of any of the following events, notify the County animal control officer: (1) if the animal is loose or unconfined; (2) if the animal bites a person or attacks another animal; (3) if the animal is sold, given away, or dies; or (4) if the animal is moved to a different address.
- (4) The owners of any animal that has been found by a court to be a dangerous dog who willfully fail to comply with the requirements of this Division shall be guilty of a Class 1 misdemeanor.
- (5) All fees collected pursuant to this Division, less the costs incurred by the animal control officer in producing and distributing the certificates and tags required by this Division, shall be paid into a special dedicated fund for the purpose of paying the expenses of any training course required under §3.1-796.105 of the Code of Virginia.

(Ord. of 2/24/97)

*All certificates or renewals required to be obtained under this Division shall only be issued to persons eighteen (18) years of age or older who present satisfactory evidence that the animal has been spayed or neutered.

*Notwithstanding the provisions of Subsection (1), an animal control officer may determine, after investigation, whether a dog is a dangerous dog. If the animal control officer determines that a dog is a dangerous dog, he may order the animal's owner to comply with the provisions of this Division. If the animal's owner disagrees with the animal control officer's determination, the owner may appeal the determination to the general district court for a trial on the merits.

Sec. 5-60. Reserved.

ARTICLE III. LIVESTOCK

Secs. 5-61--5-75. Reserved.

ARTICLE IV. HUNTING AND FISHING

Secs. 5-76--5-79. Reserved.

Sec. 5-80. Deleted and reserved; bear and deer damage stamp program eliminated in County.

(Ord. of 4-28-97)