

Chapter 6

ANIMALS* (Revised May 2022)

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*State law references Animal welfare, Code of Virginia, 3.2-6500 et seq.; authority of counties to adopt animal control ordinances parallel to numerous state law provisions, Code of Virginia, 3.2-6543; game, inland fisheries and boating, Code of Virginia, title 29.1; regulations pertaining to pounds maintained by local governments.

ARTICLE 1. IN GENERAL

Sec. 6-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. All terms not defined in this article shall carry the meanings set forth in Code of Virginia, 3.2-6500, or its successor statute.

Adequate shelter "Adequate shelter" means provision of and access to shelter that is suitable for the species, age, condition, size and type of 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; during hot weather, is properly shaded and does not readily conduct heat; during cold weather, has a windbreak at its entrance and provides a quantity of bedding material consisting of hay, cedar shavings, or the equivalent that is sufficient to protect the animal from cold and promote the retention of body heat; and for dogs and cats, provides a solid surface, resting platform, pad, floormat 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. The outdoor tethering of an animal shall not constitute the provision of adequate shelter (a) unless the animal is safe from predators and well suited and well equipped to tolerate its environment' (b) during the effective period for a hurricane warning or tropical storm warning issued for the area by the National Weather Service; or (c)(1) during a heat advisory issued by a local or state authority, (2) when the actual or effective outdoor temperature is 85 degrees Fahrenheit or higher or 32 degrees Fahrenheit or lower or (3) during the effective period for a severe weather warning issued for the area by the National Weather Service including a winter storm, tornado, or severe thunderstorm warning, unless an animal control officer, having inspected an animal's individual circumstances in clause, (c) (1), (2), or (3), has determined the animal to be safe from predators and well suited and well equipped to tolerate its environment.

Agricultural animals mean all livestock and poultry.

Animal nuisance is created when any dog, cat, canine crossbreed or other domestic animal unreasonably annoys humans, endangers the life or health of other animals or persons or substantially interferes with the rights of citizens, other than their owners, to the enjoyment of life or property. Such acts of nuisance by any dog, cat, or other domestic animal shall include, but are not limited to, the following:

- (1) Damaging property other than that of the animal's owner;
- (2) Attacking or disturbing other animals, persons' or vehicles by chasing, barking or biting;

- (3) Making excessive noises, including, but not limited to, barking, whining, howling, caterwauling or crying;
- (4) Creating noxious or offensive odors;
- (5) Defecating without permission of the property owner upon any public place or upon premises not owned or controlled by the owner unless promptly removed by the animal's owner; or
- (6) Creating an unsanitary condition or insect breeding site due to an accumulation of excreta or filth.

Cat means any member of the animal species felis catus domesticus, regardless of age.

Dangerous dog.

The term "dangerous dog" means any dog or canine crossbreed:

- (1) Which has attacked and caused a wound to any person without provocation on public or private property;
 - b. Which, while off the property of its owner, kills a domestic animal;
 - c. Which is owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting;
 - d. Which, unprovoked, chases or approaches persons upon the streets, sidewalks or any public or private property other than the owner's property in a menacing fashion or apparent attitude of attack;
 - e. Which has a known propensity, tendency or disposition to attack unprovoked, to cause injury or otherwise to threaten the safety of human beings or domestic animals; or
 - f. Which has been found dangerous by any general district court or circuit court of the commonwealth.
- (2) Any dog evidencing the characteristics or conduct described in subsection (1)a, b, c, d or e of this definition shall be a dangerous dog even though not found dangerous by any court.

Dog means any member of the animal species canis familiaris, regardless of age.

Domestic animal means any dog or canine crossbreed, cat, domesticated sheep, horses, cattle, goats, swine, fowl, ducks, geese, chickens, turkeys, poultry, confined domestic hares and rabbits and other birds and animals raised and maintained in confinement.

Dwelling means a place of habitation for one or more human beings, either permanent, seasonal or temporary.

Immediate control means a dog shall be under its owner's or custodian's immediate control only when the dog is under the physical control of its owner or custodian, or responsive to the voice commands of its owner or custodian while within the sight of the owner or custodian.

Kennel means any establishment in which five or more canines, canine crossbreeds or canine hybrids are housed or kept. Such number shall not include pups born to a resident female and retained by the kennel owner for less than eight weeks.

Livestock means cattle, horses, sheep, goats, swine and enclosed, domesticated rabbits or hares.

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

Owner means every person having a right of property in a dog, or who keeps or harbors a dog, or who has a dog in his care, or who acts as a custodian of a dog, or who permits a dog to remain on or about any premises occupied by him. In the case of a minor who owns, keeps, harbors or acts as custodian of a dog, the parent or parents or other lawful guardian of such minor shall be deemed to be the owner of the dog.

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

To run at large means roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control,

Vicious dog.

(1) The term "vicious dog" means any dog which:

- a. Kills a person;
- b. Inflicts serious wound to a person, including multiple bites, disfigurement, impairment of health, or impairment of any bodily function;
- c. Continues to exhibit the behavior which resulted in a previous finding by a court that it is a dangerous dog; or
- d. Which has been found vicious by any general district court or circuit court of the commonwealth.

(2) Any dog evidencing the characteristics or conduct described in subsection (1)a, b, or c of this definition shall be a vicious dog even though not previously found vicious by any court.

Wound means any serious injury, to include a laceration, broken bone or substantial puncture of skin by teeth. *Wound* shall not include a scratch, abrasion, or other minor injury.

(Ord. of 8-26-1996, div. 1, A; Ord. of 9-17-2001)

Sec. 6-2. Violations of chapter.

Unless otherwise specifically provided, a violation of any provision of this chapter shall constitute a Class 4 misdemeanor. In addition, any animal nuisance may also be corrected, removed or abated through an appropriate action at law or suit in equity by any person suffering injury or damage therefrom.

(Ord. of 8-26-1996, div. 1, B)

Sec. 6-3. Dogs and cats deemed personal property; rights relating thereto.

- (a) All dogs and cats in this county shall be deemed personal property and may be the subject of larceny and malicious or unlawful trespass and the owners thereof may maintain any action for the killing of any such dogs or cats, or injury thereto, or unlawful detention or use thereof, as in the case of other personal property. The owner of any dog or cat which is injured or killed contrary to the provisions of this article by any person, without cause, or unless in defense of person or property, shall be entitled to recover the value thereof or the damage done thereto in an appropriate action at law from such person.

 - (b) The animal control officer or other officer finding a stolen dog or cat or a dog or cat held or detained contrary to law shall have authority to seize and hold such dog or cat pending action before a general district court or other court. If no such action is instituted within seven days, such officer shall deliver the dog or cat to its owner. The presence of a dog or cat on the premises of a person other than its legal owner shall raise no presumption of theft against the owner of such premises, and the animal control officer may take such dog or cat in charge and notify its legal owner to remove him. The legal owner of the dog or cat shall pay a reasonable charge for the keep of such dog or cat while in the possession of the animal control officer.
- (Ord. of 8-26-1996, div. 1, C)

Sec. 6-4. Limitation on number kept per dwelling unit.

The harboring or keeping of more than five dogs over four months of age per dwelling shall be unlawful, unless a private kennel license has been issued pursuant to this chapter. The harboring or keeping of more than ten cats over four months of age, per dwelling shall be unlawful. The requirements of this section shall not apply to any dwelling which is part of an active agricultural operation or usage as defined by the zoning ordinance for the county. (Ord. of 8-26-1996, div. 1, D)

Sec. 6-5. Adequate shelter; Sanitary condition of premises where kept.

Dogs and cats shall be provided adequate shelter and any structure, building, lot, compound or enclosure in which they are confined shall be kept in such sanitary condition as not to cause offensive odors or attract flies or other insects.

Sec. 6-6. Nuisance prohibited.

It shall be unlawful for the owner or harborer of any dog, cat or other wild or domestic animal to cause or permit such animal to perform, create or engage in any animal nuisance. Any animal found

acting in any way as an animal nuisance is hereby declared a nuisance and its owner or harbinger shall be subject to the penalties provided by section 6-2.

(Ord. of 8-26-1996, div. 1, F)

Sec. 6-7. Dangerous dogs; vicious dog; penalties; procedures.

- (a) *Dangerous dog.* It shall be unlawful and a Class 1 misdemeanor to own, keep, harbor, act as custodian of or permit to remain on or about any premises any dog that the owner knew or reasonably should have known to be a dangerous dog, except in strict compliance with section 6-9. If, after hearing evidence, the court finds any dog to be a dangerous dog, the court shall, in addition to any other penalties imposed, order the dog's owner to comply with the provisions of section 6-9. If any owner knew or reasonably should have known any dog to be a dangerous dog and such dog thereafter without the instigation of the owner causes a wound to any person, such owner shall be guilty of a Class I misdemeanor.
- (c) *Vicious dog.* It shall be unlawful and a Class 1 misdemeanor to own, keep, harbor, act as custodian of or permit to remain on or about any premises any dog that the owner knew or reasonably should have known to be a vicious dog. If, after hearing the evidence, the court finds any dog to be a vicious dog, the court shall, in addition to any other penalties imposed, order the animal warden to euthanize the dog. If any owner knew or reasonably should have known any dog to be a vicious dog and such dog thereafter causes a wound to any person, such owner shall be guilty of a Class 1 misdemeanor.
- (d) *Procedures.* When a warrant has been obtained or a summons issued pursuant to this section, the animal warden may confine the dog until such time as evidence shall be heard and a verdict rendered or, if the animal control officer determines that the owner can confine the animal in a manner that protects the public safety, may permit the owner to confine the animal until the evidence is heard and verdict rendered. The court may, through its contempt power, compel the owner of any dog to produce it for the animal warden. In the event any dog is found to be a dangerous dog or a vicious dog, the owner of such dog shall be responsible for payment to the county of any expenses of impounding and keeping the dog pending disposition of the case at the rate prescribed by the board of supervisors.
- (d) *Offenses under Code of Virginia.* Nothing in this section shall preclude the prosecution of any person for offenses set forth in the Code of Virginia. (Ord. of 8-26-1996, div. 1, G)

Sec. 6-8. Licensure of dangerous dog.

- (a) The owner of any dog found by a court to be a dangerous dog shall, within ten days of such finding, obtain a dangerous dog certificate from the animal control officer by paying the fee required by section 6-52. The animal control officer shall provide the owner with a uniformly designed tag which identifies the dog as a dangerous dog. The owner shall affix the tag to the dog's collar and ensure that the dog wears the collar and tag at all times. All licenses issued pursuant to this section shall be renewed annually as required by section 6-52.
- (b) No dangerous dog certificate shall be issued until the applicant has filed with the county treasurer the insurance certificate required by section 6-9(3). The treasurer shall immediately forward such

certificate to the county's risk manager for review' and filing. The risk manager shall immediately notify an animal warden of any noncompliance with the provisions of section 6-9(3) of which the risk manager becomes aware. (Ord. of 8-26-1996, div. 1, H)

Sec. 6-9. Keeping of dangerous dogs; conditions.

It shall be unlawful for any owner of any dangerous dog to own, keep or harbor any such dog within the county except in compliance with each of the following conditions and specifications:

- (1) Any dangerous dog shall be securely confined indoors or, if kept outdoors, shall be kept in a securely enclosed and locked pen or structure adequate to confine the dog and located upon the premises of the owner of the dog. Any such pen or structure shall have secure sides and a secure top and, if it has no bottom secured to the sides, the sides shall be imbedded into the ground no less than two feet. Such pen or structure shall provide any such dog with adequate space and protection from the elements and shall be kept in a clean and sanitary condition.
- (2) The owner of any dangerous dog shall display two signs on his property stating: "Dangerous Dog on Premises" One sign shall be posted at the front of the property, and the second sign shall be posted at the rear of the property. Each sign shall be capable of being read from a distance of 50 feet.
- (3) The owner of any dangerous dog shall procure and maintain public liability insurance in the amount of \$100, 000.00 insuring the owner for any injury or damage caused by such dog. The owner shall maintain a valid policy and certificate of insurance issued by the insurance carrier or agent as to the coverage required by this subsection at the premises where such dog is kept and shall, upon request, display such policy and certificate to any animal control officer or law enforcement officer.
- (4) The owner of any dangerous dog shall have such dog permanently identified by means of a microchip, and the owner of any dangerous dog shall provide the animal warden with a color photograph of the dog taken within the last 12 months, suitable for use in identifying the dog.
- (5) If any dangerous dog is taken off the property of its owner, such dog shall be muzzled and restrained by a substantial chain or leash not exceeding six feet in length, and such dog shall at all times be kept under the control of a responsible person. Such muzzle shall be constructed in such a manner that it will prevent the dog from biting any person or animal, but such that it will not cause injury to the dog or interfere with its vision or respiration.
- (6) The owner or custodian of any dangerous dog shall notify the animal control officer immediately upon discovery if such dog is loose or missing; if such dog has attacked or wounded a human being or another animal; or if such dog has been sold, leased, given away, died or custody has been transferred to another person for more than 48 hours. If such dog has been sold, leased, given away or custody has been so transferred, the owner shall provide the animal warden with the name, address and telephone number of the new owner, lessee or custodian who shall be required to comply with the conditions of this section if the dog is kept within the county. If the owner of a dangerous dog intends to move with such dog to a different address, such owner shall notify the animal control officer of such fact and the new address at ten (10) days prior to moving to the new address.

- (7) The animal warden shall be permitted the right to inspect the enclosure in which any dangerous dog is kept at any time.
- (8) In addition to the conditions and specifications established by this section with respect to dangerous dogs, the owner of any dangerous dog shall meet all other requirements established by this chapter for keeping any dog
- (9) The animal control officer shall have the right to seize and impound the dangerous dog if any of the conditions and specifications established by this section for the keeping of a dangerous dog are not being met.
(Ord. of 8-26-1996, div. 1, 1)

Sec. 6-10. Violations and penalties.

- (a) It shall be a Class 1 misdemeanor for the owner or custodian of any dog which has caused a wound to any person to conceal or cause to be concealed such dog from any animal control officer or police officer.
- (b) Any other violation of sections 6-7 through 6-10 shall constitute a Class 1 misdemeanor.
(Ord. of 8-26-1996, div. 1, J)

Sec. 6-11. Exceptions.

- (a) No dog shall be deemed or declared to be a dangerous dog or vicious dog if the threat, wound, injury or damage was caused by any person who, at the time, was:
 - (1) Assaulting the owner of the dog;
 - (2) Committing a willful trespass or tort upon the premises of the owner of the dog; or
 - (3) Provoking, tormenting, abusing or assaulting the dog or can be shown to have repeatedly provoked, tormented or abused the dog at other times.
- (b) 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's property, shall be found to be a dangerous dog or a vicious dog.
- (c) This division shall have no application to any dog owned by a federal, state or local law enforcement agency.
- (d) No dog shall be found to be a dangerous dog or a vicious dog solely because it is a particular breed. (Ord. of 8-26-1996, div. 1, K)
- (e) No dog shall be found to be a dangerous dog as a result of killing or inflicting serious injury on a dog or cat while engaged with its owner as part of lawful hunting or participating in an organized, lawful dog handling event.

Sec. 6-12. Barking or howling dogs.

- (a) The harboring or keeping of any dog which is an animal nuisance shall be unlawful; and any such dog is hereby declared to be a public nuisance. Any such dog may, after reasonable notice has been given by the animal control officer or other officer to the owner or custodian of such dog, if known, or upon a substantiated complaint of any person, if such owner is unknown, be impounded and confined in the county animal shelter by the animal control officer. The disposition of any such dog shall be in accordance with section 6-15.
- (b) Nothing in this section shall preclude a citizen from directly pressing charges under this chapter or the Code of Virginia through the magistrate and court systems.
(Ord. of 8-26-1996, div. 1, L)

Sec. 6-13. Running at large prohibited.

- (a) It shall be unlawful for the owner of any dog to permit such dog to run at large in the county at any time during any month of the year.
- (b) This section shall not apply to a dog engaged in lawful hunting in open season or when being trained or exercised and accompanied by its owner or custodian or under the immediate control of its owner or custodian. (Ord. of 8-26-1996, div. 1, M)

Sec. 6-14. Inoculation of dogs and domesticated cats.

- (a) The owner or custodian of all dogs and domesticated cats four months of age and older shall have them currently vaccinated for rabies by a licensed veterinarian, who shall provide the owner or custodian of the dog or domesticated cat with a certificate of vaccination. The owner or custodian of the dog or domesticated cat shall furnish within a reasonable period of time, upon the request of animal warden, or law enforcement officer, the certificate of vaccination for such dog or cat. The vaccine used shall be licensed by the United States Department of Agriculture for use in that species.
- (b) Failure by the owner or custodian to promptly vaccinate a dog or domesticated cat as required above shall be Class 3 misdemeanor.
(Ord. of 8-26-1996, div. 1, N)

Sec. 6-15. Impoundment.

- (a) It shall be the duty of the animal control officer or other officer to cause any dog found running at large in violation of section 6-13, or any dog creating an animal nuisance in the presence of the officer, to be caught and confined in the county animal shelter. Reasonable effort shall be made on the part of the animal control officer or other officer to determine the ownership of an animal so confined. If the owner is known by virtue of a microchip, vet record, or county tag on the dog or cat, such owner shall be notified forthwith by the person taking the animal into custody.
- (b) A dog confined under this section may be claimed by the rightful owner after displaying proof of ownership in the form of a current dog license, microchip, vet record or proof of rabies

inoculation of the animal. No dog shall be released to any person claiming ownership, unless such license and proof have been displayed.

- (c) An owner claiming his animal pursuant to subsection (b) of this section shall be required to pay the actual expense incurred by the county in keeping the animal confined. Such payment shall be made to the animal control officer or other officer at the time of the release of the animal. It shall be the duty of the animal control officer or other officer to furnish the owner with a written receipt for such payment, in a form and manner approved by the board of supervisors. Such officer shall keep a carbon copy of all such receipts in a bound book, which shall be turned over to the county treasurer when the book is filled and shall be subject to audit by representatives of the board of supervisors whenever requested. Any funds collected pursuant to this subsection shall, be disposed of in the same manner as dog license taxes. No payment made under this subsection shall relieve the owner from prosecution for violating section 6-13.
- (d) If a dog confined pursuant to this section is not claimed by the owner within seven days from the time notice was given to the owner or if the owner cannot be located within seven days after confinement, such animal may be disposed of in accordance with the provisions of Code of Virginia, 3.2-6546 or its successor.
- (e) A pickup fee of \$20.00 for the first offense, \$30.00 for the second offense, and \$40.00 for the third offense shall be imposed in addition to the normal board fee of \$10.00 per day when any dog is claimed by its owner or custodian.
(Ord. of 8-26-1996, div. 1, O)

Sec. 6-16. Breeding or confinement of unaltered female dogs

(a) Unaltered Female Dogs.

- (1) Every unaltered female dog suspected of being in season shall be confined by the owner or custodian to a building, pen or structure properly enclosed so as to prevent such female dog from contact with any other dog except for intentional breeding while such dog is suspected of being in season.
- (2) A female dog shall not be allowed to whelp a litter prior to attaining the age of 18 months and thereafter no more than twice in any 18-month period up and until said dog reaches the age of 8 years, after which she shall no longer be bred.
- (3) A female dog shall not be intentionally bred if a licensed veterinarian has determined that she is not in suitable health for breeding or if she otherwise suffers from known injury or disease that would make her unsuitable for breeding.
- (4) A female dog shall be provided with adequate food and water, as well as adequate shelter, at all times during and after breeding, including after whelping and so long as she is nursing pups.

(b) Pups.

- (1) Pups shall be maintained by the owner or custodian of the female dog who whelped them for at least seven weeks from date of birth.
- (2) Prior to selling, gifting or otherwise transferring ownership of a pup, the owner or custodian shall provide each pup with vaccination against canine distemper, adenovirus type II, parainfluenza, and parvovirus, either by a licensed veterinarian, or pursuant to written

recommendations provided by the manufacturer of such vaccine at least five days before the new owner takes possession of the pup. The new owner shall be provided with the pup's immunization and deworming history at the time of purchase or transfer.

(3) Pups may only be disposed of by gift, sale, transfer, barter, or euthanasia by a licensed veterinarian.

(c) Records.

(1) Breeders shall maintain records of each date that puppies were born to specific female dog and the number of puppies for a minimum of five years.

(2) Breeders shall maintain records of the births, deaths, and the names and addresses of the persons to whom each pup is sold or with whom each pup is placed for a minimum of five years.

(d) Inspections.

(1) The animal control officer or other officer may, upon receiving a complaint or upon his own motion, investigate any violation of the provisions of this ordinance. Such investigation may include (i) the inspection of the records of any breeder, (ii) the inspection of any companion animal owned by the breeder, and (iii) the inspection of any place where animals are bred or maintained.

Sec. 6-17. Killing, injuring, etc., livestock or poultry.

(a) A dog in the act of killing, injuring, viscous pursuit of livestock or poultry, may be killed forthwith, whether such dog bears a tag or not, and any person finding a dog committing any of the depredations mentioned in this section shall have the right to kill such dog on sight.

(b) 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 poultry for the third time shall be considered a confirmed poultry killer.

(c) If any person, including the animal officer, has reason to believe that any dog is killing livestock or committing any of the depredations mentioned in this section, he shall apply to a magistrate of the county, who shall issue a warrant requiring the owner or custodian, if known, to appear before the judge of the general district court at the time and place named therein, at which time evidence shall be heard, and if it shall appear that such dog is a livestock killer or has committed any of the depredations mentioned in this section, the dog shall be ordered killed immediately, which the animal control officer or other officer designated by the judge of the general district court to act, shall do.

(Ord. Of 8-26-1996, div. 1, Q)

Sec. 6-18. Investigation Of claims against county.

(a) The animal control officer shall conduct an investigation into any claim made pursuant to Code of Virginia, 3.2-6553 for livestock or poultry killed or injured by a dog prior to the payment of such claim to determine if the claimant has exhausted all legal remedies available to him against the owner of the dog, if known, prior to making such claim to the board of supervisors.

- (b) For the purposes of this section, the term "exhaustion" means a judgment against the owner of the dog upon which an execution has been returned unsatisfied.
(Ord. of 8-26-1996, div. 1, R)

Sec. 6-19. Disposal of dead dogs.

The owner of any dog which has died from disease or other cause shall properly dispose of the same. If, after notice, the owner fails to do so, the animal control officer or other officer shall dispose of the dog and he may recover, on behalf of the county, from the owner as cost for this service \$50.00.
(Ord. of 8-26-1996, div. 1, S)

Sec. 6-20. Unwanted dogs and cats.

Unwanted dogs and cats shall be delivered to an animal control officer by the owner.
(Ord. of 8-26-1996, div 1, T)

Sec. 6-21. Cruelty to animals; penalty.

- (a) Any person who:
- (1) 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;
 - (2) Deprives any animal of necessary sustenance, food, drink or shelter;
 - (3) Willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal;
 - (4) Carries or causes to be carried in or upon any vehicle, vessel or otherwise any animal in a cruel, brutal, or inhumane manner, so as to produce torture or unnecessary suffering; or
 - (5) Causes any of the above things, or being the owner of such animal permits such acts to be done by another;

shall be guilty of a Class I misdemeanor. Prosecution for violations of this subsection shall commence within five years after commission of the offense. Prosecutions of this subsection regarding agricultural animals as defined in Code of Virginia, 3.2-6500 shall commence within one year after commission of the offense.

- (b) Any person who abandons any dog, cat or other domesticated animal in any public place, including the right-of-way of any public highway, road or street or on the property of another, shall be guilty of a Class 3 misdemeanor.
- (c) Nothing in this section shall be construed to prohibit the castrating, branding, tagging or dehorning of livestock.

- (d) For the purposes of this section, the term "animal" shall be construed to include birds and fowl.
(Ord. of 8-26-1996, div. 1, U)

Sec. 6-22. Animal control officers, duties and responsibilities.

There is hereby created the position of animal control officer within the county sheriff's department. The animal control officer or his agent or any law enforcement officer shall have the following powers:

- (1) To enter upon private property to apprehend any domestic animal which is in violation of any provision of this chapter or to apprehend any animal which presents an immediate threat to the safety, health or welfare of any person, including an animal suspected of being infected with rabies;
- (2) enter upon private property to investigate complaints of inhumane or lack of responsible animal care;
- (3) To seize, impound or dispose of any vicious or dangerous animal of any kind when necessary for the protection of any person or animal; and
- (4) To perform all other acts necessary to carry out the requirements of this chapter.
(Ord. of 8-26-1996, div. 1, V)

6-23 Kennels

- (a) *General kennel requirements.* Each kennel owner, operator or custodian shall provide and have the facilities to provide for the animals in his care and keeping adequate feed; adequate water; adequate shelter that is properly cleaned; adequate space in the primary enclosure for the particular type of animal depending upon its age, size, species, and weight; adequate exercise; adequate care, treatment and transportation; and veterinary care when needed or to prevent suffering or disease transmission.
- (b) Rabies vaccination requirements. All dogs (if allowed by state and federal code) in a kennel over four months of age shall be vaccinated by a licensed veterinarian for rabies. The kennel owner, operator or custodian shall comply fully with section 6-14.
- (c) Zoning. All kennels shall comply with the county zoning ordinance.
- (d) The owner, operator or custodian of kennels in addition to the requirements in subsections (a) through (c) of this section, shall comply with the following:
 - (1) Tethering of dogs shall not be allowed at any time.
 - (2) Adult male and female dogs shall be maintained in separate pens or facilities.
 - (3) Kennel facilities shall not be within 25 feet of any property line.

- (4) A separate, climate-controlled building shall be provided for all dogs less than 12 weeks of age. Such building shall be properly lit, properly vented and properly cleaned and sanitized once every 24 hours.
- (5) Such kennel shall have an approved manner of waste and litter disposal and operation prior to licensing.
- (6) Kennels shall not be allowed within 100 feet of any store, restaurant, office, church, school or other public building or any well or spring for a private or public water supply.
- (7) Annual inspection by a county animal control officer. The fee for such inspection shall be \$60.00 in addition to any other required fees.
(Ord. of 8-26-1996, div. 1, W)

Secs. 6-24—6-49. Reserved.

ARTICLE 11. LICENSE

Sec. 6-50. Required.

- (a) It shall be unlawful for any person to own a dog four months old or over in this county, unless such dog is currently licensed under the provisions of this division.
- (b) It shall be unlawful for any person, firm or corporation operating or maintaining a kennel in the county to do so unless such kennel is currently licensed under the provisions of this division.
(Ord. of 8-26-1996, div. 2, A)

Sec. 6-51. Licenses.

- (a) *What dog 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 name 'Pulaski County,' the sex of the dog, the calendar year or years for which issued and bear a serial number.
- (b) *Kennel license.* A kennel license shall consist of a license receipt and a metal tag for the kennel premises and a metal tag for each dog. The tags shall be stamped or otherwise permanently marked to show the name "Pulaski County Kennel Tag" and the calendar year or years for which issued and bear a serial number.

*State law reference—Dog licenses, Code of Virginia. 3.2-6524 et seq.

- (c) *Duplicate license tags.* If a valid license shall become lost, destroyed or stolen, the owner or custodian shall at once apply to the treasurer or his agent who issued the same 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 \$1.00.

(d) *Displaying receipts; dogs to wear tags.* Dog license receipts shall be carefully preserved by the licensees and exhibited promptly on request for inspection by any animal warden. Dog license tags shall be securely fastened to a substantial collar by the owner or custodian and worn by such dog. The owner of the dog may remove the collar and license tag required by this section:

- (1) When the dog is engaged in lawful hunting;
- (2) When the dog is competing in a dog show;
- (3) When the dog has a skin condition which would be exacerbated by wearing of a collar; or
- (4) When the dog is confined.

(e) *Effect of dog not wearing collar 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.

(f) *How to obtain license.*

- (1) Any person may obtain a dog license by making oral or written application to the treasurer, or a licensed veterinarian accompanied by the amount of license tax and certificate of vaccination as required by this article and the Code of Virginia. The treasurer, a licensed veterinarian, or other officer charged with the duty of issuing dog licenses shall only have the 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 certificate of vaccination as required by subsection (f)(2) of this section, the treasurer, a licensed veterinarian, 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, the serial number of the tag, whether male, unsexed female, female or kennel, and deliver the metal license tags or plates provided for herein. The information thus received shall be retained by the treasurer, open to public inspection during the period for which such license is valid. 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 license.
- (2) A person may obtain a kennel license by making application to the treasurer of the county, paying the appropriate fee and providing the treasurer with a rabies vaccination certificate for each dog in the kennel. Upon receipt of the initial application, the treasurer shall immediately forward the application to the animal control officer for the county, who shall inspect the applicant's kennel for compliance with this article. If the applicant's kennel meets the requirements of this article, the animal control officer shall issue the kennel license, and deliver the kennel tags to the applicant. Except as provided in section 6-23(g), for subsequent renewals of previously approved licensed kennels, the treasurer shall, upon receipt of the application and rabies vaccination certificates for each dog in the kennel, issue the kennel license and deliver the kennel tags to the renewal applicant. This shall not prohibit

inspection occasioned by complaints received. The requirements of this subsection shall not apply to any veterinary hospital or veterinary office.

- (g) *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 officer of the county charged by law with the duty of issuing license tags for dogs 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 as provided by law, for the term of the license.
- (1) On or before January 31 of each year, the owner of any dog four months old or older shall pay a license tax as prescribed in subsection (h)(3) of this section, unless the owner has purchased a valid three-year license.
 - (2) If a dog shall become four months of age or come into the possession of any person between January 1 and October 31 of any year, the license tax for the current calendar year shall be paid forthwith by the owner.
 - (3) If a dog shall become four months of age or come into the possession of any person between November 1 and December 31 of any year, the license tax for the succeeding calendar year shall be paid forthwith by the owner and such license shall protect such dog and: the dog shall be legally licensed from the date of purchase through the succeeding year.
- (i) *Payment subsequent to summons.* Payment of the license subsequent to a summons to appear before a court for failure to do so within the time required shall not operate to relieve such owner from any applicable penalties or court costs.
- (j) *Duration.* Dog license tax may, at the option of the county board of supervisors, be payable for one- or three-year periods, as long as this period does not exceed the period that the dog's rabies inoculation is effective as certified by a veterinarian. (Ord. of 8-26-1996, div. 2, B; Ord. of 4-27-1998(01))

Sec. 6-52. License fee imposed.

- (a) An annual or three-year license nonrefundable or transferable fee is hereby imposed on dogs required to be licensed under section 6-50, in the following amounts:
- (1) *License taxes; amounts.* License taxes shall be as follows:
 - a. For a male or female dog \$10.00
 - b. For an unsexed male or female dog, which is either spayed or castrated \$6.00
 - (2) Lifetime license.
 - a. Male dog or female dog. \$25.00
 - b. Unsexed dog. \$15.00

(3) Kennels.

a. Kennels. \$50.00

(4) Dangerous dog. Any dog declared dangerous by any general district court or circuit court of the commonwealth (in addition to other applicable fees). \$50.00

(b) No license tax shall be levied on any dog that is trained and serves as a guide dog for a blind person or that is trained and serves as a hearing dog for a deaf or hearing-impaired person or that is trained and serves as a service dog for a mobility-impaired person or otherwise disabled person. As used in this section, the following definitions shall apply:

- i) "hearing dog" shall mean a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond;
- ii) "otherwise disabled person" shall mean "any person who has a physical, sensory, intellectual, developmental, or mental disability or a mental illness";
- iii) "service dog" shall mean "a dog trained to do work or perform tasks for the benefit of a mobility-impaired or otherwise disabled person"

(Ord. of 8-26-1996, div. 2, C; Ord. of 4-26-1999, C; Ord. of 6-26-2000(01); Ord. of 4-28-2022.)

Sec. 6-53. Treatment of person bitten by or exposed to rabid animal.

If the owner of the rabid animal is ascertainable, the costs of necessary treatment for the bite or bites shall be the responsibility of the rabid animal's owner. (Ord. of 8-26-1996, div. 2, D)