

Chapter 14 ANIMALS¹

ARTICLE I. IN GENERAL

Sec. 14-1. Animal control officer and deputies generally.

Pursuant to the provisions of Code of Virginia, § 3.2-6555, there is hereby created the office of animal control officer. The animal control officer shall have the powers and perform the duties prescribed for such office in Code of Virginia, §§ 3.2-6555 et seq., and in this Code, and as may from time to time be imposed by the board of supervisors. The board of supervisors may by resolution provide for the appointment of deputy animal control officers when needed.

(Res. of 4-6-15(2015-87), Att.(§ 14-101))

State law reference(s)—Code of Virginia, § 3.2-6555.

Sec. 14-2. 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:

Animal control officer means and includes the animal control officer or any duly authorized deputy or representative of the animal control officer.

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 other 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.

Hearing dog means a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond.

Humane investigator means a person who has been appointed by a circuit court as a humane investigator as provided in [Code of Virginia,] § 3.2-6558.

Hybrid canine means any animal that is or can be demonstrated to be a hybrid of the domestic dog and any other species of the Canidae family; that at any time has been permitted, registered, licensed, or advertised as such; or that at any time has been described, represented, or reported as such by its owner to a licensed

¹Editor's note(s)—Res. No. 2015-87, Att., adopted Apr. 6, 2015, amended Ch. 14 in its entirety to read as herein set out. Former Ch. 14, §§ 14-1—14-62, pertained to similar subject matter. For a complete history of former Ch. 14, see the Code Comparative Table.

Cross reference(s)—Businesses, ch. 22; hunting, § 54-6 et seq.; sweeping litter from sidewalks into streets, § 62-32; traffic and vehicles, ch. 74; zoning, ch. 86.

State law reference(s)—Cruelty to animals, Code of Virginia, § 3.1-796.122 et seq.; penalties for violation of offenses involving animals, Code of Virginia, §§ 3.1-796.128, 18.2-403.1 et seq.

veterinarian, law-enforcement officer, animal control officer, humane investigator, official of the Department of Health, or State Veterinarian's representative.

Livestock means and includes all domestic or domesticated bovine animals, equine animals, ovine animals, procine animals, cervidae animals, capradae animals, animals of the genus *Lama*, ratites, fish or shellfish in aquaculture facilities as defined in Code of Virginia, § 3.2-2600, enclosed domesticated rabbits or hares raised for human food or fiber, or any other animal specifically raised for food or fiber, except companion animals.

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

Own and owner apply to 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 or fowl means and includes all domestic fowl and game birds raised in captivity.

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

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.

Treasurer means the treasurer of this county or his deputies and assistants or other officer designated by law to collect taxes in this county.

(Res. of 4-6-15(2015-87), Att.(§ 14-102))

State law reference(s)—Code of Virginia, §§ 3.2-6500, 3.2-6528.

Sec. 14-3. Fence law declared.

The board of supervisors hereby declares the boundary line of each lot and tract of land in the county to be a lawful fence as to any and all livestock, poultry, and fowl as defined in section 14-2.

(Res. of 4-6-15(2015-87), Att.(§ 14-103); Ord. of 8-8-23(2023-4), Att.)

State law reference(s)—Code of Virginia, §§ 55-306 et seq., 55-310 et seq.

Sec. 14-4. Capturing, confining, and euthanizing companion animals by animal control officers; approval of drugs, etc., used.

- (a) It shall be the duty of the animal control officer or any other officer to capture and confine any companion animal of unknown ownership found running at large on which a license has not been paid. Following the expiration of the holding period prescribed in Code of Virginia, § 3.2-6546, the animal control officer or other officer may deliver such companion animal to any person in his jurisdiction who will pay the required license fee on such companion animal. Prior to disposition by euthanasia or otherwise, all the provisions of Code of Virginia, § 3.2-6546 shall have been complied with. For all companion animals not otherwise disposed of as provided in this chapter, it shall be the duty of the animal control officer or any other officer to euthanize such companion animals. Any person, animal control officer, or other officer euthanizing a companion animal under this chapter shall cremate, bury, or sanitarily dispose of the same.
- (b) All drugs and drug administering equipment used by animal control officers or other officers to capture companion animals pursuant to this chapter shall have been approved by the state veterinarian.

(Res. of 4-6-15(2015-87), Att.(§ 14-104))

State law reference(s)—Code of Virginia, §§ 3.2-6546, 3.2-6562.

Sec. 14-5. Burial or cremation of animals or fowl which have died.

- (a) When the owner of any animal or grown fowl which has died knows of such death, such owner shall forthwith have its body cremated or buried or request such service from an officer or other person designated for the purpose. If the owner fails to do so, any judge of a general district court, after notice to the owner if he can be ascertained, shall cause any such dead animal or fowl to be cremated or buried by an officer or other person designated for the purpose. Such officer or other person shall be entitled to recover from the owner of every such animal so cremated or buried the actual cost of the cremation or burial, and a reasonable fee to be recovered in the same manner as officers' fees are recovered, free from all exemptions in favor of such owner. Any person violating the provisions of this section shall be guilty of a Class 4 misdemeanor.
- (b) Nothing in this section shall be deemed to require the burial or cremation of the whole or portions of any animal or fowl which is to be used for food or in any commercial manner.

(Res. of 4-6-15(2015-87), Att. (§ 14-105))

State law reference(s)—Code of Virginia, §§ 3.2-6500, 15.2-901, 18.2-510.

Sec. 14-6. Seizure and impoundment of animals; notice and hearing; disposition of animal; disposition of proceeds upon sale; fees and surety bond.

- (a) Any law enforcement officer or animal control officer may lawfully seize and impound any animal that has been abandoned, has been cruelly treated, or is suffering from an apparent violation of this chapter that has rendered the animal in such a condition as to constitute a direct and immediate threat to its life, safety or health. The seizure or impoundment of an equine resulting from a violation of clause (iii) of subsection A or clause (ii) of subsection B of Code of Virginia, § 3.2-6570, as amended, may be undertaken only by the state veterinarian or state veterinarian's representative who has received training in examination and detection of sore horses as required by 9 C.F.R. Part 11.7.
- (b) Before seizing or impounding any agricultural animal, such law enforcement officer or animal control officer shall contact the state veterinarian or a state veterinarian's representative, who shall recommend to such person the most appropriate action for the seizure and impoundment. The law enforcement officer or animal control officer shall notify the owner of the agricultural animal and the local attorney for the commonwealth of the recommendation. The law enforcement officer or animal control officer may impound the agricultural animal on the land where the agricultural animal is located if:
 - (1) The owner or tenant of the land where the agricultural animal is located gives written permission;
 - (2) A general district court so orders; or
 - (3) The owner or tenant of the land where the agricultural animal is located cannot be immediately located, and it is in the best interest of the agricultural animal to be impounded on the land where it is located until the written permission of the owner or tenant of the land can be obtained.

If there is a direct and immediate threat to an agricultural animal, the law enforcement officer or animal control officer may seize the animal, in which case the law enforcement officer or animal control officer shall file within five business days on a form approved by the state veterinarian a report on the condition of the animal at the time of the seizure, the location of impoundment, and any other information required by the state veterinarian.

- (c) Upon seizing or impounding an animal, the law enforcement officer or animal control officer shall petition the general district court for a hearing. The hearing shall be not more than ten business days from the date of the seizure of the animal. The hearing shall be to determine whether the animal has been abandoned, has been cruelly treated, or has not been provided adequate care.
- (d) The law enforcement officer or animal control officer shall cause to be served upon the person with a right of property in the animal or the custodian of the animal notice of the hearing. If such person or the custodian is known and residing within the county, written notice shall be given at least five days prior to the hearing of the time and place of the hearing. If such person or the custodian is known but residing out of the county, written notice by any method or service of process as is provided by the Code of Virginia shall be given. If such person or the custodian is not known, the law enforcement officer or animal control officer shall cause to be published in a newspaper of general circulation in the jurisdiction wherein such animal is seized notice of the hearing at least one time prior to the hearing and shall further cause notice of the hearing to be posted at least five days prior to the hearing at the place provided for public notices at the county administration building or courthouse wherein such hearing shall be held.
- (e) The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in Article 4 (Code of Virginia, § 19.2-260 et seq.) of Chapter 15 of Title 19.2. The commonwealth shall be required to prove its case beyond a reasonable doubt.
- (f) The law enforcement officer or animal control officer shall provide for such animal until the court has concluded the hearing. The owner of any animal held pursuant to this section shall be required to pay an impound fee, boarding fee for each day impounded, and all costs of any necessary medical care or treatment. Necessary medical care and treatment shall include the fee for destruction and disposal should such actions be determined or concurred by a veterinarian that such destruction and disposal are necessary to prevent the animal from needless and inhumane suffering, or the spread of an incurable, dangerous, or contagious disease. The owner of any animal held pursuant to this section for more than 30 days shall post a bond in surety with the county for the amount of the cost of boarding the animal until conclusion of the hearing for a period not to exceed nine months. The bond shall not be forfeited if the owner is found to be not guilty of the violation.

If the court determines that the animal has been neither abandoned, cruelly treated, nor deprived of adequate care, the animal shall be returned to the owner. If the court determines that the animal has been (i) abandoned or cruelly treated, (ii) deprived of adequate care, as that term is defined in Code of Virginia, § 3.2-6500, or (iii) raised as a dog that has been, is, or is intended to be used in dog fighting in violation of Code of Virginia, § 3.2-6571, then the court shall order that the animal be: (a) sold by Louisa County; (b) disposed of pursuant to subsection D of Code of Virginia, § 3.2-6546; (c) delivered to any local humane society or shelter, or to any person who is a resident of the county or city where the animal is seized or an adjacent county or city in the commonwealth and who will pay the required license fee, if any, on such animal; or (d) delivered to the person with a right of property in the animal as provided in subsection (g).

- (g) In no case shall the owner be allowed to purchase, adopt, or otherwise obtain the animal if the court determines that the animal has been abandoned, cruelly treated, or deprived of adequate care. The court shall direct that the animal be delivered to the person with a right of property in the animal, upon his request, if the court finds that the abandonment, cruel treatment, or deprivation of adequate care is not attributable to the actions or inactions of such person.
- (h) The court shall order the owner of any animal determined to have been abandoned, cruelly treated, or deprived of adequate care to pay all reasonable expenses incurred in caring and providing for such animal from the time the animal is seized until such time that the animal is disposed of in accordance with the provisions of this section, to the provider of such care.
- (i) The court may prohibit the possession or ownership of other companion animals by the owner of any companion animal found to have been abandoned, cruelly treated, or deprived of adequate care. In making a

determination to prohibit the possession or ownership of companion animals, the court may take into consideration the owner's past record of convictions under this chapter or other laws prohibiting cruelty to animals or pertaining to the care or treatment of animals and the owner's mental and physical condition.

(j) If the court finds that an agricultural animal has been abandoned or cruelly treated, the court may prohibit the possession or ownership of any other agricultural animal by the owner of the agricultural animal if the owner has exhibited a pattern of abandoning or cruelly treating agricultural animals as evidenced by previous convictions of violating Code of Virginia, § 3.2-6504 or § 3.2-6570. In making a determination to prohibit the possession or ownership of agricultural animals, the court may take into consideration the owner's mental and physical condition.

(k) Any person who is prohibited from owning or possessing animals pursuant to subsection (i) or (j) may petition the court to repeal the prohibition after two years have elapsed from the date of entry of the court's order. The court may, in its discretion, repeal the prohibition if the person can prove to the satisfaction of the court that the cause for the prohibition has ceased to exist.

(l) When a sale occurs, the proceeds shall first be applied to the costs of the sale then next to the unreimbursed expenses for the care and provision of the animal, and the remaining proceeds, if any, shall be paid over to the owner of the animal. If the owner of the animal cannot be found, the proceeds remaining shall be paid into the literary fund of the state treasury.

(m) Nothing in this section shall be construed to prohibit the humane destruction of a critically injured or ill animal for humane purposes by the impounding law enforcement officer, animal control officer, or licensed veterinarian.

(Res. of 12-3-18(2018-5))

Editor's note(s)—A resolution dated December 3, 2018 (2018-5) did not specify manner of inclusion; hence, inclusion as section 14-6 is at the discretion of the editor.

State law reference(s)—Code of Virginia, Ann. § 3.2-6569.

Secs. 14-7—14-20. Reserved.

ARTICLE II. DOGS AND CATS

Sec. 14-21. Dog license required; amount of license tax.

It shall be unlawful for any person to own a dog four months old or older in this county unless such dog is licensed as required by the provisions of this article. Dog licenses shall run by the calendar, namely, January 1 to December 31, inclusive, and the license tax shall be payable at the office of the treasurer. The license tax shall be \$10.00 for each intact dog, and \$4.00 for each spayed or neutered dog. The license tax for each kennel block of up to 20 dogs shall be \$45.00. 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.

(Res. of 4-6-15(2015-87), Att.(§ 14-201))

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

Sec. 14-22. When license tax on dogs payable.

The license tax on dogs shall be due and payable as follows:

- (a) The license required by § 14-201 must be obtained not later than 30 days after a dog has reached the age of four months, or not later than 30 days after an owner acquires a dog four months of age or older and before January 31 of each year thereafter.
- (b) Any kennel license tax shall be due on January 1 and not later than January 31 of each year.

(Res. of 4-6-15(2015-87), Att.(§ 14-202))

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

Sec. 14-23. How to obtain dog license.

Any resident of this county may obtain a dog license by making oral or written application to the treasurer, accompanied by the amount of license tax and current certificate of vaccination as required by this chapter or satisfactory evidence that such certificate has been obtained. The treasurer shall only have authority to license dogs of resident owners or custodians who reside within the boundary limits of this county and may require information to this effect from any applicant. Upon receipt of proper application and current certificate of vaccination or satisfactory evidence that such certificate has been obtained, as required by this chapter, the treasurer 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 for which issued, the serial number of the tag, whether intact male or female, or spayed or neutered, or kennel, and deliver the metal license tags or plates provided for in this chapter. 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 licenses.

(Res. of 4-6-15(2015-87), Att.(§ 14-203))

State law reference(s)—Code of Virginia, § 3.2-6527.

Sec. 14-24. What dog licenses 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 jurisdiction issuing the license, the sex of the dog, the calendar year for which issued and 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 such dog, numbered to correspond with the serial number of the license tag.

(Res. of 4-6-15(2015-87), Att.(§ 14-204))

State law reference(s)—Code of Virginia, § 3.2-6526.

Sec. 14-25. 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, the treasurer or his agent 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.

(Res. of 4-6-15(2015-87), Att.(§ 14-205))

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

Sec. 14-26. 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 control officer or other officer. Dog license tags shall be securely fastened to a substantial collar by the owner or custodian and worn by such dog. 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. The owner 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.

(Res. of 4-6-15(2015-87), Att.(§ 14-206))

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

Sec. 14-27. Dogs and cats deemed personal property; rights relating thereto.

- (a) All dogs and cats shall be deemed personal property and may be the subject of larceny and malicious or unlawful trespass. Owners, as defined in section 14-2 of this Code, may maintain any action for the killing of such animals, 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 chapter and applicable state law by any person shall be entitled to recover the value thereof or the damage done thereto in an appropriate action at law from such person.
- (b) An 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 animal pending action before a general district court or other court. If no such action is instituted within seven days, the animal control officer or other officer shall deliver the dog or cat to its owner.
- (c) 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, and the animal control officer may take such animal in charge and notify its legal owner. The legal owner of the animal shall pay a reasonable charge as the board of supervisors by ordinance may establish in the county animal shelter schedule of fees for the keep of the animal while in the possession of the animal control officer.

(Res. of 4-6-15(2015-87), Att.(§ 14-207))

State law reference(s)—Code of Virginia, § 3.2-6585.

Sec. 14-28. Dogs not to be off owner's premises except when under control; enforcement.

- (a) It shall be unlawful for any dog in this county to run at large at any time.
- (b) For the purpose of this section, a dog shall be deemed to be "running at large" while roaming or running off the property of its owner or custodian and not under its owner's or custodian's immediate control; provided, that no dog shall be deemed to be running at large in violation of this section if it shall be engaged in lawful hunting or training for hunting under the direction of its owner or custodian and shall thereafter stray from lawful hunting or training for hunting; or if the dog shall be engaged to assist farming activity, which is defined as raising, managing and using agricultural animals to provide food, fiber, or transportation, provided, that such owner or custodian shall place such dog under his immediate control within a reasonable time.
- (c) It shall be unlawful for the owner of a dog to place such dog or allow it to be placed in the custody of any other person not physically capable of maintaining effective control of such dog.
- (d) A violation of this section may result in such dog being taken into possession by the animal control officer and returned to the owner with a written warning.
- (e) A violation of this section shall constitute a Class 4 misdemeanor for the first offense. But where a warning notice is more suitable given the circumstances, a notice of warning may be issued for the first violation.
- (f) A second violation of this section within one (1) year of a conviction of the first violation shall constitute a Class 2 misdemeanor.
- (g) A third or subsequent violation of this section within two (2) years of conviction of the second or subsequent violation shall constitute a Class 1 misdemeanor.

(Res. of 4-6-15(2015-87), Att.(§ 14-208); Res. of 5-2-22(2022-9), Att.; Ord. of 3-20-23(2023-5), Att.)

State law reference(s)—Code of Virginia, § 3.2-6538 and § 3.2-6539.

Sec. 14-29. Dogs running at large in certain subdivisions and other designated areas; penalty for violation.

- (a) The running at large of all dogs at any time is prohibited within the confines of the following subdivisions:
 - (1) Blue Ridge Shores Subdivision, Green Springs Magisterial District, Louisa County, Virginia;
 - (2) Aspen Hill Subdivision, Mineral Magisterial District, Louisa County, Virginia;
 - (3) Dogwood Lake Estates, Green Springs Magisterial District, Louisa County, Virginia;
 - (4) Both Waters Subdivision, Cuckoo Magisterial District, Louisa County, Virginia;
 - (5) Edgewood Bay Subdivision, Mineral Magisterial District, Louisa County, Virginia;
 - (6) Overton Fork Property Subdivision, Cuckoo Magisterial District, Louisa County, Virginia;
 - (7) Shorewood Property Subdivision, Cuckoo Magisterial District, Louisa County, Virginia;
 - (8) Spring Woods Subdivision, Jackson Magisterial District, Louisa County, Virginia;
 - (9) Bluewater Subdivision, Mineral Magisterial District, Louisa County, Virginia;
 - (10) Hickory Creek Acres Subdivision, Green Springs Magisterial District, Louisa County, Virginia;
 - (11) Noah's Landing, Jackson Magisterial District, Louisa County, Virginia;

- (12) Freshwater Estates, Mineral Magisterial District, Louisa County, Virginia;
- (13) Contrary Creek-Contrary Forest, Cuckoo Magisterial District, Louisa County, Virginia;
- (14) Willow Brook Estates, Jackson Magisterial District, Louisa County, Virginia;
- (15) Oak Grove Estates, Mineral Magisterial District, Louisa County, Virginia;
- (16) Hidden Hills Subdivision, Green Springs Magisterial District, Louisa County, Virginia;
- (17) Orchid Lake Estates, Inc., Cuckoo Magisterial District, Louisa County, Virginia;
- (18) Reedy Creek I, II and III Subdivision, Patrick Henry Magisterial District, Louisa County, Virginia;
- (19) Tara Woods Subdivision, Cuckoo Magisterial District, Louisa County, Virginia; and
- (20) Shenandoah Crossing Subdivision, Green Springs Magisterial District, Louisa County, Virginia.
- (21) Pine Harbour Subdivision, Cuckoo Magisterial District, Louisa County, Virginia.
- (22) Mountain Brook Estates, Green Springs Magisterial District, Louisa County, Virginia.
- (23) Spring Creek; Gated Community, Green Springs Magisterial District, Louisa County, Virginia.
- (24) The Waters at Lake Anna Subdivision, Cuckoo Magisterial District, Louisa County, Virginia.

(b) The running at large of all dogs at any time is also prohibited within the confines of the following portions of the county:

- (1) Mineral Trailer Park, commonly known as "MTP," Mineral Magisterial District, Louisa County, Virginia; Tax Map # 43-5-B.

(c) For the purposes of this section, a dog shall be deemed to run at large while such dog is roaming, self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control; provided, that no dog shall be deemed to be running at large in violation of this section if it shall be engaged in lawful hunting outside of such subdivision under the direction of its owner or custodian and shall thereafter stray into such subdivision; provided, that such owner or custodian shall place such dog under his immediate control within a reasonable time.

(d) Any person who permits his dog to run at large in violation of this section shall be subject to a fine of not more than \$150.00 for each occurrence.

(Res. of 4-6-15(2015-87), Att. (§ 14-209); Res. of 4-6-15(2015-93), Att.; Res. of 9-8-15(2015-219); Res. of 7-5-17(2017-5); Res. of 1-6-20(2020-1); Res. of 9-8-2020(2020-8), Att.; Res. of 6-21-21(21-131), Att.)

State law reference(s)—Code of Virginia, §§ 3.2-6538, 3.2-6543.

Section 14.30 - Impoundment of animals running at large

Any animal, other than a dog, cat, or wild animal, found running at large in the county, may be taken by the animal control officer, or other officer, and impounded at the animal pound or other facility, and thereafter disposed of under the same terms and conditions as prescribed in Sec. 14-4. for companion animals.

State law reference(s)—Code of Virginia, § 3.2-6538

Secs. 14-31—14-40. Reserved.

ARTICLE III. DANGEROUS AND VICIOUS DOGS

Sec. 14-41. Dangerous dog defined.

- (a) Dangerous dog means a canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person or companion animal that is a dog or cat, or killed a companion animal that is a dog or cat. When a dog attacks or bites a companion animal that is a dog or cat, the attacking or biting dog shall not be deemed dangerous (i) if no serious physical injury as determined by a licensed veterinarian has occurred to the dog or cat as a result of the attack or bite; (ii) if both animals are owned by the same person; (iii) if such attack occurs on the property of the attacking or biting dog's owner or custodian; or (iv) for other good cause as determined by the court. No dog shall be found to be a dangerous dog as a result of biting, attacking, or inflicting injury on a dog participating in an organized, lawful dog handling event. No dog that has bitten, attacked, or inflicted injury on a person shall be found to be a dangerous dog if the court determines, based on the totality of the evidence before it, that the dog is not dangerous or a threat to the community.
- (b) No canine or canine crossbreed shall be found to be a dangerous dog solely because it is a particular breed, nor is ownership of a particular breed of canine or canine crossbreed prohibited.
- (c) No animal shall be found to be a dangerous dog if the threat, injury, or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian; (ii) committing, at the time, a willful trespass upon the premises occupied by the animal's owner or custodian; or (iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times.
- (d) No police dog that is 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.
- (e) No animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, shall be found to be a dangerous dog.

(Res. of 4-6-15(2015-87), Att.(§ 14-301))

State law reference(s)—Code of Virginia, § 3.2-6540.

Sec. 14-42. Investigation and trial of allegations of dangerous dogs.

- (a) Any law enforcement officer or animal control officer who has reason to believe that a canine or canine crossbreed within his jurisdiction is a dangerous dog shall apply to a magistrate serving the jurisdiction for the issuance of a summons requiring the owner or custodian, if known, to appear before a general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. If a law-enforcement officer successfully makes an application for the issuance of a summons, he shall contact the animal control officer and inform him or her of the location of the dog and the relevant facts pertaining to his belief that the dog is dangerous.
- (b) The animal control officer shall confine the animal until such time as evidence shall be heard and a verdict rendered. If the animal control officer determines that the owner or custodian can confine the animal in a manner that protects the public safety, he or she may permit the owner or custodian to 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 harborer of the animal to produce the animal.

- (c) 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 sections 14-43 through 14-44. The court, upon finding the animal to be a dangerous dog, may order the owner, custodian, or harborer thereof to pay restitution for actual damages to any person injured by the animal or whose companion animal was injured or killed by the animal. The court, in its discretion, may also order the owner to pay all reasonable expenses incurred in caring and providing for such dangerous dog from the time the animal is taken into custody until such time as the animal is disposed of or returned to the owner.
- (d) The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in Article 4 (§§ 19.2-260 et seq.) of Chapter 15 of Title 19.2 of the Code of Virginia. The county shall be required to provide its case beyond a reasonable doubt.

(Res. of 4-6-15(2015-87), Att.(§ 14-302))

State law reference(s)—Code of Virginia, § 3.2-6540.

Sec. 14-43. Registration of dogs adjudicated to be dangerous dogs.

- (a) The owner of any animal found to be a dangerous dog shall, within 45 days after such finding, obtain a dangerous dog registration certificate from the treasurer for a fee of \$150.00, in addition to the license fee set forth in section 14-21 of this Code. The animal control officer, upon presentation of a receipt from the treasurer, shall also provide the owner with a uniformly designed 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. By January 31 of each year, until such time as the dangerous dog is deceased, all certificates obtained pursuant to this subsection shall be updated and renewed for a fee of \$85.00 and in the same manner as the initial certificate was obtained. The animal control officer shall post registration information on the Virginia Dangerous Dog Registry.
- (b) All dangerous dog registration certificates or renewals thereof required to be obtained under this section shall be issued to persons 18 years of age or older who present satisfactory evidence (i) of the animal's current rabies vaccination, if applicable; (ii) that the animal has been neutered or spayed; and (iii) that the animal is and will be confined to 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.
- (c) Owners who apply for certificates or renewals thereof under this section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence that (a) 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 (b) the animal has been permanently identified by means of electronic implantation. All certificates or renewals thereof required to be obtained under this section shall only be issued to persons who present satisfactory evidence that the owner has liability insurance coverage, to the value of at least \$100,000.00, that covers animal bites. The owner may obtain and maintain a bond in surety, in lieu of liability insurance, to the value of at least \$100,000.00.
- (d) If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.

(Res. of 4-6-15(2015-87), Att.(§ 14-303))

State law reference(s)—Code of Virginia, § 3.2-6540.

Sec. 14-44. Keeping of dogs adjudicated to be dangerous dogs.

- (a) While on the property of its owner, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. While so confined within the structure, the animal shall be provided for according to Code of Virginia, § 3.2-6503. When off its owner's property, an animal found 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.
- (b) The owner shall cause the local animal control officer to be promptly notified of (i) the names, addresses, and telephone numbers of all owners; (ii) all of the means necessary to locate the owner and the dog at any time; (iii) any complaints or incidents of attack by the dog upon any person or cat or dog; (iv) any claims made or lawsuits brought as a result of any attack; (v) chip identification information; (vi) proof of insurance or surety bond; and (vii) the death of the dog.
- (c) After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon learning of same, cause the local animal control officer to be notified if the animal (i) is loose or unconfined; (ii) bites a person or attacks another animal; (iii) is sold, given away, or dies. Any owner of a dangerous dog who relocates to a new address shall, within ten days of relocating, provide written notice to the animal control officer for the old address from which the animal has moved and the new address to which the animal has moved.
- (d) The owner of any animal that has been found to be a dangerous dog who willfully fails to comply with the requirements of this section is guilty of a Class 1 misdemeanor.

(Res. of 4-6-15(2015-87), Att. (§ 14-304))

State law reference(s)—Code of Virginia, § 3.2-6540.

Sec. 14-45. Dangerous dogs; penalties for repeat violations.

- (a) Any owner of a canine or canine crossbreed or other animal is guilty of a:
 - (1) Class 2 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this chapter, when such declaration arose out of a separate and distinct incident, attacks and injures or kills a cat or dog that is a companion animal belonging to another person;
 - (2) Class 1 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this chapter, when such declaration arose out of a separate and distinct incident, bites a human being or attacks a human being causing bodily injury; or
 - (3) Class 1 misdemeanor if any owner or custodian whose willful act or omission in the care, control, or containment of a canine, canine crossbreed, or other animal is so gross, wanton, and culpable as to show a reckless disregard for human life, and is the proximate cause of such dog or other animal attacking and causing serious bodily injury to any person.
- (b) The provisions of subsection (a) shall not apply to any animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, or when the animal is a police dog that is engaged in the performance of its duties at the time of the attack.
- (c) Whenever an owner or custodian of an animal found to be a dangerous dog is charged with a violation of this section or section 14-44, the animal control officer shall confine the dangerous dog until such time as

evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian, or harborer of the animal to produce the animal.

(d) Upon conviction under this section or section 14-44, the court may (i) order the dangerous dog to be disposed of by the board of supervisors as set forth in Code of Virginia, § 3.2-6562 or (ii) grant the owner up to 45 days to comply with the requirements, during which time the dangerous dog shall remain in the custody of the animal control officer until compliance has been verified. If the owner fails to achieve compliance within the time specified by the court, the court shall order the dangerous dog to be disposed of by a local governing body pursuant to Code of Virginia, § 3.2-6562. The court, in its discretion, may order the owner to pay all reasonable expenses incurred in caring and providing for such dangerous dog from the time the animal is taken into custody until such time as the animal is disposed of or returned to the owner.

(Res. of 4-6-15(2015-87), Att.(§ 14-305))

State law reference(s)—Code of Virginia, § 3.2-6540.

Sec. 14-46. Vicious dog defined.

(a) Serious injury means an injury having a reasonable potential to cause death or any injury other than a sprain or strain, including serious disfigurement, serious impairment of health, or serious impairment of bodily function and requiring significant medical attention.

(b) Vicious dog means a canine or canine crossbreed that has (i) killed a person, (ii) inflicted serious injury to a person, or (iii) continued to exhibit the behavior that resulted in a previous finding by a court or, on or before July 1, 2006, by an animal control officer as authorized by ordinance that it is a dangerous dog, provided that its owner has been given notice of that finding.

(c) No canine or canine crossbreed shall be found to be a vicious dog solely because it is a particular breed, nor is ownership of a particular breed of canine or canine crossbreed prohibited.

(d) No animal shall be found to be a vicious dog if the threat, injury, or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian; (ii) committing at the time, a willful trespass upon the premises occupied by the animal's owner or custodian, or (iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times.

(e) 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 vicious dog.

(f) No animal that, at the time of the acts complained of, was responding to pain or injury or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, shall be found to be a vicious dog.

(Res. of 4-6-15(2015-87), Att.(§ 14-306))

State law reference(s)—Code of Virginia, § 3.2-6540.1.

Sec. 14-47. Investigation and trial of allegations of vicious dogs.

(a) Any law-enforcement officer or animal control officer who has reason to believe that a canine or canine crossbreed within his jurisdiction is a vicious dog shall apply to a magistrate serving the jurisdiction for the issuance of a summons requiring the owner or custodian, if known, to appear before a general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. If a law-enforcement officer successfully makes an application for the issuance of a summons, he shall

contact the local animal control officer and inform him of the location of the dog and the relevant facts pertaining to his belief that the dog is vicious.

- (b) The animal control officer 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 harborer of the animal to produce the animal.
- (c) 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 Code of Virginia, § 3.2-6562. The court, upon finding the animal to be a vicious dog, may order the owner, custodian, or harborer thereof to pay restitution for actual damages to any person injured by the animal or to the estate of any person killed by the animal. The court, in its discretion, may also order the owner to pay all reasonable expenses incurred in caring and providing for such vicious dog from the time the animal is taken into custody until such time as the animal is disposed of.
- (d) The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in Article 4 (§§ 19.2-260 et seq.) of Chapter 15 of Title 19.2 of the Code of Virginia. The county shall be required to prove its case beyond a reasonable doubt.

(Res. of 4-6-15(2015-87), Att.(§ 14-307))

State law reference(s)—Code of Virginia, § 3.2-6540.1.

Sec. 14-48. Failure to properly keep vicious dog.

Any owner or custodian of a canine or canine crossbreed or other animal whose willful act or omission in the care, control, or containment of a canine, canine crossbreed, or other animal is so gross, wanton, and culpable as to show a reckless disregard for human life and is the proximate cause of such dog or other animal attacking and causing serious injury to any person is guilty of a Class 1 misdemeanor. The provisions of this section shall not apply to any animal that, at the time of the acts complained of, was responding to pain or injury or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, or when the animal is a police dog that is engaged in the performance of its duties at the time of the attack.

(Res. of 4-6-15(2015-87), Att.(§ 14-308))

State law reference(s)—Code of Virginia, § 3.2-6540.1.

Sec. 14-49. 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 or hybrid canine in the act of killing or injuring livestock or poultry to seize or kill such dog or hybrid canine forthwith, whether such dog or hybrid canine bears a tag or not. Any person finding a dog or hybrid canine committing any of the depredations mentioned in this section shall have the right to kill such dog or hybrid canine on sight as shall any owner of livestock or his agent finding a dog or hybrid canine chasing livestock on land utilized by the livestock when the circumstances show that such chasing harmful to the livestock. Any court shall have the power to order the animal control officer or other officer to kill any dog or hybrid canine known to be confirmed livestock or poultry killer, and any dog or hybrid canine 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 harborer of the dog or hybrid canine to produce the dog or hybrid canine.
- (b) Any animal control officer who has reason to believe that any dog or hybrid canine is killing livestock or poultry shall be empowered to seize such dog or hybrid canine solely for the purpose of examining such dog or hybrid canine in order to determine whether it committed any of the depredations mentioned in this section. Any animal control officer or other person who has reason to believe that any dog or hybrid canine is

killing livestock, or committing any of the depredations mentioned in this section, shall apply to a magistrate of the county, city, or town wherein such dog or hybrid canine 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 or hybrid canine is a livestock killer, or has committed any of the depredations in this section, the district court shall order that the dog or hybrid canine be:

- (1) Killed immediately by the animal control officer or other officer designated by the court; or
- (2) Removed to another state that does not border on the commonwealth and prohibited from returning to the commonwealth.

Any dog or hybrid canine ordered removed from the commonwealth which is later found in the Commonwealth shall be ordered by a court to be killed immediately.

(Res. of 4-6-15(2015-87), Att.(§ 14-309))

State law reference(s)—Code of Virginia, §§ 3.2-6552, 3.2-6583.

Sec. 14-50. Compensation for livestock and poultry killed or injured by dogs.

- (a) Any person who has any livestock or poultry killed or injured by any dog or hybrid canine not his own shall be entitled to receive as compensation the fair market value of such livestock or poultry, not to exceed \$750.00 per animal or \$10.00 per fowl, provided that:
 - (1) The claimant has furnished evidence within 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 or hybrid canine;
 - (2) The animal control officer or other officer shall have been notified of the incident within 72 hours of its discovery; and
 - (3) The claimant first has exhausted his legal remedies against the owner, if known, of the dog or hybrid canine doing the damage for which compensation under this section is sought. "Exhaustion" shall mean a judgment against the owner of the dog or hybrid canine upon which an execution has been returned unsatisfied.
- (b) Upon payment under this section, the board of supervisors 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 or hybrid canine and may enforce such compensation in an appropriate action at law.

(Res. of 4-6-15(2015-87), Att.(§ 14-310))

State law reference(s)—Code of Virginia, §§ 3.2-6553, 3.2-6584.

Sec. 14-51. 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 1 for the year in which it is due. In addition, the court may order confiscation and the proper disposition of the dog.

- (3) *Leash ordinance.* For any dog owner to allow a dog to run at large in violation of section 14-28 or section 14-29 of this Code.
- (4) *Rabies regulations.* For any person to fail to obey the provisions of Article IV of this chapter.
- (5) *Dead dogs.* For any owner to fail to dispose of the body of his companion animal in violation of section 14-5 of this Code.
- (6) *Diseased dogs.* For the owner of any dog or cat with a contagious or infectious disease to permit such dog or cat to stray from his premises if such disease is known to the owner.
- (7) *Concealing a dog.* For any person to conceal or harbor any dog on which the license tax has not been paid.
- (8) *Removing collar and tag.* For any person, except the owner or custodian, to remove a legally acquired license tag from a dog without the permission of the owner or custodian.
- (9) *Other violations.* Any other violation of this chapter for which a specific penalty is not provided.

(b) It is a Class 1 misdemeanor:

- (1) For any person to present a false claim or to receive any money on a false claim under the provisions of section 14-50 of this Code.
- (2) For any person to impersonate a humane investigator.

(Res. of 4-6-15(2015-87), Att. (§ 14-311))

State law reference(s)—Code of Virginia, § 3.2-6587.

Secs. 14-52—14-70. Reserved.

ARTICLE IV. CONTROL OF RABIES

Sec. 14-71. Vaccination required.

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 regulation. 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, or other officer, State Veterinarian's representative, or official of the Virginia 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. Such vaccination shall be carried out in accordance with the provisions of Code of Virginia, § 3.2-6521.

(Res. of 4-6-15(2015-87), Att. (§ 14-401))

State law reference(s)—Code of Virginia, § 3.2-6521.

Sec. 14-72. Emergency rabies control ordinance.

When there is sufficient reason to believe that the risk of exposure to rabies is elevated, the board of supervisors may enact, and the local health director may recommend, an emergency ordinance that shall become effective immediately upon passage, requiring owners of all dogs and cats therein to keep the same confined on their premises unless leashed under restraint of the owner in such a manner that persons or animals will not be subject to the danger of being bitten by a rabid animal. Any such emergency ordinance enacted pursuant to the provisions of this section shall be operative for a period not to exceed 30 days unless renewed by the board of supervisors in consultation with the local health director.

(Res. of 4-6-15(2015-87), Att.(§ 14-402)

State law reference(s)—Code of Virginia, § 3.2-6522.

Sec. 14-73. Treatment and disposition of rabid animals.

- (a) Dogs and cats showing active signs of rabies or suspected of having rabies that is not known to have exposed a person, companion animal, or livestock to rabies shall be confined under competent observation for such a time as may be necessary to determine a diagnosis. If, at the discretion of the local health director, confinement is impossible or impracticable, such dog or cat shall be euthanized by one of the methods approved by the State Veterinarian as provided in Code of Virginia, § 3.2-6546. The disposition of other animals showing active signs of rabies shall be determined by the local health director and may include euthanasia and testing.
- (b) Every person having knowledge of the existence of an animal suspected to be rabid and that may have exposed a person, companion animal, or livestock to rabies shall report immediately to the local health department the existence of such animal, the place where seen, the owner's name, if known, and the signs suggesting rabies.
- (c) Any dog or cat for which no proof of current rabies vaccination is available, and which may have been exposed to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, by an animal believed to be afflicted with rabies, shall be isolated in a public animal shelter, kennel, or enclosure approved by the local health department for a period not to exceed six months at the expense of the owner or custodian in a manner and by a date certain as determined by the local health director. A rabies vaccination shall be administered by a licensed veterinarian prior to release. Inactivated rabies vaccine may be administered at the beginning of isolation. Any dog or cat so bitten, or exposed to rabies through saliva or central nervous system tissue, in a fresh open wound or mucous membrane with proof of a valid rabies vaccination, shall be revaccinated by a licensed veterinarian immediately following the exposure or bite and shall be confined to the premises of the owner or custodian, or other site as may be approved by the local health department, for a period of 45 days at the expense of the owner or custodian. If the local health director determines that isolation is not feasible or is not maintained, such dog or cat shall be euthanized by one of the methods approved by the State Veterinarian as provided in Code of Virginia, § 3.2-6546. The disposition of dogs or cats not so confined shall be at the discretion of the local health director.
- (d) At the discretion of the director of the local health department, any animal that may have exposed a person to rabies shall be confined under competent observation for ten days at the expense of the owner or custodian, unless the animal develops active signs of rabies, expires, or is euthanized before that time. A seriously injured or sick animal may be euthanized as provided in Code of Virginia, § 3.2-6546.
- (e) When any suspected rabid animal, other than a dog or cat, exposes or may have exposed a person to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous

membrane, decisions regarding the disposition of that animal shall be confined at the discretion of a local health director and may include euthanasia as provided in Code of Virginia, § 3.2-6546, or as directed by the state agency with jurisdiction over that species. When any animal, other than a dog or cat, is exposed or may have been exposed to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, by an animal suspected to be rabid, decisions regarding the disposition of that newly exposed animal shall be at the discretion of the local health director.

- (f) When any animal may have been exposed to rabies and subsequently expires due to illness or euthanasia, either within an observation period, where applicable, or as part of a public health investigation, its head or brain shall be sent to the Division of Consolidated Laboratory Services at the state Department of General Services or be tested as directed by the local health department.

(Res. of 4-6-15(2015-87), Att.(§ 14-403))

State law reference(s)—Code of Virginia, § 3.2-6522.