

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

READING FILE

November 12, 2013

FOR YOUR INFORMATION

1. Clean Copy of Chapter 5 of the James City County Personnel Policies and Procedures Manual
2. Hybrid Canine Regulation – Follow up to Board's Discussion

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CHAPTER 5

EMPLOYEE BENEFITS

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- [Section 5.2 Eligibility - General](#)
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- [Section 5.5 Family and Medical Leave Act \(FMLA\)](#)
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Chapter 5 Employee Benefits

Section 5.1 Policy - General

It is the policy of James City County to provide employee benefits that complement the County's values and strategic direction, that help meet certain needs of County employees and their families, and that help the County to attract and retain quality employees. The County strives to offer high quality benefits, at a reasonable cost to both employees and the County, which prove valuable and useful to employees.

Given the range of benefits and eligibility requirements, the County will communicate the availability of these benefits to eligible individuals and will provide assistance in understanding and using them.

Section 5.2 Eligibility – General

Position Type	Benefit Eligibility
Full-time regular and limited-term positions	All benefits available; VRS Plan 1, 2, or Hybrid eligibility depending on VRS service criteria; leave plan eligibility depending on VRS Plan 1, 2 or Hybrid;
Part-time regular and limited-term positions	Benefits available where specifically indicated in the policy; eligibility is dependent on date of hire into the part-time position and authorized annual hours
Temporary positions, on call positions, former employees, and retirees	Benefits available where specifically indicated in the policy
Other positions	Benefits eligibility varies by organization; contact the Human Resource Department.

Section 5.3 Holidays

The County observes the following eleven designated holidays:

New Year's Day	January 1
Martin Luther King Day	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Veterans' Day	November 11
Thanksgiving Day	4th Thursday in November
Day After Thanksgiving	Friday following Thanksgiving
Christmas Eve	December 24
Christmas Day	December 25

The Board of Supervisors may declare any other day an additional holiday.

- A. Eligibility for and Calculation of Holidays. Employees in full-time and part-time regular and limited-term positions are eligible for paid holidays or compensatory leave as listed in the eligibility charts below.

IF an employee is in a Full-Time Position (2,080 or more Annual Authorized Hours)	
AND the employee participates in VRS Plan 1 or 2	THEN paid holidays or compensatory leave is based on the employee's monthly sick leave accrual rate (see Section 5.4.B.9.)
AND the employee participates in the VRS Hybrid Plan	THEN paid holidays or compensatory leave is 8 hrs

IF an employee is in a Part-Time Regular or Limited-Term Position (fewer than 2,080 Annual Authorized Hours)		
AND the employee was hired into a part-time regular or limited-term position before 1/1/2014	AND authorized to work fewer than 2,080 hrs.	THEN the employee's paid holidays or compensatory leave is based on the employee's monthly sick leave accrual rate (see Section 5.4.B.9.)
AND the employee was hired into a part-time regular or limited-term position on or after 1/1/2014	AND authorized to work 1,040 - 2,079 hrs.	THEN the employee's paid holidays and compensatory leave is 6 hrs.
AND the employee was hired into a part-time regular or limited-term position on or after 1/1/2014	AND authorized to work 780 - 1,039 hrs.	THEN the employee's paid holidays and compensatory leave is 3 hrs.
AND the employee was hired into a part-time regular or limited-term position on or after 1/1/2014	AND authorized to work fewer than 780 hrs.	THEN the employee is not eligible for paid holidays or compensatory leave

B. Observance of Holidays

1. If a holiday falls on a Saturday, the preceding Friday shall be observed as the holiday; if a holiday falls on a Sunday, the following Monday shall be observed as the holiday. County operations which are open on holidays shall observe the actual holiday for purposes of holiday pay.

2. If an observed holiday falls on a day an employee is not otherwise scheduled to work, the employee shall earn compensatory leave for the observed for the number of holiday hours listed in the eligibility chart above. In cases where this would present a hardship because of work load, the department director may authorize payment in lieu of the compensatory leave if the budget permits.
3. An employee who is on approved leave with pay during a period in which a holiday falls, shall not be charged leave for the observed holiday for the number of holiday hours listed in the eligibility chart above.
4. An employee who is on military leave with pay during a period in which a holiday falls shall not receive any additional pay or compensatory leave for the holiday.
5. An employee forfeits eligibility to be compensated for the holidays observed by the County unless the employee works the last scheduled work day before the holiday and the first scheduled work day after the holiday or is on approved leave with pay.

C. Working on Holidays

1. If an employee is required to work on an observed holiday, he shall receive holiday pay as outlined in Chapter 4, Section 4.15.
2. Certain employees who are called to work on a County-observed holiday on which they are not scheduled to work may be eligible for premium pay as outlined in Chapter 4, Section 4.17.

Section 5.4 Leave

A. General

1. Policy Statement - James City County recognizes the importance of balancing the productivity needs of the County with the needs of County employees and their families by providing employees with time away from work. It is the policy of the County to provide employees with continued income and benefits during certain approved absences of specified durations.
2. Eligibility - Employees in full-time regular and limited-term positions are eligible for leave. Employees in part-time regular and limited-term positions are eligible for leave on a pro-rated basis with the exception of those hired on or after January 1, 2014, into positions with fewer than 780 annual authorized hours.
3. Definitions

- a. Day – A day is defined in the chart below.

Full or Part Time	Characteristics	Annual Authorized Hours	Day
Full-Time	VRS Plan 1 or 2 Member	2,080 or more	Monthly sick leave accrual rate
Full-Time	VRS Hybrid Plan Member	2,080	8 hours
Part-Time	Hired before 1/1/2014	Fewer than 2,080	Monthly sick leave accrual rate
Part-Time	Hired on or after 1/1/2014	1,040- 2,079	6 hours
Part-Time	Hired on or after 1/1/2014	780 - 1,039	3 hours
Part-Time	Hired on or after 1/1/2014	Fewer than 780	None; ineligible

- b. Immediate Family - The immediate family is defined as: spouse, parent, son, daughter, brother, sister, grandparents, grandchildren, step-children, step-parents, guardian, spouse's parent, and any persons residing in the same household as the employee.
- c. Week - A week is defined as the annual authorized hours of the employee's position divided by 52.

B. Types of Leave

The County offers the following types of leave. An overview of eligibility, purpose and guidelines is listed below.

1.

Type	Annual Leave
Eligibility	Employees in full-time regular and limited-term positions who are members of VRS Plan 1 or 2, and employees in part-time regular and limited-term positions who were hired into those positions before January 1, 2014.
Purpose	Any purpose
Guidelines	<u>Accrual</u> Annual leave shall be accrued in accordance with the chart below. <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <div style="text-align: center; border-bottom: 1px solid black;">Monthly Accrual Rate In Hours</div> <div style="display: flex; justify-content: space-between; height: 20px; border-top: 1px solid black; border-bottom: 1px solid black;"> <div style="width: 25%;"></div> <div style="width: 25%;"></div> <div style="width: 25%;"></div> <div style="width: 25%;"></div> </div> </div>

Annual Authorized Hours	< 5 years of service	5<15 years of service	> 15 years of service
< 261	1	1.5	2
261-520	2	3.0	4
521-780	3	4.5	6
781-1,040	4	6.0	8
1,041-1,300	5	7.5	10
1,301-1,560	6	9.0	12
1,561-1,820	7	10.5	14
1,821-2,080	8	12.0	16
2,081-2,340	9	13.5	18
2,341-2,600	10	15.0	20
2,601-2,860	11	16.5	22
>2,860	12	18.0	24

The maximum amount of leave that an employee may accumulate is the amount of leave the employee can earn in a two-year period.

The employee's leave balance must be within the maximum accumulation amount on July 1 of each year or the excess shall be forfeited.

Payment for Accumulated Leave Upon Separation from Employment:

Employees shall receive the monetary equivalent of their annual leave balance up to the annual maximum accumulation. If two weeks' notice is not given by an employee, the equivalent of one day shall be deducted from the leave payments for each day that the employee failed to give notice of termination up to a two-week maximum. Exceptions may be made by the department director.

2.

Type	Civil Leave
Eligibility	Employees in full-time and part-time regular and limited-term positions except those hired on or after 1/1/2014 into part-time regular and limited-term positions which have annual authorized hours fewer than 780.
Purpose	May be used by an employee to provide paid absences while serving on a jury, or attending court as a witness under subpoena.
Guidelines	<p><u>Compensation</u> An employee compensated for civil duties, as by jury or witness fees, shall either take annual or compensatory leave, or turn over compensation received to the County.</p> <p><u>Return to Work</u> Any employee serving four or more hours (including travel time) is not required to start any shift that begins between 5 p.m. and 3 a.m. following the court appearance. The time will be charged to Civil Leave.</p> <p><u>Exclusion</u> In those circumstances where a County employee is not subpoenaed and is acting as an expert witness in a court proceeding which is not directly related to his duties for the County, the employee shall be charged annual or compensatory leave or leave without pay.</p>

3.

Type	Funeral Leave
Eligibility	Employees in full-time and part-time regular and limited-term positions except those hired on or after 1/1/2014 into part-time regular and limited-term positions which have annual authorized hours fewer than 780.
Purpose	May be used by an employee to provide paid absences upon the death of a member of an employee's immediate family.
Guidelines	<p><u>Amount of Leave</u> Funeral leave, if requested by the employee, shall be granted by the supervisor for up to three (3) days as defined in Section 5.4.A.3.a. per death of an employee's immediate family member. Exceptions may be granted by the department director.</p>

4.

Type	Leave Without Pay
Eligibility	Employees in full-time and part-time regular and limited-term positions who are eligible to accrue leave. See Section 5.4.A.2.
Purpose	May be used by an employee to provide unpaid absences for a variety of reasons outlined below including any mutually agreeable reason.
Guidelines	<p>An employee shall be on leave without pay under the following circumstances:</p> <ul style="list-style-type: none"> a. Approved absence for which the employee has insufficient accrued leave, or for which the employee elects, with the concurrence of the department director, not to use accrued leave; b. Absences authorized as a condition of employment; c. Unapproved absence from the job during a scheduled work period; d. Suspension without pay as defined in Section 7.5.C; or e. Furlough, or required unpaid time off for a defined group of employees, directed by the County Administrator due to fiscal constraints. <p><u>Impact on Other Benefits and Conditions of Employment</u></p> <ul style="list-style-type: none"> a. PTO or sick and annual leave shall not be earned for any pay period during which an employee takes leave without pay that is not approved prior to use or which exceeds one full work day. b. An employee's first performance increase after returning to work shall be pro-rated for each period of thirty (30) consecutive calendar days the employee is on leave without pay. c. The County shall pay its share of County health and life insurance premiums during approved leave without pay unless otherwise provided in writing to the employee. d. Should an employee fail to return to work by the date the employee agreed to in writing, the County Administrator may declare the employee to have terminated voluntarily as of the expected return to work date, except where the employee requires additional time off under the Family and Medical Leave Act, Section 5.5, or is on short-term disability. An employee who accepts employment elsewhere while on leave without pay, unless approved, shall be considered to have terminated employment with the County without notice as of the original date the leave was begun.

5.

Type	Military Leave						
Eligibility	Employees in full-time and part-time regular and limited-term, temporary and on-call positions who are members of one of the covered military, security, or recovery organizations listed below.						
Purpose	May be used by an employee to provide paid absences and USERRA rights for the reasons and duration outlined below.						
Guidelines	<p><u>Legal Basis</u></p> <p>James City County is committed to ensuring that our Personnel Policies are in compliance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) Title 38 and as amended by Title 42, and by Sections 44-93 of the Code of Virginia, 1950, as amended.</p> <p>Certain activated employees in organizations other than the uniformed service are intermittent federal employees and are considered members of the uniformed service for purposes of USERRA.</p> <p><u>Covered Organizations and Qualifying Reasons</u></p> <table border="1"> <thead> <tr> <th>Covered Organizations</th><th>Qualifying Reason</th></tr> </thead> <tbody> <tr> <td>The organized reserve forces of any of the armed services of: The United States National Guard Naval Militia</td><td>Annual active duty for training. Inactive duty training. Called to active duty. Called forth by the Governor during a disaster. Other reasons covered by USERRA.</td></tr> <tr> <td>Members of the Department of Homeland Security/Federal Emergency Management Agency's (FEMA) Disaster Medical System, to include: Disaster Medical Assistance Team (DMAT) Disaster Mortuary Operational Response Team (DMORT) Other groups as required by law</td><td>Federal deployment and /or training during regularly scheduled work hours.</td></tr> </tbody> </table>	Covered Organizations	Qualifying Reason	The organized reserve forces of any of the armed services of: The United States National Guard Naval Militia	Annual active duty for training. Inactive duty training. Called to active duty. Called forth by the Governor during a disaster. Other reasons covered by USERRA.	Members of the Department of Homeland Security/Federal Emergency Management Agency's (FEMA) Disaster Medical System, to include: Disaster Medical Assistance Team (DMAT) Disaster Mortuary Operational Response Team (DMORT) Other groups as required by law	Federal deployment and /or training during regularly scheduled work hours.
Covered Organizations	Qualifying Reason						
The organized reserve forces of any of the armed services of: The United States National Guard Naval Militia	Annual active duty for training. Inactive duty training. Called to active duty. Called forth by the Governor during a disaster. Other reasons covered by USERRA.						
Members of the Department of Homeland Security/Federal Emergency Management Agency's (FEMA) Disaster Medical System, to include: Disaster Medical Assistance Team (DMAT) Disaster Mortuary Operational Response Team (DMORT) Other groups as required by law	Federal deployment and /or training during regularly scheduled work hours.						

	<p><u>Amount of Leave</u> Up to 15 days during each federal fiscal year, which is October 1 through September 30, for qualifying reasons.</p> <p><u>Duration of Leave and Associated Pay and Benefits</u></p> <table border="1" data-bbox="695 415 1430 716"> <tr> <th data-bbox="695 415 951 489">Length of Absence</th><th data-bbox="951 415 1430 489">Salary and Benefits</th></tr> <tr> <td data-bbox="695 489 951 562">Up to 15 days per federal fiscal year</td><td data-bbox="951 489 1430 562">Full pay and all benefits and benefit accruals continue.</td></tr> <tr> <td data-bbox="695 562 951 716">More than 15 days in a federal fiscal year</td><td data-bbox="951 562 1430 716">Employee coordinates with department director to use other applicable leave or leave without pay.</td></tr> </table> <p><u>Special Circumstances</u> Employees in full-time and part-time regular and limited-term positions, except those hired on or after 1/1/2014 into part-time regular or limited-term positions which have annual authorized hours fewer than 780, who are members of one of the forces listed above and are involuntarily called to federally funded military active duty shall receive a Military Pay Differential in the amount of the difference between the employee's military base pay plus basic allowances for housing and subsistence, and the employee's regular County base pay. If the employee's military pay plus allowance exceeds the County pay, no differential shall be paid.</p> <p><u>Employee Responsibility</u></p> <ol style="list-style-type: none"> The employee must submit a copy of the valid written orders when requesting military leave and a copy of the release from active duty upon return. The employee cannot accept other employment while on military leave without the prior approval of the department director. <p><u>Return to Work</u></p> <ol style="list-style-type: none"> The employee may use up to five years of cumulative service and still retain reemployment rights as provided by USERRA. The position that the employee is eligible to return to after active duty service depends on the length of that service as provided by USERRA. 	Length of Absence	Salary and Benefits	Up to 15 days per federal fiscal year	Full pay and all benefits and benefit accruals continue.	More than 15 days in a federal fiscal year	Employee coordinates with department director to use other applicable leave or leave without pay.
Length of Absence	Salary and Benefits						
Up to 15 days per federal fiscal year	Full pay and all benefits and benefit accruals continue.						
More than 15 days in a federal fiscal year	Employee coordinates with department director to use other applicable leave or leave without pay.						

	<p>c. The employee's terms of employment are controlled by the Personnel Policies and Procedures Manual and applicable USERRA provisions.</p> <p>d. If the employee does not return to work after deactivation as prescribed by law, the County Administrator may declare the employee to have terminated voluntarily as of the expected return to work date.</p> <p><u>Urban Search and Rescue</u> Members of the Department of Homeland Security/FEMA's Urban Search and Rescue Team (US&R) are not considered intermittent federal employees or members of the uniformed services under USERRA. These employees when activated will be paid according to the Mutual Aid Agreement Memorandum of Understanding concerning US&R team membership and FEMA reimbursement policies in effect at the time of activation.</p>
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6.

Type	Paid Time Off (PTO)
Eligibility	Employees in full-time regular and limited-term positions who are members of the VRS Hybrid Plan, and employees in part-time regular and limited-term position of 780 or more annual authorized hours who were hired into the part-time position on or after January 1, 2014.
Purpose	May be used by an employee to provide paid absences for any purpose including illness and supplementing short-term disability payments.
Guidelines	<p><u>Accrual</u></p> <p>PTO shall be accrued in accordance with the chart below.</p>

	PTO Monthly Accrual Rate in Hours				
	Annual Authorized Hours	< 5 Years of Service	5 – 10 Years of Service	10 – 15 Years of Service	15+ Years of Service
	< 780	Ineligible; no PTO accrued	Ineligible; no PTO accrued	Ineligible ; no PTO accrued	Ineligible; no PTO accrued
	780 – 1,039	3.0	3.5	4.0	4.5
	1,040 - 2,079	6.0	7.0	8.0	9.0
	2,080	12.0	14.0	16.0	18.0
	<p>Employees do not accrue leave while on short-term or long-term disability.</p> <p>The maximum amount of PTO that an employee may accumulate is the amount of leave the employee can earn in a one-year period.</p> <p>The employee's PTO leave balance must be within the maximum accumulation amount on July 1 of each year or the excess shall be forfeited.</p> <p><u>Use</u></p> <p>a. <u>Scheduled Absences</u> – PTO should be scheduled in advance for time off for vacations, personal leave appointments or other reasons. It is subject to supervisor approval, department staffing needs and established department procedures.</p> <p>b. <u>Unscheduled Absences</u> – While sometimes unavoidable, unscheduled absences can adversely affect the operations of the department. The supervisor may request the employee provide documentation in accordance with department policy or County procedures or regulations.</p> <p>c. <u>Supplement to Short-Term Disability Payments</u> – Accrued PTO may be used by full-time employees wishing to increase STD payments up to 100% or full pay.</p>				

	<p><u>Payment for Accumulated Leave Upon Separation from Employment</u></p> <p>Employees shall receive the monetary equivalent of their PTO balance up to the annual maximum accumulation. If two weeks' notice is not given by an employee, the equivalent of one day shall be deducted from the leave payments for each day that the employee failed to give notice of termination up to a two-week maximum. Exceptions may be made by the department director.</p>
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7.

Type	School Leave
Eligibility	Employees in full-time and part-time regular and limited-term positions except those hired on or after 1/1/2014 into part-time regular and limited-term positions which have fewer than 780 annual authorized hours.
Purpose	May be used by an employee to provide paid absences to perform volunteer work in a school, to meet with a teacher or administrator concerning the employee's children, step-children, or children over whom the employee has custody, or to attend a school function in which such a child is participating. School leave may be used for these purposes in a public or private elementary, middle, or high school, or a licensed preschool or daycare center.
Guidelines	<p>Employees in full-time regular and limited-term positions may take up to eight (8) hours of School Leave per fiscal year.</p> <p>Employees in part-time regular and limited-term positions may take up to one day as defined in Section 5.4.A.3.a.</p>

8.

Type	Short-Term Disability (STD)
Eligibility	Employees in full-time regular and limited-term positions who are VRS Hybrid Plan members.
Purpose	May be used by an employee to provide paid absences for illnesses or injuries including Workers' Compensation meeting the criteria set forth in the Code of Virginia.
Guidelines	Details of coverage are available from the Human Resource Department.

9.

Type	Sick Leave
Eligibility	Employees in full-time regular and limited-term positions who are members of VRS Plan 1 or 2, and employees in part-time regular and limited-term positions who were hired in to those positions before January 1, 2014.
Purpose	May be used by an employee to provide paid absences for health-related reasons as outlined below. Accumulated sick leave provides continued income for employees during periods of disability.
Guidelines	<p>Sick leave provides paid absences for the following reasons:</p> <ul style="list-style-type: none">a. A personal illness, injury, and/or disability not incurred in the line of duty, which incapacitates the employee from being able to perform assigned duties;b. Appointments for examination and/or treatment related to health when approved in advance by the department director and when such appointments cannot reasonably be scheduled during nonwork hours.c. An illness or appointment for examination and/or treatment related to the health of an immediate family member requiring the attendance of the employee and approved by the department director, not to exceed twelve (12) days per fiscal year. A day is defined in Section 5.4.A.3.a. Use of additional sick leave in excess of the permitted allowance may be approved if recommended by the department director and approved by the Human Resource Director.

Accrual

- a. Sick leave shall be accrued in accordance with the chart below:

Annual Authorized Hours	Monthly Accrual Rate In Hours
< 261	1
261-520	2
521-780	3
781-1,040	4
1,041-1,300	5
1,301-1,560	6
1,561-1,820	7
1,821-2,080	8
2,081-2,340	9
2,341-2,600	10
2,601-2,860	11
>2,860	12

- b. There is no limit to the amount of sick leave an employee may accrue.

Payment for Accumulated Leave Upon Separation from Employment

Employees with two (2) years or more of continuous service with the County shall be compensated for their sick leave balance at the rate of one hour's pay for every four hours of accrued sick leave or the maximum amount listed below, whichever is less. If two weeks' notice is not given by the employee, or if the employee is discharged for disciplinary reasons, sick leave payments shall be forfeited. Exceptions may be made by the department director.

Years of Service	Maximum Payment
2 – 14	\$1,000
15 – 24	\$2,500
25 or more	\$5,000

	<p><u>Sick Leave Bank</u></p> <p>Employees may elect to pool accumulated sick leave into a sick leave bank for the purpose of providing participating employees additional leave for extended illness or injury. Such a bank shall be supported by employees and shall cease to exist should there be insufficient employee interest.</p>
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Section 5.5 Family and Medical Leave Act (FMLA)

- A. Policy Statement – James City County policy complies with the Family and Medical Leave Act (FMLA) of 1993 (as revised January 16, 2009). The function of this policy is to provide employees with a general description of their FMLA rights. This policy summarizes the key provisions of the Act; employees should refer to the Act itself or contact Human Resources if more specific detail is needed. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law. Under this policy, James City County will grant up to 12 weeks of time away from work (or up to a total of 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness incurred in the line of duty while on active duty) during a 12-month period to eligible employees. The leave taken under FMLA may be paid, unpaid or a combination of paid and unpaid leaves, depending on the circumstances of the leave and in accordance with Sections 5.4 and 5.5. A request for determination of eligible leave under FMLA may be initiated by the employee, the supervisor, or the Human Resource Department in accordance with their respective responsibilities outlined in Sections 5.5.F, 5.5.G, and 5.5.H.
- B. Eligibility - To qualify for FMLA under this policy, the employee must meet all of the following conditions:
1. The employee must have worked for the County for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive.
 2. The employee must have worked at least 1,250 hours during the 12-month period immediately before the date the leave is requested to begin. Hours actually worked will be counted in determining the 1,250 hours; paid or unpaid time off will not be counted.
- C. Definitions
1. Day – See Section 5.4.A.3.a.
 2. Fiscal Year – July 1 through June 30.
 3. In loco parentis – Acting as a temporary guardian of a child.
 4. Next of Kin – The closest blood relative of the injured or recovering service member.
 5. Parent – The biological, adoptive, step, or foster parent or other person who stands “in loco parentis” to the employee.

6. Qualifying Exigency – One of the following:
 - a. short-notice deployment,
 - b. military events and activities,
 - c. child care and school activities,
 - d. financial and legal arrangements,
 - e. counseling,
 - f. rest and recuperation,
 - g. post-deployment activities and
 - h. additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.
7. Serious Health Condition – An illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. The “continuing treatment” test for a serious health condition under the regulations may be met through:
 - a. a period of incapacity of more than three consecutive, full calendar days plus treatment by a health care provider twice, or once with a continuing regimen of treatment,
 - b. any period of incapacity related to pregnancy or prenatal care,
 - c. any period of incapacity or treatment for a chronic serious health condition,
 - d. a period of incapacity for permanent or long-term conditions for which treatment may not be effective, or
 - e. any period of incapacity to receive multiple treatments (including recovery from those treatments) for restorative surgery, or for a condition which would likely result in an incapacity of more than three consecutive, full calendar days absent medical treatment.
8. Son or Daughter – A biological or adopted child or foster child, a step-child, a legal ward, or a child of a person standing “in loco parentis” who is under 18 years of age. FMLA leave may apply to a son or daughter defined in this section who is over 18 if either of the following two situations apply:
 - a. The child is incapable of self-care because of mental or physical disability.
 - b. Leave is requested and approved for a qualifying exigency.
9. Spouse – A husband or wife.
10. 12-month period -
 - a. For military caregiver leave, the 12-month period begins on the first day that leave is taken and ends 12 months later.
 - b. For determining the 1,250-hour eligibility provision, the 12-month period begins 12 months prior to the start of the FMLA leave.
11. Week - The annual authorized hours of the employee’s position divided by 52.

D. Reasons for FMLA Absences - To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

1. To care for a spouse, child or parent with a serious health condition.
2. The serious health condition of the employee.
3. The birth of a child and in order to care for that child.
4. The placement of a child for adoption or foster care and to care for the newly placed child.
5. Qualifying exigency leave for an employee whose spouse, son, daughter or parent is a member of the National Guard or Reserves when the covered military member either has been notified of an impending call or order to active military duty or who is already on active duty in support of a contingency operation. The leave may begin as soon as the individual receives the call-up notice.
6. Military caregiver leave (also known as covered service member leave) to care for a spouse, son, daughter, parent or next of kin who is a covered service member with a serious illness or injury incurred in the line of duty while on active duty.

E. Amount of Allowable FMLA Leave

1. An eligible employee may take up to a total of 12 weeks for the FMLA reasons specified in Sections 5.5.D.1, 5.5.D.2 and 5.5.D.5 during a fiscal year. Each time an employee takes leave that qualifies under FMLA, the County will compute the amount of leave the employee has taken under this policy during the fiscal year and subtract it from the 12 weeks of available leave. The balance remaining is the amount of FMLA leave the employee takes until the end of that fiscal year.
2. An eligible employee may take up to 12 weeks for the FMLA reasons specified in Sections 5.5.D.3 and 5.5.D.4. An eligible employee under Sections 5.5.D.3 and 5.5.D.4 has 12 months from the date of the birth/adoption to take the allowable leave, subject to the fiscal year limitation.
3. An eligible employee may take up to 26 weeks for the FMLA reason specified in Section 5.5.D.6 of this policy during a single 12-month period which begins on the first day the eligible employee takes military caregiver leave and ends 12 months after that date. During this single 12-month period, the employee may also take leave for a different eligible FMLA-related event, but the employee is entitled to a combined total of 26 workweeks of military caregiver leave and leave for any other FMLA-qualifying reason in this single 12-month period.
4. If a husband and wife both work for the County and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, the husband and wife may take a combined total of 12 weeks of leave during the fiscal year. If a husband and wife both

work for the County and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may take a combined total of 26 weeks of leave during a 12-month period.

5. An employee who uses accrued paid leave to cover some or all of the FMLA leave must take it in accordance with County policy as defined in Section 5.4.F of this policy.
6. If paid leave is used, such time will also be counted concurrently toward the 12 weeks granted under FMLA. Disability leave for the birth of a child and for an employee's serious health condition, including Workers' Compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA.

F. Employee Responsibilities - An eligible employee requesting time off for one of the reasons listed in section 5.5.D must:

1. Inform the supervisor that the employee is requesting leave and the purpose of the leave 30 days in advance if leave is foreseeable. When advance notice is not possible, the employee must provide notice as soon as practicable and must comply with the Department's absence notification procedures;
2. Work with the supervisor to identify the type of County leave(s) which will be taken during the absence;
3. Provide medical certification within 15 calendar days of the request for leave if the situation necessitating the absence and anticipated duration of leave if foreseeable. Medical certification will be provided using the appropriate Department of Labor form obtainable from Human Resources or the DOL web site;
4. Advise the supervisor or the Human Resource Department if leave is to be taken intermittently, or on a reduced work schedule basis;
5. Comply with arrangements to make benefit payments if necessary;
6. Keep the supervisor informed of the status of the absence, including any change in the circumstances for which the leave is being taken, and the employee's anticipated return to work;
7. Upon returning to work, provide a fitness for duty certification from a physician if the leave was taken for the employee's own serious health condition.

G. Supervisor Responsibility - If an employee requests leave for one of the purposes listed in Section 5.5.D of this policy, or when an employee has been absent for more than three consecutive workdays for reasons which may make the employee eligible under FMLA, the supervisor shall inform Human Resources of the absence so that Human Resources may inform the employee in writing, of their rights and responsibilities under FMLA.

H. Human Resource Responsibilities:

1. Post and provide general notice to all employees of their FMLA rights and responsibilities;
 2. Upon learning of the employee's absence, notify the employee within five (5) workdays that the leave may qualify for and be designated as leave under FMLA;
 3. Review the employee-submitted documentation to determine if the employee's absence qualifies under FMLA;
 4. If the absence does not qualify for FMLA, confirm that in writing to the employee including the reason(s) the employee is not eligible;
 5. If the absence does qualify for FMLA:
 - a. Confirm the employee's eligibility for FMLA in writing including ending date of leave;
 - b. Maintain group health benefits as if the employee continued to work instead of taking leave;
 - c. Notify the employee concerning the status of benefits while on leave; and
 - d. Designate and track the absence under FMLA.
 6. Upon completion of an employee's absence under FMLA:
 - a. Ensure the employee is returned to the same or equivalent position based upon the FMLA provisions; and
 - b. Track the employee's remaining available time and the remaining eligible time period.
- I. Recertification/Second Opinion – James City County may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days and only when circumstances have changed significantly, or if the employee or the County receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the County may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with the FMLA absence. The County may provide the employee's health care provider with the employee's attendance records and ask if the need for leave is consistent with the employee's serious health condition. If the County has reason to doubt the validity of the medical certification, the County, at its own expense, may require the employee to obtain a second opinion and, if the employee's health care provider's certification and the second opinion certification conflict, a third opinion certification.
- J. Additional Information – Employees seeking more detailed information may contact the Human Resource department or consult the Family and Medical Leave Act itself and/or the appropriate areas of the Department of Labor web site.

Section 5.6 Health Related Benefits

- A. Policy Statement - James City County recognizes the importance of the physical and mental health of employees and their dependents to the employees' quality of life and productivity at work. It is the policy of James City County to provide employees with assistance to care for their physical and mental health.
- B. Health Insurance
 - 1. Group Health Insurance Plan - The County shall provide at least one group health insurance option.
 - 2. Eligibility and Cost
 - a. Employees in full-time regular and limited-term positions, their spouses, and dependent children are eligible for group health insurance coverage. The County shall pay at least a portion of the cost of the group health insurance coverage for active employees.
 - b. Retirees, at least 50 years of age, who have worked for the County for at least 15 years or who have worked for the County fewer than 15 years but have retired because of a Line of Duty Act injury, are eligible to continue group health insurance for themselves and their dependents until they are eligible for Medicare, if they elect to participate prior to leaving County employment. The County bears none of the cost for this coverage; however, the retiree may be eligible for a VRS Retiree Health Insurance Credit. See Sections 5.7.B.2.b and 5.7.C.3.
 - c. Employees who are terminating employment or reducing their hours to part-time may elect to continue the group insurance coverage for themselves and their dependents at that time. This option is available only for as long as the employee or eligible family member is not covered by another group plan and only for designated periods of time. The County bears none of the cost of this coverage and an administrative charge is added to the premium.
 - 3. Medicare - Both the County and the employee contribute to the Medicare account of employees in full-time and part-time regular, limited-term, temporary, and on-call positions as required by law. All questions regarding Medicare coverage should be directed to the Social Security Administration.
- C. Employee Assistance Program - The County shall offer a program to provide confidential counseling and referral services.

1. Eligibility - Employees in full-time and part-time regular and limited-term positions, their spouses, and dependent children are eligible for counseling and referral services.
 2. Cost - The County shall bear the cost of short-term counseling and referral services. The Employee Assistance service provider shall refer the employee and dependents to an affordable community resource, including coordination with the employee's health insurance plan, for longer-term counseling.
- D. Fitness Program - The County shall assist employees in accessing at least one fitness center and in obtaining educational materials on wellness.

Section 5.7 Retirement, Disability and Life Insurance

- A. Policy Statement - James City County recognizes the importance of income after retirement and in the event of disability, and the financial needs of surviving family members in the event of death. It is the policy of the County to assist employees in meeting these needs through financial contributions to retirement and insurance plans or by providing group plans in which employees may choose to participate at their own expense.
- B. Retirement - James City County believes that an employee is best served by having retirement income from more than one source. It is the policy of the County to contribute towards Social Security (FICA) and the Virginia Retirement System (VRS), on behalf of the employee. The County also provides an IRS Section 457 Deferred Compensation Plan to which the employee may choose to contribute. The County may match a portion of those contributions as outlined in Section 5.7.B.3.b.
1. Social Security (FICA) - Both the County and the employee contribute to the social security account of employees in full-time and part-time regular, limited-term, temporary, and on-call positions as required by law. All questions, including those regarding estimated retirement income, account balances, and the like, should be directed to the local Social Security Administration Office.
 2. VRS Service Retirement
 - a. The County's retirement plan is administered by the Virginia Retirement System (VRS). VRS Plans 1 and 2 are defined benefit plans qualified under the Internal Revenue Service Code. The VRS Hybrid Plan has both a defined benefit and defined contribution component. The VRS is governed by the Code of Virginia, and changes to the law can be made by an act of the General Assembly. Some items are optional to local governments.

The VRS outlines the factors used to determine the defined benefit retirement benefit such as whether the employee is in Plan 1, 2, or the Hybrid Plan, age, average final compensation, and years of VRS service

- b. Generally, a credit of up to a maximum of \$45 per month is available to employees who retire with at least 15 years of VRS service to help defray the cost of health insurance premiums. The amount of the credit varies based on factors such as the number of years of VRS service. This reimbursement for health insurance premiums is included in the VRS retirement payment and is non-taxable. (Effective 7-1-2006)

3. Deferred Compensation

- a. The County sponsors a deferred compensation plan to allow County employees to save a portion of their salary for retirement purposes. The plan is voluntary and is administered in accordance with appropriate Federal and State laws. Employees in full-time and part-time regular and limited-term positions are eligible to participate.
- b. The County may match 50 percent of the employee contribution up to a maximum County contribution established by the Board of Supervisors in the budget. The maximum match for part-time employees will be half that of full-time employees. Employees who have at least two years of County service will be vested for purposes of the match funds. (Effective 7-1-2006)
- c. Employees age 45 or older with 15 years or more of service on July 1, 2006, may be eligible for an additional match upon retirement if they have contributed continuously to deferred compensation from July 1, 2006, and if they contribute at least some of their final leave payments to their deferred compensation account. (Effective 7-1-2006)

C. Disability

- 1. VRS Plan 1 and 2 Members - The VRS provides an employee with disability retirement if the employee becomes mentally or physically unable to perform the employee's present duties, the disability is likely to be permanent, and the employee is under age 65. Employees are eligible from the first day of employment, provided the disability did not exist at the time of employment, and regardless of whether the cause of the disability is work-related or is compensable under Workers' Compensation.

2. VRS Hybrid Plan Members - are eligible for Long-Term Disability (LTD) coverage in accordance with the provisions implemented under the Code of Virginia. If benefits are approved by the LTD insurance carrier, benefits may continue until service retirement age.
3. Health Insurance Credit - Generally, a credit of \$45 per month is available to employees who retire on disability regardless of the years of VRS service to help defray the cost of health insurance premiums. This reimbursement for health insurance premiums is included in the VRS retirement payment and is non-taxable. (Effective 7-1-2006)

D. Life Insurance

1. VRS Standard Life Insurance - Provides payment to an employee's designated beneficiary in the event of the employee's death or to the employee in the event of his dismemberment. A medical examination is not required in order to be covered by this insurance. The County pays the full cost of the coverage. The insurance continues at a reduced amount for employees who retire and receive VRS payments and may be converted to an individual policy by employees who are terminating employment.
2. VRS Optional Life Insurance - Employees may, at their own expense, purchase additional life insurance for themselves as well as coverage for their spouses and dependent children through a VRS-sponsored program. A medical examination is not required for some levels of coverage.

Section 5.8 Workers' Compensation

A. Policy Statement

When an employee experiences an employment-related injury or illness as defined in the Workers' Compensation Act of the Code of Virginia, the County provides medical reimbursement, lost wage payments, and fixed awards as outlined in the Code of Virginia. The County also provides a salary supplement to help offset the difference between the lost wage payment and the employee's normal net pay, after taxes. Employees do not accrue leave while on Workers' Compensation. Where the injury or illness is outside the scope of the Code, employees are encouraged to contact the Human Resource Department to determine what other benefits may apply.

B. Eligibility

Employees in full-time and part-time regular, limited-term, temporary, and on-call positions are eligible for Workers' Compensation benefits.

Section 5.9 Tax-Related Benefits

- A. Policy Statement - James City County recognizes the value of paying certain expenses outlined in IRS Code Section 125 with pretax dollars. It is the policy of the County to offer such opportunities where there are a sufficient number of interested employees.
- B. Pretax Health Insurance Premiums - Also called Premium Conversion, allows employees who pay a portion of their County-sponsored group health insurance plan premiums to pay them before taxes. Employees are automatically enrolled unless they waive participation.
- C. Reimbursement Accounts - Also called Flexible Spending Accounts, allow eligible employees in full-time and part-time regular and limited-term positions who enroll in the program to pay for eligible health care or dependent care expenses with pretax dollars on a reimbursable basis.

Section 5.10 Credit Union

Employees in full-time and part-time regular, limited-term, temporary, and on-call positions and members of their families are eligible to join any credit union with which James City County is affiliated and receive the membership benefits available.

Section 5.11 Employer Assisted Home Ownership Program

- A. Policy Statement - James City County recognizes the value of having employees live in the community they serve when possible economically and considering family circumstances. It is the policy of the County to assist employees who meet eligibility requirements to purchase a home in the community.
- B. Legal Basis - County Code Section 2-15.2 authorizes the County program in accordance with Code of Virginia Section 15.2-958.2.
- C. Benefits - eligible employees may receive matching funds up to the maximum allowed by the Program if they purchase a primary residence in James City County or the City of Williamsburg and they meet all program terms and conditions.

- D. Repayment of Matching Funds – In accordance with the terms of the Program, employees are required to repay some or all of the funds received if they do not remain in County employment and live in the residence for an amount of time specified in the program terms and conditions.

Section 5.12 Optional, Employee Paid Benefits

From time to time the County may offer optional benefits that it deems of value to employees, and which are 100 percent employee paid.

Revised: 10/30/13
Chap5_101113

MEMORANDUM

DATE: November 12, 2013

TO: The Board of Supervisors

FROM: Lola R. Perkins, Assistant County Attorney

SUBJECT: Hybrid Canine Regulation

This serves to follow up on the discussion at the Board's October 22, 2013, work session relating to hybrid canines. The Board requested additional information regarding available options for regulation, as well as, existing ordinances in other localities which address hybrid canines.

The Code of Virginia, 1950, as amended ("Virginia Code") provides localities with the ability to regulate hybrid canines through a permit system. This memorandum breaks down the authority given by Virginia Code and provides the Board with alternatives to consider in developing an ordinance to address hybrid canines. Based on the Board's feedback received, an ordinance to amend Chapter 3 of the County Code will be drafted for public hearing at the November 26, 2013, Board meeting.

A. Definitions

Any ordinance relating to hybrid canines should contain the following definitions which mirror the definitions found in Virginia Code § 3.2-6581. These new terms would be added to the existing County Code Section 3-1:

- (i) *Adequate confinement.* While on the property of its owner and not under the direct supervision and control of the owner or custodian, a hybrid canine shall be confined in a humane manner in a securely enclosed and locked structure of sufficient height and design to: (i) prevent the animal's escape; or if the hybrid canine is determined to be a dangerous dog pursuant to Section 3-8, the structure shall prevent direct contact with any person or animal not authorized by the owner to be in direct contact with the hybrid canine; and (ii) provide a minimum of 100 square feet of floor space for each adult animal. Tethering of a hybrid canine not under the direct supervision and control of the owner or custodian shall not be considered adequate confinement.
- (ii) *Hybrid canine.* Any animal that at any time has been or is permitted, registered, licensed, advertised or otherwise described or represented as a hybrid canine, wolf or coyote by its owner to a licensed veterinarian, law-enforcement officer, animal control officer, humane investigator, official of the Department of Health, or State Veterinarian's representative.
- (iii) *Responsible ownership.* The ownership and humane care of a hybrid canine in such a manner as to comply with all laws and ordinances regarding hybrid canines and prevent endangerment by the animal to public health and safety.

Animal Control Officer ("ACO") Anderson has also requested the addition of a definition of a wild or exotic animal. Currently, our ordinance states that wild animals cannot be brought in or kept in the County (Section 3-4) and that exotic or poisonous animals are prohibited from running at large (Section 3-5). However, wild animals and exotic animals are not defined in the County Code. After reviewing several definitions from other localities, ACO Anderson proposes the following definition:

A wild or exotic animal means any (i) live monkey (nonhuman primate), raccoon, skunk, wolf, squirrel, fox, leopard, panther, tiger, lion, lynx or any non-native warm-blooded mammal, (ii) poisonous snake, (iii) tarantula, (iv) other poisonous animal normally found in the wild, or (v) any member of the crocodilian family including, but not limited to, alligators, crocodiles, caimans, and gavials. Nonpoisonous snakes, ferrets, rabbits, laboratory rats, gerbils, hamsters and other similar small mammals, and other domesticated animals which have been bred in captivity are not wild or exotic animals.

B. Ordinance Requirements

Virginia Code § 3.2-6582 authorizes localities to establish, by ordinance, a permit system for hybrid canines in order to ensure adequate confinement and responsible ownership of such animals. The authorizing statute sets out types of requirements which the ordinance may include at the Board's discretion. Each potential requirement is discussed below along with different options available for each.

(i) The term and expiration of the permit:

The County has the ability to determine the time period that the permit is valid and the process for renewal. The County may require inspections of the premises on a routine basis. A consent form can be executed by the owner in conjunction with the permit to ensure that Animal Control has the ability to inspect. ACO Anderson has recommended bi-annual inspections. Inspections would also be appropriate prior to renewal of the permit. The County may require additional inspections but the frequency would need to take into account staffing considerations. At present, the County has two full-time and one part-time animal control officers.

(ii) The number of hybrid canines that may be owned by a permittee:

Currently, the Town of Altavista, Bedford County, City of Hampton, Isle of Wight County, Montgomery County, Spotsylvania County, City of Staunton, and Washington County restrict ownership to two hybrids. The City of Danville limits the number of hybrids to one. The County would also have the ability to require a permit for each hybrid, if the keeping of multiple hybrids is permitted.

(iii) Identification tags or tattooing of the animal:

The statute allows the County to include as a prerequisite to granting a permit, that the hybrid have some type of identification of its status as a hybrid. This could be achieved through a separate tag, special notation on a dog license tag, microchip, or tattoo.

(iv) Where the animal may be kept:

(a) Zoning: I have reviewed the zoning ordinance with the Zoning Administrator. If the Board wishes to consider including zoning parameters, the best suited area for hybrids would be A-1, General Agricultural, except for those A-1 areas in platted subdivisions consisting of five or more lots, of which at least three lots have occupied dwellings or in manufactured home parks. This zoning parameter is already found in the County's Animal Laws under Section 3-20 within the context of dogs running at large.

(b) Enclosure: The authorizing statute provides flexibility for the County to establish parameters for hybrid canine housing as long as each adult hybrid is provided a minimum of 100 square feet. An ordinance can contain general language for example, requiring the hybrid canine to be kept in an enclosed space within the property of the owner that does not allow for the

possible escape of the animal. Alternatively, the County could mandate particular attributes for the enclosure, such as a concrete foundation, a specific type of fence (chain link, etc.), and the height of the fence. Goochland County has opted for a very detailed ordinance with respect to enclosures. The majority of other localities use general language that gives Animal Control more flexibility to determine on a case-by-case basis if an enclosure provides adequate confinement to prevent escape and protect the public.

Any external enclosure for hybrids would be considered an accessory structure requiring setbacks of five feet from the side and five feet from the rear of the property line.

- (c) Insurance: Some localities require the property on which the hybrids are kept to have adequate general liability insurance coverage for any damages or injuries that occur as a result of the hybrid canine. This would be similar to what is compulsory when a dog is deemed to be dangerous.
- (v) Handling of the animal while not on the property of the owner:
The County ordinance could require that the hybrid be leashed and muzzled at all times when off the owner's property.
- (vi) Information required to be provided when applying for a permit:
Required permit information can include species, gender, color, age, sex, color, height, vaccination records, length, origin, and identifying marks. It should be noted that there is no known rabies vaccination that is 100 percent effective for hybrid canines however, such vaccination can still be required of the owner in order for a permit to be issued. The County may also require that a photograph of the hybrid be provided with the application.

Sterilization of the hybrid cannot be required based on legislative history from when the General Assembly first enacted the hybrid canine statutes in 1997. When the bill was introduced including a sterilization requirement however, that language was struck from the version of the bill which was eventually enacted into law. As such, it is my opinion that the General Assembly did not authorize a locality to mandate sterilization.

C. Permit Fee

A locality that elects to initiate a permit system for hybrid canines may impose a permit fee to cover the cost of the permitting system. The Virginia Code does not provide a minimum or maximum for the fee, but since its purpose is to cover the cost of the system, the fee must be reasonably related to the actual costs incurred. The amount of the fee will be impacted by a number of factors including whether new technology or a database is necessary and whether additional staff is needed for monitoring and recordkeeping. The frequency of inspections required would impact the fee amount. For example, bi-annual inspections would be less to implement than monthly inspections. The fees for localities with existing permit programs vary, for example: Nelson County is \$10; Spotsylvania County is \$25; Hampton, Isle of Wight, Montgomery, Portsmouth, Powhatan, and Staunton are \$50; and the City of Richmond is \$365 with a \$100 renewal. Prior to the enactment of Virginia Code §§ 3.2-6581-6584, hybrid permits were handled by the Department of Game and Inland Fisheries at a cost of \$500.

D. Penalties

Any violation of a hybrid canine ordinance enacted would constitute a Class 3 misdemeanor for the first violation and a Class 1 misdemeanor for any subsequent violation. The County has the option to include language in the ordinance requiring the violator to surrender the hybrid canine for euthanasia.

E. Exclusions

The County would be able to exclude educational, commercial, or scientific organizations such as Busch Gardens, zoos, the circus, licensed research or medical institutions, and wildlife refuges.

F. Killing, Injuring or Chasing Livestock

Virginia Code § 3.2-6583 provides an animal control officer who witnesses a hybrid canine in the act of killing or injuring livestock or poultry with the authority to kill the hybrid. The statute also allows for an ACO to seize a hybrid canine that he/she has reason to believe is killing livestock or poultry for examination. I would propose adding parallel language to the County Code.

G. Compensation for Livestock and Poultry Killed

Virginia Code § 3.2-6584 provides that the County compensate an owner for his loss at the fair market value of the livestock or poultry killed or injured by a hybrid canine. The maximum rate of compensation is \$400 per animal or \$10 per fowl, if certain notification requirements are met. Specifically, (i) the claimant has to provide evidence within 60 days of the killing/injury and the value of the animal; (ii) an officer has to be notified of the incident within 72 hours of discovery; and (iii) the claimant has to exhaust legal remedies. The County has the option to waive items (ii) and (iii) by ordinance.

H. Other Jurisdictions

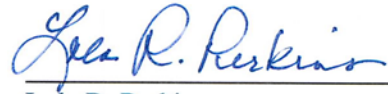
I have been able to identify 18 localities throughout Virginia that have instituted some type of permitting process for hybrid canines. Ordinances from those localities are attached.

I. Legislative Changes

The County Attorney's office is preparing language for the Board's legislative agenda to propose granting localities the authority to prohibit the keeping of hybrid canines. A change would be required to Article 11 of Title 3.2 of the Code of Virginia. The enabling legislation could either add prohibition language to the permitting section (Virginia Code § 3.2-6582) or it could be a standalone section within Article 11.

I also recommend seeking a clearer definition of "hybrid canine" which relies less on self-reporting and more on factual determinations. Additionally, obtaining the authority to require veterinarians in the County to report the treatment of hybrid canines would be another means to identify hybrid canines present in the County.

Currently, Virginia Code is silent regarding hybrid felines. If the Board desires legislation to allow for prohibition and/or a permitting process for hybrid felines, this concept can also be added to the legislative agenda.



Lola R. Perkins

CONCUR:



Leo P. Rogers

LRP/gb
HybridCanineReg_mem

Attachments

Amherst County

Sec. 3-29. Hybrid canines.

(a) As used in this section:

Adequate confinement means that, while on the property of its owner and not under the direct supervision and control of the owner or custodian, a hybrid canine shall be confined in a humane manner in a securely enclosed and locked structure of sufficient height and design to (i) prevent the animal's escape; or if the hybrid is determined to be a dangerous dog pursuant to [section 3-28](#) of the County Code, the structure shall prevent direct contact with any person or animal not authorized by the owner to be in direct contact with the hybrid canine and (ii) provide a minimum of one hundred (100) square feet of floor space for each adult animal. Tethering a hybrid canine not under the direct supervision and control of the owner or custodian shall not be considered adequate confinement.

Hybrid canine means any animal which at any time has been or is permitted, registered, licensed, advertised or otherwise described or represented as a hybrid canine, wolf or coyote by its owner to a licensed veterinarian, law-enforcement officer, animal control officer, humane investigator, official of the department of health, or state veterinarian's representative.

Responsible ownership means the ownership and humane care of a hybrid canine in such a manner as to comply with all laws and ordinances regarding hybrid canines and prevent endangerment by the animal to public health and safety.

(b) It shall be unlawful for any person to own or possess a hybrid canine four (4) months or older in the county unless the hybrid canine is licensed as required by the provisions of this section.

- (1) Any person owning or possessing a hybrid canine four (4) months or older in the county shall obtain an annual permit from the animal control officer no later than January 31 of each year. The permit shall not be transferable, shall expire on December 31 of each year and must be renewed by January 31 of each succeeding year. The cost of the permit shall be fifty dollars (\$50.00) per year and shall not be prorated.
- (2) No person other than the operator of a pet store or dealer in companion animals shall own or possess more than two (2) hybrid canines.
- (3) Each hybrid canine shall be permanently identified by means of a tattoo on the inside thigh or by electronic implantation. The animal control officer shall provide the owner or custodian with a uniformly designed tag which identifies the animal as a hybrid canine and the owner or custodian shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times.
- (4) The application for a permit shall include the sex, color, height, age, vaccination records, length, identifying marks, the location where the hybrid canine will normally be kept and such additional information as the animal control officer determines is necessary.
- (5) A hybrid canine shall at all times be confined in a proper enclosure or structure of such sufficient height and design to prevent its escape or direct contact with or entry by minors, adults or other animals. The owner's or custodian's property shall be posted with clearly visible signs warning both minors and adults of the presence of a hybrid canine.

- (6) When off of its owner's or custodian's property a hybrid canine 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.
- (c) A first violation of this section shall be punished as a class 3 misdemeanor and any subsequent violation shall be punished as a class 1 misdemeanor. In addition any owner or custodian of a hybrid canine that fails or refuses to comply with the terms of this section may be ordered by a court of competent jurisdiction to dispose of their animal. The court may order the owner or custodian of a hybrid canine to surrender the animal for euthanasia in accordance with the provisions of Code of Virginia, § 3.1-796.119.
- (d) It shall be the duty of every veterinarian that practices in the county to notify the animal control officer of the existence of a hybrid canine within the county.

(Ord. of 7-15-03(1); Ord. of 3-16-04)

Altavista, Virginia, Code of Ordinances >> PART II - CODE >> Chapter 18 - ANIMALS >> ARTICLE IV. - HYBRID CANINES >>

ARTICLE IV. - HYBRID CANINES

Sec. 18-151. - Purpose; scope of article; applicability of other ordinances; effective date.

Sec. 18-152. - Definitions.

Sec. 18-153. - Permit required; application.

Sec. 18-154. - Annual permit fee.

Sec. 18-155. - Rabies inoculation; prerequisite to issuance of permit.

Sec. 18-156. - Identifying tattoo or electronic implantation required.

Sec. 18-157. - Confinement and control on property of owner or custodian; adequate care required; posting of property.

Sec. 18-158. - Control off property of owner or custodian; adequate care; confinement.

Sec. 18-159. - Hybrid canine owner contract.

Sec. 18-160. - Notices to animal control officer.

Sec. 18-161. - Display of tag; exhibition of permit.

Sec. 18-162. - Presentation of permit and tag prerequisite to issuance of dog license.

Sec. 18-163. - Killing, injuring or chasing livestock or poultry.

Sec. 18-164. - Compensation for livestock or poultry killed.

Sec. 18-165. - Disposition of funds.

Sec. 18-166. - Violations; penalties.

Secs. 18-167—18-190. - Reserved.

Sec. 18-151. - Purpose; scope of article; applicability of other ordinances; effective date.

- (a) In order to ensure the adequate confinement and responsible ownership of hybrid canines for the safety and well-being of the citizens of the town, the town council does establish a permitting system for hybrid canines within the town.
- (b) The owner or custodian of a hybrid canine within the town must comply with the permitting requirements and other ordinances regulating hybrid canines as set forth in this article or by state law. In addition, the owner or custodian of a hybrid canine within the town is subject to and must comply with the provisions of sections 18-1—18-120, the provisions of which sections shall be interpreted *mutatis mutandis*. However, where an ordinance within this article specifically addressed to hybrid canines and a similar ordinance in the preceding articles both regulate the same or similar activity or subject, the ordinance in this article shall supersede the more general ordinance. Furthermore, where an ordinance in this article conflicts with an ordinance in the preceding articles, then that ordinance imposing more stringent standards or regulations shall control as to hybrid canines.
- (c) The requirements of this article shall apply whether the owner or custodian of such hybrid canine is a resident of the town or such hybrid canine is merely being kept in the town.
- (d) The requirements of this article shall apply to all owners or custodians of hybrid canines within the town whether such ownership or custodianship commenced prior to or subsequent to the effective date of this article.

(Ord. of 8-14-2001, § 1(12-38))

Sec. 18-152. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adequate confinement means while on the property of its owner and not under the direct supervision and control of the owner or custodian, a hybrid canine shall be confined in a humane manner in a securely enclosed and locked structure of sufficient height and design to:

- (1) Prevent the animal's escape; or if the hybrid canine is determined to be a dangerous dog pursuant to Code of Virginia, § 3.1-796.93:1, or section 18-76, the structure shall prevent direct contact with any person or animal not authorized by the owner to be in direct contact with the hybrid canine; and
- (2) Provide a minimum of 100 square feet of floor space for each adult animal.

Tethering of a hybrid canine not under the direct supervision and control of the owner or custodian shall not be considered adequate confinement.

Hybrid canine means any animal which at any time has been or is permitted, registered, licensed, advertised or otherwise described or represented as a hybrid canine, wolf or coyote by its owner to a licensed veterinarian, law enforcement officer, animal control officer, humane investigator, official of the department of health, or state veterinarian's representative.

Responsible ownership means the ownership and humane care of a hybrid canine in such a manner as to comply with all laws and ordinances regarding hybrid canines and prevent endangerment by the animal to public health and safety.

Unless otherwise required by the context or superseded by the definitions in this section, the definitions provided in section 18-1 shall also apply in this article.

(Ord. of 8-14-2001, § 1(12-39))

Cross reference— Definitions generally. § 1-2.

Sec. 18-153. - Permit required; application.

- (a) The owner of any hybrid canine four months of age or older within the town shall apply for a hybrid canine permit from the county animal warden for each such animal. The permit period shall extend for the entire calendar year, unless otherwise provided in this article. A hybrid canine permit obtained pursuant to this article shall be renewed annually for the same permit fee as specified by section 18-154 and in the same manner as the initial permit was obtained.
- (b) All hybrid canine permits or renewals thereof required to be obtained by this article shall only be issued to persons 18 years of age or older who comply with the requirements of this article. If the owner of a hybrid canine is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this article and such custodial parent or legal guardian shall execute the hybrid canine owner contract as required by subsection (e) (2) of this section and as set forth at section 18-159
- (c) A hybrid canine permit shall not be transferable.
- (d) No more than two hybrid canines subject to the permit requirements of this article shall be owned by a permittee.
- (e)

To obtain a hybrid canine permit or renewal thereof, the owner of such animal shall file with the animal control officer an application form, supplied by the animal control officer, which shall include the following information, along with evidence and documentation satisfactory to the animal control officer:

- (1) The full legal name and personal description of the applicant;
- (2) The applicant's street and mailing addresses, legal (permanent) and local;
- (3) The applicant's telephone numbers, permanent and local;
- (4) The full legal name and personal description of the person who is primarily responsible for the day-to-day care and confinement of the hybrid canine, if different from the applicant; such custodian's street and mailing address, legal (permanent) and local; and such custodian's telephone numbers, permanent and local;
- (5) Location, including street and mailing addresses, where the hybrid canine will be kept, confined, or sheltered;
- (6) Name of the legal owner of the property upon which the hybrid canine will be kept, confined, or sheltered, and a brief description of the property, which may include amount of acreage, tax map identification number, etc.;
- (7) The name of the hybrid canine to be permitted and the type of hybrid (i.e., wolf-dog hybrid, coyote-dog hybrid, etc.);
- (8) A full description of such hybrid canine, which shall include, but not be limited to, the following:
 - a. Date of birth;
 - b. Sex;
 - c. Height, length, and weight of hybrid canine;
 - d. Color and any distinctive markings or scars, including any permanent tattooing.
- (9) Proof satisfactory to the animal control officer that the hybrid canine has been permanently identified by means of a tattoo on the inside thigh or by electronic implantation;
- (10) Proof satisfactory to the animal control officer that the hybrid canine has been currently and effectively inoculated or vaccinated against rabies as required by section 18-155; such proof shall include, but not be limited to, presentation of a current certificate of vaccination as specified in section 18-155
- (11) Proof satisfactory to the animal control officer that the hybrid canine has been currently and adequately inoculated or vaccinated against such other diseases or illnesses, as such inoculations/vaccinations may be required by the state veterinarian;
- (12) Proof satisfactory to the animal control officer that while on the property of its owner and not under the direct supervision and immediate control of the owner or custodian, the hybrid canine will be confined in a humane manner in a securely enclosed and locked structure as described in section 18-157, and provided adequate shelter, feed, water, exercise, care, treatment, transportation, and veterinary care as required by statute or ordinance; and that such property upon which is located the animal's enclosure where the hybrid canine is customarily kept is adequately posted;
- (13) Proof satisfactory to the animal control officer that when off the property of its owner, the hybrid canine shall be kept under the direct supervision and immediate control of its owner or custodian and adequately cared for as required by section 18-157

The owner of the hybrid canine, or the custodial parent or legal guardian of a minor owner, shall execute a hybrid canine owner contract as set forth in section 18-159.

(Ord. of 8-14-2001, § 1(12-40))

Sec. 18-154. - Annual permit fee.

- (a) On January 1 and not later than January 31 of each year, the owner of any hybrid canine four months of age or older in the county shall pay an annual permit fee for each hybrid canine as set by the county board of supervisors.
- (b) Such annual permit fee shall be paid to the animal control officer with the application for a hybrid canine permit or renewal thereof as required by this article.
- (c) If a hybrid canine shall become four months of age or come into the possession of any person between January 1 and November 1 of any year, the permit fee for the current calendar year shall be paid by the owner.
- (d) If a hybrid canine shall become four months of age or come into the possession of any person between October 31 and December 31 of any year, the permit fee for the succeeding calendar year shall be paid by the owner and this permit shall be valid from the date the permit fee is paid.
- (e) Payment of the annual permit fee shall be in addition to the annual license tax on the ownership of dogs four months of age or older within the county imposed by section 18-111, the fee imposed by section 18-76(d) upon the owner of any dog found to be a dangerous dog, if applicable, or any other fees that may be authorized by law.
- (f) The requirements of this section and section 18-153 shall apply whether the owner of such hybrid canine is a resident of the county or such hybrid canine is merely being kept in the county.
- (g) Failure to pay the required permit fee shall be a misdemeanor punishable as provided in section 18-166

(Ord. of 8-14-2001, § 1(12-41))

Sec. 18-155. - Rabies inoculation; prerequisite to issuance of permit.

- (a) The owner or custodian of all hybrid canines four months of age and older shall have them currently inoculated or vaccinated against rabies by a licensed veterinarian, or licensed veterinary technician who is under the immediate and direct supervision of a licensed veterinarian on the premises.
- (b) The supervising veterinarian on the premises who administered or supervised the administration of the inoculation or vaccination of the hybrid canine shall provide the owner or custodian of the hybrid canine with a certificate of vaccination.
- (c) The owner or custodian of the hybrid canine shall furnish the certificate of vaccination to the animal control officer when applying for a hybrid canine permit or renewal thereof under this article. Presentation of proof satisfactory to the animal control officer that the hybrid canine has been currently and effectively inoculated or vaccinated against rabies shall be an express prerequisite to issuance of a hybrid canine permit under this article. In addition, at other times the owner or custodian of the hybrid canine shall furnish within a reasonable period of time, upon the request of the animal control officer, humane investigator, law enforcement officer, state veterinarian's representative, or official of the department of health, the certificate of vaccination.
- (d) The vaccine used shall be licensed by the United States Department of Agriculture for use in that species.
- (e) The requirements of the preceding subsections shall apply whether the owner or custodian of such hybrid canine is a resident of the county or such hybrid canine is merely being kept in

the county. The owner or custodian of a hybrid canine brought into the county for any purpose shall have the hybrid canine effectively inoculated or vaccinated against rabies with a vaccine licensed by the United States Department of Agriculture before bringing such hybrid canine into county, and shall present such certificate of vaccination for such hybrid canine when requested by an animal control officer, humane investigator, law enforcement officer, state veterinarian's representative, or official of the department of health.

(Ord. of 8-14-2001, § 1(12-42))

Sec. 18-156. - Identifying tattoo or electronic implantation required.

The owner or custodian of any hybrid canine four months of age and older shall cause the hybrid canine to be permanently identified by means of a tattoo on the inside thigh or by electronic implantation. Evidence of such permanent tattoo or electronic implantation shall be presented to the animal control officer at the time of application for issuance of or renewal of a hybrid canine permit.

(Ord. of 8-14-2001, § 1(12-43))

Sec. 18-157. - Confinement and control on property of owner or custodian; adequate care required; posting of property.

- (a) A hybrid canine, as defined in section 18-152, shall, while on the property of its owner and not under the direct supervision and immediate control of the owner or custodian, be confined in a humane manner in a securely enclosed and locked structure of sufficient height and design to:
 - (1) Prevent the animal's escape; or if the hybrid canine is determined to be a dangerous dog pursuant to Code of Virginia, § 3.1-796.93:1 or section 18-76 of this Code, the structure shall prevent direct contact with any person or animal not authorized by the owner to be in direct contact with the hybrid canine; and
 - (2) Provide a minimum of 100 square feet of floor space for each adult animal.
- (b) Chaining or tethering of a hybrid canine not under the direct supervision and control of the owner or custodian shall not be considered adequate confinement.
- (c) A hybrid canine shall not be allowed to run unleashed outside of its cage or enclosure or to roam or self-hunt on the property of its owner or custodian.
- (d) The structure or enclosure shall be designed to provide the hybrid canine with adequate shelter from the elements of nature and shall be maintained in a sanitary condition, in accordance with the requirements of Code of Virginia, §§ 3.1-796.68 and 3.1-796.66 and the provisions of this chapter.
- (e) The owner or custodian of the hybrid canine shall provide the animal with adequate feed and water, adequate exercise, adequate care, treatment, and transportation, and adequate veterinary care as required by Code of Virginia, § 3.1-796.68 and 3.1-796.66, and the provisions of this chapter.
- (f) The owner shall post the property upon which is located the hybrid canine's enclosure and upon which the hybrid canine is customarily kept with clearly visible signs warning both minors and adults of the presence of a hybrid canine on the property.

(Ord. of 8-14-2001, § 1(12-44))

Sec. 18-158. - Control off property of owner or custodian; adequate care; confinement.

- (a) When off the property of its owner or custodian, a hybrid canine shall be kept under the direct supervision and immediate control of its owner or custodian. Such control shall include, but not be limited to, keeping the hybrid canine on a leash and muzzling the animal 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 the hybrid canine from biting a person or another animal.
- (b) Under no circumstances when off the property of its owner or custodian shall a hybrid canine be allowed to run at large (i.e., run unleashed, roam, or self-hunt).
- (c) At all times when a hybrid canine is off the property of its owner or custodian, such owner or custodian shall provide the animal with adequate feed and water, adequate exercise, adequate care, treatment, and transportation, and adequate veterinary care as required by Code of Virginia, §§ 3.1-796.68 and 3.1-796.66, and the provisions of this chapter.
- (d) When the hybrid canine's absence from the property of its owner or custodian continues for more than seven days, such period of time being continuous and uninterrupted, then the owner or custodian shall be required to confine the animal in a humane manner in a securely enclosed and locked structure of sufficient height and design to confine and control the animal as specified in section 18-157, and shall also be subject to all other requirements of that section, including posting of the property.

(Ord. of 8-14-2001, § 1(12-45))

Sec. 18-159. - Hybrid canine owner contract.

- (a) As a prerequisite to issuance or renewal of a hybrid canine permit, the owner of such hybrid canine or, if the owner is a minor, the custodial parent or legal guardian of such minor owner, (referred to in this section as "owner/permittee") shall execute a hybrid canine owner contract as set forth as follows:

Hybrid Canine Owner Contract

"In consideration of issuance or renewal of a hybrid canine permit by the animal control officer of Campbell County, Virginia, or such other officer charged with such permitting authority, I, _____, as owner/permittee, or as custodial parent or legal guardian of a minor owner, of a hybrid canine identified as _____, do hereby acknowledge that I have been provided an opportunity to examine the Campbell County ordinances regulating the ownership of hybrid canines (specifically, article III (Hybrid Canines) of chapter 4 (Animals and Fowl) of the Campbell County Code of 1988) and other provisions in such chapter 4, pertaining to the control and confinement of hybrid canines and the provision of adequate care, exercise, feed, shelter, space, water, and veterinary treatment, and I do hereby agree to comply with the requirements of all such provisions.

"I specifically acknowledge and agree to comply with the requirements of confinement of the hybrid canine and control of such animal whether on or off the property of its owner or custodian.

"By executing this contract and accepting the hybrid canine permit, I agree to the following additional ownership conditions:

- (1) "I shall maintain ownership of the hybrid canine for its natural lifetime; or
- (2) "If I cannot keep the hybrid canine, I will give or sell the animal only to another permittee in Virginia or in another state in which ownership of a hybrid canine is legal;
- (3) "If, for any reason, I cannot comply with either paragraph (1) or (2) above, then I agree that I will provide humane euthanasia by a licensed veterinarian or others approved by the state veterinarian or the Virginia Department of Game and Inland Fisheries;

- (4) "I will not willfully abandon the hybrid canine or release it to live, survive, or defend itself on its own;
- (5) "I understand that I am under a continuing obligation, as specified in section 18-160 of the Code of the Town of Altavista, Virginia, 2001, to notify the animal control officer in writing within the time limits specified in section 18-160 of this Code of any change in my address, telephone number, the person responsible for the day-to-day care and confinement of the animal, the location where the hybrid canine is kept, confined or sheltered, and any transfer of ownership of the animal.
- (6) "I understand that I am under a continuing obligation, as specified in section 18-160 of the Code of the Town of Altavista to immediately notify the animal control officer if the hybrid canine is loose or unconfined, bites a person or attacks another animal, or dies;
- (7) "I understand that violations of the above-cited Town of Altavista ordinances regulating the ownership of hybrid canines shall be punishable by imposition of monetary fines and/or confinement in jail and may result in the court-ordered surrender of the hybrid canine for euthanasia.

"As owner/permittee, or as custodial parent or legal guardian of a minor owner, I acknowledge and agree that I shall be responsible for compliance with the requirements of the hybrid canine permit as set forth in chapter 18, article IV of the Code of the Town of Altavista, Virginia, 2002. In witness whereof, I do affix my signature this ;#rule; day of ;daterule;, 20;yrule;."

	(Signature of owner/permittee)
	(Signature of animal control officer)
STATE OF VIRGINIA	
	To-wit:
COUNTY OF CAMPBELL,	

Executed, subscribed and sworn to before me in my county and state above-written, on the day and year above-written.

	Notary Public
My commission expires: ____.	

- (b) The hybrid canine owner contract shall be executed by the owner/permittee and the animal control officer or other officer charged with the permitting authority, and shall be deemed an integral part of the hybrid canine permit. The original signed contract shall be maintained in the records of the animal control officer; a copy shall be provided to the permittee.

(Ord. of 8-14-2001, § 1(12-46))

Sec. 18-160. - Notices to animal control officer.

Acceptance of the hybrid canine permit issued under the provisions of this article imposes upon the permittee the following additional obligations, which shall be of a continuing nature:

- (1)

The permittee shall notify the animal control officer in writing within 30 days of any change in:

- a. The permittee's street or mailing addresses, legal (permanent) and local;
 - b. The permittee's telephone numbers, permanent and local;
 - c. The person who is primarily responsible for the day-to-day care and confinement of the hybrid canine, and shall supply the full legal name and personal description of such person, as well as such custodian's telephone numbers, permanent and local.
- (2) The permittee shall notify the animal control officer in writing within ten days of any:
- a. Change in the location where the hybrid canine will be kept, confined, or sheltered, and shall supply the street and mailing addresses of such property, the name of the legal owner and a brief description of such property;
 - b. Transfer of ownership of the hybrid canine whereby such animal is sold or given away; such transfer shall be made only to another permittee in the commonwealth or in another state in which ownership of a hybrid canine is legal.
- (3) The permittee or custodian shall immediately, upon learning of same, notify the animal control officer if the hybrid canine:
- a. Is loose or unconfined;
 - b. Bites a person or attacks another animal; or
 - c. Dies.

(Ord. of 8-14-2001, § 1(12-47))

Sec. 18-161. - Display of tag; exhibition of permit.

- (a) The animal control officer shall provide the owner/permittee of a hybrid canine with a uniformly designed tag which identifies the animal as a hybrid canine. Such tag shall be in addition to the dog license issued by the county treasurer under section 18-111 et seq.
- (b) The owner of a hybrid canine shall affix the special hybrid canine tag and the dog license tag to the animal's collar and ensure that the animal wears the collar and tags at all times. The exceptions allowing removal of collar and tags by the animal's owner in specified circumstances set out in section 18-120 shall not apply to hybrid canines.
- (c) The hybrid canine permit issued by the animal control officer shall be carefully preserved by the permittee and shall be exhibited promptly on request for inspection by any animal control officer or other officer.

(Ord. of 8-14-2001, § 1(12-48))

Sec. 18-162. - Presentation of permit and tag prerequisite to issuance of dog license.

No dog license or tag authorized under section 18-117 shall be issued by the county treasurer, or other officer of the county charged by law with the duty of issuing license tags for dogs for a hybrid canine until the owner of such hybrid canine presents for examination a valid hybrid canine permit and hybrid canine tag issued by the animal control officer of the county. Furthermore, in order to obtain such dog license, the owner of a hybrid canine shall comply with all requirements of such regular dog license including, but not limited to, presentation of satisfactory evidence of current rabies inoculation or vaccination of the animal and payment of the dog license tax.

(Ord. of 8-14-2001. § 1(12-49))

Sec. 18-163. - 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 hybrid canine in the act of killing or injuring livestock or poultry to kill such hybrid canine forthwith, whether such hybrid canine bears a tag or not. Any person finding a hybrid canine committing any of the depredations mentioned in this section shall have the right to kill such hybrid canine on sight as shall any owner of livestock or his or her agent finding a hybrid canine chasing livestock on land lawfully utilized by the livestock when the circumstances show that such chasing is harmful to livestock. Any court shall have the power to order the animal control officer or other officer to kill any hybrid canine known to be a confirmed livestock or poultry killer, and any 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 harbinger of the hybrid canine to produce the hybrid canine.
- (b) Any animal control officer who has reason to believe that any hybrid canine is killing livestock or poultry shall be empowered to seize such hybrid canine solely for the purpose of examining such 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 hybrid canine is killing livestock, or committing any of the depredations mentioned in this section, shall apply to a magistrate of the county wherein such 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.
- (c) Pending such court hearing and determination, the animal control officer shall ensure that the hybrid canine is securely confined, either by requiring the owner to confine such hybrid canine in a humane manner in a securely enclosed and locked structure of sufficient height and design to prevent the animal's escape or by delivering such hybrid canine to the county animal pound, where the hybrid canine shall be held until the matter is determined by the court. The determination of the method of confinement, either by the owner or the animal pound, shall be made by the animal control officer in his or her sole discretion.
- (d) If it appears that the hybrid canine is a livestock killer, or has committed any of the depredations mentioned in this section, the district court shall order that the hybrid canine be:
 - (1) Killed immediately by the animal control officer or other officer designated by the court; or
 - (2) Removed to another state which does not border on the commonwealth and prohibited from returning to the commonwealth.

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

(Ord. of 8-14-2001. § 1(12-50))

Sec. 18-164. - Compensation for livestock or poultry killed.

- (a) Any person who has any livestock or poultry killed or injured by any hybrid canine not his or her own shall be entitled to receive as compensation the fair market value of such livestock or poultry not to exceed \$400.00 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 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 or her legal remedies against the owner, if known, of the hybrid canine doing the damage for which compensation under this section is sought. The term "exhausting" shall mean a judgment against the owner of the hybrid canine upon which an execution has been returned unsatisfied.
- (b) Upon payment of any claim under this section, the county 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 hybrid canine and may enforce the same in an appropriate action at law.
- (c) It shall be a misdemeanor for any person to present for payment a false claim for compensation or to receive any money on a false claim under the provisions of this section and any such violation shall be punishable by confinement in jail for not more than 12 months and a fine of not more than \$2,500.00, either or both.

(Ord. of 8-14-2001, § 1(12-51))

Sec. 18-165. - Disposition of funds.

All permit fees collected pursuant to this article, less the costs incurred by the animal control authority in producing and distributing the hybrid canine permit applications, permits, and tags required by this article, shall be deposited with the county treasurer who shall maintain and utilize such funds in accordance with the provisions of the county Code.

(Ord. of 8-14-2001, § 1(12-52))

Sec. 18-166. - Violations; penalties.

- (a) The violation of any provision of this article shall be a class 3 misdemeanor for the first violation. A second or subsequent violation of a provision of this article shall be a class 1 misdemeanor.
- (b) In addition, the owner of any hybrid canine who willfully fails or refuses to obtain or renew any required permit or pay the required permit fee, or willfully violates a provision of this article or any other law pertaining to the responsible ownership of the hybrid canine may be ordered by a court of competent jurisdiction in the county to surrender the hybrid canine for euthanasia in accordance with Code of Virginia, § 3.1-796.119 or section 18-80 of this Code, or to otherwise dispose of such hybrid canine as specified by such court.

(Ord. of 8-14-2001, § 1(12-53))

Secs. 18-167—18-190. - Reserved.

Bedford County**Sec. 4-49. Hybrid canines.****(a) As used in this section:**

"Adequate confinement" means that, while on the property of its owner and not under the direct supervision and control of the owner or custodian, a hybrid canine shall be confined in a humane manner in a securely enclosed and locked structure of sufficient height and design to: (i) prevent the animal's escape; or if the hybrid is determined to be a dangerous dog pursuant to section 4-54 of the County Code, the structure shall prevent direct contact with any person or animal not authorized by the owner to be in direct contact with the hybrid canine; and (ii) provide a minimum of one hundred (100) square feet of floor space for each adult animal. Tethering of a hybrid canine not under the direct supervision and control of the owner or custodian shall not be considered adequate confinement.

"Hybrid canine" means any animal which at any time has been or is permitted, registered, licensed, advertised or otherwise described or represented as a hybrid canine, wolf or coyote by its owner to a licensed veterinarian, law enforcement officer, animal control officer, humane investigator, official of the department of health, or state veterinarian's representative.

"Responsible ownership" means the ownership and humane care of a hybrid canine in such a manner as to comply with all laws and ordinances regarding hybrid canines and prevent endangerment by the animal to public health and safety.

(b) It shall be unlawful for any person to own or possess a hybrid canine four (4) months or older in the county unless the hybrid canine is licensed as required by the provisions of this section.

- (1) Any person owning or possessing a hybrid canine four (4) months or older in the county shall obtain an annual permit from the animal control officer no later than January 31 of each year. The permit shall not be transferable, shall expire on December 31 of each year and must be renewed by January 31 of each succeeding year. The cost of the permit shall be fifty dollars (\$50.00) per year and shall not be prorated.**
- (2) No person other than the operator of a pet store or dealer in companion animals shall own or possess more than two (2) hybrid canines.**
- (3) Each hybrid canine shall be permanently identified by means of a tattoo on the inside thigh or by electronic implantation. The animal control officer shall provide the owner or custodian with a uniformly designed tag which identifies the animal as a hybrid canine and the owner or custodian shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times.**
- (4) The application for a permit shall include the sex, color, height, age, vaccination records, length, identifying marks, the location where the hybrid canine will normally be kept and such additional information as the animal control officer determines is necessary.**
- (5) A hybrid canine shall at all times be confined in a proper enclosure or structure of such sufficient height and design to prevent its escape or direct contact with or entry by minors, adults or other animals. The owner's or custodian's property shall be posted with clearly visible signs warning both minors and adults of the presence of a hybrid canine.**
- (6)**

When off of its owner's or custodian's property, a hybrid canine 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.

- (7) A first violation of this section shall be punished as a class 3 misdemeanor and any subsequent violation shall be punished as a class 1 misdemeanor. In addition any owner or custodian of a hybrid canine that fails or refuses to comply with the terms of this section may be ordered by a court of competent jurisdiction to dispose of the animal; and the court may order the owner or custodian of a hybrid canine to surrender the animal for euthanasia in accordance with the provisions of Code of Virginia, § 3.2-6562.
- (8) It shall be the duty of every veterinarian that practices in the county to notify the animal control officer of the existence of a hybrid canine within the county.

(Ord. No. O-0709-128(R), 7-13-2009)

Chesapeake**Sec. 10-49. Wild or exotic animals.**

- (a) "Wild or exotic animals" shall mean any live monkey (non-human primate), raccoon, skunk, wolf, wolf-canine hybrid, squirrel, fox, leopard, tiger, lion, panther, ratite, or any other warm blooded animal, poisonous reptile, nonpoisonous apodal reptile eight feet or longer in length or nonpoisonous quadrupedal reptile five feet or longer in length which can normally be found in the wild state or any other member of the crocodilian family, including but not limited to alligators, crocodiles, caimans, and gavials. Ferrets, birds which are normally purchased through a pet store (with the exception of ratites), nonpoisonous apodal reptiles less than eight feet in length, nonpoisonous quadrupedal reptiles less than five feet in length, domestic rabbits and domestic rodents which have been bred in captivity and which have never known the wild shall be excluded from this definition.
- (b) It shall be unlawful for any person to keep or permit to be kept upon his or her premises within the City limits any wild or exotic animal or any poisonous animal as a pet or for exhibition purposes, whether gratuitously or for a fee, without a permit from the Animal Services Unit. This section shall not apply to zoological parks, circuses, performing animal exhibitions, veterinary clinics, medical or educational facilities which are properly licensed by the federal government and/or the Commonwealth. In no case, however, shall any such wild, exotic, and/or poisonous animal(s) be exhibited, displayed, or kept in such a manner as to permit the animal(s) to escape, run at large, or otherwise come in direct physical contact with any person unless under the direct care and control of the owner, caretaker, or handler. A violation of this subsection shall constitute a Class 2 misdemeanor. In addition to any other penalties, the owner of any wild, exotic or poisonous animal found running at large shall pay to the locality a fee equal to the locality's actual cost in locating and capturing or otherwise disposing of the animal.
- (c) The owner of a wild or exotic animal or poisonous animal shall apply to the Animal Services Unit, within ten working days of acquisition of said animal or within ten working days of becoming a new resident of the City, or within ten working days of changing address within the City limits, for a permit authorizing the keeping of said animals within the City limits. Each application for a wild, exotic and/or poisonous animal permit shall be by affidavit providing the following:
- (1) The name and street address of each owner/custodian;
 - (2) The location of the animal's enclosure;
 - (3) The common and scientific name of the animal;
 - (4) The date of acquisition of the animal;
 - (5) The source of acquisition of the animal;
 - (6) The sex, age, height and/or length of the animal;
 - (7) Any identifying marks or numbers unique to the animal;
 - (8) A statement of understanding initialed by the owner(s)/custodian(s) concerning human exposures in relation to the current state and local laws involving rabies control;
 - (9) The current telephone number and street address of the owner(s)/custodian(s) if the animal enclosure location differs from the residence of that of the residence of the owner(s)/custodian(s); and
 - (10) At least one emergency telephone number where the owner(s)/custodian(s) can be contacted in case of an emergency.

- (d) In no case shall any permit be granted to any individual previously convicted of any of the following:
 - (1) Owning a nuisance, vicious or dangerous animal;
 - (2) Cruelty to animals;
 - (3) Failure to provide for an animal any of the requirements set forth in section 10-10 or Code of Virginia § 3.2-6503, as amended; or
 - (4) Any felony involving possession, care, use, or treatment of an animal.
- (e) The permit may be revoked by the Animal Services Unit for any one of the following reasons:
 - (1) Conviction of a violation under section 10-42, or
 - (2) Conviction of a violation of subsection (d) of this section.
- (f) The permit shall not be transferable and shall be valid for one calendar year from the date of issuance and subject to annual review for renewal. One permit per address will be required within the City limits. On the permit shall be listed each animal held within the City limits as identified in subsection (c) of this section. The wild, exotic and/or poisonous animal permit shall be required in addition to any required federal or state permits. Information supplied on such permit may be provided to other City departments as notification for public health and safety purposes.
- (g) Any person who currently possesses within the City limits a wild, exotic, and/or poisonous animal in contravention of this section shall comply with subsection (c) above, within 60 days from the date of the adoption of this section or shall dispose of the animal by removal from the City, by surrendering or selling the animal to a zoological park, or, with the permission of the animal control officer, by releasing the animal to the Animal Services Unit. It shall be unlawful to release any wild, exotic and/or poisonous animal into the wild.
- (h) The fee to cover the cost of the initial permit administration shall be \$10.00. Each permit shall be in effect for the calendar year in which it was purchased. A charge of \$5.00 will be collected for annual permit renewal, adding of additional animals to an existing permit, or duplication of an existing permit.
- (i) It shall be unlawful for any person to furnish false information for the purpose of obtaining a permit pursuant to subsection (c) above. Any permit obtained under fraudulent pretenses shall be null and void with any animals named thereon subject to impoundment by the Animal Services Unit pending a determination by a court of competent jurisdiction as to the appropriate disposition of any animals subject to the permit.
- (j) Prior to the issuance of a permit, an animal control officer shall conduct an inspection of the animal(s) to insure that it is adequately contained and in good health.

(Ord. No. 98-O-159, 10-27-98; Ord. No. 99-O-155, 12-14-99; Ord. No. 11-O-101, 10-11-11; Ord. No. 12-O-008, 2-14-12)

Cumberland County, Virginia, Code of Ordinances >> - THE CODE >> Chapter 10 - ANIMALS >>
ARTICLE I. - IN GENERAL >>

ARTICLE I. - IN GENERAL

Sec. 10-1. - Definitions.

Sec. 10-2. - Boundary line acts as fence.

Sec. 10-3. - Wolf hybrid canine; confinement.

Secs. 10-4—10-30. - Reserved.

Sec. 10-1. - 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:

Dangerous dog means a canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person or companion animal, or killed a companion animal; however, when a dog attacks or bites another dog, 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 other dog as a result of the attack or bite or (ii) both dogs are owned by the same person. No dog shall be found to be a dangerous dog as a result of biting, attacking or inflicting injury on another dog while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event.

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

Hybrid canine means any animal which at any time has been or is permitted, registered, licensed, advertised or otherwise described or represented as a hybrid canine, wolf or coyote by its owner to a licensed veterinarian, law enforcement officer, animal control officer, humane investigator, official of the state department of health, or state veterinarian's representative.

Run at large refers to a dog that is roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control.

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.

Vicious dog means a canine or canine crossbreed that has:

- (1) Killed a person;
- (2) Inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or
- (3) Continued to exhibit the behavior that resulted in a previous finding by a court or an animal control officer as authorized by this article that it is a dangerous dog, provided that its owner has been given notice of that finding.

Wolf hybrid includes any hybrid canine and shall mean the offspring resulting from the mating of a domesticated dog and a wolf, coyote or other similar wild animal or their subsequent offspring or any animal which at any time has been or is permitted, registered, licensed, advertised or otherwise described or represented as a hybrid wolf or hybrid canine by its owner, former owner, lessee or bailee.

(Code 1990, §§ 3-10, 3-12A(d), 3-13, 3-15; Ord. of 10-9-1996; Ord. of 9-10-1997; Ord. of 11-12-2003(1))

Cross reference— Definitions generally, § 1-2.

State law reference— Similar provisions, Code of Virginia, §§ 3.1-796.87, 3.1-796.126:8.

Sec. 10-2. - Boundary line acts as fence.

The boundary line of each lot or tract of land or any stream in the county shall be a lawful fence to any horse, mule, cattle, hogs, sheep or goats.

(Code 1990, § 3-17)

State law reference— What constitutes lawful fence, Code of Virginia, § 55-299 et seq.; trespass in crossing lawful fence, Code of Virginia, § 55-306 et seq.; No-Fence Law, Code of Virginia, § 55-310 et seq.

Sec. 10-3. - Wolf hybrid canine; confinement.

- (a) It shall be unlawful for the owner or custodian to allow any wolf hybrid canine to run at large in the county during the period of January 1 through December 31 inclusive of each year. For the purpose of this section, a wolf hybrid canine shall be deemed to be running at large while outside of any pen or enclosure as provided in subsection (b) of this section; however, any owner or custodian of a wolf hybrid canine may be allowed to remove a wolf hybrid canine from a pen or enclosure for purposes of transportation to another pen or enclosure or for the purpose of obtaining medical attention. In no event shall any wolf hybrid canine be allowed to be set free on any property within the county whether or not the wolf hybrid canine is under its owner's or custodian's immediate control.
- (b) It shall be unlawful to own or possess a wolf hybrid canine unless such wolf hybrid canine is kept and maintained in a pen or enclosure constructed as follows:
 - (1) The pen or enclosure shall contain at least 1,600 square feet of space.
 - (2) Any fencing used in the construction of the pen or enclosure shall be at least eight feet in height, with an additional overhang of fencing or barbed wire angling a minimum of three feet into the pen or enclosure.
 - (3) To prevent digging out along the fence, concrete footers at least one foot wide and six inches deep shall be installed along the perimeter of the pen or enclosure.
 - (4) The pen or enclosure shall be surrounded by a chain link fence at least four feet in height and no closer than six feet to the pen or enclosure.
 - (5) Any fencing used in the construction of the pen or enclosure shall be of 11 gauge wire or its equivalent.
- (c) A violation of this section shall be punishable as a class 1 misdemeanor, and any violation of this section shall be subject to injunctive relief in a court of equity.

(Code 1990, § 3-12A(a)—(c); Ord. of 2-14-1996)

State law reference— Hybrid canines, Code of Virginia, § 3.1-796.126:8 et seq.

Secs. 10-4—10-30. - Reserved.

Danville**Sec. 5-40. Hybrid canine regulation.**

- (a) **Prohibition.** No person in the City shall own, keep or harbor any hybrid canine, as defined in section 5-2 above, unless such person shall have first obtained a permit from an Animal Control Officer to ensure the adequate confinement and responsible ownership of said hybrid canine.
- (b) **Permit.**
 - (1) Permits shall be obtained each year on or before January 1 and shall expire on December 31st of that same calendar year for a fee of fifty dollars (\$50.00).
 - (2) No person shall own, keep or harbor more than one (1) hybrid canine.
 - (3) All hybrid canines shall have affixed to their collar a uniformly designed tag that identifies the animal as a hybrid canine. The owner, keeper or harbinger of any hybrid canine shall ensure that the animal wears the collar at all times.
 - (4) When applying for a permit; the sex, color, height, length, vaccination records, and identifying marks of the hybrid canine shall be provided to the Animal Control Officer.
- (c) **Confinement.**
 - (1) All hybrid canines shall be kept confined in a humane manner in a securely enclosed and locked structure of sufficient height and design as to protect the animal's escape.
 - (2) The owner, keeper or harbinger shall not permit the hybrid canine to be off the premises of said owner, keeper or harbinger without being physically under the direct control of a person thoroughly capable, physically and mentally, of controlling of the animal.
- (d) Violation of this chapter enacted pursuant to this section shall be a Class 3 misdemeanor for the first violation and a Class 1 misdemeanor for a second or a subsequent violation. Upon a second conviction of a violation of this chapter the violator shall surrender the hybrid canine for euthanasia in accordance with one of the methods prescribed or approved by the State Veterinarian.
- (e) The provisions of this section shall not affect any ordinance adopted prior to the effective date of this section.

(Ord. No. 2009-8.10, 8-18-09)

State law reference— Authority for above section, Code of Virginia, § 3.2-6582.

Goochland County**Sec. 3-60. Wolf hybrid confinement.**

- (a) It shall be unlawful for any wolf hybrid to run at large in the county. For the purpose of this section, a wolf hybrid shall be deemed to be running at large while outside of any pen or enclosure as provided in subsection (b) of this section; provided, however, any owner or custodian of a wolf hybrid may be allowed to remove a wolf hybrid from a pen or enclosure for purposes of transportation to another pen or enclosure or for the purpose of obtaining medical attention. In no event shall any wolf hybrid be allowed to be set free on any property within the county whether or not the wolf hybrid is under its owner's or custodian's immediate control.
- (b) It shall be unlawful to own or possess a wolf hybrid unless such wolf hybrid is kept and maintained in a pen or enclosure constructed as follows:
 - (1) The pen or enclosure shall contain at least one thousand six hundred (1,600) square feet of space.
 - (2) Any fencing used in the construction of the pen or enclosure shall be at least eight (8) feet in height with an additional overhang of fencing or barbed wire angling a minimum of three (3) feet into the pen or enclosure.
 - (3) To prevent digging out along the fence, concrete footers at least one (1) foot wide and six (6) inches deep shall be installed along the perimeter of the pen or enclosure.
 - (4) The pen or enclosure shall be surrounded by a chain link fence at least four (4) feet in height and no closer than six (6) feet to the pen or enclosure.
 - (5) Any fencing used in the construction of the pen or enclosure shall be of eleven-gauge wire or its equivalent.
- (c) A violation of this section shall be punishable as a Class 1 misdemeanor, and any violation of this section shall be subject to injunctive relief in a court of equity.
- (d) For the purposes of this section, "wolf hybrid" shall include any hybrid canine and shall mean the offspring resulting from the mating of a domesticated dog and a wolf, coyote or other similar wild animal or their subsequent offspring or any animal which at any time has been or is permitted, registered, licensed, advertised or otherwise described or represented as a hybrid wolf or hybrid canine by its owner, former owner, lessee or bailee.

(Ord. of 7-1-08(1), § 1)

Hampton, Virginia, Code of Ordinances >> - CODE >> Chapter 5 - ANIMALS >> ARTICLE VII. - HYBRID CANINES >>

ARTICLE VII. - HYBRID CANINES

Sec. 5-106. - Definitions.

Unless otherwise expressly stated or the content clearly indicates a different intention, the following words and terms shall have the meaning indicated in this section:

Adequate confinement means that, while on the property of its owner and not under the direct supervision and control of the owner or custodian, a hybrid canine shall be confined in a humane manner in a securely enclosed and locked structure of sufficient height and design to: (i) prevent the animal's escape; or if the hybrid canine is determined to be a dangerous dog pursuant to § 3.2-6540 of the Code of Virginia or section 5-42 of this chapter, the structure shall prevent direct contact with any person or animal not authorized by the owner to be in direct contact with the hybrid canine; and (ii) provide a minimum of one hundred (100) square feet of floor space for each adult animal. Tethering of a hybrid canine not under the direct supervision and control of the owner or custodian shall not be considered adequate confinement.

Hybrid canine means any animal that at any time has been or is permitted, registered, licensed, advertised or otherwise described or represented as a hybrid canine, wolf or coyote by its owner to a licensed veterinarian, law-enforcement officer, animal control officer, humane investigator, official of the Department of Health, or State Veterinarian's representative.

Responsible ownership means the ownership and humane care of a hybrid canine in such a manner as to comply with all laws and ordinances regarding hybrid canines and prevent endangerment by the animal to public health and safety.

(Ord. No. 08-0019, 9-24-08)

Sec. 5-107. - Permit—Required.

It shall be unlawful for any person to import into the city or liberate herein or possess herein any hybrid canine except pursuant to a hybrid canine permit issued by the City of Hampton pursuant to the provisions of this article.

(Ord. No. 08-0019, 9-24-08)

Sec. 5-108. - Same—Application fee.

- (a) Any person seeking a hybrid canine permit shall complete an application provided by the City of Hampton including following:
- (1) Name, address, phone number and age of the applicant.
 - (2) Species, gender, color, age, sex, vaccination history and origin of the hybrid canine.
 - (3)

Photographs of the hybrid canine shall be provided by the applicant sufficient (to the satisfaction of the animal control officer) to show the size, color and any identifying marks or characteristics of the hybrid canine.

- (4) An executed consent form authorizing the animal control officer or designee to inspect the premises where the hybrid canine is confined for the sole reason of ensuring that the owner is in compliance with the permit and this article.
- (b) Any application for a hybrid canine permit shall be accompanied by payment of an application fee in the amount of fifty dollars (\$50.00).

(Ord. No. 08-0019, 9-24-08)

Sec. 5-109. - Same—Duration, scope and conditions.

- (a) Any hybrid canine permit issued in accordance with this article shall be valid for a period of no more than one (1) year from the date of issuance. The permittee shall have sole responsibility for ensuring that all permit renewals are timely initiated to ensure that a valid permit is continuously in effect throughout the period the permittee's ownership of a hybrid canine within the city.
- (b) No permittee shall own more than two (2) hybrid canines at any time. A separate permit shall be obtained for each hybrid canine owned by the permittee.
- (c) All permits issued in accordance with this article shall be subject to the following:
 - (1) Each hybrid canine shall wear a collar bearing identification, including the name, address and telephone number of the owner of the hybrid canine.
 - (2) Each hybrid canine shall be maintained in an adequate confinement, as defined in this article.
 - (3) Each hybrid canine shall be muzzled and kept under the control of a competent adult handler, on a leash, lead, rope or chain whenever it is not on the property of its owner.
- (d) The permit may be revoked or not renewed if the owner has failed to renew any required permit or has violated a provision of the permit or this article or any other law pertaining to the responsible ownership of the hybrid canine, including, but not limited to, the escape of the animal from the confinement or any death, damage or injury caused by the hybrid canine.
- (e) Any person, whether an owner, agent or employee, violating, causing, or permitting the violation of this article or the conditions of the permit shall be guilty of a Class 3 misdemeanor for the first violation and a Class 1 misdemeanor for a second or a subsequent violation. Upon conviction of a violation of this article, the violator shall surrender custody of the hybrid canine to the animal control officer for euthanasia in accordance with section 3.2-6562 of the 1950 Code of Virginia, as amended.

(Ord. No. 08-0019, 9-24-08)

Harrisonburg**Sec. 15-2-19. Hybrid canines.****(a) Definitions as used in this section:**

Adequate confinement means that, while on the property of its owner and not under the direct supervision and control of the owner or custodian, a hybrid canine shall be confined in a humane manner in a securely enclosed and locked structure of sufficient height and design to

- (1) Prevent the animal's escape; or if the hybrid canine is determined to be a dangerous dog pursuant to 3.1-796.93:1, the structure shall prevent direct contact with any person or animal not authorized by the owner to be in direct contact with the hybrid canine, and
- (2) Provide a minimum of one hundred (100) square feet of floor space for each adult animal. Tethering of a hybrid canine not under the direct supervision and control of the owner or custodian shall not be considered adequate confinement.

Hybrid canine means any animal which at any time has been or is permitted, registered, licensed, advertised or otherwise described or represented as a hybrid canine, wolf or coyote by its owner to a licensed veterinarian, law-enforcement officer, animal control officer, official of the department of health, or state veterinarian's representative.

Responsible ownership means the ownership and humane care of a hybrid canine in such a manner as to comply with all laws and ordinances regarding hybrid canines and prevent endangerment by the animal to public health and safety.

- (b) The owner of a hybrid canine shall, by the time the animal is four (4) months old, obtain a hybrid canine registration certificate from the treasurer for a fee of twenty-five dollars (\$25.00) if the animal is spayed or neutered, fifty dollars (\$50.00) if not, in addition to other fees that may be authorized by law. The treasurer shall also issue the owner with a uniformly designed tag which identifies the animal as a hybrid canine in lieu of the dog license required in section 15-2-8. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained pursuant to this subdivision shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained.
- (c) All certificates or renewals thereof required to be obtained under this section shall only be issued to persons eighteen (18) years of age or older who present to the animal control officer:
 - (1) Satisfactory evidence of the animal's current rabies vaccination, and;
 - (2) Satisfactory evidence that the animal is and will be confined in a proper enclosure, inside the owner's residence or in the owner's fenced-in yard, with the fence being of adequate height and design to keep the animal in the yard, and;
 - (3) A color photograph clearly showing the animal, and;
 - (4) Satisfactory evidence the animal has been permanently identified by means of a tattoo on the inside thigh or by electronic implantation.
- (d) The owner of any hybrid canine who willfully fails to comply with the requirements of this chapter shall be guilty of a Class 3 misdemeanor for the first violation and a Class 1 misdemeanor for a second or a subsequent violation.
- (e)

All fees collected pursuant to this chapter, less the costs incurred by the treasurer in producing and distributing the certificates and tags required by this chapter, shall be paid into a special dedicated fund in the city treasury for the purpose of paying the expenses of any training course required under Code of Virginia § 3.1-796.104:1.

(Ord. of 9-9-03)

Isle of Wight County, Virginia, Code of Ordinances >> CHAPTER 3. - ANIMALS AND FOWL.* >> Article III. Nuisance Animals and Hybrid Canines. >>

Article III. Nuisance Animals and Hybrid Canines.

Sec. 3-25. Nuisance animals.

Sec. 3-26. Hybrid canine permit.

Sec. 3-25. Nuisance animals.

- (a) All animal owners shall exercise proper care and control of their animals to prevent them from becoming a public nuisance. Excessive, continuous or untimely barking, harassing passersby, biting or attacking any person without provocation on one or more occasions, chasing vehicles, habitually attacking other domestic animals, trespassing upon school grounds or trespassing upon private property in such manner as to damage or destroy or create an unsanitary condition on such property shall be deemed a nuisance. Repeated running at large after citation of the owner by any animal control officer shall also be deemed a nuisance.
- (b) Any such person owning any animal constituting a nuisance shall be summoned before the general district court to show cause why such animal should not be confined, destroyed, removed or the nuisance otherwise abated and upon proof that the animal constitutes a public nuisance the animal in question shall, by order of the general district court, either be confined, destroyed, removed or the nuisance otherwise be abated as such court shall order; the court may also impose a fine up to one hundred dollars to be paid by the owner or custodian of such animal. It shall be unlawful and shall constitute contempt of court for any person to harbor or conceal any animal which has been ordered destroyed or removed by the general district court or to fail to confine or restrain an animal when such an order has been entered by the court.
- (c) If the animal control officer or his duly authorized agent has reason to believe that any animal has, without provocation, attacked or bitten any person, such animal may be taken into custody and confined by the animal warden pending determination of the courts pursuant to this section.
- (d) Any person who owns any dog, cat or other animal that has been adjudged a nuisance pursuant to this section by the general district court and who appeals that decision to the circuit court shall be responsible for the fees connected with the impounding of the animal by the animal control officer. The animal control officer or owner shall confine such dog, cat or other animal during pendency of the appeal to prevent a reoccurrence of the nuisance. If on appeal, the circuit court determines that the dog, cat or other animal is not a nuisance, no such fees for the impounding of the animal shall be imposed. (11-18-04.)

Sec. 3-26. Hybrid canine permit.

- (a) No person shall import into the county or liberate herein or possess herein any hybrid canine except pursuant to a hybrid canine permit issued by Isle of Wight County.
- (b) The decision to issue such a permit shall be based upon the following criteria:

- (1) The number of hybrid canines that will be confined on the subject property which in no case shall exceed two hybrid canines;
 - (2) The type, quality and extent of the confinement of the hybrid canine while on the property of its owner. The owner shall be required to provide adequate confinement as defined in section 3-1 of this chapter;
 - (3) The background, knowledge, experience, and responsible ownership of the owner to adequately care for, keep and handle hybrid canines; and
 - (4) The means of handling the hybrid canine while not on the property of the owner.
- (c) The owner applying for a hybrid canine permit shall submit an annual permit fee in the amount of fifty dollars to cover the cost of the permitting system. A separate permit shall be obtained for each hybrid canine owned.
- (d) The owner shall be required to provide the following information when applying for a hybrid canine permit:
- (1) The sex of the hybrid canine;
 - (2) The color of the hybrid canine;
 - (3) The height and length of the hybrid canine;
 - (4) Vaccination records including a vaccination against rabies by a currently licensed veterinarian;
 - (5) Information as to identification tags, tattooing or other identifying marks of the hybrid canine; and
 - (6) An executed consent form authorizing the animal control officer or designee to inspect the premises where the hybrid is confined for the sole reason of ensuring that the owner is in compliance with the permit and this article.
- (f) The permit may be revoked or not renewed if the owner has failed to renew any required permit or has violated a provision of the permit or this article or any other law pertaining to the responsible ownership of the hybrid canine, including, but not limited to, the escape of the animal from the confinement or any death, damage or injury caused by the hybrid canine.
- (g) Any person, whether an owner, agent or employee, violating, causing, or permitting the violation of this article or the conditions of the permit shall be guilty of a class 3 misdemeanor for the first violation and a class 1 misdemeanor for a second or a subsequent violation. Upon conviction of a violation of this article, the violator shall surrender the hybrid canine to the animal control officer for euthanasia in accordance with section 3.1-796.119 of the Code of Virginia (1950), as amended. (11-18-04.)

(STATE LAW REFERENCE—Sec. 3.1-796.126:9 of the Code of Virginia (1950), as amended.)

Montgomery County, Virginia, Code of Ordinances >> - CODE >> Chapter 3 - ANIMALS >> ARTICLE IV.
HYBRID CANINES >>

ARTICLE IV. HYBRID CANINES

Sec. 3-41. Definitions.

Sec. 3-42. Hybrid canine permit.

Secs. 3-43—3-49. Reserved.

Sec. 3-41. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section.

Adequate confinement means that, while on the property of its owner and not under the direct supervision and control of the owner or custodian, a hybrid canine shall be confined in a humane manner in a securely enclosed and locked structure of sufficient height and design to (i) prevent the animal's escape; or if the hybrid canine is determined to be a dangerous dog pursuant to Code of Virginia, § 3.2-6540, as amended, or this chapter, the structure shall prevent direct contact with any person or animal not authorized by the owner to be in direct contact with the hybrid canine, and (ii) provide a minimum of one hundred (100) square feet of floor space for each adult animal. Tethering of a hybrid canine not under the direct supervision and control of the owner or custodian shall not be considered adequate confinement.

Hybrid canine means any animal which at any time has been or is permitted, registered licensed, advertised or otherwise described or represented as a hybrid canine, wolf or coyote by its owner to a licensed veterinarian, law-enforcement officer, animal control officer, humane investigator, official of the department of health or state veterinarian representative who is under the direction of the state veterinarian.

Responsible ownership means the ownership and humane care of a hybrid canine in such a manner as to comply with all laws and ordinances regarding hybrid canines and prevent endangerment by the animal to public health and safety.

(Ord. No. 1997-26, 10-14-97; Ord. No. 2001-12, 10-9-01; ORD-FY-10-19, 11-12-09)

Sec. 3-42. Hybrid canine permit.

- (a) No person shall import into the county or liberate herein or possess herein any hybrid canine except pursuant to a hybrid canine permit issued by the board of supervisors.
- (b) The initial hybrid canine permit shall be issued by the board of supervisors only after a public hearing upon due notice advertised once a week for two (2) successive weeks in a newspaper published or having general circulation in the county and with notice mailed to all adjoining property owners at least seven (7) days prior to the hearing. The decision to issue such a permit shall be based upon the following criteria:
 - (1)

- The number of hybrid canines that will be confined on the subject property which in no case shall exceed two (2) hybrid canines; and
- (2) The type, quality and extent of the confinement of the hybrid canine while on the property of its owner. The owner shall be required to provide adequate confinement as defined in section 3-41 above; and
 - (3) The background, knowledge, experience, and responsible ownership of the owner to adequately care for, keep and handle hybrid canines; and
 - (4) The means of handling the hybrid canine while not on the property of the owner.
- (c) The owner applying for a hybrid canine permit shall submit an annual permit fee in the amount of fifty dollars (\$50.00) to cover the cost of the permitting system. A separate permit shall be obtained for each hybrid canine owned by the owner. The permit shall be granted for a period of twelve (12) months and shall be eligible for renewal annually. A public hearing shall not be required for a renewal of an existing permit by the board of supervisors.
- (d) The owner shall be required to provide the following information when applying for a hybrid canine permit:
- (1) The sex of the hybrid canine.
 - (2) The color of the hybrid canine.
 - (3) The height and length of the hybrid canine.
 - (4) Vaccination records.
 - (5) Information as to identification tags, tattooing or other identifying marks of the hybrid canine.
 - (6) An executed consent form authorizing the animal control officer or designee to inspect the premises where the hybrid is confined for the sole reason of ensuring that the owner is in compliance with the permit and this article.
- (e) The permit may be revoked or not renewed by the board of supervisors if the owner has failed to renew any required permit or has violated a provision of the permit or this article or any other law pertaining to the responsible ownership of the hybrid canine, including, but not limited to, the escape of the animal from the confinement or any death, damage or injury caused by the hybrid canine.
- (f) Any person, whether an owner, agent or employee, violating, causing, or permitting the violation of this article or the conditions of the permit shall be guilty of a class 3 misdemeanor for the first violation and a class 1 misdemeanor for a second or a subsequent violation. Upon conviction of a violation of this article, the violator shall surrender the hybrid canine to the animal control officer for euthanasia in accordance with Code of Virginia, § 3.2-6562, as amended.

(Ord. No. 1997-26, 10-14-97; Ord. No. 2001-12, 10-9-01; ORD-FY-10-19, 11-12-09)

Secs. 3-43—3-49. Reserved.

Nelson County, Virginia, Code of Ordinances >> - NELSON COUNTY CODE >> Chapter 3 - ANIMALS >>
ARTICLE III. HYBRID CANINES >>

ARTICLE III. HYBRID CANINES

Sec. 3-61. Definitions.

Sec. 3-62. Hybrid canine ordinance; penalty.

Secs. 3-63—3-70. Reserved.

Sec. 3-61. Definitions.

As used in this article:

Adequate confinement means that, while on the property of its owner and not under the direct supervision and control of the owner or custodian, a hybrid canine shall be confined in a humane manner in a securely enclosed and locked structure of sufficient height and design to (i) prevent the animal's escape; or if the hybrid canine is determined to be a dangerous dog pursuant to Virginia Code Section 3.1-796.93:1, the structure shall prevent direct contact with any person or animal not authorized by the owner to be in direct contact with the hybrid canine, and (ii) provide a minimum of one hundred (100) square feet of floor space for each adult animal. Tethering of a hybrid canine not under the direct supervision and control of the owner or custodian shall not be considered adequate confinement.

Hybrid canine means any animal which at any time has been or is permitted, registered, licensed, advertised or otherwise described or represented as a hybrid canine, wolf or coyote by its owner to a licensed veterinarian, law enforcement officer, animal control officer, humane investigator, official of the department of health, or state veterinarian's representative.

(Res. of 10-10-00)

Sec. 3-62. Hybrid canine ordinance; penalty.

- (a) No person shall keep or maintain a hybrid canine without a permit for each such animal.
- (b) No person may keep or maintain more than five (5) hybrid canines at any given time. Except as provided below, a person must, within seven (7) business days of first possessing a canine hybrid, obtain a permit therefore from the animal control officer, which permit shall be in addition to all other licenses required in this chapter. In the case of a hybrid canine pup, a permit therefrom must be obtained before the animal becomes four (4) months of age. The permit shall be issued upon receipt of ten dollars (\$10.00) payable to the Treasurer of Nelson County and shall expire, regardless of issuance, on December 31st of the year of issuance. Permits must be renewed each year during the month of December prior to the expiration date thereof.
- (c) The applicant shall provide to the animal control officer on a form to be provided the sex, color, height, weight and identifying marks for each hybrid canine for which a permit is sought.
- (d)

An owner of canine hybrids shall provide adequate confinement for such animals satisfactory to the animal control officer. No hybrid canine shall be permitted to run at large, and while on the property of its owner or custodian hybrid canines shall be either under the direct supervision and control of the owner or custodian or adequately confined.

- (e) Should the owner fail to obtain a permit as required herein, or violate any other provision hereof, then the hybrid canine may be seized and disposed in accordance with applicable law. Notwithstanding the foregoing, a violation of this article shall be a Class 3 violation for the first violation and a Class 1 misdemeanor for a second or subsequent violation.

(Res. of 10-10-00)

State law reference— Va. Code Sec. 3.1-796.126:9.

Secs. 3-63—3-70. Reserved.

Portsmouth

Sec. 4-33. Wild, exotic or poisonous animals; permit required.

- (a) **Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Adequate confinement means that while on the property of its owner and not under the direct supervision and control of the owner or custodian an animal shall be confined in a humane manner in a securely enclosed and locked pen/structure, a minimum of six feet in height, with a secured top, a bottom securely attached to the sides. If there is no bottom attached to the sides of the structure, the posts must be imbedded into the ground no less than one foot and designed to: (i) prevent the animal's escape by digging, climbing or jumping, (ii) prevent direct contact with any person or animal not authorized by the owner to be in direct contact, (iii) provide a minimum of 100 square feet of floor space for each adult animal depending upon the type of species. Tethering of a hybrid-canine or hybrid-feline shall not be permitted.

Permit means a license authorizing a person to house an exotic animal within the city limits under certain provisions and limitations.

Responsible ownership means the ownership and humane care for an animal in such a manner as to comply with all laws and ordinances regarding that particular animal, and to prevent endangerment by the animal to the public health and safety.

- (b) It shall be unlawful for any person to keep within the city limits any hybrid-canine, hybrid-feline, live monkey (nonhuman primate), ratite, porcine, or any other warm-blooded animal, reptile, or nonpoisonous reptile or serpent six feet or longer in length which can normally be found in the wild state or any other member of the crocodilian, including but not limited to alligators, crocodiles, caimans and gavials without first obtaining an inspection from an animal control officer and a permit from the city treasurer's office.
- (c) Ferrets and birds which are normally purchased through pet stores (with the exception of ratites), nonpoisonous reptiles less than six feet in length, domestic rabbits, domestic rodents which have been bred in captivity and which have never known the wild shall be excluded from requiring a permit.
- (d) In no case shall any exotic animal be exhibited, displayed, or kept in such a manner as to permit said animal to escape, be at large, or to otherwise come into direct physical contact with any person unless under the direct care and control of the handler, owner or custodian.
- (e) The owner or custodian of any exotic animal shall apply to the city treasurer's office within ten working days of acquisition of said animal, within ten working days of becoming a new resident of the city, within ten working days of changing address within the city, or in case of an exhibition of said animal within the city limits. Each applicant for an exotic animal permit shall by affidavit provide the following:
- (1) Name and street address of each owner/custodian;
 - (2) Emergency contact persons/custodians name, address and telephone number;
 - (3) Location of animal storage facility;
 - (4) Copy of state/federal permit if required;
 - (5) Common and scientific name of animal;
 - (6) Date and source of acquisition of said animal;

- (7) The sex, age, height and/or length of each animal;
 - (8) Identifying marks, numbers or bands that are unique to each animal;
 - (9) Proof of a surety bond or liability insurance in the amount of \$50,000.00 which covers incidences or occurrences involving the animal;
 - (10) A copy of a certificate of health from a local licensed veterinarian for each animal which certifies that the animal is in good health;
 - (11) Inspection notification from animal control;
 - (12) A statement of understanding signed by the owner/custodian concerning human exposure in relation to the current state and local laws involving rabies control.
- (f) The permit shall not be transferable and shall be valid through December 31 of the year of which it was issued and shall be renewed by January 31 of each subsequent year. Permits for temporary exhibits shall be valid for the time specified in the permit. One permit per address will be issued within the city. The city exotic animal permits shall be provided to relevant city departments as notification for the public's health and safety purposes.
- (g) It shall be unlawful for any person to abandon, dump and/or release any exotic animal into the wild.
- (h) It shall be unlawful for any person to furnish false information for the purpose of obtaining a permit pursuant to subsection (b) of this section. Any permit obtained under fraudulent pretenses shall be null and void with any animals named thereon subject to impoundment by the animal control officer pending a determination by a court of competent jurisdiction as to the appropriate disposition of the said animal.
- (i) The permit fee as set forth in appendix A to this Code covers the cost of administration. A charge as set forth in appendix A to this Code will be collected for annual permit renewal, the adding of additional animals to an existing permit, or the duplication of an existing permit.
- (j) The city treasurer's office or his designee in conjunction with animal control may reject an application for an exotic animal permit, renewal of a permit, or the addition of an animal to an existing permit for any of the following reasons:
- (1) Failure to comply with or supply any information required in subsection (b) of this section;
 - (2) Falsification of any information required of this section;
 - (3) Previous or current violations of any provisions of this section;
 - (4) Previous or current violations of any local, state or federal law relating to animals;
 - (5) History or demonstration of the vicious or dangerous nature of an animal;
 - (6) Previous or current violations which endanger the public's safety and health.
- (k) The animal control officer or his designee may revoke an exotic animal permit and impound the animal for any of the following reasons:
- (1) Failure to comply with any and all terms of the permit issued;
 - (2) Falsification of any information required in subsection (b) of this section;
 - (3) Violation of any local, state or federal laws applicable to animals;
 - (4) Current violations which endanger the public's safety and welfare.
- (l) The permittee shall post a placard provided by the animal control unit in an area of public view on the premises, building or structure where the animals are kept or housed. Failure to post the placard shall be a violation of this section.
- (m) Wildlife rehabilitators shall be excluded from this section for the purpose of acting under the state and federal license for the purpose of treating injured, sick and/or orphaned wild animals.

Portsmouth, Virginia, Code of Ordinances >> PART II - CODE >> APPENDIX A FEE SCHEDULE >>

APPENDIX A FEE SCHEDULE

This appendix contains the various fees, charges and rates referred to in the listed section of this Code.

CHAPTER 3. AMUSEMENTS

Code Section	Description	Fee
3-103	Permit application fee for commercial recreation center	\$50.00
3-301 (f)(1)	Permit to operate a body art studio, per year	1,500.00
3-301 (f)(2)	Plan review fee for initial opening of body art studio or for changes requiring a review of the construction plans	200.00

CHAPTER 4. ANIMALS

Code Section	Description	Fee
4-8	Cost for cremation or burial of dead animals, not to exceed	\$75.00
4-8	Cost for cremation or burial of dead fowl, not to exceed	5.00
4-32(c)	Animal impoundment fee for animals running at large, first day	12.00
	Each additional day of impoundment or part thereof, per day	5.00
4-33(i)	Permit fee for wild exotic or poisonous animals	50.00
4-33(i)	Annual renewal of permit fee for wild exotic or poisonous animals	25.00
4-33.1 (d)	Fee for dangerous dog registration certificate	150.00
	Annual renewal fee	85.00
4-71	Fee for duplicate dog license tag	1.00
4-97(a)	Impoundment fee for unvaccinated dogs or cats, first day	3.00
	Each additional day of impoundment or part thereof	1.00
4-98(c)	Fee for quarantine of animal, per day or fraction thereof	3.00

(Ord. No. 2013-03, § 2, 1-8-2013)

CHAPTER 5. BICYCLES

Code Section	Description	Fee
5-29	Bicycle registration fee	\$2.00
5-33	Fee for replacement of lost or mutilated bicycle registration decal	0.50
5-34	Fee for transfer of bicycle registration	0.50
5-38	Storage charge for impounded unregistered bicycle	5.00

Powhatan County, Virginia, Code of Ordinances >> - CODE >> Chapter 10 - ANIMALS >> ARTICLE II. - ANIMAL CONTROL >> DIVISION 6. HYBRID CANINES >>

DIVISION 6. HYBRID CANINES

Sec. 10-145. Possession governed by division.

Sec. 10-146. Definitions.

Sec. 10-147. Permit required.

Sec. 10-148. Permit fee.

Sec. 10-149. Qualification for permit.

Sec. 10-150. Notice to adjoining landowners.

Sec. 10-151. Identification tag.

Sec. 10-152. Temporary permit.

Sec. 10-153. Transfer and disposal.

Sec. 10-154. Adequate confinement and control required.

Sec. 10-155. Notification of loss of control, attack or other changes of circumstance.

Sec. 10-156. Suspension, revocation of permit.

Sec. 10-157. Annual inspection.

Sec. 10-158. Violation.

Sec. 10-159. Appeals.

Secs. 10-160—10-169. Reserved.

Sec. 10-145. Possession governed by division.

Possession, disposition or release of hybrid canines in Powhatan County is prohibited except as provided in this division.

(Ord. of 1-8-01)

Sec. 10-146. Definitions.

"*Adequate confinement*" means that while on the property of its owner, and not leashed and under the direct supervision and control of the owner or custodian, a hybrid canine shall be confined in a humane manner to the owners dwelling or other buildings, or in a securely enclosed and locked outdoor structure of sufficient height and design to: (a) prevent the animal's escape or direct contact with any other animal, or with any person not authorized by the owner to be in direct contact with the hybrid canine. The minimum requirements of said outdoor enclosure shall consist of a fence of at least 11 gauge chain link at a height of eight feet with a chain link roof covering the entire enclosure. The fence shall be imbedded in a concrete pad or in concrete footers of at least 18 inches in depth and 12 inches wide; (b) provide a minimum 1,600 square feet of floor space; and (c) provide shelter which affords complete protection from wind, rain and snow. Tethering of a hybrid canine not under the direct supervision and control of the owner or custodian shall not be considered adequate confinement. Hybrid canines shall not be allowed to run at large upon the property of the owner or any other person.

"Hybrid canine" means any animal which at any time has been or is permitted, registered, licensed or otherwise described or represented as a hybrid canine, wolf or coyote by its owner to a licensed veterinarian, law enforcement officer, animal control officer, humane investigator, official of the department of health, or representative of the state veterinarian.

"Owner" means any person who (a) has a right of property in an animal, (b) keeps or harbors an animal, (c) has an animal in his care, or (d) acts as a custodian of an animal.

"Responsible ownership" means the ownership and humane care of a hybrid canine in such a manner as to comply with all laws and ordinances regarding hybrid canines and prevent endangerment by the animal to public health and safety.

(Ord. of 1-8-01(2); Ord. of 2-10-03, § 1)

Sec. 10-147. Permit required.

No person shall own a hybrid canine without obtaining a permit from the animal control division of the sheriff's office. Only persons residing within the boundary limits of the county shall be eligible to receive a permit for a hybrid canine except as otherwise provided in this section. Permits shall be granted for a period of 12 months and shall be renewed annually. The owner shall apply for a separate permit for each hybrid canine, except as provided for litters of hybrid canines in section 10-149. Annual permits shall not be issued for more than five hybrid canines six months of age or older to any one person or residence.

The hybrid canine permit shall be carefully preserved by the owner and exhibited promptly upon the request of inspection by any animal warden, law enforcement officer, official of the department of health, humane investigator, of a state veterinarian's representative.

It shall be unlawful for any person to furnish false information for the purpose of obtaining a permit pursuant to this section.

As a condition of maintaining a permit under this division, the permit holder shall agree to allow the animal control officer, or his agent, to inspect at any reasonable time, any premises where the hybrid canine is kept to ensure compliance with this division.

(Ord. of 1-8-01(2); Ord. of 2-10-03, § 2)

Sec. 10-148. Permit fee.

A non-refundable annual permit fee in the amount of \$50.00 for each hybrid canine will be collected from the owner by the treasurer or other officer charged with issuing the permits. A non-refundable fee of \$20.00 will be collected for issuance of each temporary permit. A fee of \$10.00 dollars will be collected for duplication of an existing permit.

(Ord. of 1-8-01(2))

Sec. 10-149. Qualification for permit.

Prior to approval of an application for a hybrid canine permit, the animal control officer shall inspect the facility where the hybrid canine will be confined to determine compliance with this division and state law. A hybrid canine permit or temporary permit shall have attached and shall include but not be limited to: (a) date of permit and date of expiration; (b) name, address, age and

phone number of the owner of the hybrid or litter of hybrids; (c) description, sex, age, color, height, length, and any identifying marks or numbers unique to the hybrid canine; (d) location where the hybrid canine or hybrid canine litter will be kept; (e) proof that the owner has coverage by a general liability insurance policy protecting the general public from any and all damages or injuries caused by the hybrid canine in their charge in an amount not less than \$250,000.00 per incident; (f) a statement of all vaccinations administered to the hybrid canine and the name and address of the licensed veterinarian administering the vaccinations; (g) the number of the individual hybrid canines owned by the permittee; and (h) the signature of the owner.

No permit shall be issued to an owner/applicant determined by the animal control officer to have insufficient background, knowledge, experience or ability to adequately keep and handle such animals and prevent harm to the public or to livestock or other animals.

(Ord. of 1-8-01(2))

Sec. 10-150. Notice to adjoining landowners.

A notice of the permit, once issued, shall be mailed by the sheriff's office by certified mail to all adjoining property owners.

(Ord. of 1-8-01(2))

Sec. 10-151. Identification tag.

The treasurer or her agent shall issue a distinctive identification tag for the hybrid canine which shall be stamped or otherwise permanently marked to identify the animal as a hybrid canine, show the jurisdiction issuing the tag, the calendar year for which issued, and bear a serial number. The serial number shall be listed on the permit issued for the hybrid canine. The identification tag shall be securely fastened to a substantial collar by the owner or custodian and worn by such hybrid canine at all times. Upon affidavit of the owner or custodian before the treasurer, or her agent, that the original identification tag has been lost, destroyed, or stolen, she shall issue a duplicate identification tag which the owner or custodian shall immediately affix to the collar of the hybrid canine. The treasurer or her agent shall endorse the number of the duplicate and the date issued on the face of the original license receipt.

(Ord. of 1-8-01(2))

Sec. 10-152. Temporary permit.

Any person possessing a hybrid canine under the age of six months as of January 8, 2001, shall be required to obtain a temporary permit for each such hybrid canine or litter. The permit shall include the information required in section 10-149 and shall be in effect until thirty days after the animal reaches six months of age, at which time an annual permit shall be required for each animal that remains in the county in accordance with this section; provided that the permit limit per person or residence established in section 10-147 is not exceeded.

(Ord. of 1-8-01(2))

Sec. 10-153. Transfer and disposal.

If the owner cannot keep the hybrid canine, whether on temporary or permanent permits, he shall (a) transfer it to another hybrid canine permittee, residing within the county, providing that the

owner so notifies the county prior to transfer of ownership and the transfer is approved by the county after said notification that the new owner is in compliance with this division and records maintained by the county for the hybrid canine are amended to indicate the new owner and location of the hybrid; (b) transfer the hybrid canine to a person who resides outside the jurisdiction of the county, where the ownership of hybrid canines is legal, or (c) cause the hybrid canine to be humanely euthanized by a veterinarian. If the hybrid canine is transferred outside of the county, or euthanized, the original owner of the hybrid canine must notify the county within ten days.

(Ord. of 1-8-01(2))

Sec. 10-154. Adequate confinement and control required.

The hybrid canine shall be adequately confined at all times. Hybrid canines when not on the owner's property shall be (a) securely kept on a leash substantial enough to contain the animal; (b) properly identified with the tag issued pursuant to this article; and (c) under the direct supervision and control of the owner.

(Ord. of 1-8-01(2))

Sec. 10-155. Notification of loss of control, attack or other changes of circumstance.

The owner of a hybrid canine shall immediately notify the animal control officer if the hybrid canine is (a) loose or not confined; (b) bites or attacks a person or another animal; (c) dies; or (d) has been moved to a different location.

(Ord. of 1-8-01(2))

Sec. 10-156. Suspension, revocation of permit.

The animal control officer may deny, suspend, or revoke a permit if the applicant or permittee fails or refuses to obtain or renew any required permit for any hybrid canine or violates the provision of the division, the permit or any other law pertaining to the responsible ownership of the hybrid canine. In addition, the violator may be required by the animal control officer to surrender the hybrid canine for euthanasia in accordance with this division.

(Ord. of 1-8-01(2))

Sec. 10-157. Annual inspection.

The animal control officer shall inspect at least annually each hybrid canine pen to ensure that the hybrid canine cannot escape and that the pen meets the definition of adequate confinement as defined herein.

(Ord. of 1-8-01(2))

Sec. 10-158. Violation.

A violation of this division shall be a class III misdemeanor for the first violation and a class I misdemeanor for any subsequent violation. The county may require a violator to surrender the hybrid canine for euthanasia.

(Ord. of 1-8-01(2))

Sec. 10-159. Appeals.

Administrative decisions pursuant to this division, other than criminal warrants, may be appealed first to the sheriff, and then, if necessary, to the board of supervisors.

(Ord. of 1-8-01(2))

Secs. 10-160—10-169. Reserved.

Richmond, Virginia, Code of Ordinances >> PART II - CITY CODE >> Chapter 10 - ANIMALS* >>
ARTICLE III. - DOGS AND CATS >> DIVISION 2.1. HYBRID CANINES >>

DIVISION 2.1. HYBRID CANINES

Sec. 10-167. Definitions.

Sec. 10-168. Permit required.

Sec. 10-169. Application for and renewal of permit.

Sec. 10-170. Violations, penalties.

Sec. 10-167. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adequate confinement means a pen or enclosure constructed as follows: the pen or enclosure shall contain at least 500 square feet of space; any fencing used in the construction of the pen or enclosure shall be at least eight and one-half feet in height with an additional overhang of fencing or barbed wire angling a minimum of one and one-half feet into the pen or enclosure and not angling downward so as to fall below the eight and one-half feet height requirement; to prevent digging out along the fence, concrete footers at least one foot wide and six inches deep shall be installed along the perimeter of the pen or enclosure, and chain link fencing shall extend one and one-half feet below the surface along the perimeter of the pen or enclosure and shall be secured to the structure; the pen or enclosure shall be surrounded by a fence at least four feet in height and no closer than six feet to the pen or enclosure; any fencing used in the construction of the pen or enclosure shall be of eleven-gauge wire or its equivalent.

Direct supervision and control, for purposes of management of a hybrid canine, means muzzled and on a leash, lead, rope, or chain of sufficient material and condition to provide for the immediate control of the hybrid canine and under the immediate control of a competent adult handler.

Hybrid canine means the offspring resulting from the mating of a domesticated dog and a wolf, coyote or other similar wild animal or their subsequent offspring or any animal which at any time has been or is permitted, registered, licensed, advertised or otherwise described or represented as a hybrid canine, hybrid wolf, wolf, coyote, or percentage wolf or coyote by its owner, former owner, lessee or bailee to a licensed veterinarian, law enforcement officer, animal control officer, humane investigator, official of the department of health, or state veterinarian's representative.

Responsible ownership means the ownership and humane care of a hybrid canine in such a manner as to comply with all laws and ordinances regarding animals generally and hybrid canines specifically and to prevent endangerment by the hybrid canine of public health and safety.

(Ord. No. 2010-110-116, § 2, 6-28-2010)

Sec. 10-168. Permit required.

- (a) It shall be unlawful for any person to own or to have in a person's custody a hybrid canine, two months or older, in the City, unless such person holds a valid permit for the ownership of such hybrid canine in accordance with the provisions of this division.
- (b) Any hybrid canine permit issued in accordance with this division shall be valid for a period of no more than one year from the date of issuance. The permittee shall have sole responsibility for ensuring that all permit renewals are timely initiated to ensure that a valid permit is continuously in effect throughout the period of the permittee's ownership of a hybrid canine within the city.
- (c) No person or permittee shall own more than one hybrid canine, two months or older, at any time.
- (d) All permits issued in accordance with this division shall be subject to the following:
 - (1) Each hybrid canine shall wear a collar and tag designed and approved by the animal control officer bearing information identifying the hybrid canine as such and including the name, address, home telephone number and emergency contact telephone number of the owner and any custodian of the hybrid canine.
 - (2) Whenever it is on the property of its owner or custodian, each hybrid canine shall be maintained in an adequate confinement while not under the direct supervision and control of its owner or custodian. Direct supervision and control of the hybrid canine is required at all times that such animal is not maintained in an adequate confinement.
 - (3) Each hybrid canine shall be kept under the direct supervision and control of a competent adult handler whenever it is not on the property of its owner or custodian.
- (e) A hybrid canine permit shall be issued or renewed upon review and approval by the animal control officer. The animal control officer shall determine whether to approve an application for issuance or renewal of a hybrid canine permit based upon the following criteria:
 - (1) The type, quality and extent of the confinement of the hybrid canine while on the property of its owner or custodian. The animal control officer shall inspect the facility proposed to house the hybrid canine to confirm that such facility meets the requirements of adequate confinement, as defined in this division;
 - (2) The ability to handle safely the hybrid canine while not on the property of the owner;
 - (3) The knowledge and demonstrated experience of the owner to adequately care for, keep, and handle hybrid canines while on or off the property of the owner; and
 - (4) Whether the application is complete.

(Ord. No. 2010-110-116, § 2. 6-28-2010)

Sec. 10-169. Application for and renewal of permit.

- (a) Any person seeking a hybrid canine permit or to renew a hybrid canine permit shall complete and submit, together with payment of the applicable fee as set forth in Appendix A to this Code, to the department an application on a form provided by the department that requires the following information:
 - (1) Name, address, phone number, emergency contact phone number and date of birth of the applicant.
 - (2) Species, color, date of birth, sex, vaccination history, origin, and neutered status of the hybrid canine.
 - (3) Photographs of the hybrid canine, current at the time of application or renewal, which show the size, color and any identifying marks or characteristics of the hybrid canine.

- (4) Information as to identification tags, microchip, tattooing or other identifying marks of the hybrid canine.
 - (5) Name, address and phone number of the breeder of the hybrid canine or previous owner if not the breeder.
 - (6) Name, address and phone number of the hybrid canine's veterinarian.
 - (7) Copies of the hybrid canine's vaccination records required by sections 10-287 and 10-288 of this Code.
 - (8) If the hybrid canine is unneutered and over the age of four months, a copy of the breeder's permit required by section 10-228 of this Code.
 - (9) An executed consent form authorizing the City to inspect the premises where the hybrid canine is confined for the purpose of confirming compliance with the permit and this division.
 - (10) An executed statement certifying whether the hybrid canine has been declared dangerous in any court of law and, if so, identifying the court.
 - (11) Evidence of an insurance policy or rider thereto that will remain in effect for the life of the permit, specifically insuring the owner of the property upon which the adequate confinement is built and the permittee against claims arising from the bite of the hybrid canine.
 - (12) An executed consent form providing that, if the animal control officer determines the permittee to be in violation of any condition of the permit or of this division, the animal control officer may take the hybrid canine into the custody of the department pending correction of the violation within seven days of the date on which the hybrid canine is taken into the custody of the department and that, if the violation is not corrected within seven days of the date on which the hybrid canine is taken into the custody of the department, the permittee shall remove the hybrid canine from within the City limits.
- (b) The animal control officer shall review the application and inspect the hybrid canine and the proposed adequate confinement and determine whether approval is appropriate based on the criteria set forth in this section. The animal control officer shall indicate approval by certification of the application form.
- (c) Upon submittal of a hybrid canine permit application certified as approved by the department and the applicable fee as set forth in appendix A to this Code, the department shall issue to the applicant a hybrid canine permit.

(Ord. No. 2010-110-116, § 2, 6-28-2010)

Sec. 10-170. Violations, penalties.

- (a) Any person, whether an owner, temporary custodian, agent, bailee or employee, violating, causing, or permitting the violation of this division regarding regulation of hybrid canines or the conditions of a hybrid canine permit shall be guilty of a Class 3 misdemeanor for the first violation and a Class 1 misdemeanor for a second or a subsequent violation.
- (b) If the owner or custodian of a hybrid canine fails or refuses to obtain or renew any required permit or violates a provision of this division or any other law pertaining to the responsible ownership of the hybrid canine, then the department may take such hybrid canine into its custody pending correction of the violation within seven days of the date on which the hybrid canine is taken into the custody of the department. If the violation is not corrected within seven days of the date on which the hybrid canine is taken into the custody of the department, the permittee shall remove the hybrid canine from within the City limits.

- (c) In the event that any hybrid canine is found in any condition inconsistent with the requirements set forth in this division, any permit issued for such hybrid canine shall immediately be deemed null and void.
- (d) The department may revoke a permit or deny renewal of the permit if the owner has violated a provision of the permit or this division or any other law pertaining to the responsible ownership of the hybrid canine, including, but not limited to the escape of the hybrid canine from the adequate confinement or any death, damage, or injury caused by the hybrid canine, or if the owner has failed to renew the required permit in a timely manner.

(Ord. No. 2010-110-116, § 2, 6-28-2010)

Richmond, Virginia, Code of Ordinances >> PART II - CITY CODE >> - APPENDIX A FEE SCHEDULE*
>> CHAPTER 10. ANIMALS >>

CHAPTER 10. ANIMALS

Code Section	Description	Fee
10-62	Owner turn-in fee	\$25.00
10-169	Fee for initial application for hybrid canine permit	365.00
	Fee for renewal of hybrid canine permit	100.00
	(Ord. No. 2010-110-116, § 3, 6-28-2010)	
10-171(c)	Fee for a dangerous dog registration certificate	50.00
10-177	Fee for pickup and disposal of a dead companion animal by the city animal shelter	10.00
10-201(c)	Fee for reclamation of an impounded dog or cat by the owner	25.00
	Plus for each day or portion of a day the dog or cat has been impounded	5.00
10-201(d)	Adoption fees:	
	(1) Dogs:	
	a. Males	70.00
	b. Females	75.00
	(2) Cats	65.00
10-228(c)	Annual fee for each applicant for a breeding permit, per dog or cat	100.00
10-262(b)	Fee for transportation provided by the city for having a dog or cat sterilized and/or vaccinated for rabies by a licensed veterinarian	10.00
10-296(b)	Fee for release of an impounded dog or cat found not wearing a valid rabies tag or which cannot be determined to be currently vaccinated	25.00
	Plus, for each day or portion of a day the dog or cat has been confined	5.00

Spotsylvania County, Virginia, Code of Ordinances >> - CODE OF THE COUNTY >> Chapter 4 - ANIMALS AND FOWL >> ARTICLE VII. HYBRID CANINES >>

ARTICLE VII. HYBRID CANINES

Sec. 4-90. Definitions.

Sec. 4-91. Permit—Required.

Sec. 4-92. Same—Duration, scope and conditions.

Sec. 4-93. Same—Application fee.

Sec. 4-90. Definitions.

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

Adequate confinement means that, while on the property of its owner and not under the direct supervision and control of the owner or custodian, a hybrid canine shall be confined in a humane manner in a securely enclosed and locked structure of sufficient height and design to (i) prevent the animal's escape; or if the hybrid canine is determined to be a dangerous dog pursuant to the structure shall prevent direct contact with any person or animal not authorized by the owner to be in direct contact with the hybrid canine, and (ii) provide a minimum of one hundred (100) square feet of floor space for each adult animal. Tethering of a hybrid canine not under the direct supervision and control of the owner or custodian shall not be considered adequate confinement.

Hybrid canine means any animal which at any time has been or is permitted, registered, licensed, advertised or otherwise described or represented as a hybrid canine, wolf or coyote by its owner to a licensed veterinarian, law enforcement officer, animal control officer, humane investigator, official of the department of health, or state veterinarian's representative.

Responsible ownership means the ownership and humane care of a hybrid canine in such a manner as to comply with all laws and ordinances regarding hybrid canines and prevent endangerment by the animal to public health and safety.

(Ord. No. 4-15, 9-28-99)

Sec. 4-91. Permit—Required.

It shall be unlawful for any person to own a hybrid canine in the county, unless such person holds a valid permit for the ownership of such hybrid canine in accordance with the provisions of this article.

(Ord. No. 4-15, 9-28-99)

Sec. 4-92. Same—Duration, scope and conditions.

- (a) Any hybrid canine permit issued in accordance with this article shall be valid for a period of no more than one year from the date of issuance. The permittee shall have sole

responsibility for ensuring that all permit renewals are timely initiated to ensure that a valid permit is continuously in effect throughout the period the permittee's ownership of a hybrid canine within the county.

- (b) No permittee shall own more than two (2) hybrid canines at any time. Only one (1) permit shall be issued for any single address or household.
- (c) All permits issued in accordance with this article shall be subject to the following:
 - (1) Each hybrid canine shall wear a collar bearing identification, including the name, address and telephone number of the owner of the hybrid canine.
 - (2) Each hybrid canine shall be maintained in an adequate confinement, as defined in this article.
 - (3) Each hybrid canine shall be muzzled and kept under the control of a competent adult handler, on a leash, lead, rope or chain whenever it is not on the property of its owner.
- (d) In the event that any hybrid canine shall be found in any condition inconsistent with the requirements set forth herein, any permit issued for such hybrid canine shall be immediately deemed null and void, and such hybrid canine shall be taken into the custody of the department of animal control.

(Ord. No. 4-15, 9-28-99)

Sec. 4-93. Same—Application fee.

- (a) Any person seeking a hybrid canine permit shall complete an application provided by the department of animal control including following:
 - (1) Name, address, phone number and age of the applicant.
 - (2) Species, gender, color, age, sex, vaccination history and origin of the hybrid canine.
 - (3) Photographs of the hybrid canine shall be provided by the applicant sufficient (to the satisfaction of animal control) to show the size, color and any identifying marks or characteristics of the hybrid canine.
- (b) Any application for a hybrid canine permit shall be accompanied by payment of an application fee in the amount of twenty-five dollars (\$25.00).

(Ord. No. 4-15, 9-28-99)

Staunton

Chapter 6.25 HYBRID CANINES

Sections:

- 6.25.010 Definitions.
- 6.25.020 General.
- 6.25.030 Permit required.
- 6.25.040 Transfer of animal.
- 6.25.050 Control by owner.
- 6.25.060 Suspension – Violation – Inspection.
- 6.25.070 Treasurer notification to animal control officer.

6.25.010 Definitions.

As used in this chapter:

(1) "Adequate confinement" means that, while on the property of its owner and not under the direct supervision and control of the owner or custodian, a hybrid canine shall be confined in a humane manner in a securely enclosed and locked structure of sufficient height and design to (a) prevent the animal's escape; or if the hybrid canine is determined to be a dangerous dog pursuant to SCC 6.10.260, the structure shall prevent direct contact with any person or animal not authorized by the owner to be in direct contact with the hybrid canine; and (b) provide a minimum of 100 square feet of floor space for each adult animal. Tethering of a hybrid canine not under the direct supervision and control of the owner or custodian shall not be considered adequate confinement.

(2) "Hybrid canine" means any animal which at any time has been or is permitted, registered, licensed, advertised or otherwise described or represented as a hybrid canine, wolf or coyote by its owner to a licensed veterinarian, law enforcement officer, animal control officer, humane investigator, official of the Department of Health, or compliance officer who is under the direction of the State Veterinarian.

(3) "Responsible ownership" means the ownership and humane care of a hybrid canine in such a manner as to comply with all laws and ordinances regarding hybrid canines and prevent endangerment by the animal to public health and safety. (Ord. 2008-03. Code 1985, § 6-100).

6.25.020 General.

Pursuant to Sections 3.1-796.126:8 et seq. of the Code of Virginia (1950), as amended, no person, firm, corporation or other entity shall own, possess, breed, sell, trade, transfer, purchase, import or release hybrid canines within the city except as provided for in this chapter. (Code 1985, § 6-101).

6.25.030 Permit required.

(1) No person shall own a hybrid canine without obtaining a permit. Only persons residing within the boundary limits of the city shall be eligible to receive a permit for a hybrid canine except as otherwise provided in this section. Permits shall be granted for a period of 12 months and shall be renewed annually. The owner shall apply for a separate permit for each hybrid canine, except as provided for litters of hybrid canines in subsection (4) of this section. Annual permits shall not be issued for more than two hybrid canines six months of age or older to any one person or residence.

(2) A nonrefundable annual permit fee in the amount of \$50.00 for each hybrid canine will be collected from the owner by the treasurer or other officer charged with issuing the permits. A nonrefundable fee of \$20.00 will be collected for issuance of each temporary permit. A fee of \$10.00 will be collected for duplication of an existing permit.

(3) The treasurer or her agent shall issue an identification tag for the hybrid canine which shall be stamped or otherwise permanently marked to identify the animal as a hybrid canine, show the jurisdiction issuing the tag, the calendar year for which issued, and bear a serial number. The serial number shall be listed on the permit issued for the hybrid canine. The identification tag shall be securely fastened to a substantial collar by the owner or custodian and worn by such hybrid canine at all times. Upon affidavit of the owner or custodian before the treasurer, or her agent, that the original identification tag has been lost, destroyed, or stolen, she shall issue a duplicate identification tag which the owner or custodian shall immediately affix to the collar of the hybrid canine. The treasurer or her agent shall endorse the number of the duplicate and the date issued on the face of the original license receipt.

(4) Any person possessing a hybrid canine under the age of six months as of August 13, 1997, shall be required to obtain a temporary permit for each such hybrid canine or litter. The permit shall include the information required in subsection (8) of this section and shall be in effect until 30 days after the animal reaches six months of age, at which time an annual permit shall be required for each animal that remains in the city in accordance with this section.

(5) The hybrid canine permit shall be carefully preserved by the owner and exhibited promptly upon the request of inspection by any animal control officer, law enforcement officer, official of the Department of Health, humane investigator, or a State Veterinarian's representative.

(6) It shall be unlawful for any person to furnish false information for the purpose of obtaining a permit pursuant to this section.

(7) As a condition of maintaining a permit under this chapter, the permit holder shall agree to allow the animal control officer, or his agent, to inspect at any reasonable time, any premises where the hybrid canine is kept to ensure compliance with this chapter.

(8) Prior to approval of an application for a hybrid canine permit, the animal control officer shall inspect the facility where the hybrid canine will be confined to determine compliance with this chapter and state law. A hybrid canine permit or temporary permit shall have attached and shall include, but not be limited to:

- (a) Date of permit and date of expiration;
- (b) Name, address, age, and phone number of the owner of the hybrid or litter of hybrids;
- (c) Description, sex, age, color, height, length, and any identifying marks or numbers unique to the hybrid canine;
- (d) Location where the hybrid canine or hybrid canine litter will be kept;
- (e) Proof that the owner has coverage by a general liability insurance policy protecting the general public from any and all damages or injuries caused by the hybrid canine in their charge in an amount not less than \$50,000 per incident;
- (f) A statement of all vaccinations administered to the hybrid canine and the name and the address of the licensed veterinarian administering the vaccinations;

(g) The number of the individual hybrid canines owned by the permittee; and

(h) The signature of the owner. (Ord. 2008-03. Code 1985, § 6-102).

6.25.040 Transfer of animal.

(1) If the owner cannot keep the hybrid canine, he shall:

(a) Transfer it to another hybrid canine permittee, residing within the city, providing that the owner so notifies the city prior to transfer of ownership and the transfer is approved by the city after said notification that the new owner is in compliance with this chapter and records maintained by the city for the hybrid canine are amended to indicate the new owner and location of the hybrid;

(b) Transfer the hybrid canine to a person who resides outside the jurisdiction of the city, where the ownership of hybrid canines is legal; or

(c) Cause the hybrid canine to be humanely euthanized by a veterinarian. If the hybrid canine is transferred outside of the city, or euthanized, the original owner of the hybrid canine must notify the city within 10 days.

(2) The hybrid canine shall be adequately confined as that term is defined herein above. (Code 1985, § 6-103).

6.25.050 Control by owner.

(1) Hybrid canines when not on the owner's property shall be:

(a) Securely kept on a leash;

(b) Properly identified with the tag issued pursuant to SCC 6.25.030(3); and

(c) Under the direct supervision and control of the owner.

(2) The owner of a hybrid canine shall immediately notify the animal control officer if the hybrid canine is:

(a) Loose or not confined;

(b) Bites or attacks a person or another animal;

(c) Dies; or

(d) Has been moved to a different location. (Code 1985, § 6-104).

6.25.060 Suspension – Violation – Inspection.

(1) The city may deny, suspend, or revoke a permit if the applicant or permittee fails or refuses to obtain or renew any required permit for any hybrid canine or violates the provision of this chapter or any other law pertaining to the responsible ownership of the hybrid canine. In addition, the violator may be required by the city to surrender the hybrid canine for euthanasia in accordance with this chapter.

(2) The animal control officer shall inspect annually each hybrid canine pen to ensure that the hybrid canine cannot escape and that the pen meets the definition of adequate confinement as defined herein.

(3) A violation of this chapter shall be a Class 3 misdemeanor for the first violation and a Class 1 misdemeanor for a second or subsequent violation. The city may require a violator to surrender the hybrid canine for euthanasia. (Code 1985, § 6-105).

6.25.070 Treasurer notification to animal control officer.

Whenever an application is made to the treasurer of the city for a hybrid canine permit, the treasurer shall notify the animal control officer who shall inspect the facility where the hybrid canine will be confined and advise the treasurer as to the applicant's compliance or not with the terms of this chapter. (Code 1985, § 6-106; Ord. 2-26-98).

The Staunton City Code is current through Ordinance 2013-15, passed July 11, 2013.

Disclaimer: The City Clerk's Office has the official version of the Staunton City Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.staunton.va.us/>
(<http://www.staunton.va.us/>)

City Telephone: (540) 332-3810

Code Publishing Company
(<http://www.codepublishing.com/>)

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(<http://www.codepublishing.com/elibrary.html>)

Washington County, Virginia, Code of Ordinances >> PART I - CODE >> Chapter 10 - ANIMALS >>
ARTICLE II. - DOGS AND CATS >> DIVISION 5. HYBRID CANINES >>

DIVISION 5. HYBRID CANINES

Sec. 10-110. Definitions.

Sec. 10-111. Hybrid canine permit.

Sec. 10-112. Hybrid canine permit application.

Sec. 10-113. Penalty, violations.

Secs. 10-114—10-120. Reserved.

Sec. 10-110. Definitions.

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

Adequate confinement shall mean a securely enclosed and locked structure of sufficient height and design to (i) prevent the animal's escape; or if the hybrid canine is determined to be a dangerous dog pursuant to this article, the structure shall prevent direct contact with any person or animal not authorized by the owner to be in direct contact with the hybrid canine, and (ii) provide a minimum of 100 square feet of floor space for each adult animal. Tethering of a hybrid canine not under the direct supervision and control of the owner or custodian shall not be considered adequate confinement.

Direct supervision and control, for purposes of management of a hybrid canine, shall mean on a leash, lead, rope, or chain and under the immediate control of a competent adult handler.

Hybrid canine shall mean any animal which at any time has been or is permitted, registered, licensed, advertised or otherwise described or represented as a hybrid canine, wolf, coyote, or percentage wolf or coyote by its owner to a licensed veterinarian, law enforcement officer, animal control officer, humane investigator, official of the department of health, or state veterinarian's representative. Hybrid canine shall include, but not be limited to, the offspring resulting from the mating of a domesticated dog and a wolf, coyote or other similar wild animal as well as their subsequent offspring.

Responsible ownership shall mean the ownership and humane care of a hybrid canine in such a manner as to comply with all laws and ordinances regarding hybrid canines and to prevent endangerment by the animal to public health and safety.

(Ord. No. 2010-005, 9-14-2010)

State law reference— Similar provisions, Code of Virginia, § 3.2-6581.

Sec. 10-111. Hybrid canine permit.

- (a) It shall be unlawful for any person to own or to have in a person's custody a hybrid canine, four months or older, in the county, unless such person holds a valid permit for the

ownership of such hybrid canine in accordance with the provisions of this article. A separate permit shall be obtained for each hybrid canine, four months or older.

- (b) Any hybrid canine permit issued in accordance with this article shall be valid for a period of no more than one year from the date of issuance. The permittee shall have sole responsibility for ensuring that all permit renewals are timely initiated to ensure that a valid permit is continuously in effect throughout the period of the permittee's ownership of a hybrid canine within the county.
- (c) No permittee shall own more than two hybrid canines, four months or older, at any time.
- (d) All permits issued in accordance with this article shall be subject to the following:
 - (1) Each hybrid canine shall wear a collar bearing identification, including the name, address and telephone number of the owner of the hybrid canine.
 - (2) Whenever it is on the property of its owner or custodian, each hybrid canine shall be maintained in an adequate confinement while not under the direct supervision and control of its owner or custodian. Direct supervision and control of the hybrid canine, as defined in this article, is required at all times that such animal is not maintained in an adequate confinement.
 - (3) Each hybrid canine shall be muzzled and kept under the control of a competent adult handler, on a leash, lead, rope, chain, or in a crate whenever it is not on the property of its owner or custodian.
- (e) A hybrid canine permit shall be issued or renewed upon review and approval by the chief animal control officer or his designee. The chief animal control officer or his designee shall determine whether to approve an application for issuance or renewal of a hybrid canine permit based upon the following criteria:
 - (1) The type, quality and extent of the confinement of the hybrid canine while on the property of its owner or custodian. The chief animal control officer or his designee shall inspect the facility proposed to house the hybrid canine(s) to confirm that such facility meets the requirements of adequate confinement, as defined in this article; and
 - (2) Ability to handle safely the hybrid canine while not on the property of the owner; and
 - (3) The knowledge and demonstrated experience of the owner to adequately care for, keep, and handle hybrid canines while on or off the property of the owner.

(Ord. No. 2010-005, 9-14-2010)

State law reference— Authority to adopt regulations regarding hybrid canine permits, Code of Virginia, § 3.2-6582.

Sec. 10-112. Hybrid canine permit application.

- (a) Any person seeking a hybrid canine permit shall complete and submit to the department of animal control an application provided by the department of animal control that requires the following information:
 - (1) Name, address, phone number and date of birth of the applicant.
 - (2) Species, color, date of birth, sex, vaccination history, and origin of the hybrid canine.
 - (3) Height at the withers and length of the hybrid canine.
 - (4) Photographs of the hybrid canine, current at the time of application or renewal, which show the size, color and any identifying marks or characteristics of the hybrid canine.
 - (5) Information as to identification tags, tattooing or other identifying marks of the hybrid canine.
 - (6)

An executed consent form authorizing the chief animal control officer or his designee to inspect the premises where the hybrid canine is confined for the purpose to confirm compliance with the permit and this article.

- (7) An executed consent form that if an animal control officer determines the permittee to be in violation of any condition of the permit or of this article, the animal control officer may take the hybrid canine(s) into custody of the department of animal control pending correction of the insufficiency within a reasonable time period or for euthanization in accordance with Code of Virginia, § 3.2-6562.
- (b) The chief animal control officer or his designee shall review the application and inspect the proposed hybrid canine proposed adequate confinement and determine whether approval is appropriate based on the criteria set forth in this section. The reviewing officer shall indicate approval by certification of the application form.
- (c) Upon submittal of a hybrid canine permit application certified as approved by the department of animal control and the application fee as set forth in Appendix A - Fee Schedule, the office of the county treasurer shall issue to the applicant a hybrid canine permit.

(Ord. No. 2010-005, 9-14-2010)

State law reference— Authority to adopt regulations regarding hybrid canine permits, Code of Virginia, § 3.2-6582.

Sec. 10-113. Penalty, violations.

- (a) Any person, whether an owner, temporary custodian, agent, or employee, violating, causing, or permitting the violation of this article regarding regulation of hybrid canines or the conditions of a hybrid canine permit shall be guilty of a class 3 misdemeanor for the first violation and a class 1 misdemeanor for a second or a subsequent violation.
- (b) If the owner or custodian of a hybrid canine fails or refuses to obtain or renew any required permit or violates a provision of this article or any other law pertaining to the responsible ownership of the hybrid canine, then the department may require the owner to dispose of the hybrid canine or the department may take such hybrid canine into its custody for euthanasia in accordance with Code of Virginia, § 3.2-6562.
- (c) In the event that any hybrid canine is found in any condition inconsistent with the requirements set forth in this article, any permit issued for such hybrid canine shall immediately be deemed null and void.
- (d) The department may revoke a permit or deny renewal of the permit if the owner has violated a provision of the permit or this article or any other law pertaining to the responsible ownership of the hybrid canine, including, but not limited to the escape of the animal from the confinement or any death, damage, or injury caused by the hybrid canine, or if the owner has failed to renew any required permit in a timely manner.

(Ord. No. 2010-005, 9-14-2010)

State law reference— Authority to adopt regulations regarding hybrid canine permits, Code of Virginia, § 3.2-6582.

Secs. 10-114—10-120. Reserved.

Washington County, Virginia, Code of Ordinances >> PART I - CODE >> APPENDIX A FEE SCHEDULE
>>

APPENDIX A FEE SCHEDULE ¹¹

Code Section	Description	Fee
<i>CHAPTER 2. ADMINISTRATION</i>		
2-171	Fee for passing bad check to the county	\$25.00
2-191(a)(1)	Assessment on civil actions for law library and for courthouse construction, renovation, and maintenance	4.00
2-191(a)(2)	Assessment on criminal or traffic actions for courthouse construction, renovation, and maintenance	2.00
2-193(a)	Fee for processing into local jail	25.00
2-193(b)	Fee for courthouse security	10.00
(Ord. No. 2007-06, § 1, 4-10-2007)		
<i>CHAPTER 10. ANIMALS</i>		
10-5(a)	Burial or cremation fee for animals, not to exceed	\$75.00
10-5(a)	Burial or cremation fee for fowl, not to exceed	5.00

10-54(a)	Dog license fee:	Yearly license	3-Year license
	Male dog	6.00	16.00
	Female dog	7.00	19.00
	Spayed or neutered dog	4.00	10.00

Code Section	Description	Fee
10-54(b)	Kennel license:	
	Less than 20 dogs	30.00
	20 or more dogs	50.00
10-56	Fee for duplicate dog license tag	1.00
10-78	Registration of dangerous dogs	50.00
10-112	Hybrid canine permit fee	50.00
10-126	Adoption fee for unclaimed animals:	
	For cats	15.00
	For dogs	25.00
10-128	Impoundment fee for animals in possession of animal shelter, per day	5.00
10-155	Sterilization deposit	50.00
(Ord. No. 2007-09, § 2, 7-10-2007)		

