

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 22ND DAY OF FEBRUARY, NINETEEN HUNDRED NINETY-FOUR, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Perry M. DePue, Chairman, Powhatan District
David L. Sisk, Vice Chairman, Roberts District

Jack D. Edwards, Berkeley District
Robert A. Magoon, Jr., Jamestown District
Stewart U. Taylor, Stonehouse District
David B. Norman, County Administrator
Frank M. Morton, III, County Attorney

B. PRESENTATIONS

1. Resolution of Appreciation, Catherine Y. Short

Mr. DePue read the resolution and presented it to Ms. Catherine Y. Short.

Ms. Short expressed thanks to the Board.

RESOLUTION OF APPRECIATION

WHEREAS, Catherine Yates Short has served on the James City County Electoral Board for seven years providing invaluable guidance, support, and encouragement to the General Registrar; and

WHEREAS, during her tenure, Mrs. Short was the administrative head of the Board, managing the annual appointments and training of Officers of Election, setting policies and procedures, managing the budget and serving as liaison with County Administration; and

WHEREAS, Mrs. Short devised Officer of Election training methods and materials shared with and adopted by other localities, and designed polling place signs now in use throughout the Commonwealth and nationwide; and

WHEREAS, Mrs. Short was the Electoral Board representative at the 1991 meetings of the Redistricting Advisory Committee, reviewing proposed changes to local election district boundary lines, in accordance with Federal and State laws and local standards and criteria.

NOW, THEREFORE, BE IT RESOLVED that the James City County Board of Supervisors, James City County, Virginia, hereby expresses its gratitude, on behalf of the residents of the County for Mrs. Short's outstanding contributions in preserving the integrity of the electoral process.

1. Historical Commission Bylaws

RESOLUTION

HISTORICAL COMMISSION BYLAWS

WHEREAS, the Board of Supervisors established a Historical Commission on July 8, 1985, and approved its Guidelines on August 26, 1985; and

WHEREAS, the Historical Commission desires to amend its current Bylaws.

NOW, THEREFORE, BE IT RESOLVED that the James City County Board of Supervisors, James City County, Virginia, authorizes the Historical Commission to amend its Bylaws.

2. Cable Interconnect - James City County and City of Williamsburg

Mr. DePue stated that the cable interconnect would permit the sharing of programs between the two jurisdictions.

Mr. DePue made a motion to approve Item No. 2 on the Consent Calendar.

On a roll call, the vote was: AYE: Magoon, Edwards, Taylor, Sisk, DePue (5). NAY: (0).

RESOLUTION

OPERATING BUDGET CONTINGENCY TRANSFER

WHEREAS, the City of Williamsburg, Warner Cable, Continental Cablevision, and James City County have agreed to a cable interconnect that will permit City Programs to be shown in the County and County Programs to be shown in the City; and

WHEREAS, the County Cable Television Advisory Committee has recommended that such interconnect be installed to promote regional communication; and

WHEREAS, the Board of Supervisors of James City County maintains a Contingency Fund within the General Fund Operating Budget for unanticipated spending.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the following Budget transfers be executed to accommodate unanticipated spending increases:

Transfer From:

Operating Contingency	<u>\$1,900</u>
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Transfer To:

Communications	<u>\$1,900</u>
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E. PUBLIC HEARINGS**1. Ordinance Amendment, Chapter 18, Taxation, Exemption from Personal Property Taxation for Specially Equipped Motor Vehicles and for Disabled Veterans**

Mr. John E. McDonald, Manager of Financial and Management Services, stated that two ordinances were presented; the first one created a new Section 18-13.5, exemption for specially equipped vehicles for physically handicapped individuals from the County's personal property tax; and the second one, Section 18-13.6 would include the proposed exemption for specially equipped vehicles and an additional exemption for a vehicle owned by a qualifying disabled veteran.

Staff recommended approval of ordinance amendment Section 18-13.5, and did not recommend approval of Section 18-13.6.

The Board and L. Carlyle Ford, Commissioner of the Revenue, briefly discussed Code regulations.

Mr. DePue opened the public hearing on the two ordinances.

1. Mr. Christopher Prendergast, 7602 Vincent Drive, Toano, spoke in support of exemption from taxes of a motor vehicle owned by a disabled veteran.

2. Mr. John Edgerton, 226 Rolfe Road, Williamsburg, Commander of Chapter 34, Disabled American Veterans, spoke in support of the ordinance which exempted from personal property tax both the specially equipped motor vehicle and a motor vehicle owned by a disabled veteran.

3. Mr. Warren H. Tignor, 114 Northpoint Drive, Chaplain of Chapter 34, Disabled American Veterans, spoke in favor of exemption of personal property tax for the service connected disabled veteran.

4. Mr. Carlyle Ford, Commissioner of Revenue, recommended the Board approve total exemption as stated in Article 12 of the State Code.

Mr. DePue closed the public hearing.

The Board discussed estimated cost of lost revenue and clarification of qualified disabled veteran.

Mr. DePue made a motion to approve Section 18-13.5 of the ordinance.

On a roll call, the vote was: AYE: Magoon, Edwards, Taylor, Sisk, DePue (5). NAY: (0).

Mr. Taylor made a motion to approve Section 18-13.6 of the ordinance.

On a roll call, the vote was: AYE: Taylor, Sisk, DePue (3). NAY: Magoon, Edwards (2).

2. Six-Year Plan for Secondary Road Improvements - 1994

Mr. John T. P. Horne, Manager, Development Management, stated that the Virginia Department of Transportation estimated that Section I Projects of the Six-Year Plan for Secondary Road Improvements - 1994 would be funded and constructed within six years. He noted deletions and additions to that list.

Mr. Horne further stated that Section II Projects were intersection improvements, bikeways, four lane improvements and new construction.

Mr. Horne indicated the Planning Commission approved the FY 94-99 Secondary Road Improvements Plan, and staff recommended adoption of the resolution.

Discussion of additions, funding available for dirt road (Racefield Drive) would continue to be deficient, developers would contribute toward future construction projects, such as Outer Bypass Road, followed.

Mr. DePue requested that the Centerville Road and News Road projects be added to Section I.

Mr. Edwards asked that a summary of road projects be made available to citizens in the FYI newsletter.

Mr. DePue opened the public hearing, and as no one wished to speak, he closed the public hearing.

Mr. DePue made a motion to approve the resolution.

On a roll call, the vote was: AYE: Magoon, Edwards, Taylor, Sisk, DePue (5). NAY: (0).

RESOLUTION

SECONDARY ROADS SIX-YEAR PLAN

WHEREAS, the Board of Supervisors of James City County, Virginia, has reviewed Secondary Roads Construction priorities proposed by the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the 1994 Secondary Roads Priority List and Plan dated January 1994.

F. BOARD CONSIDERATIONS

1. Ordinance Amendment, Chapter 3, Animals and Fowl, Repeal Sections 3-1 through Section 3-24. Replace with Sections 3-1 through 3-67

Mr. Leo P. Rogers, Assistant County Attorney, stated that the proposed ordinance would repeal and reenact Chapter 3, Animal Control, of the County Code. He reported that the memorandum described the proposed changes as requested by the Board at its January 18, 1994, and February 7, 1994, meetings.

Mr. DePue made a motion to amend Section 3-48 to retain current annual dog and kennel fees.

Mr. Taylor made a motion to delete Section 3-8, location of animals other than dogs and cats.

The Board discussed whether existing use could be covered by a grandfather clause or the language rewritten in Section 3-8. Staff responded that Section 3-8 was consistent with State Code.

On a roll call for motion to delete Section 3-8, the vote was: AYE: Magoon, Edwards, Taylor, Sisk, DePue (5). NAY: (0).

The Board discussed length of time existing dog and kennel fees have remained the same.

On a roll call for motion to retain current annual dog and kennel fees, the vote was: AYE: Magoon, Taylor, DePue. (3) NAY: Sisk, Edwards (2).

Mr. DePue made a motion to approve the amended ordinance amendment.

On a roll call, the vote was: AYE: Magoon, Edwards, Sisk, DePue (4). NAY: Taylor (1).

2. Hampton Redevelopment and Housing Authority Multifamily Housing Revenue Refunding Bonds, Series 1987 (James-Oxford Project)

Mr. Sanford B. Wanner, Assistant County Administrator, stated that a public hearing was held on the application of James-Oxford Limited Partnership, a Maryland limited partnership, to the Hampton Redevelopment and Housing Authority for issuance of the Housing Authority's refunding revenue bonds in an amount not to exceed \$9,465,000, to refund all or a portion of the Housing Authority's Multifamily Housing Refunding Revenue Bonds, Series 1987 (James-Oxford Project).

He described the proposed financing as a refund of Hampton Redevelopment and Housing Authority's 1987 bonds, issued to refund the Housing Authority's 1985 bonds, proceeds of which were used to make a loan to the Developer to assist in acquisition, construction, and equipping by the Developer of a 220-unit multifamily residential project on a 15.1-acre site located at 3700 Steeplechase Drive.

Mr. Sisk made a motion to approve the resolution.

On a roll call, the vote was: AYE: Magoon, Edwards, Taylor, Sisk, DePue (5). NAY: (0).

3. Resolution of Support - New Kent County Racetrack

Mr. DePue read from the staff memorandum that "The County of New Kent has worked for over five years to create a Virginia Parimutuel Racetrack. New Kent officials, on February 15, 1994, made a presentation on their project to elected and appointed officials from surrounding jurisdictions.... Following the presentation New Kent County asked James City County and the other jurisdictions to support their efforts to secure this track."

Mr. H. Garrett Hart, New Kent County Administrator, was present and available to answer any questions.

Mr. DePue made a motion to approve the resolution.

Mr. Edwards expressed his dissatisfaction with government involvement and increasing dependence on gambling revenue; Mr. DePue and Mr. Magoon supported New Kent County as the best location for a race track; Mr. Taylor felt the County should support a neighboring jurisdiction, and Mr. Sisk mentioned favorable economic impact on our County.

On a roll call, the vote was: AYE: Magoon, Taylor, Sisk, DePue (4). NAY: Edwards (1).

RESOLUTION OF SUPPORT - NEW KENT COUNTY RACETRACK

WHEREAS, in November 1988 the voters of Virginia approved a referendum to permit pari-mutuel betting in the Commonwealth; and

WHEREAS, New Kent County became, in July 1989, the first locality in the Commonwealth to vote in favor of locating a horse racetrack within its jurisdiction; and

WHEREAS, since that time New Kent County has worked with the goal of developing the highest quality racing program for all Virginians; and

WHEREAS, the Board of Supervisors of James City County, Virginia, believes that the location of Virginia's first pari-mutuel racing facility in New Kent County will enhance tourism, agribusiness, and the economy of the region and will therefore provide a benefit to Virginia as a whole.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, endorses the efforts of New Kent County to locate Virginia's first pari-mutuel racing facility in its County.

G. PUBLIC COMMENT

1. Ms. Linda Tiexeira, 904 Wood Duck Commons, mentioned County drainage problems and asked why a second deadline was given and when the 10-day deadline expired for removal of an utility pole at the entrance to Pheasant Hill subdivision.

Mr. DePue asked that a letter be sent to Ms. Tiexeira informing her of the deadline expiration date.

2. Mr. Bill Weldon, 140 Pasbehegh, voiced concern about structural damage caused by the shrink/swell soils and using clay soil for backfill. He asked the Board to review the building code.

3. Mr. Charles Apperson, 4960 Fenton Mill Road, asked for clarification of subdivision regulations and rules and for reasons to pay fees to subdivide his wooded property.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. David B. Norman, County Administrator, announced the dedication of James River Elementary School, 2:00 p.m., Saturday, February 26, 1994; Citizen Information Fair at Norge Elementary School, 7:30 - 9:00 p.m., Friday, February 25, 1994; Call-In Program featuring Referendum information, 7:00 - 9:00 p.m., Monday, February 28, 1994; Vote on Tuesday, March 1, 1994, on Referenda, polls open 6:00 a.m. - 7:00 p.m. and watch Cable Channel 36 for the election results beginning at 8:00 p.m.

Mr. Norman recommended an executive session pursuant to Section 2.1-344(A)(1) of the Code of Virginia to consider a personnel matter, appointment of individuals to County Boards and/or Commissions and Section 2.1-344(A)(3) of the Code of Virginia to consider acquisition of public property.

I. BOARD REQUESTS AND DIRECTIVES

Mr. DePue asked staff to set a work session for shrink/swell soil issues in the near future.

Mr. DePue requested a report on logging operations on News Road and how to improve the appearance of the site.

Mr. DePue declared a recess of the Board for a James City Service Authority meeting at 9:50 p.m.

Mr. DePue reconvened the Board and made a motion to convene into executive session as recommended above by the County Administrator at 10:10 p.m.

On a roll call, the vote was: AYE: Magoon, Edwards, Taylor, Sisk, DePue (5). NAY: (0).

Mr. DePue reconvened the Board into open session and made a motion to approve the executive session resolution at 10:57 p.m.

On a roll call, the vote was: AYE: Magoon, Edwards, Taylor, Sisk, DePue (5). NAY: (0).

RESOLUTION

MEETING DATE: February 22, 1994

CERTIFICATION OF EXECUTIVE MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

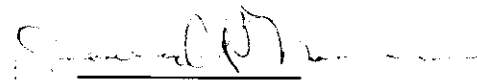
WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such executive meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge; (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies; and, (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board.

Mr. Taylor made a motion to adjourn.

On a roll call, the vote was: AYE: Magoon, Edwards, Taylor, Sisk, DePue (5). NAY: (0).

The Board adjourned at 10:58 p.m.



David B. Norman
Clerk to the Board

FEB 22 1994

ORDINANCE NO. 107A-15

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 18, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, PERSONAL PROPERTY TAX, BY ADDING SECTION 18-13.5, EXEMPTION FROM PERSONAL PROPERTY TAX FOR SPECIALLY EQUIPPED MOTOR VEHICLES; AND SECTION 18-13.6, EXEMPTION FROM PERSONAL PROPERTY TAXATION FOR DISABLED VETERANS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 18, Taxation, is hereby amended and reordained by adding Section 18-13.5, Exemption from personal property tax for specially equipped motor vehicles; and Section 18-13.6, Exemption from personal property taxation for disabled veterans.

Chapter 18. Taxation

Article III. Personal Property Tax

Section 18-13.5. Exemption from personal property tax for specially equipped motor vehicles.

a. *Motor vehicles specially equipped to provide transportation for physically handicapped individuals shall be exempt from personal property taxation, if such motor vehicle is licensed with special plates pursuant to Section 46.2-731 of the Code of Virginia, as amended.*

b. *For the purposes of this Section "motor vehicles specially equipped to provide transportation for physically handicapped individuals" shall mean any motor vehicle adapted with one or more of the following devices to assist an individual who has either lost, or lost the use of, one or both legs, arms, hands or feet:*

Ordinance to Amend and Reordain
Chapter 18. Taxation
Page 2

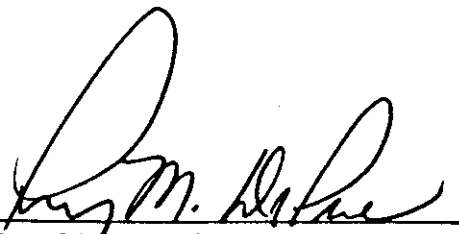
1. *power door operators;*
2. *special hand or foot operated controls;*
3. *lift or ramp for wheelchair or scooters;*
4. *special restraint system for wheelchairs;*
5. *raised door and roof to allow wheelchair entry;*
6. *special steering devices, including, but not limited to tri-pins or V grips;*
7. *driving aids, including, but not limited to touch pads, low-effort power steering, power steering backup, power parking brake or electronic directional signals; or*
8. *roll cages.*

Section 18-13.6. Exemption from personal property taxation for disabled veterans.


a. Motor vehicles owned and regularly used by any disabled veteran shall be exempt from personal property taxation. However, a qualifying disabled veteran may have no more than one motor vehicle exempted from taxation.

Ordinance to Amend and Reordain
 Chapter 18. Taxation
 Page 3

b. For the purposes of this Section, a "disabled veteran" shall mean any veteran of the United States Armed Forces who has either lost, or lost the use of, one or both legs, arms or hands, or who is blind, or who is permanently and totally disabled as certified by the department of Veterans' Affairs. In order to qualify under this Section, the disabled veteran must provide a written statement to the Commissioner of the Revenue from the Department of Veterans' Affairs as to meet the requirements of this Section, and that his/her disability is service connected. For the purposes of this Section, a person is blind who meets the provisions of Section 46.2-739 of the Code of Virginia.


 Perry M. DePue, Chairman
 Board of Supervisors

ATTEST:


 David B. Norman
 Clerk to the Board

SUPERVISOR	VOTE
MAGOON	NAY
EDWARDS	NAY
TAYLOR	AYE
SISK	AYE
DEPUE	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd of February, 1994.

PROPOSED PRIORITY LIST
 SECONDARY ROAD IMPROVEMENTS
 SIX YEAR PLAN
 FEBRUARY 1994

SECTION I

PRIORITY	ROAD, ROUTE # AND LENGTH	TRAFFIC 1990 (ADT)	ACCIDENTS (1992) Total/Per Mile/Injuries	NTR	ESTIMATED COST	ESTIMATED COMPLETION	*POINT VALUE
1	Forge Road (Route 610) from Richmond Road (Route 60) to Diascund Road (Route 603) - 3.10 miles	2331	4/1.3/4	500	\$1,690,000	FY97	2871
2	Forge Road (Route 610) from Diascund Road (Route 603) to North Riverside Drive (route 715) - 1.11 miles	1441	0/0/0	500	\$665,000	FY97	1941
3	Neck-o-Land Road (Route 682) from Jamestown Road (Route 31) to Constance Avenue (Route 1450) - 1.19 miles	1905	1/84/1	0	\$1,185,000	FY98	1915
4	Lake Powell Road (Route 617) from Chestnut Drive (Route 709) to Lake Powell Road W (Route 618) - 0.90 miles	654	0/0/0	500	\$595,000	FY99	1154
5	Moortown Road (Route 603) from 0.21 miles west of Raintree Way (Route 1447) to 0.36 miles east of Lightfoot Road (Route 646) - 0.76 miles	438	0/0/0	500	\$680,000	FY97	938
6	Croaker Road (Route 607) from Woodland Road (Route 1601) to Croaker Landing Road (Route 605) - 1.73 miles	415	1/58/1	500	\$600,000	FY00	925
7	Racefield Drive (Route 622) from 1.32 miles East of Stewarts Road (Route 621) to Stewarts Road (Route 621) - 1.32 miles	352	1/76/0	500	\$415,000	Beyond 2000	869 SEE NOTE 1

*Point Value = ADT + (Accidents x 10) + NTR
 Non-Tolerable Road = 500
 Tolerable = 0

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NOTES:

(1) VDOT unimproved road funds

PROPOSED PRIORITY LIST
SECONDARY ROAD IMPROVEMENTS
SIX YEAR PLAN
FEBRUARY 1994

SECTION II

PRIORITY	ROAD, ROUTE # AND LENGTH	TRAFFIC 1990 (ADT)	ACCIDENTS (1992) Total/Per Mile/Injuries	ESTIMATED COST	ESTIMATED COMPLETION	POINT VALUE
1	Ironbound Road (Route 615), left & right turn lanes @ Tewning Road (Route 747) - 0.30 miles	14,508	1/3.3/0	\$ 140,000	FY95	14,518
2	Strawberry Plains Road (Route 616), left turn lane @ Midlands Road (Route 780) - 0.15 miles	12,807	4/26.7/2	160,000	FY95	12,847
3	Longhill Connector Road (Route 615), right turn lane @ Ashbury Road (Route 322) - 0.15 miles	10,392	3/20.0/2	35,000	FY94	10,422
4	Bikeway-Longhill Road (Route 612) from Olde Towne Road (Route 658) to Longhill Connector Road (Route 615) including intermodal transfer station @ Recreation Center - 0.86 miles	10,932	10/11.6/1	150,000	FY01	11,032
	Bikeway-Ironbound Road (Route 615) from Longhill Connector Road (Route 322) to Strawberry Plains Road (Route 616) - 1.08 miles	14,508	6/5.6/3	160,500*	FY99	14,568
	Bikeway-Monticello Ave (Route 321) from Ironbound Road (Route 615) to Compton Drive - 0.72 miles	11,000(est)	5/6.9/0	0	FY99	11,050
5	4 lane widening-Longhill Road (Route 612) from Longhill Connector Road (Route 322) to Centerville Road (Route 614) - 3.53 miles	10,932	16/4.5/5	4,700,000	FY02	11,092
6	New construction-Outer Bypass from Croaker Road (Route 607) to Centerville Road (Route 614) - 2.98 miles	20,000 (future)	NA	4,050,000		20,000

* Anticipate 80% funding by CEMAQ.

SECONDARY SYSTEM

COUNTY: JAMES, CI

CONSTRUCTION PROGRAM

ESTIMATED ALLOCATIONS

YEAR	NEW S.T.	FEDERAL	OTHER	TOTAL
1994-95	\$2,556	\$475,000	\$553,447	\$1,031,003
1995-96	\$2,715	\$1,520,000	\$-389,362	\$1,133,353
1996-97	\$2,785	\$830,000	\$322,530	\$1,155,315
1997-98	\$2,927	\$34,000	\$1,129,788	\$1,166,715
1998-99	\$3,033	\$400,067	\$800,000	\$1,203,100
1999-00	\$3,033	\$1,003,100	\$196,967	\$1,203,100
TOTALS	\$17,049	\$4,262,167	\$2,613,370	\$6,892,586

APPROVAL

[Signature] _____ DATE *3/2/94*

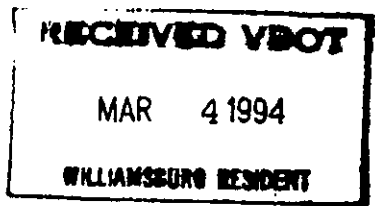
BOARD OF SUPERVISORS

[Signature] _____ DATE *3/7/94*

VDOT RESIDENT ENGINEER

[Signature] _____ DATE *3/2/94*

(CHAIRMAN, CLERK, CO. ADMINISTRATOR, ETC.) DATE



SECONDARY SYSTEM

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COUNTY JAMES CI
 RESIDENCY WILLIAMSBURG
 DISTRICT SUFFOLK

CONSTRUCTION PROGRAM
 (In Dollars)

ROUTE	DESCRIPTION LENGTH	ESTIMATED COST	COMMENTS
ROUTE 0715 C: 876 D: 11266 CONTRACT DATE (1)	N. RIVERSIDE DRIVE 0715-047-145, M501 FR: RT. 610 TO: RT. 1014 LENGTH: 1.28 MI. GR, DR, STAB & ST	P.E. 55,000 R/W 190,000 CON 525,000 TOT 770,000 EAD 08 1992 ECD 07 1993	
ROUTE 0614 C: 4466 D: 4179 CONTRACT TP (2)	CENTERVILLE ROAD 0614-047-132, M504 FR: 0.79 MI W RT 60 RT. 60 LENGTH: 0.79 MI. GR, DR, STAB & PM	P.E. 50,000 R/W 695,000 CON 245,000 TOT 990,000 EAD 07 1993 ECD 11 1993	FINANCED BY REVENUE SHARING FUNDS FY 1990-91.
ROUTE 8000 (0)	NEW ADDITION 8000-5603-500 FR: TO: LENGTH:	P.E. 0 R/W 0 CON 528,000 TOT 528,000	
ROUTE 0614 C: 2800 D: 4178 CONTRACT TP (1)	CENTERVILLE ROAD 0614-047-132, M503 FR: RT. 611 TO: 0.79 MI W RT 60 LENGTH: 0.92 RECONSTRUCT & PM	P.E. 13,178 R/W 195,808 CON 655,000 TOT 863,986 EAD 09 1993 ECD 06 1994	\$234,890 FINANCED BY REVENUE SHARING FUNDS FY 1991- 92.
ROUTE 0614 C: 3075 D: 4177 CONTRACT (2)	CENTERVILLE ROAD 0614-047-132, M502 FR: RT. 612 TO: RT. 611 LENGTH: 1.37 MI. RECONSTRUCT & PM	P.E. 15,000 R/W 422,241 CON 890,000 TOT 1,327,241 EAD 09 1993 ECD 08 1994	\$435,110 FINANCED BY REVENUE SHARING FUNDS FY 1991- 92.
ROUTE 0614 C: 1675 D: 4180 CONTRACT TP (3)	CENTERVILLE ROAD 0614-047-132, M505 FR: 0.02 MI S RT 613 TO: RT. 633 LENGTH: 1.67 MI. RECONSTRUCT & PM	P.E. 20,000 R/W 215,000 CON 860,000 TOT 1,095,000 EAD 09 1993 ECD 12 1994	\$535,500 FINANCED BY REVENUE SHARING FUNDS FY 1992-93
ROUTE 0610 C: 1845 D: 10039 CONTRACT DATE (4)	FORGE ROAD 0610-047-148, M501 FR: RT. 60 TO: RT. 603 LENGTH: 2.41 MI. RECONSTRUCT & ST	P.E. 125,000 R/W 820,000 CON 950,000 TOT 1,895,000 EAD 10 1995 ECD 08 1996	\$300,000 FINANCED BY REVENUE SHARING FUNDS FY 1992-93
ROUTE 0610 C: 1845 D: 1802 CONTRACT DATE (5)	FORGE ROAD 0610-047-136, M501 FR: ROUTE 603 TO: ROUTE 715 LENGTH: 1.11 MI. RECONSTRUCT & ST	P.E. 30,000 R/W 175,000 CON 460,000 TOT 665,000 EAD 07 1996 ECD 10 1996	\$164,500 FINANCED BY REVENUE SHARING FUNDS FY 93-94
ROUTE 0747 C: 14508 D: CONTRACT DATE (6)	IRONBOUND 0747-047- FR: 0.1 MS RTE 747 TO: 0.1 MN RTE 747 LENGTH: 0.2 M CONSTR. LEFT TRN LNS	P.E. 25,000 R/W 35,000 CON 82,500 TOT 142,500 EAD 04 1995 ECD 08 1995	\$82,500 TO BE FINANCED BY REVENUE SHARING FY 93-94 50% OF THE PROJECT IS WITHIN THE CITY OF WILLIAMSBURG. THEREFORE 50% OF THE FUNDING IS TO COME FROM URBAN.
ROUTE 0616 C: 12807 D: CONTRACT DATE (7)	STRAWBERRY PLAINS RD 0616-047- FR: 0.5 MS RTE 615 TO: 0.8 MS RTE 615 LENGTH: 0.3 M CONSTR. LEFT TRN LN	P.E. 25,000 R/W 50,000 CON 85,000 TOT 160,000 EAD 04 1995 ECD 08 1995	\$82,500 TO BE FINANCE BY REVENUE SHARING FY 93-94

COUNTY JAMES CI
RESIDENCY WILLIAMSBURG
DISTRICT SUFFOLK

CONSTRUCTION PROGRAM
(In Dollars)

Page: 2

ROUTE	DESCRIPTION LENGTH	ESTIMATED COST	COMMENTS
ROUTE 0614 C: 1675 D: 1675 CONTRACT DATE (8)	CENTERVILLE RD 0614-047-132.M FR:RT 613 NEWS RD TO:RT 613 BRICK BAT LENGTH: 0.4 M RECONSTR. & WIDEN	P.E. 40,000 R/W 120,000 CON 250,000 TOT 410,000 EAD 05 1996 ECD 10 1996	\$60,000 TO BE FINANCED BY REVENUE SHARING FUNDS FY 94-95 THIS SECTION WILL COMPLETE THE RECONSTR. & WIDENING OF RT 614 DEVELOPER CONST. LAST SECTION
ROUTE 0615 C: 9010 D: 9010 CONTRACT DATE (9)	LONGHILL CONNECTOR 0615-047-153.M501 FR:0.15 MS RTE 322 TO:0.15 MN RTE 322 LENGTH:0.3 M CONSTR. RT.TRN LN	P.E. 10,000 R/W 0 CON 30,000 TOT 40,000 EAD 06 1994 ECD 07 1994	\$35,000 TO BE FINANCED BY REVENUE SHARING FY 93-94
ROUTE 0682 C: 1070 D: 11265 CONTRACT DATE (10)	NECK-0-LAND ROAD 0682-047-149.M501 FROM: ROUTE 31 TO: ROUTE 1450 LENGTH: 1.19 RECONSTRUCT & ST	P.E. 35,000 R/W 300,000 CON 850,000 TOT 1,185,000 EAD 07 1997 ECD 06 1998	\$393,000 TO BE FINANCED BY REVENUE SHARING IN FY 1993-94
ROUTE 0617 C: 502 D: 12237 CONTRACT DATE (11)	LAKE POWELL 0617-047-151.M501 FR: RT. 709 TO: RT. 618 LENGTH: 0.90 MI. RECONSTRUCT & ST	P.E. 50,000 R/W 175,000 CON 400,000 TOT 625,000 EAD 07 1998 ECD 07 1999	
ROUTE 0603 C: 1174 D: 1174 CONTRACT DATE (12)	MOORETOWN RD 0603-099-173.M501 FR: 0.21 MW RTE 1447 TO: 0.36 ME RTE 646 LENGTH: 0.76 RECONSTR., WIDEN & PM	P.E. 30,000 R/W 100,000 CON 550,000 TOT 680,000 EAD 06 1995 ECD 04 1996	\$393,000 TO BE FINANCED BY REVENUE SHARING FUNDS FY 93-94 PROJECT TO INCLUDE SIDEWALKS. ROAD ON COUNTY LINE. \$284,000 TO BE FINANCED WITH YORK CO. 6YR FUNDS
ROUTE 0607 C: 8694 D: 3089 CONTRACT DATE (13)	CROAKER ROAD 0607-047-113.C502 FR: RT. 1601 TO: RT. 605 LENGTH: 1.73 MI. RECONSTRUCT & ST	P.E. 50,000 R/W 75,000 CON 500,000 TOT 625,000 EAD 09 1998 ECD 06 1999	
ROUTE 0612 C: 9010 D: 9010 CONTRACT DATE (14)	LONGHILL RD 0612-047- ,C FR: RTE 614 TO: RTE 322 LENGTH: 3.53 4 LANE WIDENING	P.E. 200,000 R/W 1,500,000 CON 3,800,000 TOT 5,500,000 EAD 01 2001 ECD 01 2002	PROJECT SHOULD BE COORDINATE WITH THE ULTIMATE RTE 199 PROJECT.
ROUTE 0612 C: 9010 D: 9010 CONTRACT DATE (15)	LONGHILL RD 0612-047- ,C FR: RTE 658 TO: RTE 615 LENGTH: 0.86 CONSTR. BIKEWAYS	P.E. 40,000 R/W 40,000 CON 120,000 TOT 200,000 EAD 07 2000 ECD 01 2001	ALIGNMENT TO BE COORDINATED WITH THE 4 LANING OF RTE 612
ROUTE 0615 C: 9010 D: 9010 CONTRACT DATE (16)	IRONBOUND RD 0615-047-154.M501 FR:WMBG CITY LIMITS TO: RTE 616 LENGTH:1.08 M CONSTR. BIKEWAYS	P.E. 20,000 R/W 40,000 CON 120,000 TOT 180,000 EAD 07 1998 ECD 01 1999	CMAQ FUNDS TO BE USED ON THIS PROJECT.
ROUTE 0607 C: 5000 D: 5000 CONTRACT DATE (17)	OUTER BYPASS 0607-047- ,C FR:RT 607 & 60 INTR. TO: RTE 614 LENGTH: 2.98 MI. NEW ALIGNMENT	P.E. 150,000 R/W 900,000 CON 3,000,000 TOT 4,050,000 EAD 07 2003 ECD 07 2005	

FEB 22 1994

ORDINANCE NO. 7A-15

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE OF THE COUNTY OF JAMES CITY, VIRGINIA PROVIDING FOR THE REPEAL OF SECTION 3-1 THROUGH SECTION 3-29 OF CHAPTER 3, ANIMALS AND FOWL, BY REPEALING AND REPLACING SAID SECTIONS WITH NEW SECTIONS 3-1 THROUGH 3-67; AND BY RENUMBERING OLD SECTIONS 3-30 THROUGH 3-37.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that it hereby enacts and ordains Chapter 3, Animal Control, Article I, In General, Section 3-1, Definitions; Section 3-2, Enforcement of animal laws; Section 3-3, Penalties; Section 3-4, Wild animals not to be brought into or kept within the county; Section 3-5, Disposition of carcasses; Section 3-6, Nuisances; Section 3-7, Dangerous and vicious animals; Section 3-8, Reserved; Section 3-9, Cruelty to animals; penalty; Section 3-10, Duties of humane investigator; disposition of animals; Section 3-11, Dogs and cats deemed personal property; Sections 3-12 through 3-22, Reserved; Article II, Dogs in general, Section 3-23, Running at large prohibited; Section 3-24, Running at large prohibited April 15th through July 15th; Section 3-25, Impoundment, disposition and redemption of animals; Section 3-26, Duty of pound to locate owner; Section 3-27, Disposition of impounded animals; Section 3-28, Disposition of animals other than those in the county pound; Section 3-29, Stray and dangerous dogs; Section 3-30, Dogs killing or injuring livestock or poultry; Section 3-31, Dogs killing domestic animals; Section 3-32, Compensation for livestock and poultry killed by dogs; Section 3-33, Disposition of funds; Section 3-34, Female dogs in season; Sections 3-35 through 3-43, Reserved; Article III, Dog licenses, Section 3-44, Unlicensed dogs prohibited; Section 3-45, Dog license application; Section 3-46, Display of license and receipt; Section 3-47, Duplicate license tags; Section 3-48, Annual fee imposed on

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dogs and kennels; Section 3-49, Annual dog license fee; exemption for certain dogs; Section 3-50, Presumption for dog not wearing collar; Sections 3-51 through 3-61, Reserved; Article IV, Rabies control, Section 3-62, Report of existence of rabid animal; Section 3-63, Vaccination of dogs and cats; Section 3-64, Emergency ordinance requiring confinement or restraint of dogs and cats when rabid animal at large; Section 3-65, Confinement or destruction of dogs or cats showing signs of, or suspected of having rabies; Section 3-66, Destruction or confinement of dog or cat bitten by rabid animal; Section 3-67, Confinement or destruction of animal which has bitten a person or been exposed to rabies; Sections 3-68 through 3-78, Reserved; Article V, Beekeeping, Section 3-79, Location of apiaries; Section 3-80, Number of hives regulated; Section 3-81, Water supply for bees; Section 3-82, Type of bees; Section 3-83, Manipulating bees restricted; Section 3-84, Exceptions from article; Section 3-85, Violation of article as nuisance; and Section 3-86, Penalty.

Chapter 3

ANIMAL CONTROL

ARTICLE I. IN GENERAL

Section 3-1. Definitions.

For the purposes of this chapter, the following words shall have the meaning given herein.

"Abandon" means to desert, forsake, or to absolutely give up an animal without having secured another owner or custodian or failing to provide the necessities of adequate feed; water; shelter; or space in the primary enclosure for the particular type of animal depending on its age, size, and weight; veterinary care

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when needed to prevent suffering; adequate exercise; and humane care and treatment for a period of five consecutive days.

"Adequate care" or "care" means the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health.

"Adequate exercise" means the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal.

"Adequate feed" means the access to and the provision of food which is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

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

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platform, pad, floor mat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors (i) permit the animals' feet to pass through the openings, (ii) sag under the animals weight, or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter.

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

"Adequate water" means provision of and access to clean, fresh, potable water of a drinkable temperature which is provided in a suitable manner, in sufficient volume, and at suitable intervals, but at least once every twelve hours to maintain normal hydration for the age, species, condition, size and type of each animal, and is provided in clean, durable receptacles which are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.

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"Adoption" means the transfer of ownership of a dog or cat from a pound to an individual.

"Agricultural Animals" means livestock and poultry.

"Animal" means domestic animals, including both agricultural and companion animals, if not specified otherwise. For the purposes of Article IV, animal means any animal susceptible to rabies.

"Animal shelter" means a facility which is used to house or contain animals which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

"Animal warden" means any person employed, contracted, or appointed by the Commonwealth or the County for the purpose of aiding in the enforcement of any law or ordinance relating to the licensing of dogs, control of dogs and cats, cruelty to animals, or seizure and impoundment of companion animals and includes any state or county police officer, animal control officer, sheriff, or other employee whose duties in whole or in part include assignments which involve seizure or taking into custody of any dog or other animal.

"Boarding establishment" means a place or establishment other than a pound or animal shelter where companion animals not owned by the proprietor are sheltered, fed and watered in exchange for a fee, but shall not include training and show centers.

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"Companion animals" means any domestic or feral dogs, domestic or feral cats, monkeys, guinea pigs, hamsters, rabbits, exotic animals, and exotic and native birds. Games species shall not be considered companion animals for the purposes of this chapter.

"Enclosure" means a structure used to house or restrict animals from running at large.

"Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia produced by an agent which causes painless loss of consciousness, and death during unconsciousness.

"Livestock" includes all domestic or domesticated: bovine animals; equine animals; bovine animals; porcine animals; cervidae animals; capradae animals; animals of the genus Lama; ratites; enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.

"Owner" shall mean any person who:

- (1) has a property right in an animal;*
- (2) keeps or harbors an animal;*
- (3) has an animal in his care; or*
- (4) acts as a custodian of an animal.*

"Person" shall mean any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity.

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

"Pound" means a facility operated by the Commonwealth or County for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted animals; or a facility operated for the same purpose under a contract with any county, city, town or incorporated society for the prevention of cruelty to animals.

"Primary enclosure" means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, cage, compartment, or hutch. For tethered animals, this term includes the shelter and the area within reach of the tether.

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

"Treatment" or "adequate treatment" means the responsible handling or transportation of animals in the person's ownership, custody or charge, appropriate for the age, species, condition, size and type of the animal.

"Veterinary treatment" means treatment by or on the order of a duly licensed veterinarian.

State law reference -- Code of Va., § 3.1-796.66.

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Section 3-2. Enforcement of animal laws.

Enforcement of this chapter is vested in an animal warden, deputy animal wardens and animal control officers, appointed by the Board of Supervisors. When in uniform or upon displaying a badge or other credentials of office, such officers shall have the power to issue a summons to any person found in the act of violating this chapter.

State law reference -- Code of Va., § 3.1-796.104.

Section 3-3. Penalties.

(a) Unless otherwise specified, any violation of a provision of this chapter shall constitute a Class 4 misdemeanor, punishable by a fine of up to \$250.00.

(b) Payment of the annual dog license fee required by this chapter subsequent to a summons to appear before a court for failure to pay such fee within the time specified in Section 3-49 shall not operate to relieve the owner from the penalties provided.

State law references -- Code of Va., §§ 3.1-796.103 and 18.2-11.

Section 3-4. Wild animals not to be brought into or kept within the county.

It shall be unlawful for any person to bring or keep any wild animals within the county; provided, however, that wild animals shall be permitted to be brought into and kept within the county for purposes of exhibit or as a part of a permanent animal show when the wild animals are located within a thematic park situated in the county. As used in this section, "wild animals" means any animal which by nature or disposition is untamed.

Section 3-5. Disposition of carcasses.

The owner of any animal or fowl which has died from any cause shall forthwith cremate or bury the carcass thereof in a lawful and sanitary manner. If, he fails to do so within 24 hours after notice by the police department, animal warden or other county officer, the county shall have such carcass so disposed of by its own agents or employees, in which event the expenses therefor shall be chargeable to and paid by the owner of such carcass and may be collected as taxes and levies are collected.

State law references -- Code of Va., §§ 3.1-796.121, 15.1-11(1) and 18.2-510.

Section 3-6. Nuisances.

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(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, molesting passersby, biting or attacking any person without provocation on one (1) 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 property shall be deemed a nuisance. Repeated running at large after citation of the owner by the animal warden or 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 \$100.00 to be paid by the owner or custodian of said 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 warden or his duly authorized agent has reason to believe that any animal has, without provocation, attacked or bitten any person, said 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 warden. The

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animal warden 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.

Section 3-7. Dangerous and vicious animals.

(a) When used in this section, "dangerous dogs" means a canine or canine crossbreed which has bitten, attacked, or inflicted injury on a person or companion animal or killed a companion animal, and "vicious dog" means a canine or canine crossbreed which has (i) killed a person; (ii) inflicted a serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or (iii) continued to exhibit the behavior which resulted in a previous finding by a court that it is a dangerous dog, provided that its owner has been given notice of the finding.

(b) Any animal warden who has reason to believe that a canine or canine crossbreed within the county is a dangerous or vicious dog shall apply to a magistrate of the county for the issuance of a warrant requiring the owner or custodian, if known, to appear before a general district court at a specified time. The animal warden or owner shall confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of this section. If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of Section 3.1-796.119 of the Code of Virginia.

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

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

(e) All certificates or renewals thereof required to be obtained under this section shall only be issued to persons eighteen years of age or older who present satisfactory evidence (i) of the animal's current rabies vaccination, if applicable, and (ii) that the animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed. In addition, owners who apply for certificates or renewal

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thereof under this section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence that (i) their residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property; and (ii) the animal has been permanently identified by means of a tattoo on the inside thigh by electronic implantation.

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

(g) If a minor is the owner of an animal found by the court to be a dangerous or vicious dog, then the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.

(h) After an animal has been found by a court to be a dangerous dog, the animal's owner shall immediately, upon learning of same, notify the local animal control authority if the animal (i) is loose or unconfined; (ii) bites a person or attacks another animal; (iii) is sold, given away, or dies; or (iv) has been moved to a different address.

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(i) The owner of any animal which has been found by a court to be a dangerous or vicious dog who willfully fails to comply with the requirements of this section shall be guilty of a Class 1 misdemeanor.

(j) All fees collected pursuant to this section, less the costs incurred by the animal control authority in producing and distributing the certificates and tags required by this section, shall be paid into a special dedicated fund in the treasury of the locality for the purpose of paying the expenses of any training course required under Section 3.1-796.105 of the Code of Virginia.

State law references -- Code of Va. §§ 3.1-796.93:1 and 3.1-796.100.

Section 3-8. Reserved.

Section 3-9. Cruelty to animals; penalty.

(a) Any person who (i) overrides, overdrives, overloads, tortures, ill-treats, abandons, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly or unnecessarily beats, maims, mutilates, or kills any animal, whether belonging to himself or another; or (ii) deprives any animal of necessary sustenance, food, drink or shelter; or (iii) willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal; or (iv) carries or causes to be carried in or upon any vehicle, vessel or otherwise any animal in a cruel, brutal, or inhumane manner, so as to produce torture or unnecessary suffering; or (v) causes any of the above things, or being the owner of such animal

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permits such acts to be done by another, shall be guilty of a Class 1 misdemeanor. Prosecutions under this subsection regarding agricultural animals shall commence within one year after commission of the offense.

(b) Any person who abandons any dog, cat or other domesticated animal in any public place including the right-of-way of any public highway, road or street or on the property of another shall be guilty of a Class 3 misdemeanor. Nothing in this section shall be construed to mean the release of an animal by its owner to an animal shelter, pound or humane society establishment.

(c) Nothing in this section shall be construed to prohibit the dehorning of cattle.

(d) For purposes of this section, the word "animal" shall be construed to include birds and fowl.

State law references -- Code of Va. §§ 15.1-29.1:1, 3.1-796.73 and 3.1-796.122.

Section 3-10. Duties of humane investigators; disposition of animals.

(a) Any humane investigator, or any animal warden, may lawfully take charge of any animal found abandoned, neglected, or cruelly treated or unfit for use within the county, and shall petition any general district court in the county for a hearing which shall be in the nature of a criminal proceeding. The hearing shall be set not more than ten days from the date of the seizure of the animal to determine whether the owner, if known, is able to adequately provide for the animal and is a fit person to own the animal. The humane investigator, or animal warden, shall cause to be served upon the owner, if known and residing within the

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county, written notice at least five days prior to the hearing of the time and place of the hearing. If the owner is known but residing out of the county, written notice by any method of service of process as provided by the Code of Virginia, shall be given. If the owner is not known, the humane investigator shall cause to be published in a newspaper of general circulation in the county notice of the hearing at least one time prior to the hearing and shall further cause notice of the hearing to be posted at least five days prior to the hearing at the place provided for public notices at the courthouse wherein such hearing shall be held.

(b) The procedure for appeal and trial shall be the same as provided by law for misdemeanors; if requested by either party on appeal to the circuit court, trial by jury shall be as provided in Article 4 of Chapter 15 of Title 19.2 of the Code of Virginia, and the Commonwealth shall be required to prove its case beyond a reasonable doubt.

(c) The humane investigator, or animal warden, may provide for such animal until the owner is adjudged by the court able to adequately provide for such animal and a fit person to own the animal, in which case the animal shall be returned to the owner. If the owner is adjudged by the court unable to adequately provide for the animal or not a fit person to own the animal, then the court shall order that the animal be: (i) sold by the county, humane investigator, or animal warden; (ii) humanely destroyed, or disposed of by sale or gift to a federal agency, state supported institution, agency of the Commonwealth, agency of another state, or a licensed federal dealer having its principal place of business located within the Commonwealth; (iii) delivered to any local humane society or shelter; or (iv) placed for adoption with any person who will pay the required license fee, if any, on such animal. In no case shall the person adjudged unable to adequately provide for the animal or adjudged an unfit person to own the animal be allowed to purchase the animal at the sale. The court may order any owner adjudged unable to adequately provide for

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his animal or not a fit person to own the animal to pay all reasonable expenses incurred in caring and providing for such animal from the time the animal is seized until such time that the animal is disposed of in accordance with the provisions of this section.

(d) The court in determining whether the owner is able to adequately provide for the animal or is a fit person to own the animal may take into consideration among other things the owner's past record of convictions under this chapter or one similar thereto prohibiting cruelty to animals and the owner's mental and physical condition. In case of sale, the proceeds shall first be applied to the costs of the sale then to the previously unreimbursed expenses for the care and provision of the animal, and the remaining proceeds, if any, shall be paid over to the owner of the animal. If the owner of the animal cannot be found, the proceeds remaining shall be paid into the Literary Fund of the state treasury.

(e) Nothing in this section shall be construed to prohibit the destruction of a critically injured or ill animal for humane purposes.

State law reference -- Code of Va., § 3.1-796.115.

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Section 3-11. Dogs and cats deemed personal property.

(a) All dogs and cats shall be deemed personal property and may be the subject of larceny and malicious or unlawful trespass. Owners may maintain any action of the killing of any such animal, or injury thereto, or unlawful detention or use thereof as in the case of other personal property. The owner of any dog or cat which is injured or killed contrary to the provisions of this chapter by any person shall be entitled to recover the value thereof or the damage done thereto in an appropriate action at law from such person.

(b) An animal warden or other officer finding a stolen dog or cat, or a dog or cat held or detained contrary to law, shall have authority to seize and hold such animal pending action before a general district court or other court. If no such action is instituted within seven days, the animal warden or other officer shall deliver the dog or cat to its owner.

(c) The presence of a dog or cat on the premises of a person other than its legal owner shall raise no presumption of theft against the owner, and the animal warden may take such animal in charge and notify its legal owner to remove it. The legal owner of the animal shall pay the actual cost of keeping such animal while the animal is in the possession of the animal warden.

State law reference -- Code of Va., § 3.1-796.127.

Sections 3-12 - 3-22. Reserved.

ARTICLE II. DOGS IN GENERAL

Section 3-23. Running at large prohibited.

(a) Dogs shall not run at large in the county except in those areas zoned A-1, General Agricultural District; provided, however, even within A-1 areas dogs shall not run at large in platted subdivisions consisting of five or more lots, of which at least three lots have occupied dwellings or in manufactured home parks.

(b) For purposes of this section, "at large" shall mean roaming, running or self-hunting off the premises of the owner or custodian and not under the immediate control of the owner or his agent. However, a dog shall not be considered at large if during the hunting season it is on a bona fide hunt in the company of a licensed hunter or during field trials or training periods when accompanied by its owner.

(c) Any dog observed or captured while unlawfully running at large, shall be disposed of in accordance with Sections 3-25 through 3-27.

(d) For any dog identified as to ownership, if such dog is captured and confined by the animal warden or other officer appointed under the provisions of this chapter, the owner shall be charged with the actual expenses incurred in keeping the animal impounded. Owners of dogs not impounded shall be issued a summons for violation of this provision. Each day thereafter that this section is not complied with shall be a separate offense.

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State law references -- Code of Va., §§ 3.1-796.93 and 3.1-796.96.

Section 3-24. Running at large prohibited April 15th through July 15th.

(a) Notwithstanding Section 3-23 above, dogs are prohibited from running at large in the county in each calendar year during the period from April 15th to July 15th. During this time all dogs shall be kept on a leash or under direct control of the owner to ensure that the dog is not roaming, running or self-hunting off the property of the owner.

(b) The provisions of subsections (b), (c) and (d) of Section 3-23 shall be likewise applicable to this section.

State law reference -- Code of Va., § 3.1-796.93.

Section 3-25. Impoundment, disposition and redemption of animals.

(a) The animal warden and other officers appointed under the provisions of this chapter are hereby required to impound any dog not wearing a collar with a current dog license tag securely attached thereto as prescribed by Section 3-46 or any dog running at large in violation of Sections 3-6 or 3-23.

(b) Such dogs or other companion animals shall be impounded in a pound designated by the board of supervisors for a period of five days, such period to commence the day immediately following the day the animal is initially confined in the facility, unless sooner claimed by the owner. During this five-day period, the animal may be returned to its owner upon proof of ownership, purchase of dog tag and display of rabies vaccination certificate, if necessary. In the event that any animal confined pursuant to this section is claimed by its rightful owner, the owner shall only be charged with the actual expenses incurred in keeping the animal impounded. For purposes of this section the term animal shall not include agricultural animals.

State law reference -- Code of Va., § 3.1-796.96.

Section 3-26. Duty of pound to locate owner.

(a) The owner or custodian of the pound shall make a reasonable effort to ascertain if the animal has a tag, license, or tattooed identification. If such identification is found on the animal, a reasonable effort shall be made to return the animal to its owner or place the animal for adoption before humanely destroying the animal. Such identified animal shall be held for five days more than the holding period prescribed in Section 3-25.

(b) If the rightful owner of any animal confined may be readily identified, the operator or custodian of the pound shall make a reasonable effort to notify the owner of the animal's confinement within forty-eight hours following its confinement.

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State law reference -- Code of Va., § 3.1-796.96.

Section 3-27. Disposition of impounded animals.

(a) If an impounded animal has not been claimed by its owner after five days, the animal may be given to any person who pays the costs of impoundment, vaccination for rabies and license tags, if necessary; provided, however, that no more than two animals or a family of animals shall be delivered during any thirty-day period to any such person. In the event the rightful owner shall claim such animal at any time, the adopting person shall relinquish possession of such animal to the rightful owner upon being reimbursed any expenses incurred pursuant to such adoption, plus a reasonable fee for the keep of the animal while in his possession. If the animal has not been claimed, it may be humanely destroyed or disposed of by sale or gift to a federal agency, or state-supported institution, agency of the Commonwealth, agency of another state, or a licensed federal dealer having its principal place of business located within the Commonwealth, provided that such agency, institution or dealer agrees to confine the animal for an additional period of not less than five days, or by delivery to any local humane society or shelter.

(b) No provision set forth in this article shall prohibit the destruction of a critically injured or critically ill animal for humane purposes. Any animal destroyed pursuant to the provisions of this chapter shall be euthanized by one the methods prescribed or approved by the State Veterinarian.

(c) A dog or cat shall not be released to a new owner from a pound unless:

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- (1) *The animal has already been sterilized; or*
- (2) *The individual adopting the animal signs an agreement to have the animal sterilized by a licensed veterinarian (i) within thirty days of the adoption, if the animal is sexually mature, or (ii) within thirty days after the animal reaches six months of age, if the animal is not sexually mature at the time of adoption.*

(d) This section shall not apply to the county's disposal of an animal by sale or gift to a federal agency, state-supported institution, agency of the Commonwealth, agency of another state, or licensed federal dealer having its principal place of business located within the Commonwealth.

State law references -- Code of Va., §§ 3.1-796.96, 3.1-796.119 and 3.1-796.126:1 et seq.

Section 3-28. Disposition of animals other than those in the county pound.

(a) No animal bearing a tag, license or tattooed identification shall be used or accepted by any person for the purpose of medical research or experimentation, unless the individual who owns such animal consents in writing.

(b) No person who acquires an animal from an animal shelter in the county shall sell such animal within a period of six months from the time the animal is acquired from the shelter. Violation of this section shall constitute a Class four misdemeanor.

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State law reference -- Code of Va. § 3.1-796.96.1.

Section 3-29. Stray and dangerous dogs.

(a) Any dog running at large and not wearing means to identify its owner shall be considered a stray. It shall be the duty of the animal warden and animal control officers to capture stray dogs. The animal warden and animal control officers shall use due diligence in performing this duty.

(b) If any dog, whether wearing means to identify its owner or not, poses a substantial and immediate danger to human life or health, and capturing the dog is unreasonable under the circumstances, the animal warden or any animal control officer may, in the exercise of discretion, kill such dog.

Section 3-30. Dogs killing or injuring livestock or poultry.

(a) It shall be the duty of the animal warden or an animal control officer who may find a dog in the act of killing, injuring, or chasing livestock or poultry to kill such dog forthwith whether such dog bears a tag or not. Any person finding a dog in the act of killing or injuring livestock or poultry shall also have the right to kill such dog on sight as shall any owner of livestock or his agent finding a dog chasing livestock on land utilized by the livestock when the circumstances show that such chasing is harmful to the livestock. Any court shall have the power to order the animal warden or other officer to kill any dog known to be a confirmed livestock or poultry killer, and any dog killing poultry for the third time shall be considered a confirmed

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poultry killer. The court, through its contempt powers, may compel the owner, custodian, or harbinger or the dog to produce the dog.

(b) If the animal warden has reason to believe that a dog is killing livestock of poultry, he shall be empowered to seize such dog solely for the purpose of examining such dog in order to determine whether it committed any of the depredations mentioned in this section. The animal warden or any other person who has reason to believe that a dog is killing livestock or committing any of the depredations mentioned in this section shall apply to a magistrate of the county, who shall issue a warrant requiring the owner, if known, to appear before the general district court at a time and place named therein, at which time evidence shall be heard. If it shall appear that the dog is a livestock killer or has committed any of the depredations mentioned herein, the general district court shall order that the dog be (i) killed immediately by the animal warden or other officer designated by the court or (ii) removed to another state which does not border on the Commonwealth and prohibited from returning to the Commonwealth. Any dog ordered removed from the Commonwealth. Any dog ordered removed from the Commonwealth which is later found in the Commonwealth shall be ordered by a court to be killed immediately.

State law reference -- Code of Va., § 3.1-796.116.

Section 3-31. Dogs killing domestic animals.

The animal warden or any animal control officer who has reason to believe that any dog is killing other dogs or domestic animals, other than livestock or poultry, shall apply to the magistrate of the

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County for the issuance of a warrant requiring the owner or custodian, if known, to appear before the General District Court at a specified time. The animal warden or owner shall confine the dog until such time as evidence shall be heard and a verdict rendered. If it appears from the evidence that the dog habitually killed other dogs or domestic animals, the court may order the dog killed.

For the purposes of this section, "habitually" shall mean on one or more prior occasions.

State law reference -- Code of Va., § 3.1-796.117.

Section 3-32. Compensation for livestock and poultry killed by dogs.

(a) Any person who has any livestock or poultry killed or injured by any dog not his own shall be entitled to receive as compensation the fair market value of such livestock or poultry not to exceed four hundred dollars per animal or ten dollars 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 reason the claimant believes that death or injury was caused by a dog;*
- (2) The animal warden or other officer shall have been notified of the incident within 72 hours of its discovery; and*

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(3) *The claimant first has exhausted his legal remedies against the owner, if known, of the dog doing the damage for which compensation under this section is sought. "Exhaustion" shall mean a judgment against the owner of the dog upon which an execution has been returned unsatisfied. These claims shall be paid from the proceeds allocated for such claims in the dog license fund. The claims shall be paid in the order they are received.*

(b) Upon payment under this section, the County shall be subrogated to the extent of compensation paid to the right of action to the owner of the livestock or poultry against the owner of the dog and may enforce the same in an appropriate action at law.

(c) Any person to present a false claim or to receive any money on a false claim for livestock or poultry killed by dogs under the provisions of this section shall constitute a Class 1 misdemeanor.

State law reference -- Code of Va., § 3.1-796.118.

Section 3-33. Disposition of funds.

(a) The county treasurer shall keep all money collected for dog license fees pursuant to Section 3-48 in a separate account from all other funds collected by him. The County shall use the dog license funds for the following purposes:

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- (1) *The salary and expenses of the animal warden and necessary staff;*
- (2) *The care and maintenance of a pound;*
- (3) *The maintenance of a rabies control program;*
- (4) *Payments as a bounty to any person neutering or spaying a dog up to the amount of one year of the license fee as provided in Section 3-48;*
- (5) *Payments for compensation as provided in Section 3-32; and,*
- (6) *Efforts to promote sterilization of dogs and cats.*

(b) Any part or all of any surplus remaining in such account on December 31 of any year may be transferred into the general fund of the county.

State law references -- Code of Va., §§ 3.1-796.101 and 3.1-796.102.

Section 3-34. Female dogs in season.

It shall be unlawful for the owner of any unspayed female dog to permit such dog to be outside the confined premises of the owner's yard or lot while such dog is "in season," unless such dog is on a leash and under the control of a responsible person capable of physically restraining the dog.

Sections 3-35 - 3-43. Reserved.

ARTICLE III. DOG LICENSES

Section 3-44. Unlicensed dogs prohibited.

It shall be unlawful for any person to own a dog four months old or older in the county unless the dog is licensed, as required by the provisions of this article.

Section 3-45. Dog license application.

(a) Every owner of a dog over the age of four months owned, possessed or kept in the County shall obtain a dog license by making an oral or written application with the county treasurer or his designee.

(b) Each application shall be accompanied by the amount of the license fee and a rabies vaccination certificate which shall not expire prior to July 1st of the license period; however, a current rabies vaccination certificate issued and signed by a licensed veterinarian within twelve months of the license application date shall be accepted even if the expiration of the rabies vaccination certificate occurs between January 1st and July 1st of the license period.

(c) The treasurer, or his designee, shall only have authority to license dogs of resident owners who reside within the boundary limits of the county and may require information to this effect from any

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applicant. Upon receipt of proper application and rabies vaccination certificate, the treasurer, or his designee, shall issue a license receipt for the amount on which he shall record the name and address of the owner, the date of payment, the year for which issues, the serial number of the tag, whether male, unsexed female, female or kennel, and deliver the metal license tags or plates provided for herein. Such tags shall be stamped or otherwise permanently marked to show the name of the county, the sex of the dog, the calendar year for which issued and bear a serial number.

(d) The information thus received shall be retained by the treasurer, open to public inspection during the period for which such license is valid. All unsold tags shall be recorded and the unissued tags destroyed by the treasurer at the end of each calendar year.

(e) It shall be unlawful for any person to make a false statement verbally or on an application in order to secure a dog license to which he is not entitled.

State law references -- Code of Va., §§ 3.1-796.86 and 3.1-796.90.

Section 3-46. Display of license and receipt.

Dog license receipts shall be carefully preserved by licensees and exhibited promptly upon request for inspection by the animal warden or other officer of the county. The animal warden or other duly appointed officers may check such receipts door-to-door at any time during the license year. Dog license tags shall be securely fastened to a substantial collar by the owner or custodian and worn by such dog. It shall

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be unlawful for the owner to permit any licensed dog four months old or older to run or roam at large at any time without a license tag. The owner of the dog may remove the collar and license tag required by this section when (i) the dog is engaged in lawful hunting, (ii) the dog is competing in a dog show, (iii) the dog has a skin condition which would be exacerbated by the wearing of a collar, (iv) the dog is confined, or (v) the dog is under the immediate control of its owner.

Cross reference -- James City County Code § 3-32.

State law reference -- Code of Va., § 3.1-796.92.

Section 3-47. Duplicate license tags.

If a dog license tag is lost, destroyed or stolen, the owner or custodian shall at once apply to the county treasurer, or his designee, for a duplicate license tag, presenting the original license receipt. Upon affidavit of the owner before the county treasurer, or his designee, that the original license tag has been lost, destroyed, or stolen, the treasurer shall issue a duplicate license tag which shall be immediately affixed to the collar of the dog by its owner. The treasurer, or his designee, shall endorse the number of the duplicate license tag and the date of issuance on the face of the original license receipt. The fee for a duplicate tag for any dog shall be one dollar.

State law reference -- Code of Va., § 3.1-796.91.

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Section 3-48. Annual fee imposed on dogs and kennels.

There is hereby imposed an annual dog license fee upon all dog kennels and all dogs over the age of four months which are owner, possessed or kept in the county, as follows:

- (1) *male, female, and spayed/neutered dogs \$4.00*
- (2) *kennel for up to 10 dogs \$10.00*
- (3) *kennel for up to 20 dogs \$20.00*
- (4) *kennel for up to 30 dogs \$30.00*
- (5) *kennel more than 30 dogs. \$45.00*
- (6) *duplicate for lost, destroyed or stolen tags. . . . \$1.00*

It shall be unlawful for any person to conceal or harbor any dog on which any required license fee has not been paid.

Cross reference -- James City County Code § 3-47.

State law references -- Code of Va., §§ 3.1-796.87 and 3.1-796.91.

Section 3-49. Annual dog license fee; exemption for certain dogs.

(a) The license fee levied by Section 3-48 shall be due on January 1st and payable not later than January 31st of each year. Payment of the license fee shall be made to the county treasurer or his designee.

(b) If a dog shall become four months of age or come into the possession of any person between January 1st and October 31st of any year, the license fee for the current calendar year shall be paid by the owner.

(c) If a dog shall become four months of age or come into the possession of any person between November 1st and December 31st of any year, the license fee for the succeeding calendar year shall be paid by the owner and this license shall protect the dog from the date of purchase.

(d) There shall be no charge for the tag of any dog that is trained and serves as a guide dog for a blind person or that is trained and serves as a hearing dog for a deaf or hearing impaired person. As used in this section, "hearing dog" means a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond.

State law references -- Code of Va., §§ 3.1-796.87 and 3.1-796.88.

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Section 3-50. Presumption for dog not wearing collar.

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

State law reference -- Code of Va., § 3.1-796.89.

Sections 3-51 - 3-61. Reserved.

ARTICLE IV. RABIES CONTROL

Section 3-62. Report of existence of rabid animal.

Every person having knowledge of the existence of an animal apparently afflicted with rabies shall report immediately to the health department the existence of such animal, the place where seen, the owner's name, if known, and the symptoms suggesting rabies.

Section 3-63. Vaccination of dogs and cats.

(a) It shall be unlawful for any person to own, keep, hold or harbor any dog or domesticated cat over the age of four months within the county, unless such animal has been inoculated against rabies and has a current rabies vaccination certificate issued and signed by a licensed veterinarian. The vaccine used shall be licensed by the United States Department of Agriculture for use in that species. If, however, such vaccination would threaten the physical well-being of such animal, the owner of such animal shall obtain a certificate, signed by a licensed veterinarian, certifying such fact, and the owner shall keep such animal in quarantine until the same is vaccinated.

(b) Any person transporting a dog or domesticated cat into the county from some other jurisdiction shall comply with the requirements of subsection (a) of this section within thirty days subsequent to bringing such animal into the county.

(c) A veterinarian vaccinating a dog or domesticated cat as required by this section shall issue to the owner of the animal a rabies vaccination certificate showing;

- (1) Date of vaccination;*
- (2) Expiration date of vaccination;*
- (3) Sex and breed of the animal;*
- (4) The animal's weight, color and marks;*
- (5) Name of the owner*
- (6) Amount and kind of vaccine injection;*

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(7) Method of injection; and

(8) The signature of the licensed veterinarian.

(d) Rabies vaccination certificates shall be carefully preserved by owners of dogs and domesticated cats and exhibited promptly upon request for inspection by the animal warden or other officer of the county. The animal warden or other duly appointed officers may check such certificates door-to-door at any time during the year.

(e) Dogs and domesticated cats being adopted from an animal shelter during the period an emergency ordinance is in force, as provided in Section 3-64, may be inoculated for rabies by a certified animal technician at such shelter, if the certified animal technician is under the immediate and direct supervision of a licensed veterinarian.

Cross reference -- James City County Code § 3-46.

State law references -- Code of Va., §§ 3.1-796.97:1; 3.1-796.99; and 3.1-796.100.

Section 3-64. Emergency ordinance requiring confinement or restraint of dogs and cats when rabid animal at large.

When there is sufficient reason to believe that a rabid animal is at large, the board of supervisors shall have the power to pass an emergency ordinance, which shall become effective immediately upon

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passage, requiring owners of all dogs and cats in the county to keep the same confined on their premises, unless leashed under restraint of the owner in such a manner that persons or animals will not be subject to the danger of being bitten by the rabid animal. Any emergency ordinance enacted pursuant to the provisions of this section shall be operative for a period not to exceed thirty days, unless renewed by the board of supervisors.

State law reference -- Code of Va., § 3.1-796.98.

Section 3-65. Confinement or destruction of dogs or cats showing signs of, or suspected of having rabies.

At the discretion of the local health director, dogs or cats showing active signs of rabies or suspected of having rabies shall be confined under competent observation for such a time as may be necessary to determine a diagnosis. The local health director shall determine the location and conditions of confinement for such animal. If confinement is impossible or impracticable, such dog or cat shall be euthanized by one of the methods prescribed or approved by the state veterinarian.

State law reference -- Code of Va., § 3.1-796.98.

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Section 3-66. Destruction or confinement of dog or cat bitten by rabid animal.

Any dog or cat for which no proof of current rabies vaccination is available and which is exposed to rabies through a bite or through saliva or central nervous system tissue in a fresh open wound or mucous membrane by an animal believed to be afflicted with rabies shall be confined in a pound, kennel or enclosure approved by the health department for a period not to exceed six months at the expense of the owner; however, if this is not feasible, the dog or cat shall be euthanized by one of the methods approved by the state veterinarian. A rabies vaccination shall be administered prior to release. Inactivated rabies vaccine may be administered at the beginning of confinement. Any dog or cat so bitten or exposed to rabies through saliva or central nervous system tissue in a fresh open wound or mucous membrane with proof of a valid rabies vaccination shall be vaccinated immediately following the bite and shall be confined to the premises of the owner, or other site as may be approved by the health department, for a period of ninety days.

State law reference -- Code of Va., § 3.1-796.98.

Section 3-67. Confinement or destruction of animal which has bitten a person or been exposed to rabies.

(a) At the discretion of the director of health, any animal which has bitten a person shall be confined under competent observation for at least ten days, unless the animal develops active symptoms of rabies or expires before that time; provided that a seriously injured or sick animal may be humanely euthanized by one of the methods prescribed or approved by the state veterinarian and its head sent to the

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health department for evaluation. The director of health shall determine the location and conditions of confinement for such animal.

(b) When any animal, other than a dog or cat, exposes or may have exposed a person to rabies or such animal itself is exposed to rabies through a bite or through saliva or central nervous system tissue in a fresh open wound or mucous membrane, that animal shall be confined at the discretion of the health director in a manner approved by the health department or humanely euthanized by one of the methods prescribed or approved by the state veterinarian and its head sent to the Division of Consolidated Laboratory Services of the Department of General Services or the local health department for evaluation.

State law reference -- Code of Va., § 3.1-796.98.

Sections 3-68 - 3-78. Reserved.

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ARTICLE V. BEEKEEPING *

** Note: Sections 3-30 through 3-37 are renumbered to Sections 3-79 through 3-86 respectively. No changes in the text.*

Section 3-79. Location of apiaries.

Section 3-80. Number of hives regulated.

Section 3-81. Water supply for bees.

Section 3-82. Type of bees.

Section 3-83. Manipulating bees restricted.

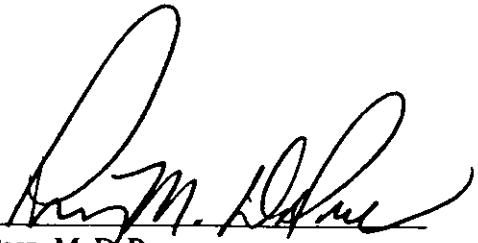
Section 3-84. Exceptions from article.

Section 3-85. Violation of article as nuisance.

Section 3-86. Penalty.

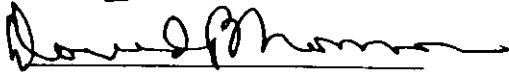
This Ordinance shall become effective on March 1, 1994.

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Perry M. DePue
 Chairman, Board of Supervisors

ATTEST:



David B. Norman
 Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
MAGOON	AYE
EDWARDS	AYE
TAYLOR	NAY
SISK	AYE
DEPUE	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of February,
 1994.

Ancontro.ord

RESOLUTION OF THE BOARD OF SUPERVISORS OF
JAMES CITY COUNTY, VIRGINIA
(James-Oxford Project)

WHEREAS, the Assistant County Administrator of James City County (the "Assistant County Administrator") has considered the application of James-Oxford Limited Partnership, a Maryland limited partnership (the "Developer") to the Hampton Redevelopment and Housing Authority (the "Housing Authority") for the issuance of the Housing Authority's refunding revenue bonds in an amount not to exceed \$9,465,000 (the "Bonds") to refund all or a portion of the Housing Authority's \$10,620,000 Multi-Family Housing Refunding Revenue Bonds, Series 1987 (James-Oxford Project) (the "1987 Bonds"), the proceeds of which were used to refund the Housing Authority's Multi-Family Housing Revenue Bonds, Series 1985 (James-Oxford Project) (the "1985 Bonds") in the original principal amount of \$10,750,000, the proceeds of which were used to make a loan to the Developer to finance the acquisition, construction, and equipping by the Developer of a 220 unit multi-family residential project on a 15.1 acre site which is located at 3700 Steeplechase Drive in the County of James City, Virginia (the "Project") and has held a public hearing thereon on February 22, 1994; and

WHEREAS, the Assistant County Administrator has recommended that the Board of Supervisors (the "Board") of James City County (the "County") approve the refunding of the 1987 Bonds and issuance of the Bonds by the Housing Authority to comply with Section 147(f)(2) of the Internal Revenue Code of 1986, as

amended, and proposed final Treasury regulations issued thereunder; and

WHEREAS, a record of the public hearing held hereon has been filed with the Clerk of the Board;

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF JAMES CITY COUNTY:

1. The holding of a public hearing with respect to the refunding of the 1987 Bonds and the Project by the Assistant County Administrator at 10:00 a.m. on February 22, 1994 prior to this meeting, at 101-C Mounts Bay Road, Williamsburg, Virginia, in accordance with the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended, is hereby ratified.

2. The Board of Supervisors of James City County approves the refunding of the 1987 Bonds and further approves issuance of the Bonds by the Housing Authority for the benefit of the Developer, to the extent of and as required by Section 147(f)(2) of the Internal Revenue Code, to permit the Housing Authority to assist in the refunding of the 1987 Bonds.

3. The approval of the issuance of the Bonds, as required by Section 147(f)(2), does not constitute an endorsement of the Bonds or the creditworthiness of the Developer, and the Bonds shall provide that neither the County, the City of Hampton, nor the Housing Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor, and neither the faith or credit nor the taxing power of the Commonwealth, the County, the

City of Hampton, nor the Housing Authority shall be pledged thereto.

4. This Resolution shall take effect immediately upon its adoption. Adopted by the Board of Supervisors of James City County on February 22, 1994.



Perry M. DePue
Chairman, Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

SUPERVISOR	VOTE
MAGOON	AYE
EDWARDS	AYE
TAYLOR	AYE
SISK	AYE
DEPUE	AYE