

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 10TH DAY OF JULY 2007, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

Adopted as  
amended on  
July 24, 2007

**A. ROLL CALL**

John J. McGlennon, Chairman, Jamestown District  
James O. Icenhour, Jr., Vice Chairman, Powhatan District  
Jay T. Harrison, Sr., Berkeley District  
Bruce C. Goodson, Roberts District, Absent  
M. Anderson Bradshaw, Stonehouse District

Sanford B. Wanner, County Administrator  
Leo P. Rogers, County Attorney

**B. MOMENT OF SILENCE**

Mr. McGlennon requested the Board and citizens observe a moment of silence.

**C. PLEDGE OF ALLEGIANCE** - Mariah Minns, a sixth-grade student at James Blair Middle School led the Board and citizens in the Pledge of Allegiance.

**D. PUBLIC COMMENT**

1. Ms. Marina Libro, 7242 Canal Street, requested the allowance of golf cart access in her community at Chickahominy Haven.

2. Mr. Ken Godsey, 3080 W. Riverside Drive, Lanexa, on behalf of Chickahominy Haven, presented a petition requesting allowance of golf carts in Chickahominy Haven.

3. Mr. Walt Wickham, on behalf of Chickahominy Haven civic organization, requested allowance of golf carts in Chickahominy Haven based on low speeds in the area, supporting the community, and protecting the environment.

4. Mr. Gene Farley, 4049 South Riverside Drive, presented a second petition to the Board, and requested allowance of golf carts in Chickahominy Haven.

5. Mr. Ed Oyer, 139 Indian Circle, commented on the Regional Transportation Authority and traffic on Route 60 East.

Mr. McGlennon stated the Board would direct staff to prepare a report on the issue of golf carts in Chickahominy Haven with the assistance of interested parties.

Mr. Wanner stated that names for a committee to address the issue of golf carts in Chickahominy Haven be sent to Police Chief Harmon.

Mr. McGlennon recognized Mr. Richard Krapf, from the Planning Commission, in attendance.

Mr. Bradshaw made a motion to adopt the Consent Calendar with the amendments to the regular meeting minutes.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Icenhour, McGlennon. (4). NAY: (0).

#### **E. CONSENT CALENDAR**

1. Minutes –
  - a. June 26, 2007, Work Session
  - b. June 26, 2007, Regular Meeting as amended
2. Dedication of Streets in Lake Powell Pointe Subdivision, Phases 1-4

### **RESOLUTION**

#### **DEDICATION OF STREETS IN LAKE POWELL POINTE SUBDIVISION, PHASES 1-4**

WHEREAS, the streets described on the attached Additions Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation advised the Board that the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation entered into an agreement on July 1, 1994, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the streets described on the attached Additions Form AM-4.3 to the secondary system of State highways, pursuant to §33.1-229 of the Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, the Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills, and drainage.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

3. Virginia Department of Alcoholic Beverage Control (ABC) Grant Award - \$4,999

**RESOLUTION**

**VIRGINIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (ABC)**

**GRANT AWARD - \$4,999**

WHEREAS, the Virginia Department Alcoholic Beverage Control (ABC) has approved James City County Police Department's grant application for supplies and equipment for the Department's underage alcohol consumption enforcement and educational efforts in the amount of \$4,999; and

WHEREAS, the grant requires no match; and

WHEREAS, the grant will be administered by ABC, with a grant period of July 1, 2007, through May 31, 2008.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation amendment to the Special Projects/Grants Fund:

**Revenue:**

ABC Grant	<u>\$4,999</u>
-----------	----------------

**Expenditure:**

ABC Grant	<u>\$4,999</u>
-----------	----------------

4. Chesapeake Bay Restoration Fund Grant - \$3,720

**RESOLUTION**

**CHESAPEAKE BAY RESTORATION FUND GRANT - \$3,720**

WHEREAS, the Chesapeake Bay Restoration Fund, which is funded through the sale of Chesapeake Bay license plates, has made funds available for the restoration and education of the Bay; and

WHEREAS, funds are needed to provide an enriching and SOL based environmental component to the Division's REC Connect Camp Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$3,720 grant awarded by the Chesapeake Bay Restoration Fund to help with the additions to the summer camp program.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the Special Projects/Grants Fund:

Revenues:

From the Commonwealth	<u>\$3,720</u>
-----------------------	----------------

Expenditures:

Special Projects/Grant Fund – Chesapeake Bay Restoration Fund	<u>\$3,720</u>
--	----------------

5. Department of Criminal Justice Services Grant Award - \$62,801

**RESOLUTION**

**DEPARTMENT OF CRIMINAL JUSTICE SERVICES GRANT AWARD - \$62,801**

WHEREAS, the Virginia Department of Criminal Justice Services (DCJS) has approved a grant for the Police Department in the amount of \$62,801, with a State share of \$47,101 for the continuation of the Crime Analyst position and related expenses; and

WHEREAS, the grant requires a cash local match of \$15,700, which is available in the County's Grants Match Account; and

WHEREAS, the grant will be administered by DCJS, with a grant period of July 1, 2007, through June 30, 2008.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the Special Projects/Grants Fund:

Revenues:

DCJS - Crime Analyst	\$47,101
County Grants Match Account	<u>15,700</u>
Total	<u>\$62,801</u>

Expenditure:

DCJS - Crime Analyst	<u>\$62,801</u>
----------------------	-----------------

6. Department of Motor Vehicles (DMV) – Highway Safety Grant - \$28,299

## **RESOLUTION**

### **DEPARTMENT OF MOTOR VEHICLES (DMV) - HIGHWAY SAFETY GRANT - \$28,299**

WHEREAS, the Department of Motor Vehicles (DMV) has approved a grant in the amount of \$28,299 to the Police Department for traffic enforcement overtime and related equipment; and

WHEREAS, the grant only requires soft money local match, thus eliminating any additional spending by the Police Department, excluding court overtime and equipment maintenance; and

WHEREAS, the grant is administered by the DMV according to the Federal government fiscal year which runs from October 1 through September 30, thus allowing any unspent funds as of June 30, 2008, to be carried forward to the next fiscal year.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation amendment to the Special Projects/Grants Fund:

#### **Revenues:**

DMV – Highway Safety	<u>\$28,299</u>
----------------------	-----------------

#### **Expenditures:**

DMV – Highway Safety	<u>\$28,299</u>
----------------------	-----------------

## **F. PUBLIC HEARINGS**

1. Case No. Z-3-07. 3435 Old Stage Road

Mr. Luke Vinciguerra, Planner, stated Mr. Todd Koob is requesting a rezoning of his currently vacant property from General Business (B-1), to Limited Residential (R-1), to build up to two single-family detached housing units on the parcel. The parcel is located at 3435 Old Stage Road, further identified as Tax Map/Parcel No.: 1220100011A, consisting of 1.23 acres, zoned B-1, General Business and designated by the Comprehensive Plan as Low Density Residential. The parcels in this area of Old Stage Road are zoned General Business but many have single-family detached houses on them. The area is designated low density residential on the Comprehensive Plan and the current conditions on the ground reflect the designation, though the current zoning does not support it. Single-family detached housing is not a permitted use in B-1. The adjacent parcel to the right of Mr. Koob's property was rezoned to R-1 in May.

At its meeting on June 6, 2007, the Planning Commission voted 7-0 recommending approval of the application.

Staff found the proposal to be generally consistent with the land use policies of the Comprehensive Plan and the Comprehensive Plan Land Use Map designation.

Staff recommended approval of the rezoning application and acceptance of the voluntary cash proffers.

Mr. Icenhour asked if the water and sewer for the property was through the Villages at White Hall.

Mr. Vinciguerra stated this was correct.

Mr. Icenhour asked if water and sewer were being made available to the other properties.

Mr. Vinciguerra deferred the question to the applicant.

Mr. Harrison asked how many lots could be created.

Mr. Vinciguerra stated the lot size requirements for R-1 zoning was 30,000 feet without water and sewer, and with water and sewer it would be 15,000 feet.

Mr. McGlennon stated there was potential for three lots.

Mr. Vinciguerra stated this was correct.

Mr. McGlennon opened the Public Hearing.

As no one wished to speak to this matter, Mr. McGlennon closed the Public Hearing.

Mr. Bradshaw asked if the previous proffers stated that if more than one lot was subdivided, it would pay a fee for each additional lot.

Mr. Vinciguerra stated that the revised proffers indicated that if the applicant subdivided the property, he would pay a one-time fee.

Mr. Bradshaw asked if the applicant would pay the fee if it was subdivided or if it was subdivided into three lots.

Mr. Vinciguerra stated originally the proffers allowed for a fee for each subdivision of the lot, but at this time the applicant has revised the proffers to only pay the fee once.

Mr. McGlennon asked the applicant to come forward to answer questions.

Mr. Todd Koob, 8913 Oak Lawn Way, stated if the property was zoned R-1, it would not be allowed to be subdivided more than once.

Mr. McGlennon stated that the frontage would not allow for more than two lots.

Mr. Koob stated he would only offer one proffer because he would be unable to subdivide beyond two lots due to frontage requirements.

Mr. Icenhour stated the frontage requirement allowed only two lots, which answered his question.

Mr. Bradshaw made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Icenhour, McGlennon. (4). NAY: (0).

## **RESOLUTION**

### **CASE NO. Z-3-07. 3435 OLD STAGE ROAD**

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia, and Section 24-13 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-3-07; and

WHEREAS, Mr. Todd Koob has applied to rezone his property located at 3435 Old Stage Road, further identified on James City County Real Estate Tax Map No. 1220100011A (the "Property") from B-1, General Business, to R-1, Limited Residential, so that he may build up to two single-family houses on the Property; and

WHEREAS, the Property is designated Low Density Residential on the 2003 Comprehensive Plan Land Use Map; and

WHEREAS, on June 6, 2007, the Planning Commission recommended approval of the application by a vote of 7-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-3-07 with voluntary cash proffers as described herein.

#### **2. Case No. SUP-14-07. Anderson's Corner Animal Care Facility**

Ms. Kate Sipes, Planner, stated Mr. Matthew G. Burton has applied on behalf of ACAH, LLC for a special use permit (SUP) to allow for the construction of a veterinary hospital and kennel facility. This application proposes a facility approximately 12,000 square feet in size. SUP-17-06 was approved in July 2006, for a similar facility of no more than 6,200 square feet. The property is located at 8391 Richmond Road, further identified as Tax Map/Parcel No.: 1240100001 consisting of 30.12 acres zoned A-1, General Agriculture, and designated on the Comprehensive Plan as General Industry.

Staff found the proposal generally consistent with the 2003 Comprehensive Plan and believed the conditions would adequately mitigate impacts from this development.

At its meeting on June 6, 2007, the Planning Commission voted 7-0 recommending approval of the application.

Staff recommended approval of the resolution.

Ms. Sipes stated there was an alternative resolution with a modified condition requiring an archaeological study for the disturbed area rather than for the entire property.

Mr. Bradshaw asked if there would be an opportunity before development on the other acreage to require an archaeological study.

Ms. Sipes stated if the property was developed under a SUP then a study could be listed as a condition, but if it was developed by-right, then a study could not be required.

Mr. Icenhour stated there could be by-right development of three-acre lots on the remaining acreage.

Ms. Sipes stated this was correct.

Mr. Icenhour asked why the amount of parking remained the same.

Ms. Sipes stated the applicant offered parking above the ordinance requirement. She stated this figure was based on the number of employees on a shift, which has not changed, so the parking requirement has not changed.

Mr. McGlennon opened the Public Hearing.

As no one wished to speak to this matter, Mr. McGlennon closed the Public Hearing.

Mr. Bradshaw made a motion to adopt the resolution that requires an archaeological study on disturbed land only.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Icenhour, McGlennon. (4). NAY: (0).

## **RESOLUTION**

### **CASE NO. SUP-14-07: ANDERSON'S CORNER ANIMAL CARE FACILITY**

WHEREAS, the Board of Supervisors of James City County has adopted by ordinances specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the applicant has proposed to construct a 12,000 square foot veterinary hospital and kennel facility; and

WHEREAS, the property is currently zoned A-1, General Agriculture, and is designated General Industry on the 2003 Comprehensive Plan Land Use Map; and

WHEREAS, the property is located at 8391 Richmond Road on property more specifically identified as Parcel No. (1-1) on the James City County Real Estate Tax Map No. (12-4); and

WHEREAS, on June 6, 2007, the Planning Commission recommended approval of the application by a vote of 7-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-14-07 as described herein with the following conditions:

1. This Special Use Permit shall be valid for a 12,500 square foot veterinary hospital and kennel facility. Development of the property shall be generally in accordance with the submitted master plan as determined by the Development Review Committee of the James City County Planning Commission. Minor changes may be permitted by the DRC, as long as they do not change the basic concept or character of the development.
2. A Phase I Archaeological Study for the disturbed area shall be submitted to the Director of Planning for review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that

are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation*, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's *Professional Qualification Standards*. All approved treatment plans shall be incorporated into the plan of development for the site and the clearing, grading or construction activities thereon.

3. Prior to final site plan approval, architectural elevations, building materials and colors shall be submitted to the Director of Planning for review and approval for compatibility with Hickory Neck Church and the Village of Toano in terms of design, scale, materials, and colors.
4. Any new exterior site lighting shall be limited to fixtures which are horizontally mounted on light poles not to exceed 15 feet in height and/or other structures and shall be recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare defined as 0.1 footcandle or higher shall extend outside the property lines.
5. The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority prior to final development plan approval. The standards may include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought tolerant plants where appropriate, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
6. If construction has not commenced on this project within thirty-six (36) months from the issuance of a special use permit, the special use permit shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
7. A landscaping plan shall be approved by the Director of Planning prior to final site plan approval for this project. The landscaping plan shall include enhanced landscaping within the fifty-foot Community Character Corridor buffer along Richmond Road so that the required size of plants and trees equals, at a minimum, 125 percent of the landscaping otherwise required in Chapter 24, Article II, Division 4 of the James City County Code. A minimum of fifty percent of the plantings within the Community Character Corridor buffer

shall be evergreen. Community Character Corridor buffer plantings shall include one-for-one replacement of trees to be removed from the site as identified on the site plan.

8. Only one entrance shall be allowed onto Route 60.
9. All parking shall be located either behind the proposed building or to the side, behind the front building face line with a 42 inch non-chain link vinyl or wood fence.
10. The BMP shall be designed to enhance the removal of coliform bacteria in addition to the standard water quality provisions in accordance with the Powhatan Creek Stormwater Master Plan, pages 69 to 71.
11. The owner shall use Low Impact Development ("LID") techniques such that the total extent of the LID on the property shall equal or exceed three unit measures as defined by *Special Stormwater Criteria in James City County* (adopted December 14, 2004). The proposed LID techniques to be implemented shall be approved by the Environmental Director prior to site plan approval. All approved LID techniques shall be constructed on the property prior to the release of the posted erosion and sediment control surety.
12. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

3. Case No. SUP-15-07. Precious Moments Playhouse, Inc. SUP Renewal

Mr. David German, Planner, stated Ms. Evangelina B. Crump has applied to renew an existing Special Use Permit (SUP-18-04), which expires on August 10, 2007, for the continued use of a children's day care center in a residential area. The property is located at 103 Indigo Terrace and is further identified as Tax Map/Parcel Nos.: 3840200002, consisting of 0.494 acres, zoned R-2, General Residential, and designated on the Comprehensive Plan as Low Density Residential.

Staff found that this proposal creates no new significant burdens on neighboring properties or uses. The proposal seeks only to continue an existing use which has been in operation since 1980 without recorded complaints or problems.

At its meeting on June 6, 2007, the Planning Commission recommended approval of the application.

Staff recommended approval of the application.

Mr. Bradshaw stated at the last meeting there was discussion about the reason for sunset clauses, and he said that it was because of untested uses in residential areas. He asked if staff could consider a resolution for an SUP of this kind without the sunset clause.

Mr. German stated that the process keeps with the Planning Commission's policy for a three-year renewal.

Mr. Bradshaw stated he did not find reason to include the sunset clause, because he felt that this was a tested use. He stated he supported potentially removing the requirement to renew an SUP for this type of use.

Mr. McGlennon stated that in the past, sunset clauses were eliminated from SUPs for day care uses,

Mr. McGlennon stated that in the past, sunset clauses were eliminated from SUPs for day care uses, and he stated his support for removing it from this case since there was a significant track record for this particular day care center.

Mr. McGlennon opened the Public Hearing.

As no one wished to speak to this matter, Mr. McGlennon closed the Public Hearing.

Mr. Harrison stated he concurred with the removal of the sunset clause on tested day care facilities and stated a policy needed to be formulated to address benchmarks.

Mr. Harrison made a motion to adopt the resolution.

Mr. Icenhour asked if the sunset clause should be in place for at least one three-year period if the facility was new in a community and be removed once the community was accepting of the facility or if the logic was to remove the requirement for a particular facility or if the change should be made across the board.

Mr. McGlennon stated his preference was to remove them after a period of time that it has been proven acceptable as a tested use.

Mr. Icenhour stated he concurred with this.

Mr. Harrison stated there needed to be consideration of the community when evaluating this policy.

Mr. Wanner stated that if the Board did not want to require the SUP be renewed periodically, that requirement on the resolution would be struck, but the condition would retain the requirement for State permits.

Mr. McGlennon asked the applicant if there would be any kind of hardship if the application was deferred to remove the requirement for a sunset clause.

Ms. Crump replied that a deferral would be acceptable.

Mr. German stated the SUP expires August 10, 2007.

Mr. McGlennon stated this item would be brought as a Board Consideration on July 24, 2007.

Mr. Harrison made a motion to defer action on this item to July 24, 2007.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Icenhour, McGlennon. (4). NAY: (0).

4. Case No. Z-09-06/MP-10-06. Ironbound Square Redevelopment Phase II (Continued from June 26, 2007)

Mr. Jose Ribiero, Planner, stated he understood this case was being deferred to July 24, 2007, and a presentation would be given at that time.

Mr. McGlennon opened the Public Hearing.

Mr. McGlennon continued the Public Hearing to July 24, 2007.

5. An Ordinance to Repeal Chapter 3, Animal Control, by Deleting Section 3-1 through Section 3-86; and Replacing them with new Section 3-1 through Section 3-61

Mr. Adam Kinsman, Assistant County Attorney, stated this was the first comprehensive revision of the County Code for Animal Control since 1994 to bring it into compliance with State Code in reference to animal control. Mr. Kinsman stated Animal Control Officer Shirley Anderson was involved in the revisions as well as the Heritage Human Society. He noted revisions due to moving Code changes many times. He recommended adoption of the ordinance with revisions.

Mr. Icenhour asked if there was any prohibition of chained animals.

Mr. Kinsman stated that was in the definitions, related to adequate space and tethering. He stated this portion was taken verbatim from the State Code.

Mr. McGlennon opened the Public Hearing.

As no one wished to speak to this matter, Mr. McGlennon closed the Public Hearing.

Mr. McGlennon thanked Mr. Kinsman and Ms. Anderson for their work on the ordinance.

Mr. Icenhour made a motion to adopt the ordinance.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Icenhour, McGlennon. (4). NAY: (0).

6. An Ordinance to Amend and Reordain Chapter 2, Administration, Article IV, Officers and Employees, Section 2-15.2, Homeownership Grants for County Employees

Mr. Leo Rogers, County Attorney, stated the Board of Supervisors requested that the General Assembly amend the Code requiring a separate ordinance each time an employee received a homeownership grant. This ordinance amendment removes that requirement. He recommended adoption of the ordinance amendment.

Mr. McGlennon opened the Public Hearing.

As no one wished to speak to this matter, Mr. McGlennon closed the Public Hearing.

Mr. McGlennon made a motion to adopt the ordinance amendment.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Icenhour, McGlennon. (4). NAY: (0).

7. Case No. ZO-4-07. Zoning Ordinance Amendment-Public Land Ordinance

Ms. Leanne Reidenbach, Planner, stated the zoning ordinance amendment was in response to an initiating resolution approved by the Board of Supervisors on April 24, 2007, to create a Public Land district as a special designation for public-owned or public-purpose land. She stated the land designation of these parcels would be clearer on the Comprehensive Plan and be given a clearer intention of use. She explained that creating this zoning district provided the greatest certainty of character and uses of the property and surrounding areas. She explained that the zoning ordinance amendment was the first step of a two-step process, and if the amendment was adopted, all publicly-owned land of size and use to impact the surrounding parcels would need to be rezoned. She stated this would require a rezoning, which is initiate by the first Board

Consideration item. She stated that the rezoning for each of the parcels would have to be heard by the Planning Commission and the Board.

At its meeting on May 22, 2007, the Policy Committee voted 4-0 to recommend approval of this ordinance subject to conversations with the County Attorney.

At its meeting on June 6, 2007, the Planning Commission voted 7-0 recommending approval of this ordinance.

Ms. Reidenbach stated the ordinance was revised to eliminate the area requirement.

Staff recommended approval of the ordinance amendment.

Mr. McGlennon opened the Public Hearing.

As no one wished to speak on this matter, Mr. McGlennon closed the Public Hearing.

Mr. Bradshaw made a motion to adopt the revised ordinance amendment.

Mr. Bradshaw noted that most all are by special use permit, which requires public uses to be at as high or higher standard than most uses.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Icenhour, McGlennon. (4). NAY: (0).

## **G. BOARD CONSIDERATIONS**

### **1. Initiation of the Rezoning of Parcels to be Included in the Public Land District**

Mr. Jason Purse, Planner, stated due to the zoning ordinance amendment to create a Public Land district, staff has identified 122 parcels, over five acres, and under five acres with a use that is of significant impact to adjacent property to be rezoned to the new Public Land designation. He stated the rezonings involved no new development proposals and therefore no change in uses; but, would only serve to bring publicly-owned land into the correct zoning designation. He stated if the resolution was adopted, the process would start for rezoning for all 122 parcels, and staff would notify the parcel owners. He stated that adjacent property owner notifications would not be required, but staff would draft public hearing ads and place signs on the sites. He stated the rezoned parcels would not have any more impact on private land than what exists, and staff would be happy to assist citizens if they wanted to know more about the process.

Staff recommended approval of the resolution.

Mr. Icenhour asked if this category already existed in the Comprehensive Plan.

Mr. Purse stated there was a designation for County State and Federal Land.

Mr. Icenhour stated that by putting the parcels in this zoning designation it would match up with the Comp Plan.

Mr. Purse stated that three fourths of the land would match up, while some minority of the land would be zoned differently.

Mr. Icenhour asked if this would be incorporated in the Comp Plan update.

Mr. Purse stated this was correct.

Mr. Icenhour made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Icenhour, McGlennon. (4). NAY: (0).

## **RESOLUTION**

### **INITIATION OF THE REZONING OF PARCELS TO BE INCLUDED IN**

#### **THE PUBLIC LAND DISTRICT**

WHEREAS, on July 10, 2007, the Board of Supervisors adopted the Public Land District Zoning Ordinance, which created a new zoning classification to accommodate notable publicly owned land which is used for a public purpose; and

WHEREAS, the creation of the Public Land District requires certain parcels to be rezoned to become consistent with the requirements of the District; and

WHEREAS, staff has identified 122 relevant parcels that require rezoning to the new District; and

WHEREAS, the County is beginning the process of rezoning a number of parcels within the County from various Zoning Districts to PL, Public Land.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City, Virginia, that the rezoning of the following 122 parcels from their current zoning designation to PL, Public Land, shall be initiated and shall be considered by the Planning Commission and Board of Supervisors:

- a. James City County Real Estate Tax Map No. 4930100001, Colonial Parkway
- b. James City County Real Estate Tax Map No. 5610100002, Colonial Parkway
- c. James City County Real Estate Tax Map No. 4520100002, Greensprings National Historic Park
- d. James City County Real Estate Tax Map No. 4520100001, Greensprings National Historic Park
- e. James City County Real Estate Tax Map No. 5610100001, Jamestown
- f. James City County Real Estate Tax Map No. 5510100001, Jamestown
- g. James City County Real Estate Tax Map No. 4930100002, Colonial Parkway Buffer
- h. James City County Real Estate Tax Map No. 5510300036, Colonial Parkway Buffer
- i. James City County Real Estate Tax Map No. 5510300037, Colonial Parkway Buffer
- j. James City County Real Estate Tax Map No. 5510300038, Colonial Parkway Buffer
- k. James City County Real Estate Tax Map No. 5510300039, Colonial Parkway Buffer
- l. James City County Real Estate Tax Map No. 5510300040, Colonial Parkway Buffer
- m. James City County Real Estate Tax Map No. 5510300041, Colonial Parkway Buffer
- n. James City County Real Estate Tax Map No. 5510300042, Colonial Parkway Buffer
- o. James City County Real Estate Tax Map No. 5510300043, Colonial Parkway Buffer
- p. James City County Real Estate Tax Map No. 5510300044, Colonial Parkway Buffer

- q. James City County Real Estate Tax Map No. 5510300045, Colonial Parkway Buffer
- r. James City County Real Estate Tax Map No. 5510300046, Colonial Parkway Buffer
- s. James City County Real Estate Tax Map No. 5510300047, Colonial Parkway Buffer
- t. James City County Real Estate Tax Map No. 5510300048, Colonial Parkway Buffer
- u. James City County Real Estate Tax Map No. 5510300049, Colonial Parkway Buffer
- v. James City County Real Estate Tax Map No. 5520200030, Colonial Parkway Buffer
- w. James City County Real Estate Tax Map No. 5520200031, Colonial Parkway Buffer
- x. James City County Real Estate Tax Map No. 5520200032, Colonial Parkway Buffer
- y. James City County Real Estate Tax Map No. 5520200033, Colonial Parkway Buffer
- z. James City County Real Estate Tax Map No. 5520200034, Colonial Parkway Buffer
- aa. James City County Real Estate Tax Map No. 5520200035, Colonial Parkway Buffer
- bb. James City County Real Estate Tax Map No. 5520200001a, Colonial Parkway Buffer
- cc. James City County Real Estate Tax Map No. 5510200001a, Colonial Parkway Buffer
- dd. James City County Real Estate Tax Map No. 4610100013, Undetermined Federal Open Space
- ee. James City County Real Estate Tax Map No. 6220100001, Fort Eustis and Islands on Skiffes Creek
- ff. James City County Real Estate Tax Map No. 5240100001, Weapons Station
- gg. James City County Real Estate Tax Map No. 1640100004, Camp Peary
- hh. James City County Real Estate Tax Map No. 6010100012, Undeveloped parcel near jail
- ii. James City County Real Estate Tax Map No. 4630100015, Jamestown
- jj. James City County Real Estate Tax Map No. 3910100152, Eastern State
- kk. James City County Real Estate Tax Map No. 3910100151, W&M (Plumeri)
- ll. James City County Real Estate Tax Map No. 3910100004, VDOT (Tewning)
- mm. James City County Real Estate Tax Map No. 0830100002, York River State Park
- nn. James City County Real Estate Tax Map No. 0840100001, York River State Park
- oo. James City County Real Estate Tax Map No. 1510100005, York River State Park
- pp. James City County Real Estate Tax Map No. 1410100037, Undetermined/VDOT owned parcel
- qq. James City County Real Estate Tax Map No. 6010100011, Regional Jail
- rr. James City County Real Estate Tax Map No. 2120100001, Little Creek Reservoir
- ss. James City County Real Estate Tax Map No. 6010100003, Skiffes Creek Reservoir
- tt. James City County Real Estate Tax Map No. 0310100005, Undetermined parcel with structure
- uu. James City County Real Estate Tax Map No. 5920100046, James River ES
- vv. James City County Real Estate Tax Map No. 4710100058, Clara Byrd Baker ES
- ww. James City County Real Estate Tax Map No. 3210100012, District Sports Complex
- xx. James City County Real Estate Tax Map No. 4610100009, Greensprings Trail
- yy. James City County Real Estate Tax Map No. 4620100033, Greenspace-Chanco's Grant
- zz. James City County Real Estate Tax Map No. 4620100021, Greenspace-Nixon/Clara Byrd Baker
- aaa. James City County Real Estate Tax Map No. 3130100049, DJ Montague ES
- bbb. James City County Real Estate Tax Map No. 3040100003, DJ Montague ES
- ccc. James City County Real Estate Tax Map No. 5010100009, Government Complex
- ddd. James City County Real Estate Tax Map No. 3830100010, Mid-County Park
- eee. James City County Real Estate Tax Map No. 3830100027, Mid-County Park
- fff. James City County Real Estate Tax Map No. 4420100016b, Undetermined/Vacant Land

ggg. James City County Real Estate Tax Map No. 4610100007a, Undetermined/Vacant Land

hhh. James City County Real Estate Tax Map No. 4510100018, Undetermined/Vacant Land

iii. James City County Real Estate Tax Map No. 4810600171a, Rawls Byrd ES

jjj. James City County Real Estate Tax Map No. 2320100035, Norge ES

kkk. James City County Real Estate Tax Map No. 3230100001, Lafayette HS

lll. James City County Real Estate Tax Map No. 3240100029c, Lafayette HS

mmm. James City County Real Estate Tax Map No. 3910100153, Recreation Center

nnn. James City County Real Estate Tax Map No. 3820100002, Recreation Center

ooo. James City County Real Estate Tax Map No. 4620100041, Undetermined-Greensprings Trail

ppp. James City County Real Estate Tax Map No. 4640500001a, Undetermined-Greensprings Trail

qqq. James City County Real Estate Tax Map No. 4610100011, Undetermined-Greensprings Trail

rrr. James City County Real Estate Tax Map No. 4620100039, Undetermined-Greensprings Trail

sss. James City County Real Estate Tax Map No. 3220100047, Greenspace-Scott's Trust

ttt. James City County Real Estate Tax Map No. 4610100002d, Jamestown HS

uuu. James City County Real Estate Tax Map No. 1330100016, Undetermined/JCC

vvv. James City County Real Estate Tax Map No. 3210100013, Warhill HS

www. James City County Real Estate Tax Map No. 4520100012, Greenspace-Exxon Property

xxx. James City County Real Estate Tax Map No. 1230100027, Fire #1

yyy. James City County Real Estate Tax Map No. 3240100029a, Human Services Building

zzz. James City County Real Estate Tax Map No. 3130100006, Human Services Building

aaaa. James City County Real Estate Tax Map No. 3840100038b, Undetermined/JCC Vacant Land

bbbb. James City County Real Estate Tax Map No. 3630100001, Matoaka ES

cccc. James City County Real Estate Tax Map No. 1310100020, Stonehouse ES

dddd. James City County Real Estate Tax Map No. 1240100051, Toano MS

eeee. James City County Real Estate Tax Map No. 2240100009, School Operations

ffff. James City County Real Estate Tax Map No. 1340100023a, JCC Library

gggg. James City County Real Estate Tax Map No. 3010100004, Transfer Station

hhhh. James City County Real Estate Tax Map No. 3030100001, Transfer Station

iiii. James City County Real Estate Tax Map No. 3010100007, Transfer Station

jjjj. James City County Real Estate Tax Map No. 1120100001, Upper-County Park

kkkk. James City County Real Estate Tax Map No. 1120100003, Upper-County Park

llll. James City County Real Estate Tax Map No. 3010100009, Freedom Park

mmmm. James City County Real Estate Tax Map No. 3020100010, Freedom Park

nnnn. James City County Real Estate Tax Map No. 3430100002, Chickahominy Riverfront Park

oooo. James City County Real Estate Tax Map No. 2110100026, Little Creek Reservoir Park

pppp. James City County Real Estate Tax Map No. 1410100013a, JCC vacant land

qqqq. James City County Real Estate Tax Map No. 4510100016, JCC vacant land

rrrr. James City County Real Estate Tax Map No. 4420100016e, Governor's Land Buffer

ssss. James City County Real Estate Tax Map No. 0740100015, JCC vacant land

tttt.	James City County Real Estate Tax Map No. 3910100003, JCSA (Tewning Road offices)
uuuu.	James City County Real Estate Tax Map No. 5820100003, HRSD Wastewater Treatment Facility
vvvv.	James City County Real Estate Tax Map No. 4640100009a, Jamestown Parking Area
www.	James City County Real Estate Tax Map No. 5920100048, Juvenile Detention Center
xxxx.	James City County Real Estate Tax Map No. 3240100027, Fire #4
yyyy.	James City County Real Estate Tax Map No. 3630100023, Fire #5
zzzz.	James City County Real Estate Tax Map No. 5230100001, Fire #2
aaaa.	James City County Real Estate Tax Map No. 3911300001b, Ironbound Village Offices
bbbb.	James City County Real Estate Tax Map No. 3911300001a, Ironbound Village Offices
cccc.	James City County Real Estate Tax Map No. 3911300002b, Ironbound Village Offices
dddd.	James City County Real Estate Tax Map No. 3911300003, Ironbound Village Offices
eeee.	James City County Real Estate Tax Map No. 3911300004, Ironbound Village Offices
ffff.	James City County Real Estate Tax Map No. 1240100013h, JCC Convenience Center (Hankins)
gggg.	James City County Real Estate Tax Map No. 3910100156, Recycle Center
hhhh.	James City County Real Estate Tax Map No. 4730100001, Canoe Access
iiii.	James City County Real Estate Tax Map No. 4721500001, Law Enforcement Center
jjjj.	James City County Real Estate Tax Map No. 4720100001a, Fire #3
kkkk.	James City County Real Estate Tax Map No. 1920100018a, JCC Parks (Brickyard Rd)
llll.	James City County Real Estate Tax Map No. 1240100017d, Elevated Storage Tank
mmmm.	James City County Real Estate Tax Map No. 3820100002a, Elevated Storage Tank
nnnn.	James City County Real Estate Tax Map No. 3210100001a, Elevated Storage Tank
oooo.	James City County Real Estate Tax Map No. 3910100155, Residual Eastern State
pppp.	James City County Real Estate Tax Map No. 3810100003, Residual Eastern State
qqqq.	James City County Real Estate Tax Map No. 3910100154, Residual Eastern State
rrrr.	James City County Real Estate Tax Map No. 4610100012, Mainland Farm

2. Initiation of Consideration to Revise Section 24-16, Proffers of Conditions, of the James City County Code

Mr. Adam Kinsman, Assistant County Attorney, stated the resolution allows staff to make a consideration on amending Section 24-16 since the General Assembly passed HB 2500, permitting high-growth localities such as James City County the option of adopting an alternate form of conditional zoning. He stated although the two forms of conditional zoning are similar, the alternate form appears to afford applicants greater flexibility in what they may legally proffer to the County in conjunction with a proposed rezoning.

Mr. Icenhour asked if this action initiated a process that turns into a public hearing.

Mr. Kinsman stated this would initiate a public hearing which would go before the Planning Commission and the Board.

Mr. McGlennon asked if this was a permissive option or if this was a different way to consider proffers.

Mr. Kinsman stated this would not change the system a great deal, but would allow additional flexibility that a developer can offer to the County.

Mr. Harrison asked if this could be geared toward affordable housing.

Mr. Kinsman stated this would allow staff and developers to come up with more unique proffers for the County to offer something they could not with the current statutes.

Mr. McGlennon stated this was just to initiate the process and there would be time to review what is done by staff.

Mr. Harrison made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Icenhour, McGlennon. (4). NAY: (0).

## **RESOLUTION**

### **INITIATION OF CONSIDERATION TO REVISE SECTION 24-16,**

### **PROFFER OF CONDITIONS, OF THE JAMES CITY COUNTY CODE**

WHEREAS, the Board of Supervisors of James City County, Virginia, is authorized by Virginia Code §15.2-2286 to initiate amendments to the Zoning Ordinance; and

WHEREAS, the Board of Supervisors is of the opinion that the public necessity, convenience, general welfare, and good zoning practice warrant the consideration of the proposed Zoning Ordinance amendment.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate consideration of amendments to Section 24-16 of the Code of James City County to adopt an alternate form of conditional zoning as permitted by §15.2-2298 of the Code of Virginia.

## **H. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, commented on development and increased population in the County.

## **I. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner recommended the appointments to the Regional Issues Committee be made during the Board's Requests and Directives.

Mr. Wanner stated on Saturday, July 21, 2007, at 5:30 p.m. the James City County Stadium at Warhill would be formally open with tours of the facility.

He stated that when the Board completes its business it should adjourn to 5 p.m. on July 24, 2007, due to the Board being in the Richmond area for a land use summit. He stated the Board would convene at that time for a joint work session with the Planning Commission and the annual evaluation of the County Administrator.

## **J. BOARD REQUESTS AND DIRECTIVES**

Mr. Bradshaw made a motion to reappoint Mr. Adrian G. "Casey" Duplantier, Jr., for a two-year term that will expire on January 31, 2009, and Mr. William Frymoyer for a three-year term that will expire January 31, 2010.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Icenhour, McGlennon. (4). NAY: (0).

## **RESOLUTION**

### **REGIONAL ISSUES COMMITTEE APPOINTMENTS**

WHEREAS, Mr. Adrian G. "Casey" Duplantier, Jr., has served on the Regional Issues Committee Board for three years and desires reappointment for a two-year term; and

WHEREAS, Mr. William Frymoyer has served on the Regional Issues Committee Board for three years and desires reappointment for a three-year term; and

WHEREAS, the service of Mr. Duplantier, Jr., and Mr. Frymoyer has been beneficial not only to the Committee, but also to the community.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Adrian G. "Casey" Duplantier, Jr., to a two-year term on the Regional Issues Committee set to expire January 31, 2009, and Mr. William Frymoyer to a three-year term on the Regional Issues Committee set to expire on January 31, 2010.

Mr. Bradshaw asked that the County Administrator present a more comprehensive plan for addressing the golf cart issue in Chickahominy Haven and in other communities.

Mr. Wanner stated this could be done.

Mr. Harrison asked how the information would be presented to the Board.

Mr. Wanner stated initially it would come forward as a staff report for further direction from the Board.

Mr. Icenhour presented Mr. Wanner with a commendation from the Jamestown 2007 Stamp and Cachet committee for the County's contribution to the campaign.

Mr. Icenhour asked staff to look at the Mixed Use ordinance and create a more clearly defined degree of integration between residential and commercial use to make sure mixed use developments meet the expectations of the County.

Mr. Icenhour thanked staff for providing information when asked for significant development requests. He commented on the number of approved but unbuilt homes in the County and requested a map and brief update from staff about the backlog.

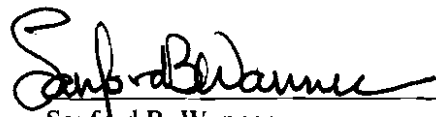
Mr. McGlennon stated the Virginia Transit Association has recognized Mr. Richard Drumwright, the County's Transit Director, for his role as Transportation Planner for the 400th Anniversary Commemoration events.

**K. ADJOURNMENT**

Mr. Harrison made a motion to adjourn.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Icenhour, McGlennon. (4). NAY: (0).

At 8:16 p.m. Mr. McGlennon adjourned the Board to 5 p.m. on July 24, 2007.

  
Sanford B. Wanner  
Clerk to the Board

JUL 10 2007

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIAORDINANCE NO. 7A-18

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 3, ANIMAL CONTROL, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY RENAMING CHAPTER 3, ANIMAL LAWS; BY REPEALING SECTIONS 3-1 THROUGH 3-86; AND REPLACING THEM WITH NEW SECTIONS 3-1 THROUGH 3-61.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 3, Animal Laws, is hereby amended and reordained by adding new Article I, In General, Section 3-1, Definitions; Section 3-2, Enforcement of animal laws; Section 3-3, Dogs and cats deemed personal property; Section 3-4, Wild animals not to be brought into or kept within the county; Section 3-5, Exotic or poisonous animals prohibited from running at large; Section 3-6, Nuisances; Section 3-7, Disposal of dead animals; Section 3-8, Dangerous and vicious animals; Section 3-9, Cruelty to animals; Section 3-10, Penalties; Article II, Dogs, Division 1, In General, Section 3-20, Running at large prohibited; Section 3-21, Running at large prohibited April fifteenth through July fifteenth; Section 3-22, Dog injuring or killing other companion animals; Section 3-23; Dogs killing or injuring livestock or poultry; Section 3-24, Compensation for livestock and poultry killed by dogs; Division 2, Licenses, Section 3-30, Unlicensed dogs prohibited; Section 3-31, Dog licenses; Section 3-32, Disposition of funds; Section 3-33, Veterinarians to provide treasurer with rabies certificate information; civil penalty; Section 3-34, Evidence showing inoculation for rabies prerequisite to obtaining dog or cat license; Section 3-35, Display of license and receipt; Section 3-36, Duplicate license tags; Section 3-37, Annual fee imposed on dogs and kennels; Section 3-38, Dog license fee; exemption for certain dogs; Section 3-39, Presumption for dog not wearing collar; Article III, Impoundment, Section 3-45, Impoundment generally; Section 3-46, Impoundment and disposition of certain dogs; Section 3-47, Disposition of animals other than those in the county pound; Article IV, Rabies Control, Section 3-55, Report of existence of rabid animal; Section 3-56, Vaccination of dogs and cats; Section 3-57, Emergency ordinance requiring confinement or restraint of dogs and cats when rabid animal at large; Section 3-58, Running at large without current rabies vaccination prohibited; Section 3-59, Confinement or destruction of dogs or cats showing signs of or suspected of having rabies; Section 3-60, Destruction or confinement of dog or cat bitten by rabid animal; and Section 3-61, Confinement or destruction of animal which has bitten a person or been exposed to rabies.

**Chapter 3**  
**ANIMAL LAWS**

**Article I. In General**

- Sec. 3-1. Definitions.*
- Sec. 3-2. Enforcement of animal laws.*
- Sec. 3-3. Dogs and cats deemed personal property.*
- Sec. 3-4. Wild animals not to be brought into or kept within the county.*
- Sec. 3-5. Exotic or poisonous animals prohibited from running at large.*
- Sec. 3-6. Nuisances.*
- Sec. 3-7. Disposal of dead animals.*
- Sec. 3-8. Dangerous and vicious animals.*
- Sec. 3-9. Cruelty to animals.*
- Sec. 3-10. Penalties.*
- Secs. 3-11 – 3-19. Reserved.*

**Article II. Dogs**

**Division 1. In General**

- Sec. 3-20. Running at large prohibited.*
- Sec. 3-21. Running at large prohibited April fifteenth through July fifteenth.*
- Sec. 3-22. Dog injuring or killing other companion animals.*
- Sec. 3-23. Dogs killing or injuring livestock or poultry.*
- Sec. 3-24. Compensation for livestock and poultry killed by dogs.*
- Secs. 3-25 – 3-29. Reserved.*

**Division 2. Licenses**

- Sec. 3-30. Unlicensed dogs prohibited.*
- Sec. 3-31. Dog licenses.*
- Sec. 3-32. Disposition of funds.*
- Sec. 3-33. Veterinarians to provide treasurer with rabies certificate information; civil penalty.*
- Sec. 3-34. Evidence showing inoculation for rabies prerequisite to obtaining dog or cat license.*
- Sec. 3-35. Display of license and receipt.*
- Sec. 3-36. Duplicate license tags.*
- Sec. 3-37. Annual fee imposed on dogs and kennels.*
- Sec. 3-38. Dog license fee; exemption for certain dogs.*
- Sec. 3-39. Presumption for dog not wearing collar.*
- Secs. 3-40 – 3-44. Reserved.*

### ***Article III. Impoundment***

- Sec. 3-45. Impoundment generally.*
- Sec. 3-46. Impoundment and disposition of certain dogs.*
- Sec. 3-47. Disposition of animals other than those in the county pound.*
- Secs. 3-48 – 3-54. Reserved.*

### ***Article IV. Rabies Control***

- Sec. 3-55. Report of existence of rabid animal.*
- Sec. 3-56. Vaccination of dogs and cats.*
- Sec. 3-57. Emergency ordinance requiring confinement or restraint of dogs and cats when rabid animal at large.*
- Sec. 3-58. Running at large without current rabies vaccination prohibited.*
- Sec. 3-59. Confinement or destruction of dogs or cats showing signs of or suspected of having rabies.*
- Sec. 3-60. Destruction or confinement of dog or cat bitten by rabid animal.*
- Sec. 3-61. Confinement or destruction of animal which has bitten a person or been exposed to rabies.*

## ***ARTICLE I. IN GENERAL***

### ***Sec. 3-1. Definitions.***

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

*Abandon. To desert, forsake, or to absolutely give up an animal without having secured another owner or custodian or failing to provide the following basic elements of care for a period of five consecutive days: adequate feed, water, shelter, exercise, space in the primary enclosure for the particular type of animal depending on its age, size and weight; care, treatment, and transportation; and veterinary care when needed to prevent suffering or disease transmission.*

*Adequate care or care. 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. 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. 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. 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; enables each animal to be clean and dry except when detrimental to the species; and, for dogs and cats, provides a solid surface, resting 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. 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. 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 12 hours to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; 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.*

*Adoption. The transfer of ownership of a dog or cat or any other companion animal from a releasing agency to an individual.*

*Agricultural animals. Livestock and poultry.*

*Animal.* Any nonhuman vertebrate species except fish. For the purposes of article IV, "animal" means any animal susceptible to rabies. For the purposes of section 3-9, "animal" means any nonhuman vertebrate species including fish except those fish captured and killed or disposed of in a reasonable and customary manner.

*Animal control officer.* A person appointed by the board of supervisors as an animal control officer or deputy animal control officer.

*Animal shelter.* A facility, other than a private residential dwelling and its surrounding grounds, that is used to house or contain animals and that is owned, operated or maintained by a nongovernmental entity including, but not limited to, a humane society, animal welfare organization, society for the prevention of cruelty to animals, or any other organization operating for the purpose of finding permanent adoptive homes for animals.

*Boarding establishment.* 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.

*Clearly visible sign.* A sign that is (i) unobstructed from view, (ii) contains legible writing, and (iii) may be read by an ordinary person without assistance while standing ten feet away from the sign.

*Companion animal.* Any domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or animal under the care, custody, or ownership of a person or any animal that is bought, sold, traded, or bartered by any person. Agricultural animals, game species, or any animals regulated under federal law as research animals shall not be considered companion animals for the purposes of this chapter.

*Direct and immediate threat.* Any clear and imminent danger to an animal's health, safety or life.

*Dump.* Knowingly desert, forsake, or absolutely give up without having secured another owner or custodian any dog, cat, or other companion animal in any public place including the right-of-way of any public highway, road or street or on the property of another.

*Emergency veterinary treatment.* Veterinary treatment to stabilize a life-threatening condition, alleviate suffering, prevent further disease transmission, or prevent further disease progression.

*Enclosure.* A structure used to house, or restrict animals from running at large.

*Euthanasia.* 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.

*Foster care provider. An individual who provides care or rehabilitation for companion animals through an affiliation with a pound, animal shelter, or other releasing agency.*

*Kennel. Any establishment in which five or more canines, felines, or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing.*

*Livestock. Includes all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; caprae animals; animals of the genus Lama; ratites; fish or shellfish in aquaculture facilities, as defined in section 3.1-73.6 of the Code of Virginia; enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.*

*Owner. 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. Any individual, partnership, firm, joint stock company, corporation, association, trust, estate or other legal entity.*

*Poultry. Includes all domestic fowl and game birds raised in captivity.*

*Pound. 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. 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.*

*Properly cleaned. Carcasses, debris, food waste and excrement are removed from the primary enclosure with sufficient frequency to minimize the animals' contact with the above-mentioned contaminants; the primary enclosure is sanitized with sufficient frequency to minimize odors and the hazards of disease; and the primary enclosure is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with the stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants.*

*Releasing agency. A pound, animal shelter, humane society, animal welfare organization, society for the prevention of cruelty to animals, or other similar entity or home-based rescue, that releases companion animals for adoption.*

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

*Treatment or adequate treatment. 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. Treatment by or on the order of a duly licensed veterinarian.*

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

#### **Sec. 3-2. Enforcement of animal laws.**

*Enforcement of this chapter is vested in an animal control officer, deputy 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-Position of animal control officer created, Code of Va., § 3.1-796.104.*

#### **Sec. 3-3. 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 control officer or other officer finding a stolen dog or cat, or a dog or cat held or detained contrary to law, shall have authority to seize and hold such animal pending action before a general district court or other court. If no such action is instituted within seven days, the animal control officer or other officer shall deliver the dog or cat to its owner.*

*(c) The presence of a dog or cat on the premises of a person other than its legal owner shall raise no presumption of theft against the owner and the animal control officer may take such animal in charge and notify its legal owner 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 control officer.*

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

***Sec. 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.*

***State law reference-General powers of counties, Code of Va. § 15.2-1200; Regulation of keeping of animals and fowl, Code of Va. § 3.1-796.94:1***

***Sec. 3-5. Exotic or poisonous animals prohibited from running at large.***

*(a) Exotic or poisonous animals shall not run at large in the county. 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.*

*(b) Any exotic or poisonous animal observed or captured while unlawfully running at large shall be disposed of in accordance with sections 3-45 through 3-47.*

*(c) For any exotic or poisonous animal identified as to ownership, if such exotic or poisonous animal is captured and confined by the animal control officer or other officer appointed under the provisions of this chapter, the owner shall be charged with the county's actual expenses incurred in locating, capturing, and impounding or otherwise disposing of the animal.*

***State code reference-Similar provision, Code of Va., § 3.1-796.94:1.***

***Sec. 3-6. Nuisances.***

*(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 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 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 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 any 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 control officer 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 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.*

*State law reference-General powers of counties, Code of Va. § 15.2-1200.*

#### ***Sec. 3-7. Disposal of dead animals.***

*(a) Companion animals. The owner of any companion animal which has died from disease or other cause shall forthwith cremate, bury, or sanitarily dispose of the same. If, after notice, any owner fails to do so, the animal control officer or other officer shall bury or cremate the companion animal, and he may recover on behalf of the county from the owner his cost for this service.*

*(b) Other animals. When the owner of any animal or grown fowl other than a companion animal which has died knows of such death, such owner shall forthwith have its body cremated or buried, and, if he fails to do so, any judge of a general district court, after notice to the owner if he can be ascertained, shall cause any such dead animal or fowl to be cremated or buried by an officer or other person designated for the purpose. Such officer or other person shall be entitled to recover of the owner of every such animal so cremated or buried the actual cost of the cremation or burial, not to exceed seventy-five dollars, and of the owner of every such fowl so cremated or buried the actual cost of the cremation or burial, not to exceed five dollars, to be recovered in the same manner as officers' fees are recovered, free from all exemptions in favor of such owner. Nothing in this subsection shall be deemed to require the burial or cremation of the whole or portions of any animal or fowl which is to be used for food or in any commercial manner.*

*(c) Penalty. Any person violating the provisions of this section shall be guilty of a Class 4 misdemeanor.*

*State law references-Disposal of dead companion animals, Code of Va., § 3.1-796.121; burial or cremation of animals or fowl which have died, Code of Va., § 18.2-510.*

***Sec. 3-8. Dangerous and vicious animals.***

*(a) As used in this section:*

*"Dangerous dog." A canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person or companion animal that is a dog or cat, or killed a companion animal that is a dog or cat. However, when a dog attacks or bites a companion animal that is a dog or cat, the attacking or biting dog shall not be deemed dangerous (i) if no serious physical injury as determined by a licensed veterinarian has occurred to the dog or cat as a result of the attack or bite, (ii) if both animals are owned by the same person, (iii) if such attack occurs on the property of the attacking or biting dog's owner or custodian, or (iv) for other good cause as determined by the court. No dog shall be found to be a dangerous dog as a result of biting, attacking, or inflicting injury on a dog or cat while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event.*

*"Vicious dog." A canine or canine crossbreed that has (i) killed a person; (ii) inflicted 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 that resulted in a previous finding by a court or, on or before July 1, 2006, by an animal control officer as authorized by local ordinance, that it is a dangerous dog, provided that its owner has been given notice of that finding.*

*(b) Any law-enforcement officer or animal control officer who has reason to believe that a canine or canine crossbreed within the county is a dangerous dog or vicious dog shall apply to a magistrate of the county for the issuance of a summons requiring the owner or custodian, if known, to appear before a general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. If a law-enforcement officer successfully makes an application for the issuance of a summons, he shall contact the local animal control officer and inform him of the location of the dog and the relevant facts pertaining to his belief that the dog is dangerous or vicious. The animal control officer shall confine the animal until such time as evidence shall be heard and a verdict rendered. If the animal control officer determines that the owner or custodian can confine the animal in a manner that protects the public safety, he may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or 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 3-45. The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in Article 4 (Section 19.2-260 et seq.) of Chapter 15 of Title 19.2 of the Code of Virginia. The Commonwealth shall be required to prove its case beyond a reasonable doubt.*

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

*threat, injury or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian, (ii) committing, at the time, a willful trespass upon the premises occupied by the animal's owner or custodian, or (iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog that was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog or a vicious dog. No animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, shall be found to be a dangerous dog or a vicious dog.*

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

*(e) The owner of any animal found to be a dangerous dog shall, within 10 days of such finding, obtain a dangerous dog registration certificate from the local animal control officer for a fee of \$50, in addition to other fees that may be authorized by law. The local animal control officer shall also provide the owner with a uniformly designed tag that identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. 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. The animal control officer shall provide a copy of the dangerous dog registration certificate and verification of compliance to the State Veterinarian.*

*(f) All dangerous dog registration certificates or renewals thereof required to be obtained under this section shall only be issued to persons 18 years of age or older who present satisfactory evidence (i) of the animal's current rabies vaccination, if applicable, (ii) that the animal has been neutered or spayed, and (iii) that the animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed. In addition, owners who apply for certificates or renewals 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 or by electronic implantation. All certificates or renewals thereof required to be obtained under this section shall only be issued to persons who present satisfactory evidence that the owner has liability insurance coverage, to the value of at least \$100,000 that covers animal bites. The owner may obtain and maintain a bond in surety, in lieu of liability insurance, to the value of at least \$100,000.*

*(g) While on the property of its owner, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. 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 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.*

*(h) The owner of any dog found to be dangerous shall register the animal with the Commonwealth of Virginia Dangerous Dog Registry, as established under Section 3.1-796.93:3 of the Code of Virginia, within 45 days of such a finding by a court of competent jurisdiction. The owner shall also cause the local animal control officer to be promptly notified of (i) the names, addresses, and telephone numbers of all owners; (ii) all of the means necessary to locate the owner and the dog at any time; (iii) any complaints or incidents of attack by the dog upon any person or cat or dog; (iv) any claims made or lawsuits brought as a result of any attack; (v) tattoo or chip identification information or both; (vi) proof of insurance or surety bond; and (vii) the death of the dog.*

*(i) After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon learning of same, cause the local animal control authority to be notified if the animal (i) is loose or unconfined; or (ii) bites a person or attacks another animal; or (iii) is sold, given away, or dies. Any owner of a dangerous dog who relocates to a new address shall, within 10 days of relocating, provide written notice to the appropriate local animal control authority for the old address from which the animal has moved and the new address to which the animal has been moved.*

*(j) Any owner or custodian of a canine or canine crossbreed or other animal is guilty of a:*

*1. Class 2 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, attacks and injures or kills a cat or dog that is a companion animal belonging to another person;*

*2. Class 1 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, bites a human being or attacks a human being causing bodily injury; or*

*3. Class 6 felony if any owner or custodian whose willful act or omission in the care, control, or containment of a canine, canine crossbreed, or other animal is so gross, wanton, and culpable as to show a reckless disregard for human life, and is the proximate cause of such dog or other animal attacking and causing serious bodily injury to any person.*

*The provisions of this subsection shall not apply to any animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, or when the animal is a police dog that is engaged in the performance of its duties at the time of the attack.*

*(k) The owner of any animal that has been found to be a dangerous dog who willfully fails to comply with the requirements of this section is guilty of a Class 1 misdemeanor.*

*(l) 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 county for the purpose of paying the expenses of any training course required pursuant to Section 3.1-796.104:1 of the Code of Virginia.*

*State law reference-Authority to control dangerous and vicious dogs, Code of Va., § 3.1-796.93:1.*

***Sec. 3-9. Cruelty to animals.***

*(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 food, drink, shelter, or emergency veterinary treatment; (iii) sores any equine for any purpose or administers drugs or medications to alter or mask such sores for the purposes of sale, show, or exhibition of any kind, unless such administration of drugs or medications is within the context of veterinary client-patient relationship and solely for therapeutic purposes; (iv) willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal; (v) 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 (vi) causes any of the above things, or being the owner of such animal permits such acts to be done by another, shall be guilty of a Class 1 misdemeanor.*

*(b) Any person who (i) tortures, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly and unnecessarily beats, maims, mutilates or kills any animal whether belonging to himself or another; (ii) sores any equine for any purpose or administers drugs or medications to alter or mask such sores for the purpose of sale, show, or exhibit of any kind, unless such administration of drugs or medications is under the supervision of a licensed veterinarian and solely for therapeutic purposes; (iii) maliciously deprives any companion animal of necessary food, drink, shelter or emergency veterinary treatment; (iv) instigates, engages in, or in any way furthers any act of cruelty to any animal set forth in clauses (i) through (iv); or (v) causes any of the actions described in clauses (i) through (iv), or being the owner of such animal permits such acts to be done by another; and has been within five years convicted of a violation of this subsection or subsection (a), shall be guilty of a Class 6 felony if the current violation or any previous violation of this subsection or subsection (a) resulted in the death of an animal or the euthanasia of an animal based on the recommendation of a licensed veterinarian upon determination that such euthanasia was necessary due to the condition of the animal, and such condition was a direct result of a violation of this subsection or subsection (a).*

*(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.*

*(e) This section shall not prohibit authorized wildlife management activities or hunting, fishing or trapping as regulated under other titles of the county code or the Code of Virginia, or to farming activities as provided by the county code or the Code of Virginia.*

*(f) In addition to the penalties provided in subsection (a), the court may, in its discretion, require any person convicted of a violation of subsection (a) to attend an anger management or other appropriate treatment program or obtain psychiatric or psychological counseling. The court may impose the costs of such a program or counseling upon the person convicted.*

*(g) It is unlawful for any person to kill a domestic dog or cat for the purpose of obtaining the hide, fur or pelt of the dog or cat. A violation of this subsection shall constitute a Class 1 misdemeanor. A second or subsequent violation of this subsection shall constitute a Class 6 felony.*

*(h) Any person who (i) tortures, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation or cruelly and unnecessarily beats, maims or mutilates any dog or cat that is a companion animal whether belonging to him or another and (ii) as a direct result causes the death of such dog or cat that is a companion animal, or the euthanasia of such animal on the recommendation of a licensed veterinarian upon determination that such euthanasia was necessary due to the condition of the animal, shall be guilty of a Class 6 felony. If a dog or cat is attacked on its owner's property by a dog so as to cause injury or death, the owner of the injured dog or cat may use all reasonable and necessary force against the dog at the time of the attack to protect his dog or cat. Such owner may be presumed to have taken necessary and appropriate action to defend his dog or cat and shall therefore be presumed not to have violated this subsection. The provisions of this subsection shall not overrule sections 3-8, 3-22, or 3-23.*

*(i) Any person convicted of violating this section may be prohibited by the court from possession or ownership of companion animals.*

*State law references-Ordinances prohibiting cruelty to animals, Code of Va., § 3.1-796.122.*

#### ***Sec. 3-10. 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 3-38 shall not operate to relieve the owner from the penalties provided.*

*(c) Civil penalties:*

*1. A civil penalty in the amount listed on the schedule below shall be assessed for a violation of the respective offense:*

<i>a.</i>	<i>Not displaying a current county dog license:</i>	
<i>i.</i>	<i>First offense .....</i>	<i>\$20.00</i>
<i>ii.</i>	<i>Second offense .....</i>	<i>\$30.00</i>
<i>iii.</i>	<i>Third and subsequent offenses .....</i>	<i>\$40.00</i>

- b. *No current rabies vaccination:*
  - i. *First offense.....\$30.00*
  - ii. *Second offense.....\$45.00*
  - iii. *Third and subsequent offenses.....\$60.00*

***State law references***-Payment of license tax, subsequent to summons, Code of Va., § 3.1-796.103; Governing body of county, city, or town may adopt certain ordinances, Code of Va., § 3.1-796.94.

***Secs. 3-11-3-19. Reserved.***

## **ARTICLE II – DOGS**

### ***Division 1. In General***

#### ***Sec. 3-20. Running at large prohibited.***

*(a) Dogs shall not run at large in the county except in those areas zoned A-1, General Agricultural; provided, however, even within A-1 areas dogs shall not run at large in platted subdivisions consisting of five (5) 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 3-45 through 3-47.*

*(d) For any dog identified as to ownership, if such dog is captured and confined by the animal control officer 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.*

***State law references***-Governing body of county may prohibit dogs from running at large, Code of Va., § 3.1-796.93; county or city pounds, confinement and disposition of stray animals, Code of Va., § 3.1-796.96.

***Sec. 3-21. Running at large prohibited April fifteenth through July fifteenth.***

*(a) Notwithstanding section 3-20 above, dogs are prohibited from running at large in the county in each calendar year during the period from April fifteenth to July fifteenth. 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 3-20 shall be likewise applicable to this section.*

*State law reference-Governing body of county may prohibit dogs from running at large, Code of Va., § 3.1-796.93.*

***Sec. 3-22. Dog injuring or killing other companion animals.***

*The owner of any companion animal that is injured or killed by a dog shall be entitled to recover damages consistent with the provisions of 3-3 from the owner of such dog in an appropriate action at law if (i) the injury occurred on the premises of the companion animal's owner, and (ii) the owner of the offending dog did not have the permission of the companion animal's owner for the dog to be on the premises at the time of the attack.*

*State law reference-Similar provisions, Code of Va. § 3.1-796.127:1.*

***Sec. 3-23. Dogs killing or injuring livestock or poultry.***

*(a) It shall be the duty of the animal control officer 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 control officer or other officer to kill any dog known to be a confirmed livestock or poultry killer, and any dog killing poultry for the third time shall be considered a confirmed poultry killer. The court, through its contempt powers, may compel the owner, custodian or harbinger of the dog to produce the dog.*

*(b) If the animal control officer has reason to believe that a dog is killing livestock or 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 control officer 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 control officer 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 which is later found in the commonwealth shall be ordered by a court to be killed immediately.*

*State law reference-Dogs killing, injuring or chasing livestock or poultry, Code of Va., § 3.1-796.116.*

***Sec. 3-24. 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 \$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 reason the claimant believes that death or injury was caused by a dog;*

*(2) The animal control officer or other officer shall have been notified of the incident within 72 hours of its discovery; and*

*(3) The claimant first has exhausted his legal remedies against the owner, if known, of the dog doing the damage for which compensation under this section is sought. "Exhaustion" shall mean a judgment against the owner of the dog upon which an execution has been returned unsatisfied. 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 presenting a false claim or receiving any money on a false claim for livestock or poultry killed by dogs under the provisions of this section shall be guilty of a Class 1 misdemeanor.*

*State law reference-Similar provisions, Code of Va., §§ 3.1-796.118, 3.1-796.128.*

***Secs. 3-25-3-29. Reserved.***

*Division 2. Licenses*

***Sec. 3-30. 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.*

*State law references-Unlicensed dogs prohibited, Code of Va., § 3.1-796.85.*

**Sec. 3-31. Dog licenses.**

*(a) Required; application. 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) License fee and vaccination certificate. Each application shall be accompanied by the amount of the license fee and current certificate of vaccination as required by this chapter or satisfactory evidence that such certificate has been obtained.*

*(c) Authority of treasurer, issuance of license receipt. 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 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 issued, the serial number of the tag, whether male or female, whether spayed or neutered, or whether a kennel, and deliver the metal license tags or plates provided for herein. The tag shall be stamped or otherwise permanently marked to show the name of the county and bear a serial number or other identifying information as may be prescribed by the board of supervisors.*

*(d) Retention of information; treasurer to destroy unsold tags. 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) False statements. 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-Unlicensed dogs prohibited, Code of Va., § 3.1-796.85; How to obtain licenses, Code of Va., § 3.1-796.86; what dog or cat licenses shall consist of, Code of Va., § 3.1-796.90.*

**Sec. 3-32. Disposition of funds.**

*(a) The county treasurer shall keep all money collected for dog license fees pursuant to section 3-31 in a separate account from all other funds collected by him. The county shall use the dog license funds for the following purposes:*

- (1) The salary and expenses of the animal control officer 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 3-31;*
- (5) Payments for compensation as provided in section 3-24; 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-Disposition of funds, Code of Va., § 3.1-796.101; supplemental funds, Code of Va., § 3.1-796.102.*

***Sec. 3-33 Veterinarians to provide treasurer with rabies certificate information; civil penalty.***

*Each veterinarian who vaccinates a dog against rabies or directs a veterinary technician in his employ to vaccinate a dog against rabies shall provide the owner a copy of the rabies vaccination certificate. The veterinarian shall forward within 45 days a copy of the rabies vaccination certificate or the information contained in such certificate to the treasurer of the locality in which the vaccination occurs.*

*The rabies vaccination certificate shall include at a minimum the signature of the veterinarian, the animal owner's name and address, the species of the animal, the sex, the age, the color, the primary breed, the secondary breed, whether or not the animal is spayed or neutered, the vaccination number, and expiration date. The rabies vaccination certificate shall indicate the locality in which the animal resides.*

*It shall be the responsibility of the owner of each vaccinated animal that is not already licensed to apply for a license for the vaccinated dog. If the treasurer determines, from review of the rabies vaccination information provided by veterinarians, that the owner of an unlicensed dog has failed to apply for a license within 90 days of the date of vaccination, the treasurer shall transmit an application to the owner and request the owner to submit a completed application and pay the appropriate fee. Upon receipt of the completed application and payment of the license fee, the treasurer or other agent charged with the duty of issuing the dog licenses shall issue a license receipt and a permanent tag.*

*The treasurer shall remit any rabies vaccination certificate received for any animal owned by an individual residing in another locality to the local treasurer for the appropriate locality.*

*Any veterinarian that willfully fails to provide the treasurer with a copy of the rabies vaccination certificate or the information contained in such certificate shall be subject to a civil penalty of \$10.00 per certificate. Monies raised pursuant to this subsection shall be placed in the county's general fund for the purpose of animal control activities including, but not limited to, spay or neuter programs.*

*State law reference-Similar provision, Code of Va., § 3.1-796.87:1.*

***Sec. 3-34 - Evidence showing inoculation for rabies prerequisite to obtaining dog or cat license.***

*No license tag shall be issued for any dog unless there is presented to the treasurer or his designee satisfactory evidence that such dog has been inoculated or vaccinated against rabies by a currently licensed veterinarian or currently licensed veterinary technician who was under the immediate and direct supervision of a licensed veterinarian on the premises.*

*State law reference-Evidence showing inoculation for rabies prerequisite to obtaining dog or cat license, Code of Va., § 3.1-796.97.*

***Sec. 3-35. Display of license and receipt.***

*Dog license receipts shall be carefully preserved by licensees and exhibited promptly upon request for inspection by the animal control officer or other officer of the county. The animal control officer 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 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.*

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

***Sec. 3-36. 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-Similar provisions, Code of Va., § 3.1-796.91.*

***Sec. 3-37. 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 owned, possessed or kept in the county, as follows:*

- |                                    |        |
|------------------------------------|--------|
| (1) Male, female dogs.....         | \$8.00 |
| (2) Spayed/neutered dogs.....      | 5.00   |
| (3) Kennel for up to ten dogs..... | 15.00  |

- (4) Kennel for up to 20 dogs.....25.00
- (5) Kennel for up to 30 dogs.....35.00
- (6) Kennel more than 30 dogs.....50.00
- (7) 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.*

*State law references-Amount of license tag, Code of Va., § 3.1-796.87; duplicate license tags, Code of Va., § 3.1-796.91.*

***Sec. 3-38. Dog license fee; exemption for certain dogs.***

*(a) The license tax as prescribed in this chapter is due not later than 30 days after a dog has reached the age of four months, or not later than 30 days after an owner acquires a dog four months of age or older and each year thereafter.*

*(b) Any kennel license tax prescribed pursuant to this chapter shall be due on January 1 and not later than January 31 of each year.*

*(c) No license tax shall be levied on any dog that is trained and serves as a guide dog for a blind person, that is trained and serves as a hearing dog for a deaf or hearing impaired person or that is trained and serves as a service dog for a mobility-impaired person.*

*As used in this section, "hearing dog" means a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond and "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.*

*State law references-Amount of license tag, Code of Va., § 3.1-796.87; when license tax payable, Code of Va., § 3.1-796.88.*

***Sec. 3-39. Presumption for dog not wearing collar.***

*Any dog not wearing a collar bearing a valid license tag shall prima facie be deemed to be unlicensed, and in any proceedings under this chapter the burden of proof of the fact that such dog 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-Effect of dog or cat not wearing collar as evidence, Code of Va., § 3.1-796.89.*

***Secs. 3-40-3-44. Reserved.***

### ***Article III. Impoundment***

#### ***Sec. 3-45. Impoundment generally.***

*(a) Any humane investigator, law-enforcement officer, or animal control officer, may lawfully seize and impound any animal that has been abandoned, has been cruelly treated, or is suffering from an apparent violation of this chapter that has rendered the animal in such a condition as to constitute a direct and immediate threat to its life, safety, or health. Before seizing or impounding any agricultural animal, such humane investigator, law-enforcement officer, or animal control officer shall contact the State Veterinarian or a State Veterinarian's representative, who shall recommend to such person the most appropriate action for the disposition of the agricultural animal, provided, however, that the seizure or impoundment of an equine resulting from a violation of subdivision (a) (iii) or subdivision (b) (ii) of section 3-9 may be undertaken only by the State Veterinarian or State Veterinarian's representative who has received training in the examination and detection of sore horses equivalent to that required by 9 C.F.R. Part 11.7 and that is approved by the State Veterinarian. The humane investigator, law-enforcement officer, or animal control officer shall notify the owner of the agricultural animal and the local attorney for the Commonwealth of the recommendation. The humane investigator, law-enforcement officer or animal control officer may impound the agricultural animal on the land where the agricultural animal is located if:*

- 1. The owner or tenant of the land where the agricultural animal is located gives written permission;*
- 2. A general district court so orders; or*
- 3. The owner or tenant of the land where the agricultural animal is located cannot be immediately located, and it is in the best interest of the agricultural animal to be impounded on the land where it is located until the written permission of the owner or tenant of the land can be obtained.*

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

*Upon seizing or impounding an animal, the humane investigator, law-enforcement officer or animal control officer shall petition the general district court in the city or county wherein the animal is seized for a hearing. The hearing shall be not more than ten business days from the date of the seizure of the animal. The hearing shall be to determine whether the animal has been abandoned, has been cruelly treated, or has not been provided adequate care or is 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 control officer, shall cause to be served upon the owner, if known and residing within the 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 humane investigator, law-enforcement officer, or animal control officer shall cause to be served upon the person with a right of property in the animal or the custodian of the animal notice of the hearing. If such person or the custodian is known and residing within the jurisdiction wherein the animal is seized, written notice shall be given at least five days prior to the hearing of the time and place of the hearing. If such person or the custodian is known but residing out of the jurisdiction where such animal is seized, written notice by any method or service of process as is provided by the Code of Virginia shall be given. If such person or the custodian is not known, the humane investigator, law-enforcement officer, or animal control officer shall cause to be published in a newspaper of general circulation in the jurisdiction wherein such animal is seized notice of the hearing at least one time prior to the hearing and shall further cause notice of the hearing to be posted at least five days prior to the hearing at the place provided for public notices at the city hall or courthouse wherein such hearing shall be held.*

*(c) 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.*

*(d) The humane investigator, law enforcement officer, or animal control officer, shall provide for such animal until the court has concluded the hearing. The owner of any animal held pursuant to this section for more than thirty days shall post a bond in surety with the County for the amount of the cost of boarding the animal for a period of nine months. Such bond shall not prevent the animal's custodian from disposing of such animal at the end of the nine month period covered by the bond unless the person claiming an interest posts an additional bond in surety with the County to secure payment of the costs of caring for the animal for an additional nine months and does so prior to the expiration of the previous nine month period. At the conclusion of the case, the bond shall be forfeited to the County unless there is a finding that the owner is able to adequately provide for the animal and is a fit person to own the animal. If the animal is returned to the owner or other individual despite a violation of this section, the person posting the bond will be entitled to a return of the bond less the incurred expenses of boarding, medical care and impounding the animal.*

*If the court determines that the animal has been neither abandoned, cruelly treated, nor deprived of adequate care, the animal shall be returned to the owner. If the court determines that the animal has been abandoned, cruelly treated, or deprived of adequate care, then the court shall order that the animal be: (i) sold by the county; (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 to any person who is a resident of the county or city where the animal is seized or an adjacent county or city in the Commonwealth and who will pay the required license fee, if any, on such animal; or (iv) delivered to the person with a right of property in the animal as provided in subsection.*

*(e) In no case shall the owner be allowed to purchase, adopt, or otherwise obtain the animal if the court determines that the animal has been abandoned, cruelly treated, or deprived of adequate care; however, the court shall direct that the animal be delivered to the person with a right of property in the animal, upon his request, if the court finds that the abandonment, cruel treatment, or deprivation of adequate care is not attributable to the actions or inactions of such person.*

*(f) The court shall order the owner of any animal determined to have been abandoned, cruelly treated, or deprived of adequate care to pay all reasonable expenses incurred in caring and providing for such animal from the time the animal is seized until such time that the animal is disposed of in accordance with the provisions of this section, to the provider of such care.*

*(g) The court may prohibit the possession or ownership of other companion animals by the owner of any companion animal found to have been abandoned, cruelly treated, or deprived of adequate care. In making a determination to prohibit the possession or ownership of companion animals, the court may take into consideration the owner's past record of convictions under this chapter or other laws prohibiting cruelty to animals or pertaining to the care or treatment of animals and the owner's mental and physical condition.*

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

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

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

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

***Sec. 3-46. Impoundment and disposition of certain dogs.***

*(a) The county shall maintain or cause to be maintained a pound in which dogs found running at large without the tag required by section 3-35 or dogs found in violation of sections 3-20 or 3-21 shall be confined. Nothing in this section shall be construed to prohibit confinement of other companion animals in such pound.*

*(b) An animal confined pursuant to this section shall be kept for a period of not less than five days, such period to commence on the day immediately following the day the animal is initially confined in the facility, unless sooner claimed by the rightful owner thereof.*

*The operator or custodian of the pound shall make a reasonable effort to ascertain whether the animal has a collar, tag, license, tattoo, or other form of identification. If such identification is found on the animal, the animal shall be held for an additional five days, unless sooner claimed by the rightful owner. If the rightful owner of the animal can 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 the next 48 hours following its confinement.*

*If any animal confined pursuant to this section is claimed by its rightful owner, such owner may be charged with the actual expenses incurred in keeping the animal impounded.*

*(c) If an animal confined pursuant to this section has not been claimed upon expiration of the appropriate holding period as provided by subsection B, it shall be deemed abandoned and become the property of the pound.*

*Such animal may be humanely destroyed or disposed of by the methods set forth in subdivisions 1 through 5. No pound shall release more than two animals or a family of animals during any 30-day period to any one person under subdivisions 2, 3, or 4.*

*(1) Release to any humane society, animal shelter, or other releasing agency within the commonwealth, provided that each humane society, animal shelter, or other releasing agency obtains a signed statement from each of its directors, operators, staff, or animal caregivers specifying that each individual has never been convicted of animal cruelty, neglect, or abandonment and updates such statements as changes occur;*

*(2) Adoption by a resident of the county or city for which the pound is operated and who will pay the required license fee, if any, on such animal, provided that such resident has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment;*

*(3) Adoption by a resident of an adjacent political subdivision of the commonwealth, provided that such resident has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment;*

*(4) Adoption by any other person, provided that such person has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment, and provided that no animal may be adopted by any person who is not a resident of the county or city*

*for which the pound is operated, or of an adjacent political subdivision, unless the animal is first sterilized, and the pound may require that the sterilization be done at the expense of the person adopting the animal; or*

*(5) Release for the purposes of adoption or euthanasia only, to an animal shelter, or any other releasing agency located in and lawfully operating under the laws of another state, provided that such animal shelter, or other releasing agency: (i) maintains records that would comply with § 3.1-796.105 of the Code of Virginia; (ii) requires that adopted dogs and cats be sterilized; (iii) obtains a signed statement from each of its directors, operators, staff, and animal caregivers specifying that each individual has never been convicted of animal cruelty, neglect, or abandonment, and updates such statement as changes occur; and (iv) has provided to the pound, animal shelter, or other releasing agency within the Commonwealth a statement signed by an authorized representative specifying the entity's compliance with clauses (i) through (iii), and the provisions of adequate care and performance of humane euthanasia, as necessary in accordance with the provisions of this chapter.*

*For purposes of recordkeeping, release of an animal by a pound to a pound, animal shelter or other releasing agency shall be considered a transfer and not an adoption. If the animal is not first sterilized, the responsibility for sterilizing the animal transfers to the receiving entity.*

*(d) Nothing in this section shall prohibit the immediate euthanasia of a critically injured, critically ill, or unweaned animal for humane purposes. Any animal euthanized pursuant to the provisions of this chapter shall be euthanized by one of the methods prescribed or approved by the State Veterinarian.*

*(e) Nothing in this section shall prohibit the immediate euthanasia or disposal by the methods listed in subdivisions 1 through 5 of subsection C of an animal that has been released to a pound, animal shelter, other releasing agency, or animal control officer by the animal's rightful owner after the rightful owner has read and signed a statement (i) surrendering all property rights in such animal, (ii) stating that no other person has a right of property in the animal, and (iii) acknowledging that the animal may be immediately euthanized or disposed of in accordance with subdivisions 1 through 5 of subsection C.*

*(f) Nothing in this section shall prohibit any feral dog or feral cat not bearing a collar, tag, tattoo, or other form of identification which, based on the written statement of a disinterested person, exhibits behavior that poses a risk of physical injury to any person confining the animal, from being euthanized after being kept for a period of not less than three days, at least one of which shall be a full business day, such period to commence on the day the animal is initially confined in the facility, unless sooner claimed by the rightful owner. The statement of the disinterested person shall be kept with the animal as required by § 3.1-796.105 of the Code of Virginia. For purposes of this subsection, a disinterested person shall not include a person releasing or reporting the animal.*

*(g) No pound shall place a companion animal in a foster home with a foster care provider unless the foster care provider has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment, and each pound shall update such statement as changes occur. The pound shall maintain the original statement and any updates to such statement in accordance with this chapter and for at least so long as the pound has an affiliation with the foster care provider.*

*(h) A pound that places a companion animal in a foster home with a foster care provider shall ensure that the foster care provider complies with § 3.1-796.68 of the Code of Virginia.*

*(i) If a pound finds a direct and immediate threat to a companion animal placed with a foster care provider, it shall report its findings to the animal control agency in the locality where the foster care provider is located.*

*(j) For purposes of this section:*

*“Animal” shall not include agricultural animals.*

*“Rightful owner” means a person with a right of property in the animal.*

***State law reference-County or city pounds, confinement and disposition of stray animals, Code of Va., § 3.1-796.96.***

***Sec. 3-47. 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 4 misdemeanor.*

***State law references-Disposition of animals other than those in county or city pounds, Code of Va., § 3.1-96.96:1; Regulation of sale of animals procured from animal shelters, Code of Va. § 3.1-796.94:2***

***Secs. 3-48-3-54. Reserved.***

#### ***Article IV. Rabies Control***

***Sec. 3-55. 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.*

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

***Sec. 3-56. Vaccination of dogs and cats.***

*(a) Vaccination required; exception. The owner or custodian of all dogs and domesticated cats four months of age and older shall have them currently vaccinated for rabies by a licensed veterinarian or licensed veterinary technician who is under the immediate and direct supervision of a licensed veterinarian on the premises. The supervising veterinarian on the premises shall provide the owner of the dog or the custodian of the domesticated cat with a certificate of vaccination. The owner of the dog or the custodian of the domesticated cat shall furnish within a reasonable period of time, upon the request of an animal control officer, humane investigator, law-enforcement officer, State Veterinarian's representative, or official of the Department of Health, the certificate of vaccination for such dog or cat. The vaccine used shall be licensed by the United States Department of Agriculture for use in that species.*

*(b) Application to persons transporting dogs/cats into county. 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 30 days subsequent to bringing such animal into the county.*

*(c) Issuance of certificate. 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;*
- (7) Method of injection; and*
- (8) The signature of the licensed veterinarian.*

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

*(e) Inoculation of adopted dogs/cats by animal technicians. Dogs and domesticated cats being adopted from an animal shelter during the period an emergency ordinance is in force, as provided in section 3-57, 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.*

*State law references-Rabies inoculation of dogs and domesticated cats, Code of Va., § 3.1-796.97.1; inoculation for rabies at animal shelters, Code of Va., § 3.1-796.99; regulations to prevent spread of rabies and running at large of vicious dogs, Code of Va., § 3.1-796.100.*

***Sec. 3-57. 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 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 30 days unless renewed by the board of supervisors.*

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

***Sec. 3-58 Running at large without current rabies vaccination prohibited.***

*(a) Dogs or cats shall not run at large in the county without a valid rabies vaccination as required by this chapter.*

*(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.*

*(c) For any dog or cat identified as to ownership, if such dog or cat is captured and confined by the animal control officer 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.*

*(d) A violation of this section shall constitute a Class 3 misdemeanor for the first violation and a Class 1 misdemeanor for a second or a subsequent violation.*

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

***Sec. 3-59. 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-Rabid animals, Code of Va., § 3.1-796.98.*

***Sec. 3-60. 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 as provided in section 3-45 of this chapter. 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 revaccinated 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 45 days.*

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

***Sec. 3-61. 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. A seriously injured or sick animal may be humanely euthanized as provided in section 3-45 of this chapter and its head sent to the Division of Consolidated Laboratory Services of the Department of General Services, or the local health department, for evaluation. The director of health shall determine the location and conditions of confinement for such animal.*

*(b) When any potentially rabid animal, other than a dog or cat, exposes or may have exposed a person to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, that animal shall be confined at the discretion of a local health director in a manner approved by the health department or humanely euthanized as provided in section 3-45 of this chapter and its head sent to the Division of Consolidated Laboratory Services of the Department of General Services or the local health department for evaluation.*

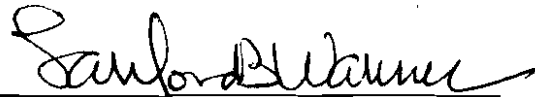
*(c) When any animal, other than a dog or cat, is exposed to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, by an animal believed to be afflicted with rabies, that newly exposed animal shall be confined at the discretion of a local health director in a manner approved by the health department or humanely euthanized pursuant to section 3-45 of this chapter.*

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



John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner  
Clerk to the Board

SUPERVISOR	VOTE
HARRISON	AYE
BRADSHAW	AYE
GOODSON	ABSENT
ICENHOUR	AYE
MCGLENNON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of July, 2007.

ADOPTED

JUL 10 2007

ORDINANCE NO. 31A-227

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, BY ADDING DIVISION 16, PUBLIC LAND DISTRICT, PL, SECTION 24-535, STATEMENT OF INTENT; SECTION 24-535.1, PERMITTED USES; SECTION 24-535.2, USES PERMITTED BY SPECIAL USE PERMIT ONLY; SECTION 24-535.3, AREA REQUIREMENTS; SECTION 24-535.4, SETBACK REQUIREMENTS; SECTION 24-535.5, MINIMUM LOT WIDTH; SECTION 24-535.6, YARD REGULATIONS; SECTION 24-535.7, SPECIAL PROVISIONS FOR CORNER LOTS; SECTION 24-535.8, SPECIAL PROVISIONS FOR THE MODIFICATION OF AREA, SETBACK, LOT WIDTH, OR YARD REQUIREMENTS; SECTION 24-535.9, HEIGHT LIMITS; SECTION 24-535.10, SIGN REGULATIONS; AND SECTION 24-535.11, BMP REQUIREMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, Article V, Districts, is amended by adding Division 16, Public Land District, PL, Section 24-535, Statement of intent; Section 24-535.1, Permitted uses; Section 24-535.2, Uses permitted by special use permit only; Section 24-535.3, Area requirements; Section 24-535.4, Setback requirements; Section 24-535.5, Minimum lot width; Section 24-535.6, Yard regulations; Section 24-535.7, Special provisions for corner lots; Section 24-535.8, Special provisions for the modification of area, setback, lot width, or yard requirements; Section 24-535.9, Height limits; Section 24-535.10, Sign regulations; and Section 24-535.11, BMP requirements.

JUL 10 2007

ORDINANCE NO. 31A-227

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, BY ADDING DIVISION 16, PUBLIC LAND DISTRICT, PL, SECTION 24-535, STATEMENT OF INTENT; SECTION 24-535.1, PERMITTED USES; SECTION 24-535.2, USES PERMITTED BY SPECIAL USE PERMIT ONLY; SECTION 24-535.3, AREA REQUIREMENTS; SECTION 24-535.4, SETBACK REQUIREMENTS; SECTION 24-535.5, MINIMUM LOT WIDTH; SECTION 24-535.6, YARD REGULATIONS; SECTION 24-535.7, SPECIAL PROVISIONS FOR CORNER LOTS; SECTION 24-535.8, SPECIAL PROVISIONS FOR THE MODIFICATION OF AREA, SETBACK, LOT WIDTH, OR YARD REQUIREMENTS; SECTION 24-535.9, HEIGHT LIMITS; SECTION 24-534.10, SIGN REGULATIONS; AND SECTION 24-535.11, BMP REQUIREMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, Article V, Districts, is amended by adding Division 16, Public Land District, PL, Section 24-535, Statement of intent; Section 24-535.1, Permitted uses; Section 24-535.2, Uses permitted by special use permit only; Section 24-535.3, Area requirements; Section 24-535.4, Setback requirements; Section 24-535.5, Minimum lot width; Section 24-535.6, Yard regulations; Section 24-535.7, Special provisions for corner lots; Section 24-535.8, Special provisions for the modification of area, setback, lot width, or yard requirements; Section 24-535.9, Height limits; Section 24-534.10, Sign regulations; and Section 24-535.11, BMP requirements.

**ARTICLE V. DISTRICTS**  
***DIVISION 16. PUBLIC LAND DISTRICT, PL***

***Section 24-535. Statement of intent.***

*The purpose of the public land district is to establish a special classification for certain parcels of publicly owned property which are used for a public purpose. It is intended to identify significant publicly owned parcels in order to facilitate full utilization of the property for the public benefit and to permit the greatest certainty regarding the character of potential uses of those parcels based on the Comprehensive Plan and surrounding land uses. In order to operate in harmony with this plan, the Public Land District should include publicly owned land of a size and use which could have notable impacts to adjacent properties. The District is generally not intended to include publicly owned parcels with limited public impacts including, but not limited to, pump stations, well lots, land intended for economic development and other lands not meant for a public purpose, and certain residential and commercial accessory uses.*

***Section 24-535.1. Permitted uses.***

*In the public land district, structures to be erected or land to be used shall be for the following public uses:*

*Accessory buildings and structures.*

*Accessory uses, as defined in section 24-2 and including privately owned uses that are either limited to a fully enclosed building and encompassing less than 25 percent of the floor area of the public use or are a free-standing building or area covering less than 10 percent of the overall land area.*

*Communication towers and tower mounted wireless communication facilities, up to a height of 35 feet.*

*General Agriculture, dairying, forestry, general farming and specialized farming, excluding the raising of hogs, but not commercial livestock or poultry operations which require a special use permit in the General Agricultural District, A-1.*

*Governmental or non-profit offices under 30,000 square feet.*

*Neighborhood resource centers.*

*Non-profit medical clinics or offices under 30,000 square feet.*

*Off-street parking as required by section 24-53.*

*Petroleum storage on a farm as an accessory use and not for resale.*

*Preserves and conservation areas for protection of natural features and wildlife.*

*Public meeting halls under 30,000 square feet.*

*Rest homes for fewer than 15 adults.*

*Storage and repair of heavy equipment as accessory use to a farm.*

*Timbering in accordance with section 24-43.*

*Water impoundments, new or expansion of, less than 20 acres and with dam heights of less than 15 feet.*

*Wayside stands for seasonal sale of agricultural products, limited in area to 500 square feet.*

*Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communications Facilities.*

***Section 24-535.2. Uses permitted by special use permit only.***

*In the public land district, structures to be erected or land to be used for the following public uses shall be permitted only after the issuance of a special use permit approved by the board of supervisors in accordance with the procedures, guides and standards of sections 24-9 and 24-10 and such other guides and standards as may be contained in this chapter:*

*Adult day care centers.*

*Airports and landing fields, helistops or heliports and accessory uses.*

*Campgrounds.*

*Cemeteries and memorial gardens, not accessory to a church or other place of worship.*

*Communication towers over 35 feet in height.*

*Community recreation facilities, public, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts, and other similar recreation facilities.*

*Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more.*

*Farmers markets, temporary or seasonal.*

*Fire stations or rescue squad stations, volunteer or otherwise.*

*Flea markets, temporary or seasonal.*

*Golf courses and country clubs.*

*Governmental institutions.*

*Governmental or non-profit offices over 30,000 square feet.*

*Horse show areas, polo fields.*

*Hospitals.*

*Marinas, docks, and waterfront recreation facilities.*

*Mental health facilities.*

*Non-profit medical clinics or offices over 30,000 square feet.*

*Nursing homes and facilities for the residence and/or care of the aged.*

*Post offices.*

*Public meeting halls over 30,000 square feet.*

*Publicly owned operational centers including equipment storage/warehouses.*

*Radio and television stations or towers.*

*Railroad facilities including tracks, bridges, switching yards and stations. However, spur lines, which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways, and track and safety improvements in existing railroad right-of-ways, are permitted generally and shall not require a special use permit.*

*Rest homes for 15 or more adults.*

*Retreat facilities.*

*Riding stables.*

*Sanitary landfills in accordance with section 24-40, waste disposal or publicly owned solid waste container sites.*

*Schools, libraries, museums and similar institutions.*

*Solid waste transfer stations.*

*Telephone exchanges and telephone switching stations.*

*Tower-mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, over 35 feet in height.*

*Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, private extensions or connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.*

*Utility substations.*

*Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:*

- (1) private connections to existing mains that are intended to serve an individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line;*
- (2) distribution lines and local facilities within a development, including pump stations.*

*Water impoundments, new or expansion of, 20 acres or more or with dam heights of 15 feet or more.*

*Wayside stands for sale of agricultural products over 500 square feet in area.*

*Yacht clubs and marinas and commercial and service facilities accessory thereto.*

**Section 24-535.3. Area requirements.**

*No area requirements.*

**Section 24-535.4. Setback requirements.**

*Structures shall be located a minimum of 35 feet from any street right-of-way which is 50 feet or greater in width. Where the street right-of-way is less than 50 feet in width, structures shall be located a minimum of 60 feet from the centerline of the street. This shall be known as the "setback line," all subdivisions platted and recorded prior to March 1, 1969, with building setback lines shown on their recorded plat, shall be allowed to adhere to these established setback lines.*

**Section 24-535.5. Minimum lot width.**

- (a) Lots of up to 43,560 square feet shall have a minimum width at the setback line of 100 feet.*
- (b) Lots of 43,560 square feet or more shall have a minimum width at the setback line of 150 feet.*

**Section 24-535.6. Yard regulations.**

*(a) Side. The minimum side yard for each main structure shall be 15 feet. The minimum side yard for accessory structures shall be five feet, except that accessory buildings exceeding one story shall have a minimum side yard of 15 feet.*

*(b) Rear. Each main structure shall have a rear yard of 35 feet or more. The minimum rear yard for accessory structures shall be five feet, except that accessory buildings exceeding one story shall have a minimum rear yard of 15 feet.*

***Section 24-535.7. Special provisions for corner lots.***

- (a) For corner lots, the front of the lot shall be the shorter of the two sides fronting on streets.*
- (b) No structures shall be located closer than 35 feet to the side street.*
- (c) Each corner lot shall have a minimum width at the setback line of 125 feet or more.*

***Section 24-535.8. Special provisions for the modification of setback, lot width, or yard requirements.***

*(a) Modifications; criteria for determination. Reduction of the width of the setbacks, lot width, yard regulation, or corner lot provisions (sections 24-535.4 through 24-535.7) for areas in a public land district may be approved upon finding that the proposed reduction, by substitution of technique or design, will achieve results which clearly satisfy the overall purposes and intent of section 24-86 (Landscaping and Tree Preservation Requirements), shall not result in additional adverse impacts on adjacent properties or public areas, and will not result in detrimental impacts to the orderly development or character of the area, the environment, sound engineering or planning practice, or the goals, objectives, strategies and policies of the Comprehensive Plan. In no instance shall a modification be approved that is less restrictive than what is required by the adjacent zoning districts. In addition, a request for a modification must meet one or more of the following criteria:*

- (1) The proposed modification is for the purpose of integrating proposed public land development with adjacent development;*
- (2) The proposed modification substantially preserves, enhances, integrates and complements existing trees and topography;*
- (3) The proposed modification is due to unusual size, topography, shape or location of the property, or other unusual conditions, excluding the proprietary interests of the developer.*

*(b) Requests for modifications. Requests for modifications from sections 24-535.4 through 24-535.7 shall be filed in writing with the planning director and shall identify the reasons for such requests together with the proposed alternative. The planning director shall make a recommendation to the planning commission to approve, deny or conditionally approve the request and shall include a written statement certifying that one or more of the above criteria are met.*

***Section 24-535.9. Height limits.***

*Structures may be erected up to two stories and shall not exceed 35 feet in height from grade, except that:*

- (1) The height limit for buildings may be increased to 60 feet, provided that the required front, rear and side yards shall be increased one foot for each foot in height above 35 feet.*
- (2) Spires, belfries, cupolas, monuments, water towers, athletic field lighting, chimneys, flues, flagpoles, home television antennas, home radio aerials, silos and other structures normally associated with and accessory to farming operations and accessory and non accessory wireless communications facilities that utilize alternative mounting structures or are building mounted in accordance with division 6, Wireless Communications Facilities, may be erected to a total height of 60 feet from grade and camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade. Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver for these structures to exceed 60 feet in height but not to exceed 100 feet, from grade to the top of the structure, and for wireless*

*communications facilities that utilize alternative mounting structures or are building mounted to exceed 60 feet in height but not to exceed 120 feet in grade to the top of the structure, upon finding that:*

- a. Such structure will not obstruct light to adjacent property;*
  - b. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;*
  - c. Such structure will not impair property values in the surrounding area;*
  - d. Such structure is adequately designed and served from the standpoint of safety, and the county fire chief finds that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and*
  - e. Such structure will not be contrary to the public health, safety and general welfare.*
- (3) *No accessory building which is within 15 feet of any lot line shall be more than one story high. All accessory buildings shall be less than the main building in height; provided, however, the height of an accessory building may exceed the height of the main building if the grade of the lot is such that the elevation of the main building exceeds the elevation of the accessory building. The elevation of the main building and accessory building shall be measured from the level of the curb or the established curb grade opposite the middle of the main building. In no case shall an accessory building be more than 45 feet in height; except that silos, barns and other structures normally associated with and accessory to farming operations are controlled by subsection (2) above and may exceed the height of the main structure and may exceed 45 feet in height.*
- (4) *Communication towers permitted by a special use permit by the board of supervisors may be in excess of 35 feet in height.*

**Section 24-535.10. Sign regulations.**

*To assure an appearance and condition which is consistent with the purposes of the public land district, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in article II, division 3 of this chapter.*

**Section 24-535.11. BMP requirements.**

*To assure an appearance and condition which is consistent with the purpose of the public land district, structural BMPs serving the properties within the district shall comply with the landscaping regulations in article II, division 4 of this chapter.*



John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
HARRISON	AYE
BRADSHAW	AYE
GOODSON	ABSENT
ICENHOUR	AYE
MCGLENNON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of July, 2007.

ZO-4-7PLD.ord

ADOPTED

JUL 10 2007

ORDINANCE NO. 55A-37

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE IV, OFFICERS AND EMPLOYEES, DIVISION 1, GENERALLY, SECTION 2-15.2, HOMEOWNERSHIP GRANTS FOR COUNTY EMPLOYEES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 2, Administration, is hereby amended and reordained by amending Section 2-15.2, Homeownership grants for county employees.

Chapter 2. Administration

Article IV. Officers and Employees

Division 1. Generally

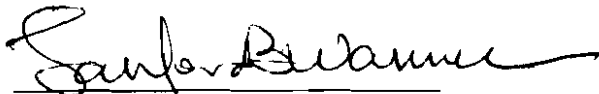
**Section 2-15.2. Homeownership grants for county employees.**

Subject to the appropriation of funds, excluding state funds, by the county board, the county administrator shall establish a program to provide grants to employees of the county and employees of the constitutional officers for use toward the purchase of a primary residence within the county or the City of Williamsburg. Lifetime cumulative grants shall not exceed five thousand dollars per employee. ~~Each grant shall be approved by ordinance by the Board of Supervisors.~~ The county administrator is authorized to take all actions deemed necessary or appropriate to establish and administer the program, including the establishment of terms and conditions, and to ensure that the program meets any applicable requirements of the law.



John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
HARRISON	AYE
BRADSHAW	AYE
GOODSON	ABSENT
ICENHOUR	AYE
MCGLENNON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of July, 2007.