

ADOPTED

AUG 10 1981

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

ORDINANCE NO. 7A-6

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 3, ANIMALS AND FOWL, OF THE CODE OF THE COUNTY OF JAMES CITY, BY AMENDING ARTICLE II, DOGS, TO UPDATE THE FEE SCHEDULE AND GENERALLY REVISE THE ARTICLE TO PROVIDE CLARITY AND DEFINITION AND INCREASE THE SCOPE.

BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that Chapter 3, Animals and Fowl, Article II, Dogs, of the County of James City be and the same is hereby amended and reordained by amending the several Sections of the Article to update the fee schedule and to provide clarity, uniformity, definition and increase the scope of coverage.

CHAPTER 3

ANIMALS AND FOWL

Article II. Dogs

For State dog laws and control of rabies, see Code of Virginia, Section 29-213.6 et seq.

Section 3-3, Required License and Vaccination.

(a) Every owner or custodian of a dog over the age of six months owned, possessed or kept in the County of James City shall obtain a dog license, by making oral or written application with the County Treasurer, or his designee.

(b) Each application shall be accompanied by the amount of license tax and a certificate of vaccination by a duly licensed veterinarian, certifying that the dog has been properly vaccinated against rabies with a vaccine approved by the State Health Department. Any dog vaccinated in any year, with a type of vaccine "modified live virus", shall not be required to be vaccinated again until three years have elapsed since the date of the last vaccination with this type of vaccine, but dogs otherwise vaccinated shall be subject to annual vaccination. (8-10-64, Section 1)

Section 3-4, Dog Tags.

The County Treasurer, or his designee, shall requisition dog tags of a uniform type and size for all dogs. Such tags shall be stamped or otherwise permanently marked to show the name of the County, the sex of the dog, the calendar year for which issued and bear a serial number.

The Treasurer shall keep a record of all tags issued. All unsold tags shall be recorded and the unissued tags destroyed by the Treasurer at the end of the dog tax year. (8-10-64, Section 1)

Section 3-4.1, Duplicate License Tags.

If a dog license should become 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 or custodian 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 or custodian. 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.

Section 3-5, Annual Tax Imposed on Dogs and Kennels; Amount of Tax; When and Where Payable.

There is hereby imposed an annual dog license tax upon all dogs over the age of six months which are owned, possessed or kept in the County, as follows:

All dogs regardless of sex	\$ 4.00
Kennel for up to ten dogs	10.00
Kennel for eleven to twenty dogs	15.00
Kennel for over twenty dogs	25.00
Duplicate for lost tax (Section 29-213.11, Code of VA)	1.00

The tax year shall be payable to the County Treasurer by January 1st of each year. (8-10-64, Section 1)

EXCEPTION: While tags shall be worn by all dogs over the age of six months, as provided in Section 3-4 of this Article, there shall be no charge for the tag for any dog that is trained and serves as a guide dog for a blind person or that is trained and serves as a hearing dog for a deaf or hearing impaired person. As used in this section, "hearing dog" means a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond.

Section 3-6 (Old Section 3-7), Dog License Tags to be Worn.

Dog license tags shall be securely fastened to a substantial collar by the owner or custodian and worn by such dog, and it shall be unlawful for the owner to permit any licensed dog 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 (i) when the dog is engaged in lawful hunting, (ii) when the dog is competing in a dog show, (iii) when the dog has a skin condition which would be exacerbated by the wearing of a collar, (iv) when the dog is confined, or (v) when the dog is under the immediate control of its owner.

Section 3-7, Running At Large Prohibited April 15 - July 15; Violations

(a) 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 or custodian to insure that the dog is not roaming, running or self-hunting off the property of the owner or custodian.

(b) Any dog observed or captured during this restriction period, without proper identification, shall be disposed in accordance with Sections 3-10 and 3-11.

(c) Any dog identified as to ownership or custodianship: If such dog can be captured, the owner shall reimburse the County at the rate of four dollars per day for impoundment, and a fine of not less than fifteen dollars nor more than fifty dollars. Owners of dogs not impounded shall be issued a warrant for violation of this provision, and each day thereafter that this Section is not complied with shall constitute a separate offense. (8-10-64, Section 3; 4-29-66.)

Section 3-8, Running At Large Prohibited Within Central Subdivisions; Penalty For Violation.

It shall be unlawful for the owner or custodian of any dog, to allow such dog to run at large at any time within any area in the County, except those areas Zoned A-1, Agriculture, General, and A-2, Agriculture, Limited. This exception does not apply in the A-1 and A-2 areas when a portion or portions of those areas have been subdivided into five or more contiguous lots of one acre or more and at least three such lots are occupied by approved, completed dwellings. Neither does this exception apply to mobile home or trailer parks in A-1 and A-2 areas. Such dog shall be on a leash or under the immediate control of the owner or custodian.

The provisions of Subsections (b) and (c) of Section 3-7 pertaining to confinement and disposition shall be likewise applicable to this Section.

For purposes of this Section "at large" shall be taken to mean off the premises of the owner and not under the control of the owner, his agent or the custodian of the dog, either by a leash, cord or chain; provided, however, that 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 or custodian.

It shall be the responsibility of owners or custodians of dogs which would be residing outside one of the areas covered by this Subsection, i.e., in an unrestricted A-1, or A-2 area, to refrain from permitting such dogs to roam in the areas covered by this Subsection.

Section 3-9, Enforcement of Dog Laws; Dog Warden and Deputies.

In accordance with Section 29-213.8 of the Code of Virginia, the enforcement of the dog laws for this County, and the enforcement of this Article is vested in a Dog Warden and Deputy Dog Warden, who shall be appointed pursuant to Section 29-213.8 of the Code of Virginia. (8-10-64, Section 4.)

Section 3-10, Impoundment and Redemption of Dogs Not Wearing Tags.

The Dog Warden and other officials appointed under the provisions of Section 29-213.8 of the Code of Virginia (1950) as amended, are hereby required to impound any dog not wearing a collar with a current dog license tag securely attached thereto as prescribed by Section 3-6 or any dog in violation of Section 3-7. Such dogs shall be impounded in a dog pound designated by the Board of Supervisors for a period of five days, such period to commence on the day immediately following the day the dog is initially confined in the facility, unless sooner claimed by the owner thereof. During this five day period, the dog may be returned to its owner or custodian, upon proof of

ownership, purchase of dog tag and display of certificate of vaccination. A charge of four dollars per day for boarding the dog shall be paid by the owner to the Treasurer before the dog may be released. (8-10-64, Section 5)

Section 3-11, Disposition of Impounded Dogs Not Redeemed by Owners.

If an impounded dog has not been claimed by its owner or custodian after five days, the dog may be given to any person who pays the costs of impoundment vaccination, and license tag; provided, however, in the event the rightful owner shall claim such dog at any time, the adopting person shall relinquish possession of such dog to the rightful owner upon being reimbursed any expenses incurred pursuant to such adoption, plus a reasonable fee for the keep of the dog while in his possession. If the animal has not been claimed, it may be humanely destroyed or disposed of by sale or gift to a federal agency, or state-supported institution, agency of the Commonwealth, agency of another state, or a licensed federal dealer, or by delivery to any local humane society or shelter.

No provision set forth in this article shall prohibit the destruction of a critically injured or critically ill animal for humane purposes.

Section 3-12, Stray Dogs.

Any dog not wearing means to identify its owner or custodian shall be considered a stray. It shall be the duty of the Dog Warden, after reasonable investigation, to capture or kill any dog roaming at large of which ownership cannot be determined. (8-10-64, Section 5)

Section 3-13, Dogs Killing or Injuring Livestock or Poultry.

It shall be the duty of any animal warden or other officer who may find a dog in the act of killing or injuring livestock or poultry to kill such dog forthwith whether such dog bears a tag or not, and any person finding a dog committing any of the depredations mentioned in this section shall have the right to kill such dog on sight. Any animal warden who has reason to believe that any dog is killing livestock or poultry 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. Any animal warden or other person who has reason to believe that any dog is killing livestock, or committing any of the depredations mentioned in this section, shall apply to a magistrate of the county wherein such dog may be, who shall issue a warrant requiring the owner or custodian, if known to appear before a district court at a time and place named therein, at which time evidence shall be heard, and if it shall appear that such a dog is a livestock killer, or has committed any of the depredations mentioned herein, the dog may be ordered killed immediately, which the animal warden or other officer designated by the judge of the district court to act, shall do.

Section 3-13.1, Compensation for Livestock and Poultry Killed by Dogs.

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 provided that: (i) the claimant has furnished evidence within sixty (60) days of discovery of the quantity and value of the dead or injured livestock and the reasons the claimant believes that death or injury was caused by a dog; (ii) the animal warden or other officer shall have been notified of the incident within seventy-

two (72) hours of its discovery; and (iii) 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.

If there are not sufficient monies in the dog pound to pay these claims, they shall be paid in the order they are received when monies become available. Upon payment under this section, James City 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.

Section 3-14, Female Dogs in Season.

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

Section 3-15, Abandonment of Dogs Prohibited.

It shall be unlawful for any person to abandon any dog within the County. (8-10-64, Section 8.)

Section 3-16, Displaying Receipts; Door-to-door Verification of; (See Code of Virginia, Section 29-213.16.)

(a) Dog license receipts shall be carefully preserved by licensees and exhibited promptly upon request for inspection by any Dog Warden or other officer of the County.

(b) Dog Wardens or other duly appointed officers may check such receipts door-to-door at any time during the license year. However, a check of all residences in the County, where it is known or reasonably suspected that a dog is being kept on the property, shall be made not less than once each calendar year on or after February first of such year.

Section 3-17, Vicious Dogs.

Vicious or dangerous dogs shall not be allowed in the County. Upon proof, satisfactory to the court, that a dog is vicious or dangerous, such dog may be ordered impounded and destroyed or, in the discretion of the court, may be ordered out of the County.

Section 3-18. Unlawful Acts; Penalties.

The following shall be unlawful and be punishable by fines of up to one hundred (\$100) dollars:

1. License application - For any person to make a false statement in order to secure a dog license to which he is not entitled.

2. License tax - For any dog owner to fail to pay the license tax required by this chapter before February first for the year in which it is due. In addition, the court may order confiscation and the proper disposition of the dog.

3. Dead animals or fowl - For any owner to fail to dispose of the body of his animal or fowl in violation of Section 3-2.

4. Diseased dogs - For the owner of any dog with a contagious or infectious disease to permit such dog to stray from his premises if such disease is known to the owner.

5. Removing collar and tag - For any person, except the owner or custodian, to remove the legally acquired license tag from a dog.

6. Concealing a dog - For any person to conceal or harbor any dog on which the license tax has not been paid, or to conceal a mad or vicious dog to keep the same from being killed.

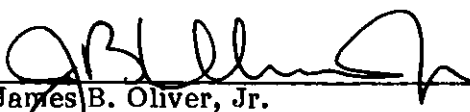
7. Roaming at large - For the owner or custodian of any dog to permit such animal to roam at large in violation of Section 3-8.

8. Rabies Vaccination - For any dog owner to fail to have a current rabies vaccination certificate.



Jack D. Edwards, Chairman
Board of Supervisors

ATTEST:



James B. Oliver, Jr.
Secretary

Adopted by the Board of Supervisors, James City County, Virginia, this 10th day of August, 1981