

ADOPTED

ORDINANCE NO. 7A-13

SEP 12 1988

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE OF THE COUNTY OF JAMES CITY, VIRGINIA, PROVIDING FOR THE REPEAL OF SECTION 3-1 THROUGH SECTION 3-24 OF CHAPTER 3, ANIMALS AND FOWL, BY REPEALING AND REPLACING SAID SECTIONS WITH NEW SECTION 3-1 THROUGH 3-28.

BE IT ORDAINED by the Board of Supervisors of the County of James City Virginia, that Section 3-1 through Section 3-24 are hereby repealed and replaced by enacting and reordaining new Section 3-1. Definitions, Section 3-2. Enforcement of dog laws; animal warden and other officers, Section 3-3. Penalties, Section 3-4. Wild animals not to be brought into or kept within county, Section 3-5. Disposition of carcasses, Section 3-6. Nuisance animals generally, Section 3-7. Running at large prohibited; violations, Section 3-8. Running at large prohibited April 15 through July 15, Section 3-9. Impoundment and redemption of dogs not wearing tags or dogs running at large, Section 3-10. Disposition of impounded dogs not redeemed by owners, Section 3-11. Stray dogs, Section 3-12. Dogs killing or injuring livestock or poultry, Section 3-13. Compensation for livestock and poultry killed by dogs, Section 3-14. Female dogs in season, Section 3-15. Abandonment of dogs prohibited, Section 3-16. Unlicensed dogs prohibited, Section 3-17. Dog license application, Section 3-18. Displaying receipts; door-to-door verification of, Section 3-19. Duplicate license tags, Section 3-20. Annual tax imposed on dogs and kennels; amount of tax, Section 3-21. Annual license tax, when and where due; exemption for certain dogs, Section 3-22. Dog license tags to be worn, Section 3-23. Report of existence of rabid animal, Section 3-24. Vaccination of dogs, Section 3-25. Emergency ordinance requiring confinement or restraint

of dogs and cats when rabid animal at large, Section 3-26. Confinement or destruction of dogs or cats showing signs of, or suspected of having, rabies, Section 3-27. Destruction or confinement of dog or cat bitten by rabid animal, and Section 3-28. Confinement or destruction of animal which has bitten a person or has been exposed to rabies.

Chapter 3
Animals and Fowl
Article I. In General

Section 3-1. Definitions.

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

(a) "Owner" shall mean any person who (i) has a right of property in an animal, (ii) keeps or harbors an animal, (iii) has an animal in his care, or (iv) acts as a custodian of an animal.

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

State Law Reference - Va. Code Section 3.1-796.66.

Section 3-2. Enforcement of dog laws; animal warden and other officers.

Enforcement of this chapter is vested in an animal warden and animal control officers, who shall be appointed pursuant to Virginia Code Section 3.1-796.104.

Section 3-3. Penalties.

Any violation of a provision of this chapter shall be unlawful and punishable by a fine of up to one hundred dollars (\$100.00).

Payment of the annual dog license tax required by this chapter subsequent to a summons to appear before a court for failure to pay such tax within the time specified in Section 3-21 shall not operate to relieve the owner from the penalties provided.

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

It shall be unlawful for any person to bring or keep any wild animal 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 animal" means any animal which by nature or disposition is untamed.

Section 3-5. Disposition of carcasses.

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

State Law reference - Authority of board of supervisors to enact this section, Code of Va., Section 15.1-11(1); additional state law as to disposition of animal and fowl carcasses, Code of Va., Section 18.2-510; additional state law as to disposition of dog carcasses, Code of Va., Section 3.1-796.121.

Section 3-6. Nuisance animals generally.

(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 the animal warden or any animal control officer shall also be deemed a nuisance.

(b) Any 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 abated as such court shall order. It shall be unlawful and shall constitute contempt of court for any person to harbor or conceal any animal which has been ordered destroyed or removed by the general district court, or to fail to confine or restrain an animal when such an order has been entered by the court.

(c) If the animal control warden or his duly authorized agent has reason to believe that any animal has, without provocation, attacked or bitten any person, said animal may be taken into custody and confined by the animal warden pending determination by 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. 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.

Article II. Dogs In General

Section 3-7. Running at large prohibited; violations.

(a) Dogs shall not run at large in the County except in those areas zoned A-1, Agriculture, General, and A-2, Agriculture, Limited, provided, however, even within A-1 and A-2 areas dogs shall not run at large in platted subdivisions consisting of five or more lots, of which at least three lots have occupied dwellings, or in manufactured home parks.

(b) For purposes of this Section "at large" shall mean off the premises of the owner and not under the control of the owner, or his agent 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.

(c) Any dog observed or captured while unlawfully running at large, without proper identification, shall be disposed of in accordance with sections 3-9 and 3-10.

(d) For any dog identified as to ownership, if such dog can be captured, the owner shall reimburse the county at the rate of four dollars (\$4.00) per day for impoundment, and shall be subject to a fine of not less than fifteen dollars (\$15.00) nor more than one hundred dollars (\$100.00). 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 constitute a separate offense.

State Law Reference - Va. Code Section 3.1-796.93

Section 3-8. Running at large prohibited April 15th through July 15th.

Notwithstanding Section 3-7, above, dogs are prohibited from running at large in the county in each calendar year during the period from April 15th to July 15th. During this time all dogs shall be kept on a leash or under direct control of the owner to insure that the dog is not roaming, running or self-hunting off the property of the owner.

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

State Law Reference - Va. Code Section 3.1-796.93

Section 3-9. Impoundment and redemption of dogs not wearing tags or dogs running at large.

The animal warden and other officers appointed under the provisions of this article are hereby required to impound any dog not wearing a collar with a current dog license tag securely attached thereto as prescribed by Section 3-22 or any dog running at large in violation of Section 3-6 or 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. During this five-day period, the dog may be returned to its owner, upon proof of ownership, purchase of dog tag and display of rabies vaccination certificate. A charge of four dollars (\$4.00) per day for boarding the dog shall be paid by the owner to the treasurer before the dog may be released. If the rightful owner of any dog confined may be readily identified, the operator or custodian of the pound shall make a reasonable effort to notify the owner of the dog of the dog's confinement within forty-eight hours following its confinement.

State Law Reference - Va. Code Section 3.1-796.96

Section 3-10. Disposition of impounded dogs not redeemed by owners.

If an impounded dog has not been claimed by its owner after five days, the dog may be given to any person who pays the costs of impoundment, vaccination for rabies and license tag; provided, however, that no more than two animals or a family of animals shall be delivered during any thirty-day period to any such person. In the event the rightful owner shall claim such 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.

State Law Reference - Va. Code Section 3.1-796.96

Section 3-11. Stray dogs and dangerous dogs.

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

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

Section 3-12. Dogs killing or injuring livestock or poultry.

It shall be the duty of the animal warden or any animal control 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. 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. If the animal warden 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 warden or any other person, who has reason to believe that a dog is killing livestock, or committing any of the depredations mentioned in this section, shall apply to a magistrate of the county, who shall issue a warrant requiring the owner, if known, to appear before the general district court at a time and place named therein, at which time evidence shall be heard. If it shall appear that the dog is a livestock killer, or has committed any of the depredations mentioned herein, the general district court shall order that the dog be killed immediately by the animal warden or other officer designated by the court.

State Law References - Va. Code Section 3.1-796.116

Section 3-13. 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 not to exceed four hundred dollars (\$400.00) per animal or fowl, provided that: (i) the claimant has furnished evidence within sixty 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 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. 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.

State Law Reference - Va. Code Section 3.1-796.118

Section 3-14. Female dogs in season.

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

Section 3-15. Abandonment of dogs prohibited.

It shall be unlawful for any person to abandon any dog within the County.

State Law Reference - Va. Code Section 3.1-796.73

Article III. Dog Licenses*

Section 3-16. 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 Reference - Authority of Local Governing Bodies and Licensing of Dogs, Code of Va., Section 3.1-796.84 et seq.

Section 3-17. Dog license application.

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

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

(c) The treasurer, or his designee, shall only have authority to license dogs of resident owners who reside within the boundary limits of the county and may require information to this effect from any applicant. Upon receipt of proper application and rabies vaccination certificate as required by this chapter, 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, unsexed female, female or kennel, and deliver the metal license tags or plates provided for herein. Such tags shall be stamped or otherwise permanently marked to show the name of the county, the sex of the dog, the calendar year for which issued and bear a serial number.

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

State Law Reference - Va. Code Section 3.1-796.86

Section 3-18. Displaying Receipts; door-to-door verification of.

Dog license receipts shall be carefully preserved by licensees and exhibited promptly upon request for inspection by the animal warden or other officer of the County. The animal warden or other duly appointed officers may check such receipts door-to-door at any time during the license year.

State Law Reference - Va. Code Section 3.1-796.92

Section 3-19. Duplicate license tags.

If a dog license tag should become lost, destroyed or stolen, the owner 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 (\$1.00).

State Law Reference - Va. Code Section 3.1-796.91

Section 3-20. Annual tax imposed on dogs and kennels; amount of tax.

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

All dogs regardless of sex	\$ 4.00
Kennel for up to 10 dogs	10.00
Kennel for 11 to 20	15.00
Kennel for over 20 dogs	25.00
Duplicate for lost, destroyed or stolen tags	1.00

State Law Reference - Va. Code Section 3.1-796.87

Section 3-21. Annual license tax, when and where due; exemption for certain dogs.

(a) The license tax levied by Section 3-20 shall be due on January 1st and payable not later than January 31st of each year. Payment of the license tax shall be made to the county treasurer, or his designee.

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

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

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

State Law Reference - Va. Code Sections 3.1-796.87, 3.1-796.88

Section 3-22. Dog license tags to be worn.

Dog license tags shall be securely fastened to a substantial collar by the owner and worn by such dog. 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.

State Law Reference - Va. Code Section 3.1-796.92

Article IV. Rabies Control

Section 3-23. 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 - Va. Code Section 3.1-796.98

Section 3-24. Vaccination of dogs.

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

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

(c) A veterinarian vaccinating a dog 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; and
- (7) Method of injection.

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

State Law Reference - Va. Code Section 3.1-796.97:1

Section 3-25. 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 thirty days, unless renewed by the board of supervisors.

State Law Reference - Va. Code Section 3.1-796.98

Section 3-26. Confinement or destruction of dogs or cats showing signs of, or suspected of having, rabies.

At the discretion of the director of health, 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 director of health 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, as provided in Virginia Code Section 3.1-796.96.

State Law Reference - Va. Code Section 3.1-796.98

Section 3-27. Destruction or confinement of dog or cat bitten by rabid animal.

Any dog or cat for which no proof of current rabies vaccination is available, and which is exposed to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, by an animal believed to be afflicted with rabies shall be confined in a pound, kennel or enclosure approved by the health department for a period not to exceed six months, at the expense of the owner; however, if this is not feasible, the dog or cat shall be euthanized by one of the methods approved by the state veterinarian as provided in Virginia Code Section 3.1-796.96. 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 ninety days.

State Law Reference - Va. Code Section 3.1-796.98

Section 3-28. Confinement or destruction of animal which has bitten a person or has been exposed to rabies.

At the discretion of the director of health, any animal which has bitten a person shall be confined under competent observation for at least ten days, unless the animal develops active symptoms of rabies or expires before that time; provided, that a seriously injured or sick animal may be humanely

euthanized as provided in Virginia Code Section 3.1-796.96 and its head sent to the health department for evaluation. The director of health shall determine the location and conditions of confinement for such animal.

When any animal, other than a dog or cat, exposes 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 the health director in a manner approved by the health department or humanely euthanized as provided in Section 3.1-796.96 of the Virginia Code and its head sent to the Division of Consolidated Laboratory Services of the Department of General Services or the local health department for evaluation.

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 the health director in a manner approved by the health department or humanely euthanized as provided in Section 3.1-796.96 of the Virginia Code.

State Law Reference - Va. Code Section 3.1-796.98



Jack D. Edwards, Chairman
Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
NORMENT	AYE
TAYLOR	AYE
MAHONE	NAY
DEPUE	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia,
this 12th day of September, 1988.

0210U