

**ADOPTED**

**FEB 22 1994**

**ORDINANCE NO. 7A-15**

**BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA**

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

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

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

### Chapter 3

#### *ANIMAL CONTROL*

#### *ARTICLE I. IN GENERAL*

##### *Section 3-1. Definitions.*

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

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

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

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

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

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

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

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

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

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

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

*"Agricultural Animals" means livestock and poultry.*

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

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

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

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

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

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

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

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

*"Owner" shall mean any person who:*

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

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

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

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

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

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

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

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

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

*Section 3-2. Enforcement of animal laws.*

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

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

*Section 3-3. Penalties.*

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

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

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



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

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

*Section 3-5. Disposition of carcasses.*

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

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

*Section 3-6. Nuisances.*

*(a) All animal owners shall exercise proper care and control of their animals to prevent them from becoming a public nuisance. Excessive, continuous, or untimely barking, molesting passersby, biting or attacking any person without provocation on one (1) or more occasions, chasing vehicles, habitually attacking other domestic animals, trespassing upon school grounds or trespassing upon private property in such manner as to damage property shall be deemed a nuisance. Repeated running at large after citation of the owner by the animal warden or any animal control officer shall also be deemed a nuisance.*

*(b) Any such person owning any animal constituting a nuisance shall be summoned before the general district court to show cause why such animal should not be confined, destroyed, removed or the nuisance otherwise abated and, upon proof that the animal constitutes a public nuisance, the animal in question shall, by order of the general district court, either be confined, destroyed, removed or the nuisance otherwise be abated as such court shall order; the court may also impose a fine up to \$100.00 to be paid by the owner or custodian of said animal. It shall be unlawful and shall constitute contempt of court for any person to harbor or conceal any animal which has been ordered destroyed or removed by the general district court, or to fail to confine or restrain an animal when such an order has been entered by the court.*

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

*(d) Any person who owns any dog, cat or other animal that has been adjudged a nuisance pursuant to this section by the general district court and who appeals that decision to the circuit court shall be responsible for the fees connected with the impounding of the animal by the animal warden. The*

*animal warden or owner shall confine such dog, cat, or other animal during pendency of the appeal to prevent a reoccurrence of the nuisance. If on appeal the circuit court determines that the dog, cat or other animal is not a nuisance, no such fees for the impounding of the animal shall be imposed.*

*Section 3-7. Dangerous and vicious animals.*

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

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

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

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

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

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

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

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

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

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

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

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

*Section 3-8. Reserved.*

*Section 3-9. Cruelty to animals; penalty.*

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

*Sections 3-12 - 3-22. Reserved.*

*ARTICLE II. DOGS IN GENERAL*

*Section 3-23. Running at large prohibited.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Section 3-27. Disposition of impounded animals.*

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

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

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

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

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

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

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

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

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

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

*Section 3-29. Stray and dangerous dogs.*

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

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

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

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



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

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

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

*Section 3-31. Dogs killing domestic animals.*

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

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

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

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

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

*(a) Any person who has any livestock or poultry killed or injured by any dog not his own shall be entitled to receive as compensation the fair market value of such livestock or poultry not to exceed four hundred dollars per animal or ten dollars per fowl; provided, that:*

- (1) The claimant has furnished evidence within 60 days of discovery of the quantity and value of the dead or injured livestock and the reason the claimant believes that death or injury was caused by a dog;*
- (2) The animal warden or other officer shall have been notified of the incident within 72 hours of its discovery; and*

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

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

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

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

*Section 3-33. Disposition of funds.*

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

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

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

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

*Section 3-34. Female dogs in season.*

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

*Sections 3-35 - 3-43. Reserved.*

*ARTICLE III. DOG LICENSES*

*Section 3-44. Unlicensed dogs prohibited.*

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

*Section 3-45. Dog license application.*

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

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

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

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

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

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

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

*Section 3-46. Display of license and receipt.*

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

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

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

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

*Section 3-47. Duplicate license tags.*

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

*Sections 3-51 - 3-61. Reserved.*

#### **ARTICLE IV. RABIES CONTROL**

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

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

*Section 3-63. Vaccination of dogs and cats.*

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

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

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

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

*(7) Method of injection; and*

*(8) The signature of the licensed veterinarian.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Sections 3-68 - 3-78. Reserved.*

*ARTICLE V. BEEKEEPING \**

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

*Section 3-79. Location of apiaries.*

*Section 3-80. Number of hives regulated.*

*Section 3-81. Water supply for bees.*

*Section 3-82. Type of bees.*

*Section 3-83. Manipulating bees restricted.*

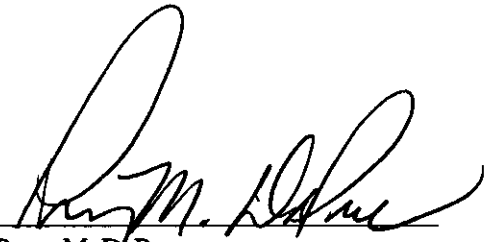
*Section 3-84. Exceptions from article.*

*Section 3-85. Violation of article as nuisance.*

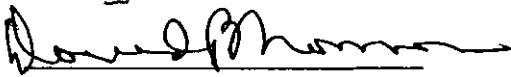
*Section 3-86. Penalty.*

*This Ordinance shall become effective on March 1, 1994.*



  
Perry M. DePue  
Chairman, Board of Supervisors

ATTEST:



David B. Norman  
Clerk to the Board

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

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

Ancontro.ord