

JUN 26 2012

ORDINANCE NO. 7A-21

Board of Supervisors
James City County, VA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 3, ANIMAL LAWS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 3-1, DEFINITIONS AND SECTION 3-8, DANGEROUS AND VICIOUS ANIMALS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 3, Animal Laws, is hereby amended and reordained by amending Section 3-8, Dangerous and vicious animals.

Chapter 3. Animal Laws

Article I. In General

Sec. 3-1. Definitions.

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

Facility. A building or portion thereof as designated by the State Veterinarian, other than a private residential dwelling and its surrounding grounds, that is used to contain a primary enclosure or enclosures in which animals are housed or kept.

Sec. 3-8. Dangerous and vicious animals.

(a) As used in this section:

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

dog or cat while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event. *A dog that has bitten, attacked, or inflicted injury on a person shall not be found to be dangerous unless the court determines, based on the totality of the evidence before it, that the dog is dangerous or a threat to the community.*

- (b) Any law-enforcement officer or animal control officer who has reason to believe that a canine or canine crossbreed within the county is a dangerous dog or vicious dog shall apply to a magistrate of the county for the issuance of a summons requiring the owner or custodian, if known, to appear before a general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. If a law-enforcement officer successfully makes an application for the issuance of a summons, he shall contact the local animal control officer and inform him of the location of the dog and the relevant facts pertaining to his belief that the dog is dangerous or vicious. The animal control officer shall confine the animal until such time as evidence shall be heard and a verdict rendered. If the animal control officer determines that the owner or custodian can confine the animal in a manner that protects the public safety, he may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of this section. If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of section 3-45. *The court, upon finding the animal to be a dangerous or vicious dog, may order the owner, custodian, or harbinger thereof to pay restitution for actual damages to any person injured by the animal or whose companion animal was injured or killed by the animal.* The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as

provided in Article 4 (Section 19.2-260 et seq.) of Chapter 15 of Title 19.2 of the Code of Virginia. The Commonwealth shall be required to prove its case beyond a reasonable doubt.

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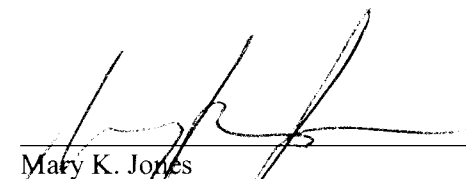
- (e) The owner of any animal found to be a dangerous dog shall, within ~~10~~ 45 days of such finding, obtain a dangerous dog registration certificate from the local animal control officer for a fee of ~~\$50~~ \$150, in addition to other fees that may be authorized by law. The local animal control officer shall also provide the owner with a uniformly designed tag that identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. ~~All certificates obtained pursuant to this subsection shall be renewed annually for the same fee and~~ *By January 31 of each year, until such time as the dangerous dog is deceased, all certificates obtained pursuant to this subsection shall be updated and renewed for a fee of \$85 and in the same manner as the initial certificate was obtained. The renewal registration shall include all information contained in the original registration and any updates. The owner shall verify the information is accurate by annual resubmissions. There shall be no change for any updated information provided between renewals. The County shall submit to the State Veterinarian by January 31 of each year \$90 for each dangerous dog it initially registered and \$25 for each dangerous dog for which it renewed registration within the previous calendar year. The animal control officer shall provide a copy of the dangerous dog registration certificate and verification of compliance to the State Veterinarian, post registration information on the Commonwealth of Virginia Dangerous Dog Registry, as established under section 3.2-6542 of the Code of Virginia, and any updates on the website.*

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- ~~(h) The owner of any dog found to be dangerous shall register the animal with the Commonwealth of Virginia Dangerous Dog Registry, as established under section 3.2-~~

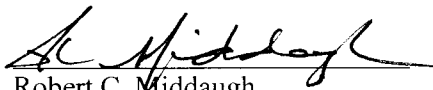
~~6542 of the Code of Virginia, within 45 days of such a finding by a court of competent jurisdiction.~~ The owner shall ~~also~~ cause the local animal control officer to be promptly notified of (i) the names, addresses, and telephone numbers of all owners; (ii) all of the means necessary to locate the owner and the dog at any time; (iii) any complaints or incidents of attack by the dog upon any person or cat or dog; (iv) any claims made or lawsuits brought as a result of any attack; (v) tattoo or chip identification information or both; (vi) proof of insurance or surety bond; and (vii) the death of the dog.

State law reference - Control of dangerous or vicious dogs; penalties, Code of Va., § 3.2-6540.



Mary K. Jones
Chairman, Board of Supervisors

ATTEST:


Robert C. Middaugh
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
MCGLENNON	AYE
ICENHOUR	AYE
KALE	AYE
KENNEDY	AYE
JONES	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of June, 2012.

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