Chapter 5 - ANIMALS

***Cross reference—** Rat control, § 10-164 et seq.; protection of wildlife in parks, § 14-37; animals in parks, § 14-45.

***State law reference—** Animal welfare, Code of Virginia, § 3.2-6500 et seq.; authority of counties to adopt animal control ordinances parallel to numerous state law provisions, Code of Virginia, § 3.2-6543.

ARTICLE I. - IN GENERAL

Sec. 5-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adoption means the transfer of ownership of a dog or a cat, or any other companion animal, from a releasing agency to an individual.

At large means off the premises of the owner and not under the control of the owner or his agent, either by leash, cord or chain, or not under the owner's or custodian's immediate control.

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

Dangerous dog.

(1) The term "dangerous dog" means a canine or canine crossbreed which 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.

(2) 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 if:

- **a.** 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;
- **b.** Both animals are owned by the same person;
- **c.** Such attack occurs on the property of the attacking or biting dog's owner or custodian; or
- **d.** For other good cause as determined by the court.

(3) 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.

Director of health means the health director of the county or his duly authorized representative.

Dog means an animal of the canine species, including every dog, regardless of age.

Humane society means any incorporated, nonprofit organization that is organized for the purposes of preventing cruelty to animals and promoting humane care and treatment or adoptions of animals.

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

Livestock means and includes all domestic or domesticated: bovine animals, equine animals, ovine animals, porcine animals, Cervidae animals, Capradae animals, animals of the genus Lama, ratites, fish or shellfish in aquaculture facilities, as defined in Code of Virginia, § 3.2-2600, 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 means any person who has a right of property in an animal, keeps or harbors an animal, has an animal in his care, or acts as a custodian of an animal.

Poultry means all domestic fowl and game birds raised in captivity.

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

Serious injury means an injury having a reasonable potential to cause death or any injury other than a sprain or strain, including serious disfigurement, serious impairment of health, or serious impairment of bodily function and requiring significant medical attention.

Vaccinate, vaccinated and *vaccination* mean the immunization of a dog or cat against rabies, whether by inoculation, vaccination or any other method of treatment approved by the director of health.

Veterinarian means any licensed veterinarian authorized to practice veterinary medicine in the state.

Vicious dog means a canine or canine crossbreed which has:

(1) Killed a person;

(2) Inflicted serious injury to a person; or

(3) Continued to exhibit the behavior which resulted in a previous finding by a court or, on or before July 1, 2006, by an animal protection police officer, as authorized by ordinance, that it is a dangerous dog, provided that its owner has been given notice of that finding.

(Code 1980, § 4-1; Code 1995, § 5-1; Ord. No. 1039, § 1, 10-22-2002; Ord. No. 1048, § 1, 8-12-2003; Ord. No. 1050, § 1, 9-9-2003; Ord. No. 1088, § 1, 8-22-2006)

Cross reference—Definitions and rules of construction, § 1-2.

State law reference—Definitions, Code of Virginia, §§ 3.2-6500, 3.2-6540.

Sec. 5-2. - Appointment of animal protection police officer supervisor; powers and duties generally.

An animal protection police officer supervisor shall be appointed by the county manager. The animal protection police officer supervisor shall have all the powers and duties provided for in Code of Virginia, title 3.2, ch. 65 (Code of Virginia, § 3.2-6500 et seq.) in the enforcement of the provisions of this chapter and the animal laws of the county and state and such other duties as may be prescribed by this Code, the Code of Virginia, or other ordinances or laws of the county or State.

(Code 1980, § 4-3; Code 1995, § 5-2)

Cross reference—Officers and employees, § 2-48 et seq.

Sec. 5-3. - Animal protection police officers.

The county manager shall appoint as many animal protection police officers as may be necessary in the enforcement of this chapter. Animal protection police officers shall have all the powers and duties of the animal protection police officer supervisor.

(Code 1980, § 4-4; Code 1995, § 5-3)

Sec. 5-4. - Disposal of dead companion animals.

The owner of any companion animal which has died from disease or other cause shall forthwith cremate, bury or sanitarily dispose of the animal. If, after notice, any owner fails to do so, the animal protection police officer supervisor or other officer shall bury or cremate the companion animal, and he may recover on behalf of the county from the owner his cost for this service. It shall be unlawful for any owner to fail to dispose of the body of his companion animal in violation of this section. Violation of this section shall be punishable as a class 4 misdemeanor.

(Code 1980, § 4-2; Code 1995, § 5-4)

State law reference—Similar provisions, Code of Virginia, § 3.2-6554; violation to be class 4 misdemeanor, Code of Virginia, § 3.2-6587(A)5; leaving dead or disabled animals in road or not burying dead animals, Code of Virginia, § 18.2-323; burial or cremation of dead animals, Code of Virginia, § 18.2-510; penalty for class 4 misdemeanor, Code of Virginia, § 18.2-11.

Secs. 5-5—5-26. - Reserved.

ARTICLE II. - DOGS AND CATS

***State law reference—**General authority to control dog dogs and cats, Code of Virginia, §, 3.2-6524 et seq.

DIVISION 1. - GENERALLY

Sec. 5-27. - Dogs killing or injuring livestock or poultry.

It shall be the duty of the animal protection police officer supervisor or other officer who may find a dog in the act of killing or injuring livestock or poultry to seize or kill such dog forthwith whether such dog bears a tag or not. Any person finding a dog committing any of the depredations mentioned in this section shall 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. If the animal protection police officer supervisor has reason to believe that a dog is killing livestock or poultry, he is 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 protection police officer supervisor or any other person who has reason to believe that any dog is killing livestock or committing any of the depredations mentioned in this section shall apply to any magistrate of the county for a warrant requiring the owner or custodian, if known, to appear before the county general district court at a time and place named therein, at which time evidence shall be heard.

(Code 1980, § 4-19; Code 1995, § 5-31)

State law reference—Similar provisions, Code of Virginia, § 3.2-6652.

Sec. 5-28. - Compensation for livestock and poultry killed by dogs; false claims.

(a) The county hereby waives the provisions of Code of Virginia, § 3.2-6553(ii) and (iii). The animal protection police officer shall conduct an investigation of claims under Code of Virginia, § 3.2-6553, and, in order for the claim to be paid, the investigation must support the claim.

(b) Claims filed pursuant to Code of Virginia, § 3.2-6553 shall be paid from the fund established under section 5-52 or such other funding as may be available.

(c) Any person who presents a claim or receives any money on a false claim under the provisions of this section shall be guilty of a misdemeanor.

(Code 1980, § 4-20; Code 1995, § 5-32)

State law reference—Compensation for livestock and poultry killed by dogs, Code of Virginia, § 3.2-6553.

Sec. 5-29. - Unlawful acts; animals running at large.

The following shall be deemed unlawful acts and constitute a class 4 misdemeanor:

(1) *Diseased dogs or cats off of owner's premises.* It shall be unlawful for the owner of any dog or cat with a contagious or infectious disease to permit such dog or cat to stray from his premises if such disease is known to the owner.

(2) *Female dogs in season off of owner's premises.* It shall be unlawful for the owner of any female dog to permit such dog to stray from his premises while such dog is known to such owner to be in season.

(3) *Removing license tag.* It shall be unlawful for any person, except the owner or custodian, to remove a legally acquired license tag from a dog.

(4) *Concealing unlicensed or rabid dog.* It shall be unlawful for any person to conceal or harbor any dog on which the license tax has not been paid, or to conceal a mad dog to keep it from being destroyed.

(5) *Poisoning, injuring or killing dogs.* It shall be unlawful for any person, except the owner or his authorized agent, to administer poison to any dog under four months of age or any dog licensed pursuant to this article, or to expose poison where it may be taken by any such dog, or to injure, disfigure or kill any such dog except as otherwise provided in this article.

(6) *Dogs running at large.* It is prohibited for any dog to run at large within the county at any time during any month of the year. For the purposes of this subsection, a dog shall be deemed to run at large while roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control. A dog shall not be deemed to be running at large if it and its owner or custodian are within a county-designated off-leash, fenced dog exercise area. Any owner who permits his dog to run at large in the county shall be deemed to have violated the provisions of this subsection.

(Code 1980, § 4-21; Code 1995, § 5-34; Ord. No. 1039, § 2, 10-22-2002)

State law reference—Authority to prohibit dogs from running at large, Code of Virginia, § 3.2-6539; violation to be class 4 misdemeanor, Code of Virginia, § 3.2-6587(A)3; penalty for class 4 misdemeanor, Code of Virginia, § 18.2-11.

Sec. 5-30. - Control of dangerous dogs.

(a) Any law enforcement officer or animal protection police officer who has reason to believe that a canine or canine crossbreed is a dangerous dog shall apply to a county magistrate for the issuance of a summons requiring the owner or custodian, if known, to appear before the 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 an animal protection police officer and inform him of the location of the dog and the relevant facts pertaining to his belief that the dog is dangerous. The animal protection police officer shall confine the animal until a verdict is rendered on the summons. If the animal protection police officer determines that the owner or custodian can confine the animal in a manner that protects 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.

(b) No canine or canine crossbreed shall be found to be a dangerous dog solely because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed prohibited. No animal shall be found to be a dangerous dog if the threat, injury or damage was sustained by a person who was:

(1) Committing, at the time, a crime upon the premises occupied by the animal's owner or custodian;

(2) Committing, at the time, a willful trespass upon the premises occupied by the animal's owner or custodian; or

(3) Provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times.

No police dog that was engaged in the performance of its duties at the time of the acts complained of shall be found to be a dangerous dog. No animal that, at the time the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, shall be found to be a dangerous dog.

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

(d) Within 45 days of a finding that an animal is a dangerous dog, the owner of the animal shall obtain a dangerous dog registration certificate from the animal protection unit of the division of police or the director of finance for a fee of $150.00. This fee is in addition to other fees required by this chapter. The animal protection police officer or the director of finance shall 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. 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 $85.00 and in the same manner as the initial certificate was obtained. The animal protection police officer shall post registration information on the Virginia Dangerous Dog Registry.

(e) Certificates or renewals.

(1) All certificates or renewals thereof required to be obtained under this section shall be issued only to persons 18 years of age or older who present satisfactory evidence:

a. Of the animal's current rabies vaccination, if applicable;

b. 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;

c. That the animal has been spayed or neutered; and

d. That the owner has liability insurance, to the value of at least $100,000.00, that covers animal bites or has obtained and will maintain a bond in surety, in lieu of liability insurance, to the value of at least $100,000.00.

(2) In addition, no owner shall be issued a certificate or renewal unless he presents satisfactory evidence that:

a. His 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

b. The animal has been permanently identified by means of electronic implantation.

(f) While on its owner's property, an animal found to be a dangerous dog shall be confined indoors, or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact

with or entry by minors, adults, or other animals. While so confined within the structure, the animal shall be provided for according to § 3.2-6503 of the Code of Virginia. When off its owner's property, an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.

(g) The owner of a dog found to be dangerous shall cause the animal protection unit of the division of police to be promptly notified of:

(1) The names, addresses, and telephone numbers of all owners;

(2) All of the means necessary to locate the owner and the dog at any time;

(3) Any complaints or incidents of attack by the dog upon any person or cat or dog;

(4) Any claims made or lawsuits brought as a result of any attack;

(5) Chip identification information;

(6) Proof of insurance or surety bond; and

(7) The death of the dog.

(h) If an animal has been found to be a dangerous dog, the owner shall immediately cause the animal protection unit to be notified upon learning that the animal:

(1) Is loose or unconfined;

(2) Bites a person or attacks another animal; or

(3) Is sold, is given away, or dies.

Any owner of a dangerous dog who relocates to a new address shall, within ten days of relocating, provide written notice to the appropriate local animal protection unit for the old address from which the animal has moved and the new address to which the animal has been moved.

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

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

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

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

(j) The owner of any animal that has been found to be a dangerous dog who willfully fails to comply with the requirements of this section is guilty of a misdemeanor. Whenever an owner or custodian of an animal found to be a dangerous dog is charged with a violation of this section, the animal protection police officer shall confine the dog until such time as evidence shall be heard and a verdict rendered.

(k) All fees collected pursuant to this section, less the costs incurred by the animal protection unit of the division of police in producing and distributing the certificates and tags required by this ordinance, shall be paid into a special fund dedicated to paying the expenses of any training courses required under Code of Virginia, § 3.2-6556.

(Code 1995, § 5-36; Ord. No. 1039, § 4, 10-22-2002; Ord. No. 1048, § 2, 8-12-2003; Ord. No. 1088, § 2, 8-22-2006)

State law reference—County may regulate dangerous and vicious dogs, § 3.2-6540(M); penalty for class 2 misdemeanor, Code of Virginia, § 18.2-11.

Sec. 5-31. Vicious dogs.

(a) Any law enforcement officer or animal protection police officer who has reason to believe that a canine or canine crossbreed in the county is a vicious dog shall apply to a county magistrate for the issuance of a summons requiring the owner or custodian, if known, to appear before the 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 a local animal protection police officer and inform him of the location of the dog and the relevant facts pertaining to his belief that the dog is vicious. The animal protection police officer shall confine the animal until such time as evidence shall be heard and a verdict rendered.

(b) No canine or canine crossbreed shall be found to be a vicious dog solely because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed prohibited. No animal shall be found to be a vicious dog if the threat, injury, or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian; (ii) committing, at the time, a willful trespass upon the premises occupied by the animal's owner or custodian; or (iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog that was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a vicious dog. No animal that, at the time of the acts complained of, was responding to pain or injury or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, shall be found to be a vicious dog.

(c) Any owner or custodian of a canine or canine crossbreed or other animal whose willful act or omission in the care, control, or containment of a canine, canine crossbreed, or other animal is so gross, wanton, and culpable as to show a reckless disregard for human life and is the proximate cause of such dog or other animal attacking and causing serious injury to any person is guilty of a class 1 misdemeanor. The provisions of this subsection shall not apply to any animal that, at the time of the acts complained of, was responding to pain or injury or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, or when the animal is a police dog that is engaged in the performance of its duties at the time of the attack.

Secs. 5-32—5-48. - Reserved.

DIVISION 2. - DOG LICENSES

***Cross reference—**Taxation, ch. 20.

***State law reference—**Dog licenses, Code of Virginia, § 3.2-6524 et seq.

Sec. 5-49. - Required; tax year; amount of tax; exemptions from tax.

(a) It shall be unlawful for any person residing in the county, other than a releasing agency that has registered as such with the division of police, animal protection unit, to own a dog four months of age or older unless such dog is licensed as required by this division. The licensing period for an individual dog license issued after July 13, 2011 shall be equal to and run concurrently with the rabies vaccination effective period for that dog. The licensing period for a kennel shall be for the calendar year, from January 1 to December 31. A dog license issued under this division is nonrefundable, nontransferable, and will not be prorated. The license tax is in addition to any fee due under this chapter for a dangerous dog registration certificate. The license tax shall be payable to the office of the director of finance or at such substation as

shall be designated by the director of finance, and shall be in the following amounts:

(1) For each dog, $10.00 for one year or less, or $15.00 for more than one year.

(2) For each duplicate tag, $1.00.

(3) For each kennel for up to 50 dogs, $50.00.

(b) No license tax shall be levied on any dog that is trained and serves as a guide dog for a blind person, that is trained and serves as a hearing dog for a deaf or hearing impaired person, or that is trained and serves as a service dog for a mobility impaired person. As used in this subsection, the term "hearing dog" means a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond, and the term "service dog" means a dog trained to accompany its owner for the purpose of carrying items, retrieving objects, pulling a wheelchair or other such activities of service or support.

(Code 1980, § 4-6; Code 1995, § 5-51; Ord. No. 1108, § 1, 8-14-2007)

State law reference—License tax, Code of Virginia, § 3.2-6528.

Sec. 5-50. - Due date for payment of tax.

(a) The license tax for an individual dog is due not later than 30 days after a dog has reached the age of four months, or not later than 30 days after an owner acquires a dog four months of age or older. Subsequently, the license tax for an individual dog is due within 30 days of the expiration date on the license receipt.

(b) The license tax for a kennel shall be due on January 1 and not later than January 31 of each year.

(Code 1980, § 4-7; Code 1995, § 5-52)

State law reference—Due date for payment of license tax, Code of Virginia, § 3.2-6530.

Sec. 5-51. - Failure to pay tax.

(a) Any person convicted of failure to pay the dog license tax as provided in this division on any dog owned by him shall be guilty of a class 4 misdemeanor. Such person shall be required to obtain the proper license forthwith. Unless the fine and license tax are paid immediately, the court shall order the proper disposition of such dog by the animal protection police officer supervisor or some other officer, but the disposition of such dog shall not relieve its owner of the payment of the fine and the license tax already due.

(b) Payment of the license tax provided for in this division subsequent to a summons to appear before the general district court or other court for failure to pay within the time required shall not operate to relieve such owner from the penalties provided in subsection (a) of this section.

(Code 1980, §§ 4-8, 4-10; Code 1995, § 5-53)

State law reference—Penalty to be class 4 misdemeanor, Code of Virginia, § 3.2-6587(A)(4); penalty for class 4 misdemeanor, Code of Virginia, § 18.2-11.

Sec. 5-52. - Separate account for funds.

The funds collected for dog license taxes shall be paid into a separate account.

(Code 1980, § 4-9; Code 1995, § 5-54)

State law reference—Disposition of funds, Code of Virginia, § 3.2-6534.

Sec. 5-53. - Application for license; issuance.

(a) Any person may obtain a dog license required by this division by making application to the director of finance of the county accompanied by the amount of license tax and certificate of vaccination as required in Code of Virginia, § 3.2-6521. The director of finance shall only have authority to license dogs of resident owners or custodians 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 the certificate of vaccination, the director of finance shall issue a license receipt for the amount of the license tax. The receipt shall state the name and address of the owner or custodian of the dog, the date of payment, the expiration date, the serial number of the tag, and whether the license is for a male, unsexed female, female or kennel. The metal license tags or plates for kennels shall be delivered with the receipt to the owner. The metal license tag issued for an individual dog after July 13, 2011 is a permanent tag. Once a permanent tag has been issued to an individual dog, additional metal license tags for that dog will be issued only pursuant to § 5-55. The information thus received shall be retained by the director of finance open to public inspection during the period for which such license is valid.

(b) The director of finance may establish agencies for the purpose of issuing county dog license tags subject to the restrictions and regulations provided by this division. The director of finance may designate agents to issue dog tags and shall prescribe the forms and methods of reporting for such agents.

(c) Any person who shall make a false statement in order to secure a dog license to which he is not entitled shall be guilty of a class 4 misdemeanor.

(Code 1980, § 4-11; Code 1995, § 5-55)

State law reference—Similar provisions, Code of Virginia, § 3.2-6587; evidence of rabies inoculation to be furnished, Code of Virginia, § 3.2-6526; false statement in order to secure license to be class 4 misdemeanor, Code of Virginia, § 3.2-6587(A)1; penalty for class for misdemeanor, Code of Virginia, § 18.2-11.

Sec. 5-54. - License tags generally.

A dog license shall consist of a license receipt and a metal tag, as authorized pursuant to Code of Virginia, § 3.2-6526. The tag shall be stamped or otherwise permanently marked to show the county issuing the license and a serial number. The license tag for a kennel shall show the number of dogs authorized to be kept under such license and have attached thereto a metal identification plate for each of such dogs, numbered to correspond with the serial number of the license tag.

(Code 1980, § 4-13; Code 1995, § 5-57; Ord. No. 1089, § 1, 8-22-2006)

State law reference—Form of license, Code of Virginia, § 3.2-6526.

Sec. 5-55. - Duplicate tags.

If a dog license shall become lost, destroyed or stolen, the owner or custodian shall at once apply to the director of finance or his agent who issued the license for a duplicate license tag, presenting the original license receipt. Upon affidavit of the owner or custodian before the director of finance or his agent that the original license tag has been lost, destroyed or stolen, he shall issue a duplicate license tag, which the owner or custodian shall immediately affix to the collar of the dog. The director of finance or his agent shall endorse the number of the duplicate license tag and the date issued on the face of the original license receipt.

(Code 1980, § 4-14; Code 1995, § 5-58)

State law reference—Similar provisions, Code of Virginia, § 3.2-6532.

Sec. 5-56. - Display of receipt; wearing of collar and tag.

(a) Dog license receipts shall be carefully preserved by the licensees and exhibited promptly on request for inspection by any animal protection police officer or other law enforcement officer. 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 any person to permit any licensed dog four months of age or over to be off the premises of the owner at any time without wearing the license tag, except that the owner of the dog may remove the collar and license tag required by this section when the dog:

(1) Is engaged in lawful hunting;

(2) Is competing in a dog show;

(3) Has a skin condition which would be exacerbated by the wearing of a collar;

(4) Is confined; or

(5) Is under the immediate control of the owner.

(b) Any violation of this section shall be punishable as a class 4 misdemeanor.

(Code 1980, § 4-15; Code 1995, § 5-59)

State law reference—Similar provisions, Code of Virginia, § 3.2-6531; violations to be class 4 misdemeanor, Code of Virginia, § 3.2-6587(A)(9); penalty for class 4 misdemeanor, Code of Virginia, § 18.2-11.

Sec. 5-57. - Dogs not wearing tag presumed unlicensed.

Any dog not wearing a collar bearing a license tag shall, prima facie, be deemed to be unlicensed. In any proceedings under the provisions of 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.

(Code 1980, § 4-16; Code 1995, § 5-60)

State law reference—Similar provisions, Code of Virginia, § 3.2-6533.

Sec. 5-58. - Display of kennel tags; allowing dogs out of kennel.

(a) The owner of a kennel in the county shall securely fasten the license tag to the kennel enclosure in full view and keep one of the identification plates provided therewith attached to the collar of each dog authorized to be kept enclosed in the kennel. Any identification plates not so in use must be kept by the owner or custodian and promptly shown to the animal protection police officer supervisor or other officer upon request. A kennel dog shall not be permitted to stray beyond the limits of the enclosure, but this shall not prohibit removing dogs therefrom temporarily while under the control of the owner or custodian for the purpose of exercising, hunting, breeding, trial or show. The animal protection police officer supervisor may, in his discretion, issue a permit allowing kennel dogs to run at large during such months as he may deem proper; provided that such permit shall not authorize such dogs to run at large contrary to any other provisions of this Code or other ordinance of the county. Every permit shall state the months that such dogs may run at large and the rules and regulations that must be complied with, and the animal protection police officer supervisor may revoke any such permit at any time. Forms of application blanks and permits shall be supplied by the animal protection police officer supervisor. A kennel shall not be operated in such a manner as to defraud the county of the license tax applying to dogs which cannot be legally covered thereunder or to in any manner violate other provisions of this chapter.

(b) If a dog is found running and roaming at large at any time of the year in violation of the provisions of this section or section 5-56, such violation by its owner shall be punishable as a class 4 misdemeanor. If it is a kennel dog, the license may be revoked if the law appears to the court to have been violated by reason of carelessness or negligence on the part of the owner, who shall thereupon be required to secure an individual license for each dog.

(Code 1980, § 4-17; Code 1995, § 5-61)

State law reference—Violations to be class 4 misdemeanor, Code of Virginia, § 3.2-6587(A)9; penalty for class 4 misdemeanor, Code of Virginia, § 18.2-11.

Secs. 5-59—5-89. - Reserved.

DIVISION 3. - RABIES VACCINATION

Sec. 5-90. - Required; certificate.

(a) It shall be unlawful for any person to own, keep or harbor any dog or cat four months of age or older within the county unless such dog or cat has been vaccinated with a species-appropriate vaccine approved by the United States Department of Agriculture and administered by a licensed veterinarian, and has received any required revaccination against rabies as specified in the certificate of vaccination.

(b) Upon vaccination or revaccination of a dog or cat as required by this section, a suitable and distinctive rabies tag and a certificate of vaccination, properly executed and signed by the licensed veterinarian performing the vaccination, shall be issued to the animal's owner by the veterinarian, who shall retain a copy of the certificate for his records.

(c) The certificate issued pursuant to subsection (b) of this section shall be NASPHV Form No. 50, or its equivalent, and shall certify that the dog or cat has been vaccinated in accordance with this division, and shall include the following information:

(1) The date of the vaccination;

(2) The date for required revaccination;

(3) The rabies tag number;

(4) A brief description of the dog or cat and its age, sex and breed; and

(5) The name and address of the animal's owner.

(d) The certificate issued pursuant to subsection (b) of this section shall be preserved by the owner of the dog or cat and exhibited promptly on request for inspection by any animal protection police officer or other law enforcement officer.

(e) Any person owning, keeping or harboring any dog or cat four months of age or older shall have the required vaccination performed within 30 days from the day on which the dog or cat is first owned, kept, harbored or moved into the county by the person.

(Code 1980, § 4-23; Code 1995, § 5-81)

State law reference—Rabies inoculation of dogs and cats, Code of Virginia, § 3.2-6521.

Sec. 5-91. - Exemption for animals temporarily brought into county.

This division shall not apply to any dogs or cats temporarily brought into the county, for a period not to exceed 30 days, for showing or breeding purposes, if such dogs or cats remain confined at all times.

(Code 1980, § 4-23.1; Code 1995, § 5-82)

Sec. 5-92. - Wearing of rabies tag.

The owner of any dog or the owner's agent shall attach to the collar of such dog the current rabies tag supplied by the veterinarian. Such collar and tag shall be worn by the dog at all times such dog is out-of-doors, whether on or off the premises of the owner. Cat owners are encouraged to tag their cats similarly, but are not required to do so.

(Code 1980, § 4-23.3; Code 1995, § 5-83)

Secs. 5-93—5-112. - Reserved.

DIVISION 4. - STERILIZATION OF ADOPTED DOGS AND CATS

***State law reference—**Sterilization of dogs and cats, Code of Virginia, § 3.2-6574.

Sec. 5-113. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

New owner means an individual who is legally competent to enter into a binding agreement pursuant to section 5-114 and who adopts or receives a dog or cat from a releasing agency.

Sterilize and *sterilization* mean a surgical or chemical procedure performed by a licensed veterinarian that renders a dog or cat permanently incapable of reproducing.

(Code 1980, § 4-22.4; Code 1995, § 5-101; Ord. No. 1050, § 2, 9-9-2003)

Cross reference—Definitions and rules of construction, § 1-2.

State law reference—Similar provisions, Code of Virginia, § 3.2-6500.

Sec. 5-114. - Sterilization required.

(a) *Duty of new owner.* Every new owner of a dog or cat adopted from a releasing agency shall cause such dog or cat to be sterilized pursuant to the agreement required by subsection (b)(2) of this section.

(b) *Requirements for release of animal.* A dog or cat shall not be released for adoption from a releasing agency 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 within 30 days of the adoption if the animal is sexually mature, or within 30 days after the animal reaches six months of age if the animal is not sexually mature at the time of adoption.

(c) *Extension of time.* A releasing agency may extend for 30 days the date by which a dog or cat must be sterilized on presentation of a written report from a veterinarian stating that the life or health of the adopted animal may be jeopardized by sterilization. In cases involving extenuating circumstances, the veterinarian and the releasing agency may negotiate the terms of an extension of the date by which the animal must be sterilized.

(d) *Sterilization of immature animals.* Nothing in this section shall preclude the sterilization of a sexually immature dog or cat upon the written agreement of the veterinarian, the releasing agency and the new owner.

(e) *Order to comply.* Upon the petition of the animal protection police officer supervisor, an investigator or the state veterinarian or his designee to the district court where a violation of this division occurs, the court may order the new owner to take any steps necessary to comply with the requirements of this division. This remedy shall be exclusive of and in addition to any civil penalty which may be imposed under this division.

(f) *Civil penalty.* Any person who violates subsection (a) or (b) of this section shall be subject to a civil penalty not to exceed $150.00.

(Code 1980, § 4-22.5; Code 1995, § 5-102; Ord. No. 987, § 1, 7-13-1999)

State law reference—Similar provisions, Code of Virginia, § 3.2-6574; civil penalty authorized, Code of Virginia, § 3.2-6543(B).

Sec. 5-115. - Confirmation of sterilization.

(a) *Required; contents.* Each new owner who signs a sterilization agreement pursuant to this division shall, within seven days of the sterilization, cause to be delivered or mailed to the releasing agency written confirmation signed by the veterinarian who performed the sterilization. The confirmation shall briefly describe the dog or cat, include the new owner's name and address, certify that the sterilization was performed, and specify the date of the procedure.

(b) *Civil penalty.* Any person who violates this section shall be subject to a civil penalty not to exceed $50.00.

(Code 1980, § 4-22.6; Code 1995, § 5-103)

State law reference—Similar provisions, Code of Virginia, § 3.2-6576; civil penalty authorized, Code of Virginia, § 3.2-6543(B).

Sec. 5-116. - Notification of releasing agency of death or disappearance of animal.

(a) *Required.* If an adopted dog or cat is lost or stolen or dies before the animal is sterilized and before the date by which the dog or cat is required to be sterilized, the new owner shall, within seven days of the animal's disappearance or death, notify the releasing agency of the animal's disappearance or death.

(b) *Civil penalty.* Any person who violates this section shall be subject to a civil penalty not to exceed $25.00.

(Code 1980, § 4-22.7; Code 1995, § 5-104)

State law reference—Similar provisions, Code of Virginia, § 3.2-6577; civil penalty authorized, Code of Virginia, § 3.2-6543(B).

Sec. 5-117. - Exemptions from division.

This division shall not apply to:

(1) An owner reclaiming his dog or cat from a releasing agency;

(2) A local governing body which has disposed of an animal by sale or gift to a federal agency, state-sponsored institution, agency of the state, agency of another state, or licensed federal dealer having its principal place of business located within the state;

(3) A place or establishment which is operated under the immediate supervision of a duly licensed veterinarian as a hospital or boarding kennel where animals are harbored, boarded and cared for incident to the treatment, prevention or alleviation of the disease processes during the routine practice of the profession of veterinary medicine; or

(4) Animals boarded under the immediate supervision of a duly licensed veterinarian.

(Code 1980, § 4-22.8; Code 1995, § 5-105)

State law reference—Exemptions, Code of Virginia, §§ 3.2-6578, 3.2-6506.

Secs. 5-118—5-147. - Reserved.

ARTICLE III. - IMPOUNDMENT

***State law reference—**Confinement and disposition of animals in county pound, Code of Virginia, § 3.2-6546.

Sec. 5-148. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal does not include agricultural animals.

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

(Code 1980, § 4-22.1(l); Code 1995, § 5-131)

Cross reference—Definitions and rules of construction, § 1-2.

State law reference—Similar provisions, Code of Virginia, § 3.2-6546(A).

Sec. 5-149. - Operation of pound.

There shall be constructed and maintained a pound or enclosure, which shall be of a type approved by the county health department in accordance with guidelines issued by the state department of agriculture and consumer services, for the confinement of impounded animals. The pound or enclosure shall be accessible to the public at reasonable hours during the week.

(Code 1980, § 4-22.1(a); Code 1995, § 5-132)

State law reference—Pound required, Code of Virginia, § 3.2-6546(B).

Sec. 5-150. - Impoundment generally; holding period.

(a) The animal protection police officer supervisor or other officer who finds a dog without the tags required by this chapter, or a dog running at large in violation of section 5-29(6), or any other animal in violation of the provisions of this chapter shall impound such animal in the pound.

(b) Except as otherwise provided, all impounded animals shall be kept for a period of not less than five days. Such period shall commence on the day immediately following the day the animal is initially confined in the facility.

(c) Impounded animals may be released at any time and the five-day holding period shall not apply to:

(1) Any impounded animal claimed by its rightful owner;

(2) Any impounded animal, if the animal's rightful owner has surrendered all property rights in such animal and has read and signed a statement as required by section 5-156.

(Code 1980, § 4-22.1(b); Code 1995, § 5-133; Ord. No. 987, § 2, 7-13-1999)

State law reference—Similar provisions, Code of Virginia, § 3.2-6546(C), (F).

Sec. 5-151. - Disposition of animals bearing tag or other identification; notification of owner.

(a) The custodian of the pound shall make a reasonable effort to ascertain if an impounded animal has a collar, tag, license, tattoo, or other form of 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 5-150(b), unless sooner claimed by the rightful owner.

(b) If the rightful owner of any confined animal may be readily identified, the custodian of the pound shall make a reasonable effort to notify the owner of the animal's confinement within the next 48 hours following its confinement.

(Code 1980, §§ 4-22.1(f), (g), 4-22.2(a); Code 1995, § 5-135; Ord. No. 987, § 3, 7-13-1999)

State law reference—Similar provisions, Code of Virginia, § 3.2-6546(C).

Sec. 5-152. - Redemption of animals.

Either a custodian of an animal or an individual who has found an animal may qualify as owner and may claim the animal by expressing his desire in writing to claim the animal at the expiration of the period set out in section 5-150(b) after payment of the required fees. The rightful owner may redeem any animal confined pursuant to this article by producing an authorized current valid vaccination certificate, if required by this chapter, and a current dog license receipt or tag, if required by this chapter, and by paying to the animal protection police officer supervisor the board and redemption fees set out in section 5-159. Payment of the charges provided for in this section shall not relieve any person from prosecution for a violation of this chapter.

(Code 1980, § 4-22.1(d); Code 1995, § 5-136; Ord. No. 987, § 4, 7-13-1999)

Sec. 5-153. - Disposition of unclaimed animals.

(a) If an animal confined pursuant to this article has not been claimed upon expiration of the appropriate holding period, it shall be deemed abandoned and become the property of the pound. Such animal may be euthanized in accordance with the methods approved by the state veterinarian or disposed of by the methods set forth in subsections (a)(1) through (a)(5) of this section. No pound shall release more than two animals or a family of animals during any 30-day period to any one person under subsection (a)(2), (a)(3) or (a)(4) of this section. The methods of disposal include the following:

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

(2) Adoption by a resident of the county who will pay any required fees, if any, on such animal, provided that such resident has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment;

(3) Adoption by a resident of an adjacent political subdivision of the state who will pay any required fees, provided the resident has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment;

(4) Adoption by any other person who will pay any required fees, provided that such person has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment, and provided that no dog or cat may be adopted by any person who is not a resident of the county, or of an adjacent political subdivision, unless the dog or cat is first sterilized at the expense of the person adopting the dog or cat; or

(5) Release for the purposes of adoption or euthanasia only to an animal shelter, or any other releasing agency located in and lawfully operating under the laws of another state, provided that such animal shelter, or other releasing agency:

a. Maintains records that would comply with Code of Virginia, § 3.2-6557;

b. Requires that adopted dogs and cats be sterilized;

c. Obtains a signed statement from each of its directors, operators, staff, and animal caregivers specifying that each individual has never been convicted of animal cruelty, neglect, or abandonment, and updates such statement as changes occur; and

d. Has provided to the pound a statement signed by an authorized representative specifying the entity's compliance with subsections (a)(5)a through (a)(5)c of this section and the provisions of adequate care and performance of humane euthanasia, as necessary in accordance with the provisions of Code of Virginia, title 3.2, ch. 65.

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

(c) Any proceeds deriving from the gift, sale, or delivery of such animals shall be paid directly to the director of finance. No part of the proceeds shall accrue to any individual.

(Code 1980, § 4-22.1(e), (k); Code 1995, §§ 5-137, 5-142; Ord. No. 987, § 5, 7-13-1999; Ord. No. 1050, § 3, 9-9-2003)

State law reference—Similar provisions, Code of Virginia, § 3.2-6546(C).

Sec. 5-154. - Destruction of feral dogs or cats.

Any feral dog or feral cat not bearing a collar, tag, tattoo or other form of identification which, based on the written certification of a disinterested person, exhibits behavior that poses a risk of physical injury to any person confining the animal, may be euthanized after being kept for a period of not less than three days, at least one of which shall be a full business day, such period to commence on the day the animal is initially confined in the facility, unless sooner claimed by the rightful owner. The certification of the disinterested person shall be kept with the animal as required by Code of Virginia, § 3.2-6557. For purposes of this section, a disinterested person shall not include a person releasing or reporting the animal.

(Code 1980, § 4-22.1(c); Code 1995, § 5-138)

State law reference—Similar provisions, Code of Virginia, § 3.2-6546(G).

Sec. 5-155. - Destruction of injured, diseased or unweaned animals.

No provision in this article shall prohibit the immediate destruction of a critically injured, or critically ill animal for humane purposes. No provision of this article shall prohibit the immediate destruction, for humane purposes, of any animal not weaned, whether or not the animal is critically injured or critically ill.

(Code 1980, § 4-22.1(h); Code 1995, § 5-139)

State law reference—Similar provisions, Code of Virginia, § 3.2-6546(E).

Sec. 5-156. - Voluntary delivery of animal by owner; surrender of owner's rights in animal.

Nothing in this article shall prohibit the immediate euthanasia or disposal by the methods listed in section 5-153(a)(1) through (a)(5) of an animal that has been released to the pound or animal protection police officer supervisor by the animal's rightful owner after the rightful owner has read and signed a statement:

(1) Surrendering all property rights in such animal;

(2) Stating that no other person has a right of property in the animal; and

(3) Acknowledging that the animal may be immediately euthanized or disposed of in accordance with section 5-153(a)(1) through (a)(5).

(Code 1980, § 4-22.1(i); Code 1995, § 5-140; Ord. No. 1050, § 4, 9-9-2003)

State law reference—Similar provisions, Code of Virginia, § 3.2-6546(F).

Sec. 5-157. - Seizure and impoundment of stolen or unlawfully held dogs or cats.

The animal protection police officer supervisor or other officer finding a stolen dog or cat or a dog or cat held or detained contrary to the law shall have the authority to seize and hold such animal pending court action. If no such action is instituted within seven days, the animal protection police officer supervisor or other officer shall deliver the animal to its owner. The presence of a dog or a cat on the premises of a person other than its legal owner shall raise no presumption of theft against the owner of the property, and the animal protection police officer supervisor may take such animal in charge and notify its legal owner to remove it. The legal owner shall pay to the animal protection police officer supervisor a fee in the amount of $10.00 for each day that such animal has been confined.

(Code 1980, § 4-22.1(j); Code 1995, § 5-141)

State law reference—Similar provisions, Code of Virginia, § 3.2-6585.

Sec. 5-158. - Method of euthanization.

Any animal destroyed pursuant to the provisions of this chapter shall be euthanized by one of the methods prescribed or approved by the state veterinarian.

(Code 1980, § 4-22.1(k); Code 1995, § 5-142)

State law reference—Similar provisions, Code of Virginia, § 3.2-6562.

Sec. 5-159. - Amount of fees.

(a) Service fees will be charged for services rendered by the county under this article as follows:

(1) Redemption fee: $25.00.

(2) Board after the first 24 hours: $10.00 per day.

(3) Adoption fee: $25.00 for a dog or cat requiring sterilization; $10.00 for all other animals.

(4) Voluntary surrender fee: $25.00.

(b) No service fee shall be charged for animals donated to an agency approved to perform medical research.

(Code 1980, § 4-22.3; Code 1995, § 5-143)

Sec. 5-160. - Use of fees.

Any funds collected in the enforcement of this article shall be disposed of in the same manner as dog license taxes.

(Code 1980, §§ 4-22.1(m), 4-22.2(b); Code 1995, § 5-144)

Secs. 5-161—5-188. - Reserved.

ARTICLE IV. - RABIES CONTROL

***State law reference—** Authority to provide for rabies control, Code of Virginia, § 3.2-6525.

Sec. 5-189. - Penalty.

A violation of any provision of this article shall constitute a class 4 misdemeanor.

(Code 1980, § 4-32(a); Code 1995, § 5-171)

State law reference— Violations to be class 4 misdemeanor, Code of Virginia, § 3.2-6587(A)4; penalty for class 4 misdemeanor, Code of Virginia, § 18.2-11.

Sec. 5-190. - Reporting of animal bites.

(a) All animal bites of human beings shall be reported to the county division of police within 24 hours after the occurrence.

(b) Such report shall include the name and address of the person bitten, the name and address of the owner of the biting animal, if obtainable, a reasonable description of the animal, the date and time of day of the injury, the part of the body on which the bite was inflicted, and, if possible, whether the biting animal has been vaccinated against rabies.

(c) The responsibility for so reporting is mutually charged to attending medical personnel, veterinarians, owners of the biting animals, persons bitten and any other person who may have knowledge of the occurrence.

(Code 1980, § 4-24; Code 1995, § 5-172)

Sec. 5-191. - Reports of infected animals.

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

State law reference— Similar provisions, Code of Virginia, § 3.2-6522.

Sec. 5-192. - Confinement or destruction of dogs and cats suspected of having rabies.

(a) Dogs or cats found within the county reasonably suspected of having rabies or exhibiting the common symptoms of such disease shall be taken into custody immediately by the animal protection police officer or any police officer and confined in the county pound or at a private veterinarian's establishment approved by the county health director in solitary confinement and kept under competent observation for such time as may be necessary to determine whether they are afflicted with rabies.

(b) At the time any such dog or cat is impounded, an attempt shall be made to discover whether the dog or cat has been vaccinated previously against rabies. If it is found that such dog or cat has not been vaccinated effectively, then such dog or cat shall be so vaccinated by a licensed veterinarian on the last day of the observation period described in subsection (a) of this section unless the animal is humanely destroyed pursuant to subsection (c) of this section.

(c) The animal protection police officer may cause to be euthanized by one of the methods approved by the state veterinarian any dog or cat which, in the opinion of a veterinarian, has rabies, or any dog or cat which is in need of confinement pursuant to subsection (a) of this section but for which such confinement is impossible or impracticable because there apparently is no owner or for other reasons. In such event the animal protection police officer shall arrange to have the head of such dog or cat examined for the purpose

of confirming rabies. If the opinion of a veterinarian as to whether an animal has rabies is not reasonably obtainable, the animal protection police officer may act on his own opinion.

(d) All expenses in connection with the provisions of this section shall be borne by the owner of the dog or cat in question.

(Code 1980, § 4-25; Code 1995, § 5-173)

State law reference—Similar provisions, Code of Virginia, § 3.2-6522.

Sec. 5-193. - Confinement or destruction of biting animals.

(a) Upon information to the county division of police or any animal protection police officer that a dog or cat has bitten a person, it shall be the duty of the animal protection police officer, upon ascertaining the identity of such dog or cat, to direct it to be confined for a period of ten days from the date the bite occurred unless the animal develops active symptoms of rabies or expires before that time, such confinement to be either with a veterinarian approved by the county health director or in a kennel or enclosure approved by the animal protection police officer as the person who owns or controls such dog or cat shall select, provided that the person who owns or controls such dog or cat shall bear the cost of such confinement. A seriously injured or sick animal may be euthanized by one of the methods approved by the state veterinarian, and its head sent to the state laboratory for evaluation. It shall further be the duty of the animal protection police officer to assume the responsibility of supervising such confinement and ordering the dog or cat to be released if it is safe to do so at the end of the confinement period required by this subsection.

(b) Any animal, other than a dog or cat, biting or otherwise injuring a human being, and suspected of being rabid by the county health director or animal protection police officer, shall be humanely destroyed and its head sent to the state laboratory for evaluation.

(Code 1980, § 4-26; Code 1995, § 5-174)

State law reference—Similar provisions, Code of Virginia, § 3.2-6522.

Sec. 5-194. - Confinement or destruction of dogs or cats bitten by rabid animals.

(a) Any dog or cat for which no proof of current rabies vaccination is available which has been bitten by an animal believed to be afflicted with rabies shall be confined in a kennel or enclosure approved by the animal protection police officer for a period not to exceed six months at the expense of the owner. 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 to the dog or cat at the expense of the owner four weeks prior to release. Inactivated rabies vaccine may be administered at the expense of the owner at the beginning of confinement of the dog or cat.

(b) Any dog or cat for which there is proof of current rabies vaccination available which has been bitten by an animal believed to be afflicted with rabies shall be revaccinated at the expense of the owner immediately following the bite and shall be confined to the premises of the owner, or such other site as may be approved by the animal protection officer, for a period of 45 days at the expense of the owner.

(Code 1980, § 4-27; Code 1995, § 5-175)

State law reference—Similar provisions, Code of Virginia, § 3.2-6522.

Sec. 5-195. - Impoundment of unvaccinated dogs and cats.

(a) Any animal protection officer or police officer may impound in the county pound any dog or cat which has not been vaccinated as provided in section 5-90. Any dog or cat which is found off of its owner's

premises and not under the control or supervision of its owner or his agent and which is not wearing a valid rabies tag shall be presumed to be unvaccinated until its owner or his agent presents evidence of vaccination required by section 5-90. Any dog or cat held in the pound shall be held for a period as provided in article III of this chapter, unless the dog or cat is rabid or suspected of being rabid, in which case the dog or cat shall be held for further observation or destroyed humanely, pursuant to section 5-192, upon authorization of the county health director or any person charged with the enforcement of this article.

(b) Any dog or cat impounded under this section which is not rabid or suspected of being rabid may be redeemed by the owner as provided in article III of this chapter.

(Code 1980, § 4-28; Code 1995, § 5-176)

Sec. 5-196. - Humane destruction of animals.

Nothing in this article shall prohibit the humane destruction of a seriously injured or sick animal, provided that arrangements are made with the state laboratory for examination of the animal's head for rabies if the animal is suspected of being rabid.

(Code 1980, § 4-29; Code 1995, § 5-177)

Sec. 5-197. - Unlawful concealment of animal.

It shall be unlawful for any person to conceal or withhold any dog, cat or other animal to keep it from being destroyed or confined in accordance with this article.

(Code 1980, § 4-29.1; Code 1995, § 5-178)

Sec. 5-198. - Enforcement measures on noncompliance by owner of dog or cat.

If any person who owns or controls a dog or cat fails or refuses to comply with any of the provisions of this article or with any instructions given by an animal protection police officer, a veterinarian, a health department representative or other appropriate official pursuant to this article, the animal protection police officer may take such dog or cat immediately into custody and confine it in the county pound. The person owning or controlling such dog or cat shall then be summoned immediately by the animal protection police officer to appear in the general district court, where the matter shall be heard as all other matters are heard on criminal warrants. Upon finding that such person either owns or controls a dog or cat and has failed or refused to comply with any provision of this article or with instructions properly given pursuant to this article, the judge, in addition to any sentence which he may impose for conviction of a class 4 misdemeanor, shall order any confinement or destruction of the animal appropriate under the circumstances and pursuant to this article, and shall order the convicted person to pay for any required vaccination, license and confinement-related expenses.

(Code 1980, § 4-32(b); Code 1995, § 5-179)

State law reference—Penalty to be class 4 misdemeanor, Code of Virginia, § 3.2-6587(A)4; penalty for class 4 misdemeanors, Code of Virginia, § 18.2-11.

Sec. 5-199. - Transportation, sale or keeping of foxes, skunks and raccoons.

The transportation or importation of foxes, skunks and raccoons from other jurisdictions into the county, and the sale of foxes, skunks and raccoons in the county, is prohibited. It shall be unlawful for any person to confine or keep any fox, skunk or raccoon as a pet or otherwise.

(Code 1980, § 4-31; Code 1995, § 5-181)

Secs. 5-200—5-221. - Reserved.

ARTICLE V. - SWINE

Sec. 5-222. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Hog means any pig over ten weeks old.

Pen means any enclosure of an acre or less in which pigs or hogs are kept.

(Code 1980, § 4-34; Code 1995, § 5-201)

Cross reference—Definitions and rules of construction, § 1-2.

Sec. 5-223. - Applicability of article.

This article shall apply only to the raising of pigs and hogs in a pen as defined in section 5-222.

(Code 1980, § 4-33; Code 1995, § 5-202)

Sec. 5-224. - Location of pens.

No hog pen shall be constructed or maintained within 400 feet of any lot in any residential district or within 200 feet of any other lot occupied by a dwelling other than the farm dwelling or by any school or church or any institution for human care not located on the same lot with such uses or buildings.

(Code 1980, § 4-35; Code 1995, § 5-203)

Sec. 5-225. - Cleaning of pens.

All hog pens shall be clean and free of refuse matter, and refuse matter shall not be allowed to accumulate in and around such pens.

(Code 1980, § 4-36; Code 1995, § 5-204)

Sec. 5-226. - Control of odors and flies.

Any person raising hogs shall use lime or other disinfectants in and around the pen in sufficient quantity to prevent obnoxious odors and to destroy fly larvae.

(Code 1980, § 4-37; Code 1995, § 5-205)

Sec. 5-227. - Capacity of pens.

It shall be unlawful for any person to have more than 20 hogs in a pen at any one time, except for the purpose of feeding at regular periods, which shall not exceed one hour in length three times a day.

(Code 1980, § 4-38; Code 1995, § 5-206)

Sec. 5-228. - Food containers.

All slop or food barrels and other containers of liquid and odorous foods used in and about a hog pen shall be covered with tops sufficiently tight to keep out flies and keep down odors.

(Code 1980, § 4-39; Code 1995, § 5-207)

Secs. 5-229—5-249. - Reserved.

ARTICLE VI. - FOWL

Sec. 5-250. - Bird sanctuaries.

(a) The portion of the Lakeside Community included in the following described area is hereby designated as a bird sanctuary: Beginning at a point on the centerline of Lakeside Avenue (State Route 161) at the boundary dividing the county and the City of Richmond; thence northwardly along such centerline to its intersection with Hilliard Road (State Route 161); thence westwardly along the centerline of Hilliard Road to its intersection with Woodman Road; thence northwardly along the centerline of Woodman Road to its intersection with Parham Road; thence westwardly along the centerline of Parham Road to its intersection with Staples Mill Road (State Road 33); thence southwardly along the centerline of Staples Mill Road to its intersection with Interstate Route 64; thence eastwardly along the centerline of Interstate Route 64 to the boundary dividing the county and the City of Richmond near Bryan Park; thence northeastwardly along the boundary dividing the county and the City of Richmond to the point and place of beginning. The portion of the community designated as a bird sanctuary shall also include the following subdivisions: Ginter Gardens, Ginter Gardens Addition, Lakewood, Lakewood Estates, Valentine Hills, Rocky Branch Farm and Lydell Heights.

(b) The Three Chopt Elementary School and its grounds, including the outdoor class, located at 1600 Skipwith Road, is hereby designated as a bird sanctuary.

(c) The entire area embraced within the limits of Old Westham, bounded by River Road, Ridge Road, Forest Avenue, Lindsay Road, Lindsay Court, Little Westham Creek and College Road, is hereby designated as a bird sanctuary.

(d) It shall be unlawful in any areas designated in this section to willfully and maliciously trap, shoot, hunt, or attempt to shoot or molest in any manner any bird or wild fowl or to rob bird nests or wild fowl nests. However, if starlings or similar birds are found to the congregating in such bird sanctuaries so that they constitute a nuisance or menace to health or property, then such birds may be destroyed, provided that such action may not be taken on private property without the written approval of the owner of such property.

(e) Violation of the provisions of this section shall be a misdemeanor.

(Code 1980, § 4-40; Code 1995, § 5-231)