

CHAPTER 10 ANIMALS

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REPEALED AUGUST 14, 2007**

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ARTICLE I. IN GENERAL

Sec.10-1. Adoption of state comprehensive animal laws.

The provisions of Code of Virginia of 1950, § 3.1-796.66 et seq., are adopted and made a part of this chapter as fully as though set forth in this section.

Sec.10-2. Definitions.

For the purpose of this chapter the following words and phrases shall have the following meanings unless otherwise defined within this chapter. Words and phrases not

defined herein, which are defined in section 3.1-796.66 of the Code of Virginia shall have the meanings ascribed to them by that section:

ANIMAL CONTROL OFFICER means a person appointed as the animal control officer or a deputy animal control officer pursuant to Virginia law to enforce the Virginia Comprehensive Animal Laws, this Chapter, and all laws for the protection of domestic animals.

COMPANION ANIMAL means any domestic dog, domestic cat, non-human primate, guinea pig, hamster, rabbit not raised for human food or fiber, or other animal not prohibited, kept for pleasure rather than utility

LIVESTOCK 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 by state law; 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.

WILD OR EXOTIC ANIMAL means any raccoon, skunk, wolf, squirrel, fox, leopard, panther, tiger, lion, lynx or any other warm-blooded animal, poisonous snake or tarantula which can normally be found in the wild state or any other member of crocodilian, including but not limited to alligators, crocodiles, caimans and gavials. Ferrets, nonpoisonous snakes, rabbits and laboratory rats which have been bred in captivity and which never have known the wild shall be excluded from this definition.

DIVISION 1. CONTAINMENT OF LIVESTOCK

Sec. 10-10. Purposes; legislative authority.

(a) The purpose of this division is to provide for the containment of livestock in the county and to prescribe the penalties for its violation.

(b) This division is adopted under the provisions of Code of Virginia, § 55-310, et. seq.

Sec. 10-11. Lawful fence.

(a) The boundary line of each lot or tract of land or any stream in the county shall be a lawful fence as to any livestock domesticated by man.

(b) It shall be unlawful for any person who is the owner or manager of any livestock domesticated by man to permit any such livestock, as to which the boundaries of lots or tracts of land have been constituted a legal fence, to run at large beyond the limits of his own lands within the county; and such animal shall be deemed to be running at large while roaming or running off the property, whether owned or rented, of its owner or manager, and not under their owner's or manager's immediate control.

(c) Any such owner or manager, after having been notified by an officer of the law that such animal is running at large, permits such animal to continue to run at large, shall be deemed to have violated this section and shall be guilty of a Class 4 misdemeanor and shall be punished in accordance with the provisions of Code of Virginia, §§ 3.1-796.128, 18.2-03.1, 18.2-03.2, 18.2-403.3, which sections are adopted by reference and made a part of this chapter as if fully set forth in this section.

DIVISION 2. MISCELLANEOUS ANIMAL REGULATIONS

Sec. 10-20. Disposal of companion animals.

(a) The owner of any companion animal which has died from disease or other cause shall forthwith cremate or bury or sanitarly dispose of the companion animal.

(b) If after notice any owner fails to comply with this section, the animal control officer or other officer cremate or bury or sanitarly dispose of the companion animal; and may recover on behalf of the county from the owner the cost of this service.

Sec. 10-21. Killing of coyotes permitted; bounty established; procedures for claims.

(a) The killing coyotes within the boundaries of the county is hereby authorized for bounties upon the following conditions: A bounty of \$50.00 shall be paid by the county, from available funds, for each coyote killed within the boundaries of the county.

(b) All payments shall be contingent upon the furnishing of such identifying information as requested by the county's designated agent (county animal control). The board of supervisors shall be the approving authority for payment of all claims presented.

(c) Available funds not to exceed \$2,500.00. The total amount of bounties to be paid under this division shall not exceed the sum of \$2,500.00 per fiscal year, except by additional appropriation by the board.

(d) Unlawful acts; penalties. It shall be unlawful for any person to present a false claim or to receive any money on a false claim under this division, which act shall constituted a Class 1 misdemeanor and shall be punished in accordance with the provisions of Code of Virginia, §§ 3.1-796.128, 18.2-03.1, 18.2-03.2, 18.2-403.3, which sections are adopted by reference and made a part of this chapter as if fully set forth in this section.

ARTICLE II. ANIMAL CONTROL OFFICERS

Sec. 10-30. Position created.

The animal control officer shall discharge the duties provided for in Code of Virginia § 3.1-796.66, et seq., and such other duties as are provided in this chapter. The animal control officer shall be paid from the dog operating fund such compensation as the board of supervisors by resolution may determine, such compensation to be paid monthly.

Sec. 10-31. Dog operating fund.

The dog operating fund shall consist of the funds received from dog license taxes and fines imposed for the violation of the provisions of this chapter.

Fees for services provided by the animal control officer or for reclaiming animals, not otherwise specified within this Chapter shall be set by resolution of the Board of Supervisors.

ARTICLE III. DOGS

DIVISION 1. GENERALLY

Sec. 10-40. Disposal of dead dogs.

The owner of any dog which has died from disease or other cause shall forthwith cremate or bury and dispose of the dog. If after notice any owner fails to do so, the animal control officer or other officer shall bury or cremate the dog; and he may recover on behalf of the county from the owner the cost of his service.

Sec. 10-41. Unlawful acts.

The following shall be deemed unlawful acts the violation of which shall be a Class 4 misdemeanor and shall be punished in accordance with the provisions of Code of Virginia, §§ 3.1-796.128, 18.2-03.1, 18.2-03.2, 18.2-403.3, which sections are adopted by reference and made a part of this chapter as if fully set forth in this section:

- (1) Diseased dogs. For the owner of any dog with a contagious or infectious disease to permit such dog to stray from his premises if such disease is known to the owner.
- (2) Female dog in season. 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 collar and tag. For any person except the owner or custodian to remove a legally acquired license tag from a dog without the permission of the owner or custodian.
- (4) Concealing a dog. For any person to conceal or harbor any dog for which the license tax has not been paid or to conceal a vicious or dangerous to prevent the same from being destroyed.

DIVISION 2. LICENSE TAX

Sec. 10-50. Unlicensed dogs prohibited.

It shall be unlawful for any person to own a dog four months or older unless such dog is licensed as required by the provisions of the Code of Virginia, § 3.1-796.85, and this division.

Any person violating this section shall be guilty of a class 4 misdemeanor and, upon their first offense of this section and shall be guilty of a Class 3 misdemeanor and shall be punished in accordance with the provisions of Code of Virginia, §§ 3.1-796.128, 18.2-03.1, 18.2-03.2, 18.2-403.3, which sections are adopted by reference and made a part of this chapter as if fully set forth in this section.

Sec. 10-51. How to obtain license.

Dogs shall be licensed as provided by Code of Virginia, § 3.1-796.86, by reference, which section is adopted and made a part of this chapter by reference as fully as though set forth at length in this section.

Sec. 10-52. Amount of license tax.

(a) Pursuant to the authority of Code of Virginia, § 3.1-796.87, any person licensing a dog in the county shall pay an annual license tax on the ownership of the dog according to the following schedule:

Male dog . . .	\$10.00
Unsexed (castrated) male dog . . .	\$ 5.00
Female dog . . .	\$10.00
Unsexed (spayed) female dog . . .	\$ 5.00

(b) No license tax shall be levied on a guide dog for a blind person, service dog or dogs under four months of age.

Sec. 10-53. Kennel license tax.

The tax for a licensed kennel shall be according to the following schedule:

5--20 dogs . . .	\$35.00
Over--20 dogs . . .	\$50.00

Sec. 10-54. When license tax payable.

The license tax imposed by this division shall be payable to the treasurer of the county, as required by Code of Virginia, § 3.1-796.88, which section is adopted and made a part of this chapter as fully as though set forth at length in this section.

Sec. 10-55. Effect of dog not wearing collar as evidence.

Any dog not wearing a collar bearing a license tag of the proper calendar year shall prima facie be deemed to be unlicensed and a stray; and in any proceedings under this division, 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.

Sec. 10-56. What dog license shall consist of.

The county dog license shall consist of a license receipt and a metal tag. The tag shall be stamped or otherwise permanently marked to show the jurisdiction issuing the license, the sex of the dog and the calendar year for which issued, and shall bear a serial number.

Sec. 10-57. Duplicate license tags.

Duplicate license tags shall be obtained by the owner of a dog as provided by Code of Virginia, § 3.1-796.91, which section is adopted by reference and made a part of this chapter as if fully set forth in this section.

Sec. 10-58. Displaying receipts; dogs to wear tags.

Dog license receipts shall be displayed and dog license tags shall be worn as required by Code of Virginia, § 3.1-796.92.

Sec. 10-59. Payment of license tax subsequent to summons.

Payment of the license tax subsequent to a summons to appear before the general district court or other court for failure to do so within the time required shall not operate to relieve such owner of the penalties provided.

DIVISION 3. RABIES CONTROL

Sec. 10-60. Vaccination required.

It shall be unlawful for any person to own a dog or domesticated cat, age four months or older unless such dog or cat has been inoculated or vaccinated against rabies by a duly licensed veterinarian or licensed veterinary technician who is under the immediate and direct supervision of a licensed veterinarian on the premises. No license tags shall be issued for any dog unless there is presented to the treasurer at the time application for license is made evidence satisfactory to the treasurer, showing that such dog has been inoculated or vaccinated against rabies by a duly licensed veterinarian or licensed veterinary technician who is under the immediate and direct supervision of a licensed veterinarian on the premises, and that such inoculation or vaccination remains valid for the time application for license is made. Any person violating this section shall be guilty of a class 4 misdemeanor and shall be punished in accordance with the provisions of Code of Virginia, §§ 3.1-796.128, 18.2-03.1, 18.2-03.2, 18.2-403.3, which sections are adopted by reference and made a part of this chapter as if fully set forth in this section.

Sec. 10-61. Rabies clinic authorized.

The board of supervisors finding that the number of resident veterinarians is inadequate to meet the need, the county health department shall provide a rabies clinic at least once per year.

Sec. 10-62. Dogs or cats not vaccinated.

Any dog or cat found in the county not vaccinated and identified as described in this subdivision shall be impounded by the animal control officer, and such dogs shall be held for a period of five days. The dog or cat may be returned to its owner upon proof of ownership, vaccination of the dog or cat, and payment of the cost of impounding the dog or cat at usual rates, and payment of any fines assessed under the provisions of this division. At the expiration of the five-day period, any dog or cat not so claimed by its owner may be disposed of by giving it into the possession of any person willing to pay the cost of impounding, vaccination and license. If not so disposed of, the dog or cat shall be euthanized in an humane manner by the impounding officer or other designated official.

Sec. 10-63. Quarantine authorized.

When the board of supervisors finds that there is sufficient reason to believe that a rabid animal is at large, the board shall have the power to pass an emergency ordinance requiring all owners of all dogs in the county to keep the dogs confined on their premises, and may further adopt such ordinances, regulations or other measures as it may deem reasonably necessary to prevent the spread within the county of the disease of rabies.

DIVISION 4. RUNNING AT LARGE

Sec. 10-70. Prohibited.

(a) It shall be unlawful for any person to permit any dog, belonging to him or under his control, to run at large in the county at any time from March 1 to August 31. For the purpose of this division, a dog shall be deemed to be running at large while

roaming or running or self-hunting off the property of its owner or custodian and not under the owner's or custodians' immediate control. Any person, after having been notified by any animal control officer or other officer of the law that the dog is running at large, who is the owner or custodian of the dog thereafter found running at large shall be deemed to have violated the provisions of this section.

(b) This section shall not apply to any person or persons while engaging in the following activities:

- (1) Lawful hunting with a dog or dogs;
- (2) Law enforcement or search and rescue activity;
- (3) A supervised formal obedience training class or show;
- (4) Formally sanctioned field trials; or
- (5) Bona fide hunting or field trial dog training.

(c) A violation of this section shall constitute a Class 4 misdemeanor and shall be punished in accordance with the provisions of Code of Virginia, §§ 3.1-796.128, 18.2-03.1, 18.2-03.2, 18.2-403.3, which sections are adopted by reference and made a part of this chapter as if fully set forth in this section; however, if the dog is a dangerous or vicious dog, a violation of this section shall constitute a Class 1 misdemeanor and shall be punished in accordance with the provisions of Code of Virginia, §§ 3.1-796.128, 18.2-03.1, 18.2-03.2, 18.2-403.3, which sections are adopted by reference and made a part of this chapter as if fully set forth in this section .

(d) Should the animal control officer or any law enforcement officer have reason to believe that any dog found running at large is dangerous to the health, safety or property of any person, such officer may order the confinement of such animal by delivering a confinement order to the owner or custodian of such animal and any person who thereafter permits such animal to run at large or remain unconfined, unrestricted or not penned up shall be deemed to have violated this section. Should the animal not be confined within six hours after the delivery of the confinement order or should the animal control officer or other officer, after due diligence, be unable to deliver the confinement order to the owner or custodian of such animal, the animal control officer or any other law enforcement officer shall impound any such vicious or destructive dog pursuant to the provision of section 6-197. Upon the issuance of the confinement order, or the impoundment of such animal to appear in the general district court of the county where the matter shall be heard on criminal warrants and the animal shall remain confined until the final disposition of the court proceeding; However, for the purposes of this section the owner or custodian of such dog shall be conclusively presumed to have known the dog to be vicious or destructive if at any time prior to the running at large of such animal the owner or custodian has received from any person a complaint that the animal is dangerous to the health, safety or property of any person.

Sec. 10-71. Unlicensed dogs prohibited.

The running at large of dogs not duly licensed and displaying tags pursuant to the provisions of this article is prohibited.

DIVISION 5. IMPOUNDMENT

Sec. 10-80. County dog pound.

The animal control officer shall cause to be maintained a pound or enclosure as required by Code of Virginia, § 3.1-796.96.

Sec. 10-81. Confinement and disposition of dogs.

It shall be the duty of the animal control officer to confine and dispose of dogs pursuant to provisions of Code of Virginia, § 3.1-796.66 et seq.

Sec. 10-82. Fees for confinement.

The legal owner of any dog seized and confined by the animal control officer shall pay to the animal control officer a charge for the confinement of the dog, the amount of such charge to be in accordance with the fees established by the board of supervisors. All fees received by the animal control officer shall be paid over to the county treasurer.

Sec. 10-83. Unlicensed dogs.

(a) It shall be the duty of the animal control officer, or any other officer, to capture and impound any companion animal found running at large on which the license tax has not been paid. A reasonable effort will be made to find the owner. After five days, if the owner is not found, the animal shall be declared abandoned. If the owner is known, the animal will be held an additional five days. The provisions of Code of Virginia, § 3.1-796.96 shall apply where applicable to the disposition of the dog. Any person, animal control officer or other officer euthanizing a dog under this chapter shall cremate, bury or sanitarily dispose of the dog. Prior to the disposition by euthanasia or otherwise, all of the provisions of Code of Virginia, § 3.1-796.66 et seq., shall have been complied with.

(b) If the animal control officer or other officer exercises his option to deliver such dog to any person in his jurisdiction who will pay the required license tax and cost on such dog, the person accepting delivery of such dog shall, within five days after such delivery, furnish to the animal control officer evidence of the inoculation and licensing of such dog as required by this article; and the failure to provide such evidence shall be a violation of this article and shall constitute a separate offense.

DIVISION 6. DAMAGE BY DOGS

Sec. 10-90. Disposition of funds.

The treasurer shall keep all money collected by him for dog licenses in a separate account as part of the general fund; and such funds shall be used for the purposes designated by Code of Virginia, § 3.1-796.101, which section is adopted by reference and made a part of this chapter as if fully set forth in this section.

Sec. 10-91. Compensation for livestock and poultry killed or injured by dogs.

(a) Any person who has any livestock or poultry killed or injured by any dog not his own in the county shall be entitled to receive as compensation the fair market value of such livestock or poultry not to exceed \$400.00 per animal or \$10.00 per fowl, provided that:

(1) Within 72 hours of discovery of the death or injury, the claimant gives notice of the incident to the animal control officer.

(2) Within 60 days of the discovery of the death or injury, the claimant shall furnish such evidence of the quantity and value of the dead or injured livestock or poultry and the reasons the claimant believes that death or injury was caused by a dog to the board of supervisors.

(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 execution has returned unsatisfied.

(b) Upon a determination by the board that a claim meets the criteria set forth in this section for compensation, the board shall approve the same and forward the approval to the treasurer. Upon payment under this section, the board shall be surrogated 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 such compensation in an appropriate action at law.

Sec. 10-92 Seizure of dogs suspected of killing or injuring livestock or poultry.

If any person, including the animal control officer, has reason to believe that any dog is killing livestock or poultry, he shall apply to a magistrate of the county, who shall issue a warrant requiring the owner or custodian, if known, to appear before the judge of the general district court at the time and place named therein, at which time evidence shall be heard. If it shall be determined by the court that such dog is a livestock or poultry killer, the dog shall be ordered (i) euthanized immediately by the animal control officer or other officer designated by the judge of the general district court or (ii) removed to another state which does not border on the commonwealth. Any dog ordered removed which is later found in the commonwealth shall be ordered by a court to be euthanized immediately.

DIVISION 6. DANGEROUS OR VICIOUS DOGS

Sec. 10-100. Control of dangerous or vicious dogs; penalties.

(a) As used in this section:

"Dangerous dog" means 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. No dog that has bitten, attacked, or inflicted injury on a person shall be found to be a dangerous dog if

the court determines, based on the totality of the evidence before it, that the dog is not dangerous or a threat to the community.

"Vicious dog" means a canine or canine crossbreed that has (i) killed a person; (ii) inflicted 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 that resulted in a previous finding by a court or, on or before July 1, 2006, by an animal control officer as authorized by local ordinance, that it is a dangerous dog, provided that its owner has been given notice of that finding.

(b) Any law-enforcement officer or animal control officer who has reason to believe that a canine or canine crossbreed within his jurisdiction is a dangerous dog or vicious dog shall apply to a magistrate of the jurisdiction 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 § 3.1-796.119 of the Code of Virginia, 1950, as amended. 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 (§ 19.2-260 et seq.) of Chapter 15 of Title 19.2 of the Code of Virginia, 1950, as amended. The Commonwealth shall be required to prove its case beyond a reasonable doubt.

(c) No canine or canine crossbreed shall be found to be a dangerous dog or 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 dangerous dog or 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 dangerous dog or 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 dangerous dog or a vicious dog.

(d) 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.

(e) The owner of any animal found to be a dangerous dog shall, within 10 days of such finding, obtain a dangerous dog registration certificate from the local animal control officer or treasurer for a fee of \$50, in addition to other fees that may be authorized by law. The local animal control officer or treasurer 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 in the same manner as the initial certificate was obtained. The animal control officer shall provide a copy of the dangerous dog registration certificate and verification of compliance to the State Veterinarian.

(f) All dangerous dog registration certificates or renewals thereof required to be obtained under this section shall only be issued to persons 18 years of age or older who present satisfactory evidence (i) of the animal's current rabies vaccination, if applicable, (ii) that the animal has been neutered or spayed, and (iii) 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 renewals 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 or by electronic implantation. All certificates or renewals thereof required to be obtained under this section shall only be issued to persons who present satisfactory evidence that the owner has liability insurance coverage, to the value of at least \$100,000, which covers animal bites. The owner may obtain and maintain a bond in surety, in lieu of liability insurance, to the value of at least \$100,000.

(g) While on the property of its owner, 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. 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 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.

(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 § 3.1-

796.93:3 of the Code of Virginia, 1950, as amended, 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.

(i) After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon learning of same, cause the local animal control authority to be notified if the animal (i) is loose or unconfined; or (ii) bites a person or attacks another animal; or (iii) is sold, given away, or dies. Any owner of a dangerous dog who relocates to a new address shall, within 10 days of relocating, provide written notice to the appropriate local animal control authority for the old address from which the animal has moved and the new address to which the animal has been moved.

(j) 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;

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; or

3. Class 6 felony if any owner or custodian 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 bodily injury to any person.

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.

(k) 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 Class 1 misdemeanor.

(l) 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 § 3.1-796.104:1 of the Code of Virginia, 1950, as amended.

**ARTICLE VI. WILD OR EXOTIC ANIMALS
(REPEALED August 14, 2007)**

ARTICLE V. HYBRID CANINE.

Section 10-120 Definitions.

As used in this article:

1. "Hybrid canine" means any animal which at any time has been or is permitted, licensed registered, or otherwise described or represented as a hybrid canine, wolf or coyote by its owner to a licensed veterinarian, law enforcement officer, animal control officer, humane investigator, official of the Department of Health, or representative of the State Veterinarian.

2. "Adequate confinement" means that, while on the property of its owner and not under the direct supervision and control of the owner or custodian, a hybrid canine shall be confined in a humane manner in a securely enclosed and locked structure of sufficient height and design to (i) prevent the animal's escape; or if the hybrid canine is determined to be a dangerous dog pursuant to § 3.1-796.93:1, the structure shall prevent direct contact with any person or animal not authorized by the owner to be in direct contact with the hybrid canine, and (ii) provide a minimum of 100 square feet of floor space for each adult animal. Tethering of a hybrid canine not under the direct supervision and control of the owner or custodian shall not be considered adequate confinement.

3. "Responsible ownership" means the ownership and humane care of a hybrid canine in such a manner as to comply with all laws and ordinances regarding hybrid canines and prevent endangerment by the animal to public health and safety.

4. "Owner" means any person who (a) has a right or property in an animal, (b) keeps or harbors an animal, (c) has an animal in his care, or (d) acts as a custodian of an animal.

Section 10-121. Hybrid canine ordinance; penalty.

1. It shall be unlawful for the owner or custodian to allow any hybrid canine to run at large in the country during the period of January 1 through December 31 inclusive of any year. For the purpose of this section, a hybrid canine shall be deemed to be running at large while outside of any pen or enclosure as provided in subsection 2 of this section, however, any owner or custodian of a hybrid canine may be allowed to remove a hybrid canine from any pen or enclosure for purposes of transportation to

another pen or enclosure or for the purpose of obtaining medical attention. In no event shall any hybrid canine be allowed to be set free on any property within the county whether or not the hybrid canine is under its owner's or custodian's immediate control.

2. It shall be unlawful to own or possess a hybrid canine unless such hybrid canine is kept and maintained in a pen or enclosure as follows:

(a) The pen or enclosure shall contain at least 200 square feet of space per adult hybrid canine.

(b) Any fencing used in the construction of the pen or enclosure shall be at least eight (8) feet in height with an additional overhang of fencing or barbed wire angling a minimum of three (3) feet into the pen or enclosure. Such wire enclosure shall be of such strength as to prevent the escape of any hybrid canine enclosed therein.

(c) To prevent digging out along the fence, concrete footers at least one (1) foot wide and six (6) inches deep shall be installed along the perimeter of the pen or enclosure or a wire footing of 12-gauge wire buried six (6) inches in the ground with at least three feet of wire on the inside of the pen or enclosure, bending the remaining one (1) foot of wire up in a 90° angle and connect every six (6) inches to the bottom outside of the pen or enclosure.

(d) The pen or enclosure shall provide shelter which affords complete protection from all elements of nature.

(e) A violation of this ordinance shall be a Class 3 misdemeanor for the first violation and a Class 1 misdemeanor for any second or subsequent offense. Upon a conviction of a second violation of this ordinance, the owner shall surrender the hybrid canine to the animal control officer for euthanasia in accordance with § 3.1-796.119 of the Code of Virginia, 1950, as amended.

Rev. August 12, 2008