AN ORDINANCE AMENDING CHAPTER 3 ENTITLED ANIMALS OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA BY AMENDING SECTION 3-31 BY INCREASING THE COMPENSATION FOR LIVESTOCK KILLED BY DOGS FROM NOT TO EXCEED FOUR HUNDRED DOLLARS PER ANIMAL TO NOT TO EXCEED SEVEN HUNDRED FIFTY DOLLARS PER ANIMAL AND BY ELIMINATING THE CERTIFICATION BY ANIMAL CONTROL

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia that Chapter 3, entitled Animals of the Code of the County of Montgomery, Virginia Section 3-31 be amended and reordained as follows:

Sec. 3-31. - Compensation for livestock and poultry killed by dogs.

(a) Any person who has any livestock or poultry killed or injured by any dog not his own shall be entitled to receive as compensation from the governing body of the county the fair market value of such livestock or poultry, not to exceed ~~four hundred dollars ($400.00)~~ seven hundred fifty dollars ($750.00) per animal or ten dollars ($10.00) per fowl. Nothing in this section shall be construed as limiting the common law liability of an owner of a dog for damages committed by it.

(b) No payment by the county shall be made under this section until:

(1) The claimant has furnished evidence under oath to the board within sixty (60) days of discovery 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;

(2) The claimant has exhausted his or her remedies against the owner, if known, of the dog doing the damage for which compensation under this section is sought, and the claimant shall submit to the governing body evidence that he or she has exhausted his or her legal remedies against the owner of the dog, if such owner is known; and

(3) The owner of such livestock or poultry has notified the animal control officer for the county of the incident ~~of his or her intention to make a claim under this section and shall have afforded the animal control officer an opportunity to view such livestock or poultry~~ within seventy-two (72) hours of the discovery by the owner of the death of, or injury to, such livestock or poultry~~, and such animal control officer certifies to the governing body that he or she found physical evidence upon the livestock or poultry showing that one (1) or more dogs caused such injury or death~~.

Exhaustion shall mean a judgment against the owner of the dog upon which an execution has been returned unsatisfied.

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

State Law reference— Compensation for livestock and poultry killed by dogs, Code of Virginia, § 3~~.1-796.118~~ 3.2-6553.