AN ORDINANCE AMENDING CHAPTER 3, ENTITLED ANIMALS,
OF THE CODE OF THE COUNTY OF MONTGOMERY VIRGINIA, BY
AMENDING SECTIONS 3-1, 3-3, 3-7, 3-26, 3-27, 3-28, 3-28.1, 3-28.2, 3-28.3, 3-28.4, 3-28.5,
3-28.7, 3-30, 3-32, 3-33, 3-34 AND 3-41 RESPECTIVELY
TO COMPLY WITH STATE ENABLING LAW CHANGES

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, Sections 3-1, 3-3, 3-7, 3-26, 3-27, 3-28, 3-28.1, 3-28.2, 3-28.3, 3-28.4, 3-28.5, 3-28.7, 3-30, 3-32, 3-33, 3-34 and 3-41 respectively be amended and reordained as follows:

Chapter 3 – ANIMALS

Cross reference— *Licenses, permits and business regulations, Ch. 5; motor vehicles and traffic, Ch. 6; parades and processions, § 6-9 et seq.; noise generally, § 7-71 et seq.*

State Law reference— *Livestock and poultry, Code of Virginia, § ~~3.1-723~~3.2-5901 et seq.; disabled or dead animals, prohibited acts, Code of Virginia, § 18.2-323; game, inland fisheries and boating, Code of Virginia, Title 29.1; comprehensive animal laws, Code of Virginia, § ~~3.1-796.66~~3.2-5900 et seq.; adoption of certain animal control ordinances, Code of Virginia, § ~~3.1-796.94~~3.2-6543; estrays, Code of Virginia, § 55-202 et seq.*

Sec. 3-1. - 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:

Animal control officer means the animal control officer and deputy animal control officer employed, contracted or appointed by the board of supervisors for the purpose of aiding in the enforcement of this chapter or any other law or ordinance relating to the licensing of dogs, control of dogs and cats, cruelty to animals or seizure and impoundment of companion animals and all laws for the protection of domestic animals.

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

Kennel means any establishment in which five (5) 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 all domestic or domesticated: bovine animals (ox or cow); equine animals (horse); ovine animals (sheep); porcine animals (pig); cervidae animals (deer); capradae animals (antelope); animals of the genus lama; ratites (ostrich); and 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.

Other officer means all other persons employed or elected by the people of Virginia, or by any municipality, county or incorporated town thereof, whose duty it is to preserve the peace, to make arrests or to enforce the law.

Own and *owner* means any person having a right of property in an animal or fowl, and any person who keeps or harbors an animal or has the animal in his or her care, or who acts as a custodian of an animal.

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

Releasing Agency means (i) County Animal Shelter or (ii) a private animal shelter, 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.

Treasurer means the treasurer of the county and his or her assistants designated by law to collect taxes.

State Law reference— Definitions applicable to comprehensive animal laws, Code of Virginia, § ~~3.1-796.66~~3.2-5900.

Sec. 3-2. - Violations.

Except as otherwise provided in this chapter any person who violates any provision of this chapter shall be guilty of a class 4 misdemeanor.

State Law reference— Penalties for violations of animal laws, Code of Virginia, §§ ~~3.1-796.128~~3.2-6587, 18.2-403.1 et seq.

Sec. 3-3. - Fowl, poultry and livestock not permitted to stray.

It shall be unlawful for any person to allow or permit any fowl, poultry or livestock of any description to ~~stray~~ run at large on to any highway or on public property or to the private premises of another person. All poultry, fowl and livestock shall be sufficiently confined or fenced up by the owner or person exercising control over such poultry, fowl or livestock, so as to prevent such poultry, fowl or livestock from trespassing or ~~straying~~running at large.

State Law reference— Estrays, Code of Virginia, § 55-202 et seq.; power of county to prevent animals from trespassing and running at large, Code of Virginia, §§ ~~15.1-512~~3.2-6544; 15.2-1218.

Sec. 3-4. - Maintenance of animals and fowl.

Each stable, pen, coop or other place where any animal or fowl is kept shall be maintained at all times in a safe and sanitary condition and so as not to constitute a nuisance. Solid and liquid waste matter shall be removed as frequently as may be necessary to prevent offensive odors or to prevent accumulations constituting a hazard to the health or safety of any person.

Cross reference— Certain nuisances enumerated, § 7-54.
State Law reference— County regulations to secure and promote public health, Code of Virginia, § ~~15.1-510~~15.2-1200.

Sec. 3-5. - Dangerous animals—Generally.

No person shall suffer or permit any animal belonging to him or her under his or her control, and known to be dangerous or reasonably suspected of being dangerous, to go at large within the county. If the owner or such person having control, upon notice that such animal is at large, fails to take it into custody forthwith, and its running at large creates a danger to the public or to any person or property, the animal shall be killed forthwith by order of the animal control officer when deemed necessary for public safety.

State Law reference—General Power of County § 15.2-1200.

Sec. 3-7. - Cruelty to animals; penalty.

(a) Any person who does any of the following shall be guilty of a class 1 misdemeanor:

(1) Overrides, overdrives, overloads, tortures, ill-treats, abandons, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly or unnecessarily beats, maims, mutilates, or kills any animal, whether belonging to himself or another; or

(2) Deprives any animal of necessary food, drink, shelter or emergency veterinary treatment; or

(3) Sores any equine for any purpose or administers drugs or mediations to alter or mask such soring for the purpose of sale, show or exhibition of any kind unless such administration of drugs or medications is within the context of a veterinary client-patient relationship and solely for therapeutic purposes.

(4) Ropes, lassoes, or otherwise obstructs or interferes with one or more legs of an equine in order to intentionally cause it to trip or fall for the purpose of engagement in a rodeo, contest, exhibition, entertainment, or sport unless such actions are in the practice of accepted animal husbandry or for the purpose of allowing veterinary care.

(~~4~~5) Willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal; or

(~~5~~6) Carries or causes to be carried in or upon any vehicle, vessel or otherwise any animal in a cruel, brutal, or inhumane manner, so as to produce torture or unnecessary suffering; or

(~~6~~7) Causes any of the above things, or being the owner of such animal permits such acts to be done by another.

(b) Nothing in this section shall be construed to prohibit the dehorning of cattle conducted in a reasonable and customary manner.

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

(d) Any person convicted of violating this section may be prohibited by the court from possession or ownership of companion animals.

State Law reference— Similar provisions, Code of Virginia, § ~~3.1-796.122~~3.2-6570; ordinances prohibiting cruelty to animals, Code of Virginia, § ~~15.1-29.1:1~~3.2-6543.

ARTICLE II. - DOG

State Law reference— Control of rabies, Code of Virginia, §§ ~~3.1-796.97 et seq.~~3.2-6521A, 6521B, 6526B, 32.1-48.1 ~~et seq~~.; sale of dogs and cats by dealers, Code of Virginia, § ~~3.1-796.78~~ 3.2-6512~~et. seq~~.; local licensing and regulation of dogs generally, Code of Virginia, § ~~3.1-796.84~~ 3.2-6537 ~~et seq~~.; animal wardens and humane investigations, Code of Virginia, § ~~3.1-796.104~~ 3.2-6555 ~~et seq.~~; adoption of certain animal control ordinances, Code of Virginia, § ~~3.1-796.94~~3.2-6543.

Sec. 3-26. - Animal control officer; deputy animal control officer.

(a) The enforcement of this article and all laws for the protection of domestic animals shall be vested in an animal control officer and deputy animal control officers. The board of supervisors shall appoint an officer to be known as the animal control officer, who shall have exclusive jurisdiction as to enforcement of this article in the county. The board of supervisors may also appoint one (1) or more deputy animal control officer to assist the animal control officer in dog inspection activities and in the enforcement of this article. A deputy animal control officer shall have the powers and duties of an animal control officer. Commercial dog breeding locations shall be subject to inspection by animal control at least twice annually and additionally upon receipt of a complaint or their own motion to ensure compliance with state animal care laws and regulations. The animal control officer and deputy animal control officer shall be paid such compensation as the board of supervisors may prescribe.

(b) The appointments of the animal control officer and deputy animal control officers shall be by the board of supervisors with the said officers employment being under the same terms and conditions as all other county employees under the supervision of the county administrator.

Cross reference— Administration, Ch. 2.
State Law reference— Position of animal warden created, Code of Virginia, § ~~3.1-796.104~~.3.2-6555.

Sec. 3-27. – Dogs and Cats deemed personal property.

All dogs and cats shall be deemed personal property and may be the subject of larceny and malicious or unlawful trespass. The owners as defined in Code of Virginia, Section 3.2-6500, thereof may maintain any action of the killing of any such dogs and cats, and injury thereto, or unlawful detention or use thereof as in the case of other personal property. The owner of any dog and cat which is injured or killed contrary to the provisions of this article by any person shall be entitled to recover the value thereof or the damages done thereto in an appropriate action at law from such person. An animal control officer or deputy or other officer finding a stolen dog or cat, or a dog or cat held or detained contrary to law, shall have authority to seize and hold such dog or cat pending action before a lawful court. If no such action is instituted within seven (7) days, the animal control officer, deputy or other officer shall deliver the dog or cat to its owner. The presence of a dog or cat on the premises of a person other than its legal owner shall raise no presumption of theft against the owner of such premises but it shall be his or her duty to notify the animal control officer thereof and the animal control officer shall take such dog or cat in charge and notify its legal owner to remove him or her. The legal owner of the dog or cat shall pay such daily fees as

set from time to time by the board of supervisors for the keep of such dog or cat while in the possession of the animal control officer.

State Law reference— Similar provisions, Code of Virginia, § ~~3.1-796.127~~3.2-6585.

Sec. 3-28. - County dog pound; confinement and disposition of stray dogs.

(a) Rules and regulations for the operation of the county ~~dog pound~~animal shelter consistent with this article may be adopted from time-to-time by resolution of the board of supervisors.

(b) Dogs running at large without the tag required by this article shall be confined in the county ~~dog pound~~animal shelter for a period of not less than five (5) days, such period to commence on the day immediately following the day the dog is initially confined in the facility unless sooner claimed by the rightful owner.

(c) The operator or custodian of the ~~pound~~county animal shelter shall make a reasonable effort to ascertain whether the dog has a collar, tag, license, tattoo or other form of identification. If such identification is found on the animal, the animal shall be held for an additional five (5) days, unless sooner claimed by the rightful owner. If the rightful owner of the animal can be readily identified, the operator or custodian of the pound shall make a reasonable effort to notify the owner of the animal's confinement within the next forty-eight (48) hours following the animals confinement. If the animal confined pursuant to this section is claimed by its rightful owner, such owner shall be charged with the actual expenses incurred in keeping the animal impounded.

(d) Either a custodian of a dog or an individual who has found a dog may qualify as owner and may claim the dog by expressing his or her desire in writing to claim the dog at the expiration of the appropriate holding period set out in this section and after payment of the required license fee.

(e) If an animal confined pursuant to this section has not been claimed upon expiration of the appropriate holding period, the animal shall be deemed abandoned and become the property of the ~~pound~~county animal shelter. Such animal, it may be humanely destroyed or disposed of by the methods set forth in (1) through (5). The ~~pound~~county animal shelter shall not release more than two (2) animals or a family of animals during any thirty (30) day period to any one (1) person under subdivisions (2), (3) or (4).

(1) Release to any humane society, public or private, animal shelter or other releasing agency within the commonwealth provided that each humane society, animal shelter, or other releasing agency obtain a signed statement from each of its directors, operators, staff or animal care givers specifying that each 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 the required license fee, 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 commonwealth to the county provided that such 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, 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 animal may be adopted by any person who is not a resident of the county or of an adjacent political subdivision unless the animal is first sterilized and the sterilization shall be done at the expense of the person adopting the animal.

(5) Release for the purposes of adoption or euthanasia only, to an animal shelter or other releasing agency located in and lawfully operating under the laws of another state, provided that such animal shelter or other releasing agency: (i) maintains records which would comply with Code of Virginia, section ~~3.1-796.105~~3.2-6557, as amended; (ii) requires that adopted dogs and cats be sterilized; obtains a signed statement from each of its directors, operators, staff and animal care givers specifying that each individual has never been convicted of animal cruelty, neglect, or abandonment and updates such statement as changes occur; and (~~v~~iii) provided to the ~~pound~~county animal shelter a statement signed by an authorized representative specifying entity's compliance with clauses (i) through (iii) and the ~~persons~~provisions of adequate care and performance of humane euthanasia.

(f) No provision in this section shall prohibit the immediate euthanasia of a critically injured or critically ill or unweaned animal for humane purposes. Any animal euthanized pursuant to the provisions of this article shall be euthanized by one (1) of the methods prescribed or approved by the state veterinarian. The ~~pound~~county animal shelter shall be accessible to the public at reasonable hours during the week. The county animal shelter shall maintain a written record of the information on each companion animal submitted to the shelter. The county animal shelter shall obtain 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 the shelter shall update such statement as changes occur. Nothing in this section shall be construed to prohibit confinement of other companion animals in the county animal shelter ~~such a pound or enclosure~~. Neither shall any provision in this section prohibit the euthanasia, for humane purposes, of any animal not weaned, whether or not the animal is critically injured or critically ill.

(g) No provision in this section shall prohibit the immediate euthanasia or disposal by the methods listed in subsections (1) through (5) of subsection (e) of an animal that has been released to the county ~~pound,~~ animal shelter, animal control officer or other releasing agency by the animal's rightful owners after the rightful owner has, read and signed a statement (~~1~~i) surrendering all property rights in such animal (ii) stating that no other person has a right of property in the animal and (iii) acknowledging that the animal may be immediately euthanized or disposed of in accordance with subdivisions (1) through (5) of subsection (e).

State Law reference— Similar provisions, Code of Virginia, § ~~3.1-796.96~~3.2-6546.

Sec. 3-28.1. - Sterilization of adopted dogs and cats; enforcement.

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

(b) 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 (i) within thirty (30) days of the adoption, if the animal is sexually mature, or (ii) within thirty (30) days after the animal reaches six (6) months of age, if the animal is not sexually mature at the time of adoption and prepay the fee for spay and neutering at the time of adoption.

(c) The ~~animal control officer~~releasing agency may extend for thirty (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 ~~animal control officer~~ releasing agency may negotiate the terms of an extension of the date by which the animal must be sterilized.

(d) 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) Upon the petition of an animal control officer, humane investigator, the state veterinarian or a state veterinarian representative to the district court of the county or city where a violation of this article occurs, the court may order the new owner to take any steps necessary to comply with the requirements of this article. This remedy shall be exclusive of and in addition to any civil penalty which may be imposed.

(f) Any person who violates subsection (a) or (b) of this section shall be subject to a civil penalty not to exceed two hundred fifty dollars ($250.00).

State Law reference— Code of Virginia, § 3.2-6574.

Sec. 3-28.2. - Sterilization agreement.

Any agreement used by the ~~county dog pound~~releasing agency pursuant to section 3-28.1(b) above shall contain:

(1) The date of the agreement;

(2) The names, addresses, and signatures of the ~~animal control officer~~releasing agency and the new owner;

(3) A description of the dog or cat to be adopted;

(4) The date by which the dog or cat is required to be sterilized and the requirement to prepay the spay and neuter fee at the time of adoption; and

(5) A statement printed in conspicuous, bold print, that sterilization of the dog or cat is required under this article; that a person who violates this article is subject to a civil penalty; and that the new owner may be compelled to comply with the provisions of ~~these~~ this article.

State Law reference— Code of Virginia, § 3.2-6575.

Sec. 3-28.3. - Sterilization confirmation; civil penalty.

Each new owner who signs a sterilization agreement shall, within seven (7) days of the sterilization, cause to be delivered or mailed to the ~~animal control officer~~releasing agency written confirmation signed by the veterinarian who performed the sterilization. The confirmation shall briefly describe~~d~~ 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. Any person who violates this section shall be subject to a civil penalty not to exceed one hundred fifty dollars ($150.00).

State Law reference— Code of Virginia, § 3.2-6576.

Sec. 3-28.4. - Notification concerning lost, stolen or dead dogs or cats; civil penalty.

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 (7) days of the animal's disappearance or death, notify the ~~animal control officer~~releasing agency of the animal's disappearance or death. Any person who violates this section shall be subject to a civil penalty not to exceed twenty-five dollars ($25.00).

State Law reference— Code of Virginia, § 3.2-6577.

Sec. 3-28.5. - Exemptions.

~~This article [s~~Sections 3-28.1 through 3-28.7~~]~~ shall not apply to:

(1) An owner reclaiming his or cat dog from the ~~county dog pound~~a releasing agency.

(2) A releasing agency within the county that has adopted a more stringent mandatory sterilization ordinance.

(3) A local governing body that has disposed of an animal by sale or gift to a federal agency, state supported institution, agency of the Commonwealth, agency of another state or licensed federal dealer having a principal place of business located within the Commonwealth.

State Law reference— Code of Virginia, § 3.2-6578.

Sec. 3-28.6. - Releasing agency; fees and deposits.

The board of supervisors may adopt from time to time by resolution, a fee or deposit schedule and charge and collect from the new owner a fee or deposit before releasing a dog for adoption to ensure sterilization.

State Law reference— Code of Virginia, § 3.2-6579.

Sec. 3-28.7. - Civil penalties.

Any animal control officer, humane investigator, releasing agency, the state veterinarian or the state veterinarian representative shall be entitled to bring a civil action for any violation which is subject to a civil penalty. Any civil penalty assessed pursuant to this article shall be paid into the treasury of Montgomery County and used for the purpose of defraying the costs of local animal control, including efforts to promote sterilization of dogs and cats.

State Law reference— Code of Virginia, § 3.2-6580.

Sec. 3-29. - Certain unlawful acts.

It shall be unlawful:

(1) For the owner of any dog with a contagious or infectious disease to permit such dog to stray from his or her premises if such disease is known to the owner;

(2) For the owner of any female dog to permit such dog to stray from his or her premises while such dog is known to such owner to be in season; and such dog, insofar as is practicable, shall be confined from public view;

(3) For any person, except the owner or custodian, to remove a legally acquired license tag from a dog;

(4) 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 the same from being killed.

(5) For any person to make a false statement in order to secure a dog license to which he or she is not entitled.

(6) For any dog owner to fail to pay any license tax required by this chapter before February 1 for the year in which it is due. In addition, the court may order confiscation and proper disposition of the dog.

State Law reference— Regulations to prevent spread of rabies and running at large of vicious dogs, Code of Virginia, § ~~3.1-796.100~~3.2-6587.

Sec. 3-30. - Dogs killing, injuring or chasing livestock or poultry.

(a) It shall be the duty of any animal control officer 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. Any court shall have the power to order the animal control officer or other officer to kill any dog known to be a confirmed livestock or poultry killer, and any dog killing poultry for the third time shall be considered a confirmed poultry killer. The court through its contempt powers, may compel the owner, custodian, or harborer of the dog to produce the dog.

(b) Any animal control officer who has reason to believe that any dog is killing livestock or poultry shall be empowered to seize such dog solely for the purpose of examining such dog in order to determine whether it committed any of the depredations mentioned in this section. Any animal control officer or 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 a magistrate of the county, city or town wherein such dog may be, who shall issue a warrant requiring the owner or custodian, if known, to appear before a general district court at a time and place named therein, at which time evidence shall be heard. If it shall appear that the dog is a livestock killer, or has committed any of the depredations mentioned in this section, the

district court shall order that the dog be (i) killed or euthanized immediately, by the animal control officer or other officer designated by the court or (ii) remove to another state which does not border on the commonwealth and prohibited from returning to the commonwealth. Any dog ordered removed from the commonwealth which is later found in the commonwealth shall be ordered by a court to be killed or euthanized immediately.

(c) Notwithstanding the provisions of subsection (b), if it is determined that the dog has killed or injured only poultry, the district court may, instead of ordering killing, euthanasia, or removal to another state pursuant to this section, order either (a) that the dog be transferred to another owner whom the court deems appropriate and permanently fitted with an identifying microchip registered to that owner or (b) that the dog be fitted with an identifying microchip registered to the owner and confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent the dog's escape; direct contact with the dog by minors, adults, or other animals; or entry by minors, adults, or other animals. The structure shall be designed to provide the dog with shelter from the elements of nature. When off its owner's property, any dog found to be a poultry killer shall be kept on a leash and muzzled in such a manner as not to cause injury to the dog or interfere with its vision or respiration, but so as to prevent it from biting a person or another animal.

State Law reference— Similar provisions, Code of Virginia, § ~~3.1-796.11-6~~3.2-6552.

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) 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 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.

Sec. 3-32. - Disposal of dead dogs.

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

State Law reference— Similar provisions, Code of Virginia, § ~~3.1-796.121~~3.2-6554.

Sec. 3-33. - Rabid animals.

(a) Dogs or cats showing active signs of rabies or which are suspected of having rabies that is not known to have exposed a person, companion animal or livestock to rabies shall be confined under competent observation for such a time as may be necessary to determine a diagnosis. If in the discretion of the County Health Director confinement is impossible or impracticable, such dog or cat shall be euthanized by one (1) of the methods approved by state veterinarian as provided in Code of Virginia, § 3.2-6546, as amended.

(b) Every person having knowledge of the existence of an animal ~~apparently afflicted with~~ that is suspected to be rabid and that may have exposed a person, companion animal, or livestock to ~~rabies~~ shall report immediately to the health department the existence of such animal, the place where seen, the owner's name, if known, and the ~~symptoms~~ signs suggesting rabies.

(c) Any dog or cat which no proof of current rabies vaccination is available, and ~~which is~~ that may have been exposed to rabies through a bite, or through saliva or central nervous system tissue in a fresh open wound or mucous membrane, by an animal ~~believed~~ suspected to be afflicted with rabies, shall be ~~confined~~ isolated in ~~a pound~~the county animal shelter, kennel or enclosure approved by the health department for a period not to exceed six (6) months at the expense of the owner or custodian in a manner and by a date certain as determined by the County Health Director. However, if this is not feasible the dog or cat shall be euthanized by one (1) of the methods approved by the state veterinarian as provided in Code of Virginia, § 3.2-6546, as amended. A rabies vaccination shall be administered prior to release. Inactivated rabies vaccine may be administered at the

beginning of ~~confinement~~the isolation. Any dog or cat so bitten or exposed to rabies through saliva or central nervous system tissue, in a fresh open wound or mucous membrane with proof of a valid rabies vaccination, shall be revaccinated by a licensed veterinarian immediately following the ~~bite~~exposure and shall be confined to the premises of the owner or custodian, or other site as may be approved by the health department at the expense of the owner or custodian, for a period of forty-five (45) days. If the County Health Director determines that isolation is not feasible or maintained, such dog or cat shall be euthanized by one of the methods approved by the State Veterinarian as provided in § 3.2-6546. The disposition of such dogs or cats not so confined shall be at the discretion of the County Health Director.

(d) At the discretion of the director of the health department, any animal that ~~has bitten~~may have exposed a person shall be confined under competent observation for ten (10) days at the expense of the owner or custodian, unless the animal develops active ~~symptoms~~signs of rabies, ~~or~~ expires or is euthanized before that time. A seriously injured or sick animal may be humanely euthanized as provided in Code of Virginia, § 3.2-6546, as amended, and its head sent to the division of consolidated laboratory services of the state department of general services, or the local health department, for evaluation.

(e) When any ~~potential~~suspected rabid animal, other than a dog or cat, exposes or may have exposed a person to rabies through a bite or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane decisions regarding the disposition of, that animal shall be ~~confined~~ at the discretion of the ~~local~~ County health director in a manner approved by the health department or humanely euthanized as provided in Code of Virginia, § 3.2-6546, as amended, and its head sent to the division of consolidated laboratory services of the department of general services or the local health department for evaluation.

(f) When any animal, other than dog or cat, is exposed or may have been exposed to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, by an animal ~~believed~~ suspected to be afflicted with rabies, decisions regarding the disposition of that newly exposed animal shall be ~~confined~~ at the discretion of the ~~local~~ county health director in a manner approved by the health department or humanely euthanized as provided in Code of Virginia, § 3.2-6546, as amended.

State Law reference— Control of rabies generally, Code of Virginia, § 32.1-48.1 et seq.; rabid dogs and cats, Code of Virginia, § ~~3.1-796.98~~3.2-6522; regulations to prevent spread of rabies, Code of Virginia, § ~~3.1-796.100~~3.2-6525.

Sec. 3-34. - License—Procedures; tax.

(a) *How to obtain license*. Any person may obtain a dog license by making oral or written application to the treasurer of the county, accompanied by the amount of the license tax and current certificate of vaccination as required by this article. The treasurer or other officer charged with the duty of issuing dog licenses shall only have authority to license dogs of resident owners or custodians who reside within the boundary limits of the county and he or she may require information to this effect from any applicant. Upon receipt of proper

application and a current certificate of vaccination, the treasurer or other officer charged with the duty of issuing dog licenses shall issue a license receipt for the amount and on which he or she shall record the name and address of the owner or custodian, the date of payment, the year for which issued, the serial number of the tag, whether male, unsexed female, female or kennel, and deliver metal license tags or plates. The information thus received shall be retained by the treasurer and be open to public inspection during the period for which such license is valid. The treasurer may establish substations in convenient locations in the county and appoint agents for the collection of the license tax and issuance of such licenses.

(b)*Evidence of rabies inoculation required for obtaining license*. No license tag shall be issued for any dog unless there is presented to the treasurer, or other officer of the county charged by law with the duty of issuing license tags for dogs at the time application for license is made, evidence satisfactory to him or her showing that such dog has been currently inoculated or vaccinated against rabies by a currently licensed veterinarian, or by a certified animal technician who is under the immediate and direct supervision of a licensed veterinarian.

(c)*License tax—Generally*. Except as otherwise provided in this section or by law, it shall be unlawful for any person other than a releasing agency to own a dog four (4) months old or older in the county unless such dog is licensed as required by the provisions of this article. Dog licenses shall run by the calendar year, namely, from January first to December thirty-first, inclusive, and the license tax, which shall be the only license tax on dogs in this county, shall be payable to the county treasurer and shall be as follows:

(1) For a male/female dog, five dollars ($5.00);
(2) For a spayed/neutered dog, three dollars ($3.00);
(3) For a kennel of not more than twenty (20) dogs, twenty-five dollars ($25.00);
(4) For a kennel of twenty-one (21) to fifty (50) dogs, thirty-five dollars ($35.00).

Any owner of a dog, or dogs, locating in the county shall not be required to purchase a license for such until the beginning of the next full license year, provided that his or her dog, or dogs, are lawfully licensed at his or her former residence or domicile.

(d) *Same—When payable*;

(1) The license tax on dogs shall be due and payable as follows:

a. On or before January first and not later than January thirty-first of each year, the owner of any dog four (4) months old or older shall pay a license tax as prescribed in this section.

b. If a dog shall become four (4) months of age or come into the possession of any person between January first and November first of any year, the license tax for the current calendar year shall be paid forthwith by the owner.

c. If a dog shall become four (4) months of age or come into the possession of any person between October thirty-first and December thirty-first of any year, the license tax for the succeeding calendar year shall be paid forthwith by the owner and such license shall protect such dog from the date of purchase.

(2) No license tax shall be levied on any dog that is trained and serves a 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 or otherwise disabled person. "Hearing dog", "mobility-impaired person", "otherwise disabled" and "service dog" have the same meaning as assigned in Code of Virginia, Section 51.5-40.1.

(~~2~~3) Payment of the license tax subsequent to a summons to appear before a court for failure to pay the license tax within the time required shall not operate to relieve such owner from the penalties provided.

Cross reference— Licenses, permits and business regulations, Ch. 5.

State Law reference— When rabies vaccination required, Code of Virginia, § 32.1-48.2; unlicensed dogs prohibited, Code of Virginia, § ~~3.1-796.85~~3.2-6524; how to obtain license, Code of Virginia, § ~~3.1-796.86~~3.2-6527; amount of license tax, Code of Virginia, § ~~3.1-796.87~~3.2-6528; when license tax payable, Code of Virginia, § ~~3.1-796.88~~3.2-6530; inoculation for rabies at animal shelters, Code of Virginia, § ~~3.1-796.99~~3.2-6523; payment of license tax subsequent to summons, Code of Virginia, § ~~3.1-796.103~~3.2-6436.

Sec. 3-35. - Same—Display of receipts; dog to wear tags.

(a)Dog license receipts shall be carefully preserved by the licensees and exhibited promptly on request for inspection by any animal control officer or officer. Dog license tags shall be securely fastened to a substantial collar by the owner or custodian and shall be worn by such dog.

(b)Except as provided in this section, any dog not wearing a collar bearing a license tag of the proper calendar year shall prima facie be deemed to be unlicensed and in any proceedings under this article 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.

(c)It shall be unlawful for the owner to permit any licensed dog four (4) months old or older to run or roam at large at any time without a license tag. The owner of the dog may remove the collar and license tag required by this section when the dog is engaged in lawful hunting, when the dog is competing in a dog show, when the dog has a skin condition which would be exacerbated by the wearing of a collar, when the dog is confined, or when the dog is under the immediate control of its owner.

State Law reference— Effect of dog not wearing collar as evidence, Code of Virginia, § ~~3.1-796.89~~3.2-6533; displaying receipts, dogs to wear tags, Code of Virginia, § ~~3.1-796.92~~3.2-6531; power of county to prohibit the running at large of dogs, Code of Virginia, § ~~3.1-796.93~~3.2-6538.

Sec. 3-37. - Same—Duplicate tags.

If a dog license tag shall become lost, destroyed or stolen, the owner or custodian shall at once apply to the treasurer, or his agent who issued the same, for a duplicate license tag, presenting the original license receipt. Upon affidavit of the owner or custodian before the treasurer 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 treasurer or his agent shall endorse the number of the duplicate and the date issued on the face of the original license receipt. The fee for a duplicate tag shall be one dollar ($1.00).

State Law reference— Duplicate license tags, Code of Virginia, § ~~3.1-796.91~~3.2-6532.

ARTICLE IV. - HYBRID CANINES

Sec. 3-41. - Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section.

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 Code of Virginia, § 3.2-6540, as amended, or this chapter, 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 one hundred (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.

Hybrid canine means any animal ~~which~~ that is or can be demonstrated to be a hybrid of the domestic dog and any other species of the Canidae family that at any time has been or is permitted, registered licensed, advertised 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 state veterinarian representative who is under the direction of the state veterinarian.

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.