XII.

Agenda Item

County of Hanover

Board Meeting: January 14, 2015

Subject: Public Hearing –Ordinance 14-05, Amending Hanover County Animal Code

Summary of Agenda Item: Over the past 6 years the Virginia General Assembly has enacted significant changes to Virginia's animal laws and the County's animal code needs updating to remain current with those changes. The proposed revisions to Chapter 4 reflect the changes needed to bring Chapter 4 into compliance with state law. In addition, the proposed revisions include changes that are based on Animal Control's experience with enforcing the 3-year-old Nuisance Animal ordinance (Section 4-78) and with permitting of wild, exotic or vicious animals (Section 4-80). The proposed changes also include a new section that addresses dogs that kill, injure or chase livestock or poultry (Section 4-73) and revisions that reflect recommendations from the Health Department for the confinement of biting animals (Section 4-19).

County Administrator's Recommended Motion: Motion to adopt Ordinance No. 14-05, Amendment to Hanover County Code, Chapter 4, Animals, to Bring into Compliance with State Law and to Reflect Current or Recommended Practices

PUBLIC HEARING NOTICE
HANOVER COUNTY BOARD OF SUPERVISORS

The Hanover County Board of Supervisors will hold a public hearing on **Wednesday, January 14, 2015 at 7:00 p.m.** in the Board meeting room at the Hanover County Administration Building, 7516 County Complex Road, at Hanover Courthouse, Hanover, Virginia, on the following ordinance being proposed for adoption:

ORDINANCE NO. 14-05

AN ORDINANCE AMENDING HANOVER COUNTY CODE, CHAPTER 4, ANIMALS, TO BRING INTO COMPLIANCE WITH STATE LAW AND TO REFLECT CURRENT OR RECOMMENDED PRACTICES

A complete copy of the proposed ordinance and related information is available at the office of the County Administrator any regular working day between 8:30 a.m. and 5:00 p.m.

All persons wishing to comment on the proposal may appear at the stated time and place.

Cecil R. Harris, Jr., County Administrator

Publish: December 25, 2014 and January 1, 2015

ORDINANCE NO. 14-05

AN ORDINANCE AMENDING HANOVER COUNTY CODE, CHAPTER 4, ANIMALS, TO BRING INTO COMPLIANCE WITH STATE LAW AND TO REFLECT CURRENT OR RECOMMENDED PRACTICES

1. That Chapter 4 of the Hanover County Code, Animals, shall be amended to read in its entirety as follows:

Chapter 4

ANIMALS
ARTICLE I. IN GENERAL

Sec. 4-1. Definitions. [§3.2-6500, -6540]]

As used in this ~~article~~chapter, the following ~~words and~~ terms shall have the meaning ascribed to them in this section:

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

Adult dog: Any dog more than one (1) year old.

Animal: Any nonhuman vertebrate species except fish.~~ The term "animal" shall include any live vertebrate creature, domestic or wild.~~

Agricultural animals: All livestock and poultry.

Animal control officer: The chief animal control officer or any deputy animal control officer appointed to assist the chief animal control officer in the performance of his duties.

Chief animal control officer: The person appointed by the county administrator on behalf of the board of supervisors, as provided in Virginia Code §~~ 3.1-796.104~~ 3.2-6555, or his designee, who manages and directs the county's ~~department of~~ animal control operations to enforce the comprehensive animal care laws of the state, this chapter and all laws for the protection of domestic animals~~, or his designee~~.

Commercial kennel: Any place at which five (5) or more dogs are bred, kept, trained, boarded or handled for a fee.

Companion animal: Any domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, hamster, ~~or~~ 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 that is bought, sold, traded or bartered by any person. Agricultural animals and game species shall not be considered companion animals.

Dangerous dog: 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. ~~However, w~~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:

(1) 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;

(2) If both animals are owned by the same person;

(3) If such attack occurs on the property of the attacking or biting dog's owner or custodian; or

(4) ~~If the court makes such a determination that the dog is not dangerous f~~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 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 evidence before it, that the dog is not dangerous or a threat to the community.

Dealer: Any person who in the regular course of business for compensation or profit buys, sells, transfers, exchanges, or barters companion animals. The following shall not be considered dealers:

(1) Any person who transports companion animals in the regular course of business as a common carrier, or

(2) Any person or organization whose primary purpose is to find permanent adoptive homes for companion animals.

Euthanasia: The humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent that causes painless loss of consciousness, and death during such loss of consciousness.

Kennel: Any establishment in which ~~five (5)~~six (6) or more canines, felines or hybrids of either are kept either as companion animals or for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing.

Livestock: All domestic or domesticated bovine animals, equine animals, ovine animals, porcine animals, cervidae animals, capradae animals, animals of the genus Lama, fish or shellfish in aquaculture facilities, ratites, enclosed domesticated rabbits or hares raised for human food or fiber, or any other individual animal specifically raised for food or fiber, or any other individual animal specifically raised for food or fiber, except companion animals.

Other officer: All persons employed by the county sheriff's office, the Town of Ashland police department, or any other law enforcement agency authorized to enforce the law within the county, whose duty it is to preserve the peace, to make arrests or to enforce the law.

Owner: Any person who: (1) ha~~vings~~ a right of property in an animal~~,~~; (ii) ~~and any person who~~ keeps or harbors an animal; ~~or~~(iii) has ~~it~~an animal in his care~~,~~; or (iv) ~~who~~ acts as ~~its~~a custodian of an animal~~; and or any person who (v) permits an animal to remain on or about any premises occupied by him~~.

Poultry: All domestic fowl and game birds raised in captivity.

Private animal shelter: A facility that is used to house or contain animals and that is owned or operated by an incorporated, nonprofit, and nongovernmental entity, including a humane society or animal welfare organization, society for the prevention of cruelty to animals, or any other organization operating for the purpose of finding permanent adoptive homes for animals.

Public animal shelter: A facility operated by the Commonwealth, or any locality for the purpose of impounding or sheltering seized, stray, homeless, abandoned, unwanted, or surrendered animals or a facility operated for the same purpose under a contract with any locality.

Releasing agency: A ~~pound,~~public animal shelter, 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.

Reptile: All species of reptiles.

Running at large: An animal shall be deemed to be "running at large" while it is roaming, running, or self-hunting off the property of its owner ~~or custodian~~ and not ~~leashed or otherwise tethered~~under its owner's immediate control. A reptile shall be deemed to be "running at large" while roaming, crawling, or self-hunting off the property of its owner ~~or custodian~~ and not under its owner's ~~or custodian's~~ immediate control. A vicious animal shall be deemed to be "running at large" if it is not confined in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with any person or animal not authorized by the owner to be in direct contact with the vicious animal.

Serious injury: 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.

~~*Service dog:* A certificated dog trained to assist a person with a physically disabling condition.~~

Vicious animal: The term vicious animal shall include any leopard, panther, tiger, lion, cougar, puma, lynx, wolf, coyote, mountain lion, bobcat, bear, chimpanzee or other large nonhuman primate weighing in excess of 25 pounds, any member of crocodilia, including but not limited to alligators, crocodiles, caimans, and gavials, any poisonous snake or snake species that can grow to greater than six (6) feet in length; or any other animal or animals, other than a canine or canine crossbreed, that, in the judgment of the chief animal control officer, constitute a threat to public safety and welfare due to their size, species, and/or behavioral.

Vicious dog: A canine or canine crossbreed ~~which~~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 ~~which~~that resulted in a previous finding by a court or, on or before July 1, 2006, by an animal control officer, that it is a dangerous dog, provided that its owner has been given notice of the finding that it is a dangerous dog.

Wild or exotic animal: The term "wild or exotic animal" shall include any raccoon, skunk, fox, squirrel, sugar glider, marmoset or other similarly-sized primate, opossum, chipmunk, chinchilla, degu or any other warm-blooded animal which can normally be found in the wild state, and any type of hybrid of a warm-blooded animal which can normally be found in the wild state with any type of domesticated or companion animal, including but not limited to cats. Ferrets, rabbits, guinea pigs, mice, rats, gerbils, hamsters, and other similar small mammals which have been bred in captivity and which have never known the wild shall be excluded from this definition. The term "wild or exotic animal" shall not include wolf-canine hybrids.

Sec. 4-2. Violations of chapter.

Unless otherwise specifically provided, a violation of any provision of this chapter shall constitute a class 4 misdemeanor.

Sec. 4-3. Animal control officer generally. [§3.2-6555]

The county administrator, for and on behalf of the board of supervisors, shall appoint an officer to be known as the chief animal control officer and deputy animal control officers to assist the chief animal control officer in his duties. The chief animal control officer and deputy animal control officers shall have the power to enforce the comprehensive animal care laws of the state~~,~~ this chapter and all laws for the protection of domestic animals. When in uniform or upon displaying a badge or other credentials of office, the chief animal control officer and deputy animal control officers shall have the power to issue a summons or obtain a felony warrant as

necessary, provided the execution of such warrant shall be carried out by any law-enforcement officer, as defined in Virginia Code § 9.1-101, to any person found in the act of violating any of the comprehensive animal care laws of state, this chapter and any law for the protection of domestic animals.

Sec. 4-4. Declaration of boundary lines as fences to livestock.

The boundary line of each lot or tract of land in the county is hereby constituted and declared a lawful fence as to any livestock domesticated by man.

Sec. 4-5. Burial or cremation of dead animals. [§18.2-510]

(a) The owner of any animal which has died, when he knows of such death, shall immediately have its body cremated or buried or request such service from an officer or other person designated for that purpose. If the owner fails to do so, the judge of the general district court, after notice to the owner~~,~~ if he can be ascertained, shall cause such dead animal to be cremated or buried by an officer or other person designated for the purpose. Such officer or other person shall be entitled to recover of the owner of every such animal~~, other than fowl~~ that is ~~so~~ cremated or buried the actual cost of the cremation or burial~~, not to exceed a fee of seventy-five dollars ($75.00), and of the owner of every such fowl so cremated or buried a fee of five dollars ($5.00),~~ and a reasonable fee to be recovered in accordance with Virginia Code § 18.2-510. Any person violating the provisions of this section shall be guilty of a Class 4 misdemeanor.

(b) Nothing in this section shall be deemed to require the burial or cremation of the whole or portions of any animal which is to be used for food or in any commercial manner.

Sec. 4-6. Burial or cremation of dead companion animals. [§3.2-6554]

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

Sec. 4-7. Cruelty to animals prohibited. [§3.2-6570]

(a) Any person who: (i) 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~~s~~, whether belonging to himself or another; (ii) deprives any animal of necessary food, drink, shelter or emergency veterinary treatment; (iii) sores any equine for any purpose or administers drugs or medications 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; (iv) willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal; (v) 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 (vi) causes any of the

above things, or being the owner of such animal permits such acts to be done by another, ~~shall be~~is guilty of a class 1 misdemeanor.
~~Any person who has been within five (5) years convicted of a violation of subsection (a) shall be guilty of a class 6 felony if the current violation or any previous violation of this subsection resulted in the death of an animal or the euthanasia of an animal based on the recommendation of a licensed veterinarian upon determination that such euthanasia was necessary due to the condition of the animal, and such condition was a direct result of a violation of this subsection.~~

(b) ~~Any person who abandons any animal in any public place, including any right-of-way of any public highway, road, or street or on the property of another, shall be guilty of a class 3 misdem~~Any person who: (i) tortures, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly and unnecessarily beats, maims, mutilates or kills any animal whether belonging to himself or another; (ii) sores any equine for any purpose or administers drugs or medications to alter or mask such soring for the purpose of sale, show, or exhibit of any kind, unless such administration of drugs or medications is under the supervision of a licensed veterinarian and solely for therapeutic purposes; (iii) maliciously deprives any companion animal of necessary food, drink, shelter or emergency veterinary treatment; (iv) instigates, engages in, or in any way furthers any act of cruelty to any animal set forth in clauses (i) through (iv); or (v) causes any of the actions described in clauses (i) through (iv), or being the owner of such animal permits such acts to be done by another; and has been within five years convicted of a violation of this subsection or subsection A, shall be prosecuted under state law for a Class 6 felony if the current violation or any previous violation of this subsection or subsection A resulted in the death of an animal or the euthanasia of an animal based on the recommendation of a licensed veterinarian upon determination that such euthanasia was necessary due to the condition of the animal, and such condition was a direct result of a violation of this subsection or subsection (a).

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

(d) ~~Nothing in this~~ This section shall not prohibit authorized wildlife management activities, hunting, fishing or trapping, ~~as regulated under the Virginia Code, and reasonable and customary agricultural practices~~or farming activities.

(e) It is unlawful for any person to kill a domestic dog or cat for the purpose of obtaining the hide, fur or pelt of the dog or cat. A violation of this subsection is a Class 1 misdemeanor. A second or subsequent violation of this subsection shall be prosecuted under state law as a Class 6 felony.

(~~d~~f) Any person who: (i) Tortures, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation or cruelly and unnecessarily beats, maims or mutilates any dog or cat that is a companion animal, whether belonging to him or another; and (ii) As a direct result causes the death of such dog or cat that is a companion animal, or the euthanasia of such animal on the recommendation of a licensed veterinarian upon determination that such euthanasia was necessary due to the condition of the animal, ~~shall be~~ is guilty of a class 6 felony. If a dog or cat is attacked on its owner's property by a dog so as to cause injury or death, the owner of the injured dog or cat may use all reasonable and necessary

force against the dog at the time of the attack to protect his dog or cat. Such owner may be presumed to have taken necessary and appropriate action to defend his dog or cat and shall therefore be presumed not to have violated this subsection. The provisions of this section shall not overrule sections 4-75 or 4-76.

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

Sec. 4-8. Running at large.

It shall be unlawful for the owner of any agricultural animal to allow such agricultural animal, except for poultry, to run at large in the county. It shall be the duty of the animal control officer or other officer who finds any agricultural animal, except for poultry, running at large in violation of this section, to take the agricultural animal, except for poultry, into custody and impound same.

Sec. 4-9. Notification by individuals finding companion animals. [§3.2-6551]

(a) Any individual who finds a companion animal within the county and (i) provides care or safekeeping, or (ii) retains a companion animal in such a manner as to control its activities shall, within forty-eight (48) hours:

(1) Make a reasonable attempt to notify the owner of the companion animal, if the owner can be ascertained from any tag, license, collar, tattoo, or other form of identification or markings, or if the owner of the animal is otherwise known to the individual; and

(2) Notify the county's public animal shelter ~~pound where the companion animal was found~~ and provide to the shelter contact information, including a name, a contact telephone number, a description of the animal, including information from any tag, license, collar, tattoo, or other identification or markings, and the location where the companion animal was found.

(b) If any individual finds a companion animal and (i) provides care or safekeeping, or (ii) retains a companion animal in such a manner as to control its activities, the individual shall comply with the provisions of Virginia Code § ~~3.1-796.68~~ 3.2-6503.

(c) Any individual who violates this section may be subject to a civil penalty not to exceed $50 per companion animal.

Secs. 4-10—4-15. Reserved.

ARTICLE II. ANIMAL CONTROL

DIVISION 1. RABIES CONTROL

Sec. 4-16. Vaccination of dogs and cats—required. [§§3.2-6521, -6525]

(a) ~~It shall be unlawful for any person to own or be custodian of any dog or domesticated cat over four (4) months old unless such dog or domesticated cat has been vaccinated for immunity from rabies with a species-appropriate vaccine approved by the United States Department of Agriculture and administered by a licensed veterinarian or by a licensed veterinary technician who is under the immediate and direct supervision of a licensed veterinarian on the premises and has received any required revaccination against rabies as specified in the certificate of vaccination~~ The owner of all dogs and cats four (4) months of age and older shall have such animal currently vaccinated for rabies by a licensed veterinarian or licensed veterinary technician who is under the immediate and direct supervision of a licensed veterinarian on the premises unless otherwise provided by regulations. The supervising veterinarian on the premises shall provide the owner of the dog or the cat with a rabies vaccination certificate or herd rabies vaccination certificate and shall keep a copy in his own files. The vaccine used shall be licensed by the U.S. Department of Agriculture for use in that species.

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

(c) The certificate issued pursuant to paragraph (b) of this section shall be NASPHV Form No. ~~50~~51, or its equivalent, and shall certify that the dog or domesticated cat has been vaccinated in accordance with this article 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 domesticated cat and its age, sex and breed; and

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

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

(e) Any person who owns or is the custodian of any dog or domesticated cat over four (4) months old shall have the required vaccination performed within thirty (30) days of the passage of this article, or within thirty (30) days from the day on which the dog or domesticated cat is first owned, kept, harbored or moved into the county by the person, whichever is later.

Sec. 4-17. Same—Dogs and cats brought into county for showing or breeding.

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

Sec. 4-18. Reporting of animal bites and animals suspected to be rabid. [§3.2-6522, -6525; 18.2-313.1]

(a) All animal bites of human beings shall be reported to the local health department and the chief animal control officer within twenty-four (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 or 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 persons who may have knowledge of the occurrence.

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

(~~d~~e) It shall be unlawful for any person to (i) knowingly withhold information from, or knowingly give false information to any animal control officer or other officer which would reasonably lead to the discovery or location and capture of any animal reasonably identifiable as one ~~which~~ that has potentially exposed ~~bitten~~ a human being to rabies; (ii) upon the request of an animal control officer, a law-enforcement officer, or an official of the Department of Health, willfully fail to grant access to any animal owned, harbored, or kept by that person that is suspected of having caused a rabies exposure to a human being; or (iii) upon notice by an animal control officer, a law-enforcement officer, or an official of the Department of Health, willfully fail to comply with a confinement, isolation, or quarantine order. Any person violating the provisions of this subsection shall be guilty of a Class 2 misdemeanor.

Sec. 4-19. Confinement of biting animals.

(a) Upon information to the animal control officer that a companion animal~~dog or cat~~ has bitten a person or that a companion animal has been bitten by a wild animal, it shall be the duty of the animal control officer, upon ascertaining the identity of the owner of such ~~dog or cat~~companion animal, to direct it to be confined for a period of ten (10) days from the date the bite occurred, such confinement to be either with a veterinarian approved by the county health director or in a kennel or enclosure approved by the animal control officer and selected by the

person who owns or controls such ~~dog or cat~~companion animal, provided that the person who owns or controls such ~~dog or cat~~companion animal shall bear the cost of such confinement. It shall further be the duty of the animal control officer to assume the responsibility of supervising such confinement and ordering the ~~dog or cat~~companion animal to be released if it is safe to do so at the end of the confinement period required by this paragraph. If the owner of the ~~biting~~ companion animal gives permission, the animal control officer may take custody of the animal, destroy it immediately and send the head to the state laboratory for examination.

(b) A wild, nondomestic or feral domestic animal biting or otherwise injuring a person or animal, and suspected of being rabid by the county health director or animal control officer, shall be humanely destroyed and its head sent to the state laboratory for evaluation.

Sec. 4-20. Confinement or destruction of dogs and cats suspected of having rabies. [§3.2-6522, -6525]

(a) Any ~~D~~dog~~s~~ or cat~~s~~ found within the county showing active signs of rabies or ~~reasonably~~ suspected of having rabies ~~or exhibiting the common symptoms of such disease~~ that is not known to have exposed a person, companion animal, or livestock to rabies shall be ~~taken into custody immediately by the animal control officer or any other officer and~~ confined ~~in isolation in the county pound or private veterinarian's establishment approved by the county health director and kept~~ under competent observation for such time as may be necessary to determine ~~whether they are afflicted with rabies~~a diagnosis~~; provided, that if the owner gives permission, the animal may be destroyed humanely when taken into custody~~. If, in the discretion of the local health director, confinement is impossible or impracticable, such dog or cat shall be euthanized, as provided in Virginia Code § 3.2-6546.

(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, but after the period of observation has elapsed, in the opinion of a veterinarian, the animal does not have rabies, then such dog or cat if claimed by the owner shall be vaccinated at the owner's expense and released to the owner upon payment of the same amount(s) as set forth in section 4-32.

(c) The animal control officer may cause to be destroyed humanely 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 paragraph (a) above but such confinement is impossible or impracticable. If the opinion of a veterinarian as to whether an animal has rabies is not reasonably obtainable, the animal control officer or any law enforcement officer may act on his or her 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.

Sec. 4-21. Confinement or destruction of dogs and cats bitten by rabid animals. [§3.2-6522, -6525]

(a) Any dog or cat for which no proof of current rabies vaccination is available and that may have been exposed to ~~bitten by an animal believed to be afflicted with~~ rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, by an animal suspected to be rabid, shall be ~~immediately destroyed humanely or confined under strict quarantine at the expense of the owner in a~~isolated in a public animal shelter, kennel or enclosure approved by the ~~animal control officer~~local health department for a period not to exceed six (6) months at the expense of the owner in a manner and by a date certain as determined by the local health director. Inactivated rabies vaccine may be administered at the beginning of isolation. A rabies vaccination shall be administered by a licensed veterinarian prior to release. If the local health director determines that isolation is not feasible or maintained, such dog or cat shall be euthanized as provided in Virginia Code § 3.2-6546.

(b) 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 current vaccination, shall be revaccinated by a licensed veterinarian immediately following the exposure and shall be confined to the premises of the owner, or other site as may be approved by the local health department at the expense of the owner for a period of ~~If the owner of the bitten animal has proof of a valid rabies vaccination, the animal shall be revaccinated immediately by a licensed veterinarian at the expense of the owner and the period of confinement shall be~~ forty-five (45) days. ~~If the owner of the bitten animal does not have proof of a valid rabies vaccination, the animal shall be immediately destroyed humanely or confined in accordance with procedures set out in section 4-22 for six (6) months. In the event of a six-month confinement, the dog or cat shall receive a rabies vaccination at the expense of the owner four (4) weeks prior to release.~~

Sec. 4-22. Impoundment of unvaccinated dogs and cats. [§3.2-6522, -6525]

(a) Subject to the provisions of section 4-26, it shall be the duty of the officials charged with the enforcement of this article to impound in the county's ~~pound~~ public animal shelter any dog or cat which has not been vaccinated as provided in section 4-16 of this article. Any dog or cat shall be held in the ~~pound~~ county's public animal shelter for a period of not less than five (5) days, 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 4-20, 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 at any time after the impoundment by paying the licensing fees and five dollars ($5.00) per day of impoundment. Any dog or cat redeemed by its owner must be vaccinated for rabies within thirty (30) days of redemption and proof of such vaccination must be provided to the animal control officer.

(c) Any animal not rabid or suspected of being rabid which has been impounded pursuant to this article for a period of five (5) days and has not been claimed by its owner shall be disposed of or adopted in accordance with Virginia Code § ~~3.1-796.96~~3.2-6546.

Sec. 4-23. Humane destruction of animals.

Nothing in this article shall prohibit the humane destruction of a seriously injured or sick animal; provided that arrangements be made with the state laboratory for examination of the animal's head for rabies, if the animal has bitten a person.

Sec. 4-24. Concealing or withholding an animal to prevent its destruction or confinement.

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 division or Virginia Code § ~~3.1-796.116~~3.2-6552. Violations of this section shall constitute a class 1 misdemeanor.

Sec. 4-25. Emergency declaration of quarantine. [§3.2-6522]

When there is sufficient reason to believe that the risk of exposure to rabies is elevated~~an emergency exists in the county due to the evidence that a rabid animal is at large~~, the board of supervisors may enact, and the local health director may recommend, ~~for the protection of public health, may adopt~~ an emergency ordinance ~~which~~ that shall become effective immediately upon passage, requiring owners of all dogs and cats within the county to keep the same confined on their premises unless leashed under restraint of the owner in such a manner that persons or animals will not be subject to the danger of being bitten by the rabid animal. Any such emergency ordinance shall be effective for a period not to exceed thirty (30) days unless renewed by the board of supervisors in consultation with the local health director.

Sec. 4-26. Transportation and sale of foxes, skunks and raccoons prohibited.

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.

Secs. 4-27—4-30. Reserved.

DIVISION 2. IMPOUNDMENT

Sec. 4-31. Operation and maintenance of ~~pound~~public animal shelter. [§3.2-6546]

The board of supervisors shall maintain or cause to be maintained a ~~pound~~ public animal shelter for the confinement of animals impounded, in accordance with the requirements of Virginia Code §3.2-6546 ~~and shall require dogs running at large without the tag required by Article II, Division 3 or in violation of 4-74 to be confined therein~~, as amended.~~that:~~

~~(1) The pound shelter shall be accessible to the public at reasonable hours during the week;~~

~~(2) The pound shelter shall obtain a signed statement from each member of its directors, staff, or animal caregivers specifying that each individual has never been convicted of animal cruelty, neglect, or abandonment, and the pound shelter shall update such statement as changes occur;~~

~~(3) If a person contacts the pound shelter inquiring about a lost companion animal, the pound shelter shall advise the person if the companion animal is confined at the pound shelter or if a companion animal of similar description is confined at the poundshelter; and~~

~~(4) The pound shelter shall maintain a written record of the information on each companion animal submitted to the pound shelter by an private animal shelter, in accordance with Virginia Code §§ 3.1-796.96:2(D)3.2-6548(D), 3.1-796.96:5(F)(2) or 3.1-796.96:7(A)(2), for a period of thirty (30) days from the date the information is received by the poundshelter. If a person contacts the pound shelter inquiring about a lost companion animal, the pound shelter shall check its records and make available to such person any information submitted by an private animal shelter, releasing agency or individual who has found a companion animal, or allow such person inquiring about a lost animal to view the written records.~~

~~(5) The shelter shall maintain a written record of the information on each companion animal submitted to the shelter by a releasing agency other than a public or private animal shelter, in accordance with Virginia Code § 3.2-6549(F)(2), for a period of thirty (30) days from the date the information is received by the shelter. If a person contacts the shelter inquiring about a lost companion animal, the shelter shall check its records and make available to such person any information submitted by such releasing agency or allow such person inquiring about a lost animal to view the written records.~~

~~(6) The shelter shall maintain a written record of the information on each companion animal submitted to the shelter by an individual, in accordance with Virginia Code § 3.2-6551(A)(2), for a period of thirty (30) days from the date the information is received by the shelter. If a person contacts the shelter inquiring about a lost companion animal, the shelter shall check its records and make available to such person any information submitted by the individual or allow such person inquiring about a lost animal to view the written records.~~

~~An animal confined pursuant to this section shall be kept for a period of not less than five (5) days, such period to commence on the day immediately following the day the animal is initially confined in the facility, unless sooner claimed by the rightful owner thereof.~~

~~Nothing in this section shall be construed to prohibit confinement of other companion animals in such a poundshelter.~~

Sec. 4-32. Redemption by owner.

(a) Any animal impounded may be redeemed by the owner or other person for the owner's benefit prior to the disposition of such animal pursuant to section 4-33, upon payment of the fine set out in 4-74 and an additional five dollars ($5.00) for each additional twenty-four (24) hours of impoundment, for the board and care of such animal.

(b) The payment of the charges provided for in this section shall not relieve any person from prosecution for a violation of this article.

Sec. 4-33. Disposition of unredeemed animals. [§3.2-6546]

(a) Any animal which has been impounded for a period of ten (10) days and has not been claimed by its owner shall be deemed abandoned and become the property of the ~~pound~~public animal shelter. If such abandoned animal did not, when delivered to the pound, bear a collar, tag, license, tattoo, or other form of identification, it may be disposed of in accordance with the provisions of Virginia Code section ~~3.1-796.96~~3.2-6546. Upon the adoption of such animal, the new owner shall pay the amount of the required license fee, ~~and~~ the cost of any vaccinations, and the cost of sterilization of the animal if sterilization was provided by the county. The new owner ~~required by the pound~~animal shelter, ~~and~~ shall read and sign a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment. Proceeds or other fees collected shall forthwith be delivered to the county treasurer who shall give the animal control officer or other officer an appropriate ~~receipt from the receipt book, a copy of which shall remain in the bound receipt book~~.

(b) For the purpose of this section, "adoption" is defined as the release of an impounded animal to a person other than its prior owner.

(c) The operator or custodian of the ~~pound~~ animal shelter shall make a reasonable effort to ascertain whether the animal has a collar, tag, license, tattoo, or other form of identification. If the rightful owner of the animal can be readily identified, the operator or custodian of the ~~pound~~ animal shelter shall make a reasonable effort to notify the owner of the animal's confinement within the next forty-eight (48) hours following its confinement. Upon the expiration of the appropriate holding period as prescribed in this subsection, the animal shall be deemed abandoned and become the property of the ~~pound~~ animal shelter and the animal may be humanly destroyed or disposed of in accordance with Virginia Code section ~~3.1-796.96~~3.2-6546.

Sec. 4-34. Impoundment required when unlawfully running at large. [§3.2-6544]

It shall be the duty of the animal control officer or other officer who finds a dog running at large in violation of section 4-74 or 4-65 of this article to forthwith take such dog into custody and impound the same in the ~~dog pound~~County's public animal shelter.

Secs. 4-35—4-55. Reserved.

DIVISION 3. LICENSING

Sec. 4-56. Required.

It shall be unlawful for any person to own a dog four (4) months old or older in the county unless such dog is currently licensed under the provisions of this division.

Sec. 4-57. License year.

Effective January 1, 2011, dog licenses shall be valid for the calendar year in which issued, and if applicable, the license shall be valid for up to two additional calendar years, as long as the dog's rabies vaccination is kept current. Upon expiration of a rabies vaccination, a dog license is no longer valid.

Dog licenses issued prior to the 2011 calendar year shall remain valid for the original twelve (12) month period from the month in which the license was issued, as long as the dog's rabies vaccination is kept current. Kennel licenses shall be valid for the calendar year, namely from January 1 to December 31, inclusive.

Sec. 4-58. Application; applicant to be county resident. [§§3.2-6527, -6528, 6587]

(a) Any person may obtain a dog license by making oral or written application to the county treasurer, accompanied by the amount of the license tax and the ~~evidence of inoculation or~~ current certificate of vaccination required by section 4-16, or satisfactory evidence that such certificate has been obtained. The treasurer shall only have the 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.

(b) It shall be unlawful for any person to make a false statement to secure a dog license to which he is not entitled.

(c) Any person may obtain a kennel license from the treasurer after obtaining certification of his application from the chief animal control officer accompanied by the amount of the license tax and ~~evidence of rabies inoculation or~~current certificate of vaccination as required by section 4-16.

(d) No kennel license or combination of licenses shall be issued for more than fifty (50) dogs to be kept on any one tax map parcel unless a special exception for a commercial kennel pursuant to the Hanover County Zoning Ordinance has been issued for that parcel. No releasing agency~~, as defined in Virginia Code Section 3.2-6500, as amended,~~ with the exception of the Hanover County ~~Pound~~public animal shelter, will be registered to keep more than fifty (50) dogs unless a special exception for a commercial kennel has been issued for the property pursuant to the Zoning Ordinance.

(e) Any person who seeks to operate a commercial kennel, as defined in section 4-1, shall indicate this on his application for a kennel license prior to obtaining certification from the chief animal control officer.

Sec. 4-59. Taxes imposed. [§3.2-6528]

(a) A license tax is hereby imposed on dogs required to be licensed under this division, in the following amounts:

(1) For each dog:
-one calendar year, if issued on or before June 30th $6.00
-one calendar year, if issued on or after July 1st $3.00
-two calendar years $11.00
-three calendar years $15.00

(2) Private or commercial kennel for twenty (20) dogs or less,
for the period of one (1) calendar year $35.00

(3) Private or commercial kennel for twenty-one (21) to fifty (50) dogs,
for the period of one (1) calendar year $50.00

(4) Initial ~~D~~dangerous dog registration certificate pursuant to section 4-75,
for the period of one (1) calendar year $150.00

(5) Annual dangerous dog registration certificate renewals pursuant to
Section 4-75 . . . . . $85.00

(b) The kennel license shall be in lieu of the tax on individual dogs therein.

(c) No license tax shall be levied under this section 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 or person who has a physical, sensory, intellectual, developmental or mental disability or mental illness.

(d) Refunds for portions of the license tax shall not be permitted.

Sec. 4-60. When tax due and payable. [§3.2-6530]

The license tax shall be due and payable as follows:

(1) The owner of any dog four (4) months old or older shall pay the prescribed fee within thirty (30) days after the dog has been vaccinated pursuant to section 4-16. Such fee shall cover a license period of the current calendar year, and, if applicable under Section 4-62(a) below, shall be valid up to 2 additional calendar years, as long as the dog's rabies vaccination is kept current.

(2) The prescribed fee for a kennel license shall be paid no later than January 31 of each year. Such fee shall cover a license period of one (1) calendar year.

Sec. 4-61. Failure to pay tax when due.

It shall be unlawful for the owner of any dog to fail to pay the tax imposed by this division when the same is due. Payment of such tax subsequent to a summons to appear before a court for failure to do so within the time required shall not operate to relieve such owner from the

penalties provided for such failure. A violation of this section shall constitute a class 4 misdemeanor. In addition, the court may order confiscation and the proper disposition of the dog.

Sec. 4-62. Evidence of rabies inoculation or vaccination prerequisite to issuance. [§§3.2-6521(B), -6526(B)]

(a) No license tag shall be issued for any dog pursuant to section 4-59(a)(1) unless there is presented ~~at the time of application the applicant presents~~ to the treasurer satisfactory evidence that such dog has been inoculated or vaccinated against rabies ~~a rabies certificate issued~~ by a currently licensed veterinarian or currently licensed veterinary technician who was under the immediate and direct supervision of a licensed veterinarian on the premises. ~~Such certificate shall be valid on the date of application and shall show that such dog has been inoculated or vaccinated against rabies.~~ Upon presentation of a valid rabies certificate, the applicant may apply to purchase a current calendar year dog license. If the rabies certificate is effective into the next calendar year, the applicant may purchase a 2-year license. If the rabies certificate is effective into a 3rd calendar year, then the applicant may purchase a 3-year license. The license shall be valid for the entire calendar year, or years, for which it is issued, as long as the dog's rabies vaccination is kept current.

(b) No metal tag shall be issued for any dog subject to a kennel license issued pursuant to sections 4-59(a)(2) or 4-59(a)(3) unless there is presented. ~~at the time the applicant requests such metal tag the applicant presents~~ to the treasurer satisfactory evidence that such dog has been inoculated or vaccinated against rabies ~~a certificate issued~~ by a currently licensed veterinarian or currently licensed veterinary technician who was under the immediate and direct supervision of a licensed veterinarian on the premises. ~~Such certificate shall be valid on the date of application and shall show that such dog has been inoculated or vaccinated against rabies.~~ The metal tag shall be valid for the period of the kennel license or until the expiration of the current rabies vaccination, whichever occurs first.

(c) The metal tag shall be stamped or permanently marked to show that it was issued by the county and to show the calendar year in which the license expires and the serial number.

Sec. 4-63. Issuance, composition and contents. [§§3.2-6526, -6527]

(a) Upon receipt of a proper application, current certificate(s) of vaccination, as required by section 4-62, and the prescribed license tax, the treasurer shall issue a dog or kennel license.

(b) Each dog license shall consist of a license tax receipt and a metal tag. Each kennel license shall consist of a license tax receipt and metal tags for the number of dogs for which the kennel license was issued. On such receipt the treasurer shall record the name and address of the owner ~~or custodian~~, the date of payment, the period for which the license is issued, the serial number of the tag, and whether male~~, unsexed female,~~ or female, spayed or neutered, or whether a kennel. The receipt information shall be retained by the treasurer, open to public inspection, during the period for which such license is valid.

(c) The metal tag shall be stamped or permanently marked to show that it was issued by the county and to show the calendar year in which the license expires and the serial number.

Sec. 4-64. Preservation and exhibition of license receipt.

A license receipt shall be carefully preserved by the person to whom it is issued and exhibited promptly on request for inspection by the animal control officer or any other officer.

Sec. 4-65. Tag to be worn by dog; exceptions. [§§3.2-6531, -6533]

(a) A dog license tag shall be securely fastened to a substantial collar by the owner ~~or custodian~~ of the dog and worn by such dog. It shall be unlawful for the owner ~~or custodian~~ to permit any licensed dog four (4) months old or over to run at large at any time without a license tag.

(b) The owner of a 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.

(c) Any dog not wearing a collar bearing a ~~current~~ valid license tag shall prima facie be deemed to be unlicensed, and in any proceeding 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.

Sec. 4-66. Removal of tag.

It shall be unlawful for any person, except the owner ~~or custodian~~, to remove a legally acquired license tag from a dog.

Sec. 4-67. Duplicate tags.

If a dog license tag shall become lost, destroyed or stolen, the owner ~~or custodian~~ shall at once apply to the county treasurer for a duplicate license tag, presenting the original license receipt. Upon affidavit of the owner ~~or custodian~~ before the treasurer that the original license tag has been lost, destroyed or stolen, the treasurer shall issue a duplicate license tag, which the owner ~~or custodian~~ shall immediately affix to the collar of the dog. The treasurer shall endorse the number of the duplicate and the date issued on the face of the original license receipt and upon his copy. In addition thereto, the treasurer shall give a receipt the number of the duplicate tag and the number of the tag that the duplicate replaces, as well as the fact that a fee of one dollar ($1.00) has been paid.

Sec. 4-68. Substations and agents for collection of tax and issuance of license.

(a) The county treasurer may establish substations in convenient locations in the county and appoint agents for the collection of the license tax and issuance of the licenses provided for in this division.

(b) When used in other sections of this division, the term "county treasurer" or "treasurer" shall include any agent appointed under this section.

Sec. 4-69. County to provide receipts and tags.

The county shall provide the necessary receipts and dog license tags to implement the provisions of this division.

Secs. 4-70, 4-71. Reserved.

DIVISION 4. GENERAL PROVISIONS

Sec. 4-72. Limit on ownership of dogs in areas zoned for residential use.

It shall be unlawful for more than five (5) adult dogs to be owned or harbored on any one tax map parcel zoned AR-1, AR-2, AR-6, RC, R-1, R-2, R-3, R-4, R-5, R-6 and RS. Adult dogs owned and properly licensed prior to October 25, 1995 shall be exempt from this limitation, but upon the sale, loss, or demise of the adult dog or dogs owned and properly licensed prior to October 25, 1995, the owner, in acquiring subsequent dogs, shall be subject to the five (5) adult dog limitation contained in this section.

Sec. 4-73. ~~Reserved.~~Dogs killing, injuring or chasing livestock or poultry. [§3.2-6552]

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 of the dog to produce the dog.

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 herein. 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 serving the locality wherein the dog may be, who shall issue a warrant requiring the owner, 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 immediately by the animal control officer or other officer designated by the court; or (ii) removed to another state that does not border on the Commonwealth and prohibited from returning to the Commonwealth. Any dog ordered removed from the Commonwealth that is later found in the Commonwealth shall be ordered by a court to be killed immediately.

Sec. 4-74. Running at large prohibited; penalty for violation.

(a) It shall be unlawful for the owner of any canine or canine crossbreed to allow such canine or canine crossbreed to run at large in the county during the months of April, May and June of any year.

(b) It shall be unlawful for the owner of any canine or canine crossbreed to allow such canine or canine crossbreed to run at large, at any time, in the urban service area, as defined in the subdivision ordinances, or in the areas of the county zoned R-1, R-2, R-3, R-4, R-5 and R-6, in county parks or on the grounds of any schools operated by the county school board. For any canine or canine crossbreed which is the subject of a written hunt club agreement between the county and a participating hunt club and is found running at large in a county park located outside the urban service area or on the grounds of any county schools located outside the urban service area, the enforcement of this section shall be governed by the terms of such agreement.

(c) Any person who violates this chapter by allowing any of his canine or canine crossbreeds to run at large in violation of this chapter shall be fined twenty-five dollars ($25.00) for the first violation and an additional ten dollars ($10.00) shall be added to this amount for every subsequent violation within a twelve-month period of time, up to the maximum allowed by law. Each occurrence of a canine or canine crossbreed belonging to a particular owner running at large in violation of this chapter shall be considered a separate violation and an additional penalty shall apply as set out in this section regardless of whether or not it is the same canine or canine crossbreed who was found to be running at large.

Sec. 4-75. Dangerous dogs. [§3.2-6540]

(a) Any law enforcement officer or animal control officer who has reason to believe that a canine or canine crossbreed within ~~his jurisdiction~~the county is a dangerous dog shall apply to a magistrate in the county 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 the chief 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 harborer~~ 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 ~~chapter~~Section. The court, upon finding the animal to be a dangerous dog, may order the owner thereof to pay restitution for actual damages to any person injured by the animal or whose companion animal was injured or killed by the animal. The court, in its discretion, may also order the owner to pay all reasonable expenses incurred in caring and providing for such dangerous dog from the time the animal is taken into custody until such time as the animal is disposed of or returned to the owner.

(b) No canine or canine crossbreed shall be found to be a dangerous dog solely because it is a particular breed, nor is 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 which was engaged in the performance of its duties as such at the time of the acts complained of shall be a dangerous dog. No animal which, 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. No dog shall be found to be a dangerous dog as a result of biting, attacking or inflicting injury on another dog or cat while engaged with an owner ~~or custodian~~ as part of lawful hunting or participating in an organized, lawful dog handling event.

(c) The owner of any animal found by the court to be a dangerous dog shall, within ten (10) days of such finding, obtain a dangerous dog registration certificate from the animal control officer or treasurer for a fee of one hundred fifty dollars ($150.00), in accordance with section 4-59, in addition to other fees that may be authorized by law. The animal control officer or treasurer shall also provide the owner with a uniformly designed tag which 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 ~~All~~ dangerous dog registration certificates obtained pursuant to this section shall be updated and renewed annually for ~~the same~~ a fee of $85 and in the same manner as the initial certificate was obtained. The animal control officer shall ~~provide a copy of~~ post the dangerous dog registration ~~certificate and verification of compliance to the state veterinarian~~information on the Virginia Dangerous Dog Registry.

(d) All dangerous dog registration certificates or renewals thereof required to be obtained under this chapter shall only be issued to persons eighteen (18) years of age or older who present satisfactory evidence: (i) of the animal's current rabies vaccination, if applicable, (ii) ~~satisfactory evidence~~ that the animal has been neutered or spayed, and ~~satisfactory evidence~~(iii)

that the animal is and will be confined in a proper enclosure, in accordance with paragraph (e), 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 ~~chapter~~ section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence that 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 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 chapter shall only be issued to persons who present satisfactory evidence that the owner has liability insurance coverage, to the value of at least one hundred thousand dollars ($100,000.00), that covers animal bites. The owner may obtain and maintain a bond in surety, in lieu of liability insurance, to the value of at least one hundred thousand dollars ($100,000.00).

(e) While on the property of its owner, an animal found by a court 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 Virginia Code § 3.2-6503. ~~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 by the court 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 other animal.

(f) If the owner of an animal found by the court to be a dangerous dog is a minor, the custodian, parent, or legal guardian shall be responsible for complying with all of the requirements of this ~~chapter~~section.

(g) ~~The owner of any dog found to be dangerous shall register the animal with the Commonwealth of Virginia Dangerous Dog Registry, once established pursuant to Virginia Code § 3.1-796.93:3, within 45 days of such a finding by a court of competent jurisdiction.~~ The owner shall ~~also~~ cause the chief animal control officer 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) ~~Tattoo or c~~Chip identification information ~~or both~~;

(6) Proof of insurance or surety bond; and

(7) The death of the dog.

(h) After an animal has been found ~~by a court~~ to be a dangerous dog, the animal's owner shall immediately, upon learning of same, cause the chief animal control officer to be notified if the animal is loose or unconfined, bites a person or attacks another animal, is sold, given away or dies. Any owner of a dangerous dog who relocates to a new address shall, within ten (10) days of relocating, provide written notice to the appropriate animal control officer 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) ~~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 may be charged with a class 6 felony pursuant to Virginia Code § 3.1-796.93:1.~~

~~(k)~~ The owner of any animal which has been found by a court to be a dangerous dog who willfully fails to comply with the requirements of this chapter shall be guilty of a class 1 misdemeanor.

(k) Whenever an owner of an animal found to be a dangerous dog is charged with a violation of this section, the animal control officer shall confine the dangerous dog until such time as evidence shall be heard and verdict rendered. The court, through its contempt powers, may compel the owner of the animal to product the animal.

Upon conviction the court may (i) order the dangerous dog to be disposed of by the Chief Animal Control Officer pursuant to Virginia Code § 3.2-6562 or (ii) grant the owner up to 45 days to comply with the requirements of this section, during which time the dangerous dog shall remain in the custody of the animal control officer until compliance has been verified. If the owner fails to achieve compliance within the time specified by the court, the court shall order the

dangerous dog to be disposed of by the Chief Animal Control Officer pursuant to § 3.2-6562. The court, in its discretion, may order the owner to pay all reasonable expenses incurred in caring and providing for such dangerous dog rom the time the animal is taken into custody until such time that the animal is disposed of or returned to the owner.

(l) All fees collected pursuant to this section, less the costs incurred by the animal control authority in producing and distributing the certificates required by this ~~chapter~~section and fees due to the State Veterinarian for maintenance of the Virginia Dangerous Dog Registry, shall be paid into a special dedicated fund in the treasury of the county for the purpose of paying the expenses of any training course required under Virginia Code § ~~3.1-796.104:1~~3.2-6556.

Sec. 4-76. Vicious dogs. [§3.2-6540.1]

(a) Any law enforcement officer or animal control officer who has reason to believe that a canine or canine crossbreed within ~~his jurisdiction~~the county is a vicious dog shall apply to a magistrate in the county 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 the chief 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 harborer~~ of the animal to produce the animal. 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 Virginia Code § ~~3.1-796.119~~3.2-6562. The court, upon finding the animal to be a vicious dog, may order the owner to pay restitution for actual damages to any person injured by the animal or to the estate of any person killed by the animal. The court, in its discretion, may also order the owner to pay all reasonable expenses incurred in caring and providing for such vicious dog from the time the animal is taken into custody until such time as the animal is disposed of. The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in § 19.2-260, et seq. of the Code of Virginia. The Commonwealth shall be required to prove its case beyond a reasonable doubt.

(b) No canine or canine crossbreed shall be found to be a vicious dog solely because it is a particular breed. No animal shall be found to be a vicious 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 ~~which~~ that was engaged in the performance of its duties as such at the time of the acts complained of shall be a vicious dog. No animal which, 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.

Sec. 4-77. Violations and enforcement of article provisions. [§3.2-6587]

(a) A violation of any provision of this article shall constitute a class 4 misdemeanor, unless otherwise specifically provided.

(b) Should any person who owns or controls a dog or cat fail or refuse to comply with any of the provisions of this article or with any instructions given by an animal control officer, a veterinarian, a health department representative or other appropriate official, pursuant to this article, the animal control officer may take such dog or cat immediately into custody and confine it in the county's public animal shelter ~~pound~~ and the person owning or controlling such dog or cat shall then be summoned immediately by the animal control officer to appear in the general district court. 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. The commonwealth shall be required to prove its case beyond a reasonable doubt. 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 or she 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/or confinement-related expenses.

4-78. Nuisance animals.

(a) All animal owners shall exercise proper care and control of their ~~domestic,~~ companion, wild or exotic animals to prevent them from becoming a public nuisance. ~~Acts~~ Behavior by a companion, wild or exotic animal that renders such animal a ~~deemed~~ public nuisance~~s~~ shall include~~, but are not limited to,~~ the following if the animal exhibits the behavior on two (2) or more occasions:

(1) Chasing, threatening or harassing vehicles, bicyclists~~es~~ or pedestrians on any public right of way or private right of way not owned or controlled by the owner of the alleged nuisance animal ~~on two (2) or more separate occasions~~.

(2) Chasing, threatening, harassing or otherwise acting in an aggressive manner toward a person or persons on any property not owned or controlled by the animal's owner ~~of the alleged nuisance animal on two (2) or more separate occasions~~.

(3) Biting a person so as to cause physical injury ~~on two (2) or more separate occasions~~ without substantiated provocation, unless the bite is in response to an actual threat to the person or property of the animal's owner or of the animal owner's family.

(4) Chasing, threatening, harassing or injuring an ~~livestock, poultry or other domestic~~ agricultural, companion, wild or exotic animal~~s on two (2) or more separate occasions~~, unless such ~~livestock, poultry or other domestic~~agricultural, companion, wild or exotic animal is trespassing upon the property of the animal's owner ~~of the alleged nuisance animal~~.

(5) Trespassing upon school grounds or public parks or playgrounds ~~on two (2) or more separate occasions~~.

(6) Damaging real or personal property of a person other than the animal's owner ~~on two (2) or more separate occasions~~.

(7) Overturning trash containers and scattering trash on any property not owned or controlled by the animal's owner ~~of the alleged nuisance animal on three (3) or more separate occasions~~.

(8) ~~Habitually running at large. "Habitually r~~Running at large ~~" shall refer to any animal whose~~after the animal's owner has been convicted of allowing ~~his~~ the animal to run at large, pursuant to Hanover County Code section 4-74~~, three (3) or more times within a twelve-month period~~.

~~(9) Producing conditions offensive or dangerous to the public safety or welfare by virtue of the number and living conditions of such animals. For the purposes of this section, "conditions offensive or dangerous to the public safety or welfare" include, but are not limited to, conditions which attract insects and rodents, large numbers of animals kept in poor living conditions, unvaccinated animals and odors emanating beyond the property owned or controlled by the owner of the alleged nuisance animal(s), which conditions have not been corrected after receiving a warning from animal control. This subsection shall not apply to livestock or poultry.~~

(b) Any person owning or having in his possession or under his control any ~~domestic,~~ companion, wild or exotic animal suspected of constituting a public nuisance may be summoned before the Hanover County General District Court to determine whether ~~such domestic, companion, wild or exotic~~ the animal constitutes a public nuisance and, if so, whether ~~such~~ the animal should be confined or the nuisance otherwise abated. ~~When a violation of this section is committed in the presence of an animal control officer, or when, upon investigation, an animal control officer finds evidence to suggest that such a violation has occurred, the officer may proceed to issue a summons and take other action as set forth in this section.~~

(c) When a violation of this section is committed in the presence of an animal control officer, or when, upon investigation, an animal control officer finds evidence that such a violation has occurred, the officer may issue a summons. If, ~~W~~when a summons is issued~~, if~~ the animal control officer deems confinement in the ~~pound~~public animal shelter necessary ~~during the pendency of the case~~ to prevent a reoccurrence of the nuisance, the animal control may

immediately confine the animal in the County's ~~pound~~public animal shelter, and ~~then~~the owner ~~or custodian~~ shall be responsible for the impoundment fees. If the animal control officer determines that confinement ~~in the pound~~ is unnecessary, the animal shall be confined at the home of the owner during the pendency of the case.

(d) Upon proof that the ~~domestic,~~ companion, wild or exotic animal constitutes a public nuisance, ~~the domestic, companion, wild or exotic animal shall, by order of the judge of the general district court,~~ the animal shall be confined or the nuisance shall be otherwise abated, as ~~such judge~~the court may determine to be appropriate. The court may also impose a civil penalty of up to $250.00 to be paid by the owner ~~or custodian~~ of such animal. It shall be unlawful and shall constitute contempt of court for any person to harbor or conceal any animal which has been deemed to be a nuisance by the general district court or to fail to confine or restrain an animal when such an order has been entered by the court. For the purposes of this section, "confine" shall mean to place within a secure enclosure, such as a kennel or adequately fenced yard, or to keep indoors, and not to chain or tether the animal.

(e) This section shall not apply to any person while engaged in law enforcement or search and rescue activity, in a supervised formal obedience training class or show, during formally sanctioned field trials, while engaged in lawful hunting with a dog or dogs during open season, or during bona fide hunting or field trial dog training.

(f) No canine or canine crossbreed shall be found to be a nuisance animal solely because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed prohibited.

(g) Any person who owns any animal that has been adjudged a nuisance pursuant to this section by the general district court and who appeals that decision to the circuit court shall be responsible for the fees connected with the impounding of the animal by the animal control officer, if the animal control officer deems impoundment to be necessary. If deemed necessary, the animal control officer or owner shall confine such animal during pendency of the appeal to prevent a reoccurrence of the nuisance. If on appeal the circuit court determines that the animal is not a nuisance, no such fees for the impounding of the animal shall be imposed.

ARTICLE III. WILD, EXOTIC OR VICIOUS ANIMALS

Sec. 4-80. Permit required to keep wild, exotic or vicious animals. [§3.2-6544]

(a) No person shall keep or permit to be kept on his premises any wild, exotic or vicious animal, unless that person shall have previously obtained a permit from the county for such animal, except that persons holding a category I, II, or III wildlife rehabilitation permit issued by the ~~state~~ Virginia ~~d~~Department of ~~g~~Game and ~~i~~Inland ~~f~~Fisheries may possess native wild animals for the purpose of rehabilitation pursuant to the conditions of their wildlife rehabilitation permit and applicable state law.

(b) Application for a wild or exotic animal permit or a vicious animal permit, and any amendments thereto, shall be made to the chief animal control officer on an application form prescribed by the chief animal control officer.

(1) The chief animal control officer, with the concurrence of his/her supervising officer, has the authority to issue or deny permits for wild or exotic animals. A decision by the chief animal control officer to deny a permit may be appealed to the board of supervisors.

(2) The board of supervisors has the authority to issue or deny permits for vicious animals. Prior to deciding whether to issue or deny a permit for a vicious animal, the board of supervisors shall advertise and conduct a public hearing. For no less than two (2) weeks prior to the public hearing, the applicant for such a permit shall post a sign, provided by the chief animal control officer, on the premises where the animal is proposed to be kept, providing notice of the application and the time, date and place of the public hearing. In addition, the applicant shall send the same information by certified mail to the owners of record of each adjacent property.

(c) No permit shall be approved by the chief animal control officer or the board of supervisors unless the applicant has demonstrated in the application:

(1) That the wild, exotic or vicious animal(s) will be securely enclosed at all times in a manner that is appropriate for the character of the animal;

(2) That the animal(s) will be provided with an appropriate habitat and be properly fed, cared for and handled;

(3) That the keeping of such animal(s) on the premises is consistent with the nature and character of the neighborhood;

(4) That the owner has obtained any federal or state permits required for possession of that particular species of animal(s); and

(5) That the owner consents to the inspection by an animal control officer of the facility in which the animal is kept at least – (a) every six (6) months for vicious animals; and (b) every twelve (12) months for wild and exotic animals.

(6) That, for vicious animals, the owner has obtained a surety bond or liability insurance or bond in the amount of fifty one hundred thousand dollars ($5100,000.00) which covers incidents or occurrences involving the vicious animal.

The permit shall be nontransferable and subject to such conditions as are deemed necessary to asensure the public safety and welfare and appropriate care of the animal(s). The permit shall list, by species and quantity, each wild, exotic, or vicious animal permitted to be kept on the premises, and shall authorize the applicant to keep only theose specific animals identified in the application at the address listed in the application. Any permitted animal that dies or is sold or

relocated out of the county may be replaced by an animal of the same species. Any additions, as a result of breeding of permitted animals or acquisition of additional wild, exotic, or vicious animals, shall require an amendment to the permit. No animal may be moved to another location within the county without prior issuance of a permit for the new location.

(d) Applications for vicious animal permits and amendments to vicious animal permits shall be accompanied by a permit application fee of three hundred dollars ($300.00).

(e) Upon notice and an opportunity to be heard, any permit shall be subject to revocation by the approving authority for any of the following reasons:

(1) Failure to comply with the terms of this section or the conditions of the permit;

(2) Falsification of any information on the permit application; or

(3) Violation of any local, state or federal laws applicable to animals.

(f) It shall be unlawful for the owner of any wild, exotic or vicious animal to allow such wild, exotic or vicious animal to run at large in the county. The owner of any wild, exotic or vicious animal found running at large shall be deemed to be in violation of this section. It shall be the duty of the animal control officer or other officer who finds any wild, exotic or vicious animal running at large in violation of this section to take such wild, exotic or vicious animal into custody or to destroy the animal if the animal control officer or other officer determines that destruction of the animal is necessary to protect public safety. The owner of any wild, exotic or vicious animal found running at large may be required to pay a fee to cover the county's actual cost in locating and capturing or otherwise disposing of the animal.

Sec. 4-81. Penalty.

Any person violating any of the provisions of this article shall be deemed guilty of a class 4 misdemeanor.

Sec. 4-82. Enforcement.

The provisions of this article shall be enforced by the chief animal control officer.

Sec. 4-83. Disposal of wild, exotic or vicious animals.

Any person who owns a wild, exotic or vicious animal(s) not permitted in accordance with this article shall dispose of the animal(s) by removal of the animal(s) from the county, by giving or selling the animal(s) to a zoological park~~,~~ or to a governmental entity authorized to hold such animals, or by releasing the animal(s) to the chief animal control officer if the County has facilities in which the animal(s) can be safely secured and cared for. The chief animal control officer is authorized to release the animal to the wild, to a zoological park, to a governmental entity authorized to hold such animals~~, or to a responsible adult~~, or euthanize the animal(s), if the circumstances warrant.

Secs. 4-84--4-93. Reserved.

ARTICLE IV. REPTILES

Sec. 4-94. Keeping of reptiles; penalty. [§29.1-569]

It shall be unlawful for the owner or keeper of any exotic reptile or type of reptile not native to the Commonwealth of Virginia, including but not limited to the American alligator, ~~poisonous or dangerous reptile~~ to keep ~~any such~~the reptile in any manner that will ~~not sufficiently confine any such reptile as to prevent~~ permit its escape or to knowingly permit such reptile to run at large.

Any violation of this section shall constitute a class 2 misdemeanor.

Sec. 4-95. Handling or using reptiles so as to endanger human life or health. [§18.2-313]

It shall be unlawful for any person or persons to display, exhibit, handle, or use any poisonous or dangerous reptile in such a manner as to endanger the life or health of any person.

Any person violating the provisions of this section shall be guilty of a class 4 misdemeanor.

ARTICLE V. MANDATORY STERILIZATION OF DOGS AND CATS ADOPTED FROM A RELEASING AGENCY

Sec. 4-96. Sterilization of adopted dogs and cats. [§3.2-6574]

(a) A dog or cat shall not be released for adoption from a releasing agency unless:

(1) ~~t~~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)~~, except that an individual, on presentation of a written report from a veterinarian stating that the life or health of the adopted animal may be jeopardized by sterilization, may adopt an animal before it has been sterilized. Should the animal not be sterilized for the exception allowed in this section, the individual adopting the animal shall, at the time of adoption:~~

~~(1) Sign an agreement, in accordance with section 4-97, to have the animal sterilized through the releasing agency or by a licensed veterinarian~~ within thirty (30) days of the adoption ~~after the date of the agreement,~~ if the animal is sexually mature;~~,~~ or (ii)

~~(2) W~~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.

(b) A 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 releasing agency may negotiate the terms of an extension of the date by which the animal must be sterilized.

(c) Upon the petition of an animal control officer, humane investigator, the State Veterinarian or a State Veterinarian's representative to the general district court 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 that may be imposed under this Article.

Sec. 4-97. Sterilization agreement. [§3.2-6575]

Any sterilization agreement used by a releasing agency shall contain:

(1) The date of the agreement;

(2) The names, addresses, and signatures of the 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

(5) A statement printed in conspicuous, bold print, that sterilization of the dog or cat is required under this article and Chapter 65, Article 10 of the Code of Virginia; that a person who violates ~~this article~~ the provisions for mandatory sterilization is subject to a civil penalty; and that the new owner may be compelled to comply with the provisions of this article and Chapter 65, Article 10 of the Code of Virginia.

Sec. 4-98. Sterilization confirmation.

Each new owner who signs a sterilization agreement shall, within seven (7) 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.

Sec. 4-99. Notification concerning lost, stolen or dead dogs or cats. [§3.2-6577]

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 releasing agency~~animal control officer~~ of the animal's disappearance or death.

Sec. 4-100. Exemptions to mandatory sterilization. [§3.2-6578]

The provisions for mandatory sterilization shall not apply to:

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

(2) The County's disposal of an animal by sale or gift to a federal agency, state supported institution, agency of the ~~c~~Commonwealth, ~~or~~ agency of another state~~.~~, or licensed federal dealer having its principal place of business located within the Commonwealth of Virginia.

Sec. 4-101. Penalties. [§3.2-6574, -6576, -6577, -6580]

(a) Any person who violates any provision of this article shall be subject to a civil penalty in accordance with the following schedule:

(1) A violation of section 4-96, failure to sterilize adopted animal, shall carry a civil penalty of two hundred fifty dollars ($250.00).

(2) A violation of section 4-98, failure to deliver written confirmation of sterilization, shall carry a civil penalty of one hundred fifty dollars ($150.00).

(3) A violation of section 4-99, failure to notify of adopted animal's disappearance or death, shall carry a civil penalty of twenty-five dollars ($25.00).

(b) Any civil penalty assessed pursuant to this section shall be paid into the treasury of the county.

(c) Any person summoned for a violation of subsections (a)(1) or (a)(2) of this section may:

(1) Make an appearance in person on the date fixed for trial in court; or

(2) Make an appearance in writing by mail to the treasurer five (5) business days prior to the date fixed for trial in court, by entering a waiver of trial, admitting liability, and paying the civil penalty established for the offense charged. The charge for violation of subsection (a)(1) and the accompanying civil penalty shall be dismissed if written confirmation of sterilization signed by the veterinarian who performed the sterilization is included with such appearance in writing by mail.

(d) Any person summoned for a violation of subsection (a)(3) of this article may:

(1) Make an appearance in person on the date fixed for trial in court, or

(2) Make an appearance in person to county animal control by entering a waiver of trial, admitting liability, signing an affidavit under penalty of perjury attesting to the adopted animal's disappearance or death, and granting permission to county animal control to inspect the person's residence for the adopted animal, and by paying the civil penalty established for the offense charged to the treasurer five (5) business days prior to the date fixed for trial in court.