

**HANOVER COUNTY BOARD OF SUPERVISORS
MINUTES**

**Hanover County Administration Building
Board Room**

February 11, 2015

VIRGINIA: At a regular meeting of the Board of Supervisors for Hanover County held in the Board Room of the Hanover County Administration Building on the 11th day of February, 2015, at 2:00 p.m.

Present: Mr. Wayne T. Hazzard, Chairman
Mr. Aubrey M. Stanley, Vice-Chairman
Mr. Sean M. Davis
Mrs. Angela Kelly-Wiecek
Mr. W. Canova Peterson
Mr. G.E. “Ed” Via, III
Mr. Elton J. Wade, Sr.
Mr. Cecil R. Harris, Jr., County Administrator
Mr. Sterling E. Rives, III, County Attorney

I. Call to Order

Mr. Hazzard called the meeting to order at 2:00 p.m. All Board members were present.

- A. The invocation was given by Mr. Peterson.
- B. The Pledge of Allegiance was led by Mr. Hazzard.

II. Consideration of Agenda Amendments

The Chairman asked if there were any agenda amendments. Hearing none, moved to citizens’ time.

III. Citizens’ Time

The Chairman opened citizens’ time and offered to anyone who wanted to address the Board of Supervisors for up to five minutes on any matter within the scope of the Board’s authority that is not on the agenda for that meeting to come forward.

Seeing none, citizens’ time was closed.

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IV. Consent Agenda

Mr. Via made a motion to approve the consent agenda, seconded by Mr. Stanley.

	Vote:
Wayne T. Hazzard	Aye
Aubrey M. Stanley	Aye
Sean M. Davis	Aye
Angela Kelly-Wiecek	Aye
W. Canova Peterson	Aye
G. E. "Ed" Via, III	Aye
Elton J. Wade, Sr.	Aye

Motion approved.

IV. A. - Request for Authorization to Advertise: Ordinance Amendment 15-02, Bed and Breakfast as a Special Exception in the AR-1 and AR-2 Zoning Districts

Board Sheet Background:

The South Anna District Board of Supervisor was recently approached by an individual inquiring about the feasibility of using an existing AR-2 parcel for a bed and breakfast business. The current AR-1 and AR-2 district regulations do not permit bed and breakfast establishments. It should also be noted that although the AR-1 and AR-2 district regulations remain in effect for existing properties, there is no opportunity for a property owner to seek AR-1 or AR-2 zoning. Both districts were replaced by the AR-6 district in 1996.

Bed and Breakfast establishments are permitted with a Special Exception Permit in the A-1 and AR-6 districts, and such establishments are required to comply with the special regulations found in Section 26-300 of the Hanover County Zoning Ordinance (copy attached). Per 26-300 the minimum lot size for a bed and breakfast business is two acres. The proposed Ordinance also requires compliance with 26-300. The minimum lot size in the AR-1 district is 30,000 square feet while the minimum lot size in AR-2 is 1.5 acres; therefore, it is likely very few AR-1 lots will qualify. For purposes of comparison, the minimum lots size in the AR-6 district ranges from two to five acres, while the minimum lot size in the A-1 district is 10 acres.

Recommended Action:

Motion to advertise for Public Hearing – Ordinance Amendment 15-02, Bed and Breakfast as a Special Exception in the AR-1 and AR-2 Zoning Districts.

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IV. B. - Approval of Resolution to Refund County General Obligation Bonds (Series 2006, Series 2009 and Series 2011) not to exceed \$30 million

Board Sheet Background:

Based on current market interest rates, the County's financial advisor has identified a possible refunding opportunity for up to \$30 million of the Series 2006, 2009 and 2011 bonds maturing between 2017 and 2031. The Board of Supervisors approved resolutions authorizing the original issuance of the applicable General Obligation Bonds in the principal amount of \$57.8 million with interest rates of 4%-5%. A minimum 2% net present value savings is required in accordance with the County financial regulations. Current market conditions indicate the opportunity for total net present value savings of 4% - 8.5% and annual debt service savings of up to \$100,000. This is an estimate until the final pricing. The tentative bond sale is March 4-5, 2015. The resolution outlines the parameters for issuance of the refunding bonds, including a maximum true interest cost of 4%.

Recommended Action:

Motion to approve the Resolution to refund County General Obligation Bonds (Series 2006, Series 2009 and Series 2011) not to exceed \$30 million, and authorize the County Administrator to take all actions necessary to proceed with the issue of the refunding bonds and administration of all matters related to the bonds, including execution of all necessary documents.

IV. C. Request for Adoption of Proclamation – Dana Nelson, Operation Hope; Mechanicsville Magisterial District

Board Sheet Background:

Upon the request of the Parks and Recreation Advisory Commission, a proclamation for Board of Supervisors consideration has been created expressing appreciation to Mr. Dana Nelson, Founder of Operation Hope, for his generous contributions to the youth of Hanover County.

Mr. Nelson, along with Ms. Katie Stillwell, established Operation Hope in 2004 with the mission to raise funds for the purchase and installation of all-inclusive, accessible playgrounds to be located in various Hanover County parks. These playgrounds were designed to accommodate all children, regardless of physical limitations. Mr. Nelson's work has resulted in the donation and installation of three all-inclusive, accessible playgrounds at Pole Green Park, Poor Farm Park and, most recently, Courthouse Park. The estimated value of all playground equipment donated and installed is approximately \$500,000.

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Mr. Nelson's vision, generosity and caring of the youth of Hanover County will have a positive impact for future generations of children.

The Hanover County Parks and Recreation Advisory Commission endorsed approval of this proclamation at their January 26, 2015 meeting.

Recommended Action:

A motion to adopt proclamation.

PROCLAMATION

WHEREAS it is the mission of the Hanover County Parks and Recreation Department to promote, advocate, and provide the highest quality park and recreational resources and leisure services; and

WHEREAS Operation Hope was established in 2004 by Dana Nelson and Katie Stillwell, recognizing the need of many children in our area to have an accessible play area that they could share with their friends and interact with other children; and

WHEREAS Dana Nelson has for more than 30 years provided leadership, scholarship and stewardship in our community; unselfish personal investment in the education of future leaders; professional counsel to others based on his life experiences; spiritual health and wholeness to others in all walks and stages of life; and

WHEREAS Dana Nelson in true characteristic of a servant-leader is responsible for serving the needs of others, creates a greater sense of community among people, builds collaborative unions, achieves positive results with humility and recognition of others; and

WHEREAS Dana Nelson approached the Hanover County Department of Parks and Recreation with a vision to create multiple accessible play areas within County parks and worked tirelessly within the community soliciting funds, recruiting volunteers and educating others of the diverse needs of Hanover County youth; and

WHEREAS Dana Nelson and Operation Hope were responsible for the donation and installation of three all-inclusive, accessible playgrounds at Pole Green Park, Poor Farm Park and Courthouse Park; and

WHEREAS Dana Nelson and Operation Hope's donation and installation of playgrounds to Hanover County was valued at approximately \$500,000 and has brought years of laughter and joy to the many children, parents and friends utilizing this equipment; and

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NOW, THEREFORE, BE IT RESOLVED that the Hanover County Board of Supervisors hereby expresses heartfelt appreciation to Dana Nelson for his vision, generosity, and caring of the youth of Hanover County so that future generations of children may play, learn and experience the joys of childhood together.

On motion of Mr. Peterson, seconded by Mr. Via, members of the Board of Supervisors voted to adopt this Proclamation as follows:

	Vote:
Wayne T. Hazzard	Aye
Aubrey M. Stanley	Aye
Sean M. Davis	Aye
Angela Kelly-Wiecek	Aye
W. Canova Peterson	Aye
G. E. "Ed" Via, III	Aye
Elton J. Wade, Sr.	Aye

IV.-D. Request for Authorization to Advertise for a Public Hearing – Lease of County Property – Cellco Partnership d/b/a/ Verizon Wireless for use of Courthouse Park – GPIN 8810-41-8712 (Beaverdam Magisterial District)

Board Sheet Background:

The requested public hearing to be held on March 11, 2015, concerns a proposed agreement between the County and Cellco Partnership d/b/a/ Verizon Wireless to lease a 6' X 6' area, an adjacent light tower, and a 5,270 SF access easement at Courthouse Park, located at 7252 Courtland Farm Road, Hanover, Virginia, 23069, for the purpose of data communication enhancement. Through the proposed lease Cellco Partnership d/b/a/ Verizon Wireless hopes to expand data access to all portions of Courthouse Park, which would provide its customers increased service.

Key components of the proposed lease include:

- An initial term of five (5) years, at the yearly rental rate of \$2,500
- Automatic renewal thereafter for 4 additional five (5) year terms unless terminated by either party, with the rental rate increasing 15% with each renewal period
- At Verizon's expense, Verizon will maintain all equipment necessary for its operation at the leased Site
- The County will provide electrical service within the leased Site sufficient for Verizon to operate its communications facility

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- Verizon will indemnify and hold harmless the County, its officials, employees and agents from loss or injury from activities or conditions on the Site
- Either party can terminate the lease for any reason after 90 days written notice to the other party, or immediately for noncompliance with the lease

The County Attorney's Office has approved it as to form and the Parks and Recreation Department as to content.

Recommended Action:

A motion to authorize a Public Hearing on March 11, 2015, regarding the proposed Lease Agreement with Cellco Partnership d/b/a/ Verizon Wireless for the use of designated County property located at Courthouse Park.

V. Presentation to Sheriff's Office - DMV Highway Safety Award

Mr. Michael Nash, Law Enforcement Liaison, Virginia Department of Motor Vehicles, came forward to present two awards to the Sheriff's Office.

Click It or Ticket Mobilization

- Click It or Ticket: annual enforcement, media campaign
- Hanover Sheriff's Office's continued effort, year after year, sustains the annual Click It mobilization
- Awards remind us of hard work Hanover SO's deputies do on the front lines during the Click It campaigns and every day

Click It or Ticket Seat Belt Awards

- Based on reported seat belt rates for May 2014 Click It or Ticket Campaign
- Most Improved – largest increase in rate when compare pre- and post-surveys
- Highest Use – highest post-survey rate
- Agencies grouped by the number of sworn officers
- Compared to agencies of a similar size

Hanover SO's CIOT Results

- Pre-survey: 90% seat belt use rate
- Post-survey: 92% seat belt use rate
- 2-point increase = Most Improved Award
- 92% post belt rate = Highest Use Award

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Mr. Nash called Sheriff Hines and Sergeant Darby forward and presented the awards for Most Improved and Highest Use.

Sheriff Hines came forward and expressed his appreciation.

VI. Presentation on Video Streaming and Budget Transfer of Reserve for Contingencies – Board Room System Replacement and Video Services \$76,500

Mr. John A. Budesky, Deputy County Administrator, provided a summary of the research conducted on video services throughout the region and presented the efforts of the Rules Committee and its recommendations. On January 20, 2015 the Rules Committee met and recommended unanimously to bring the issue of streaming to the full Board with a recommendation to implement streaming and to approve Phase 2 (lighting, displays, and installation) of the Board Room improvements and the associated costs of video services.

Phase 1 of the Board Room System Replacement, which included replacing controllers (primary operational devices to manage the system) and the audio system (microphones and sound system), was approved on December 10, 2014 by the Board of Supervisors through a mid-year transfer from Reserve for Contingencies.

The budget transfer is being requested to cover the one-time costs of Phase 2 of the Board Room System Replacement, which includes the lighting system and display monitors (on dais and in lobby), and the one-time costs associated with video services for live streaming of Board meetings (cameras and associated expenses). The costs are:

Board Room Equipment

1. Lighting - \$27,500
2. Displays - \$12,500
3. Installation - \$14,000

Video Services

1. Cameras (3) - \$17,500
2. Hardware & Installation - \$5,000

Total: \$76,500

Next Steps

- Action by Board of Supervisors

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- Complete Board Room equipment update and replacement (Phase I Approved)
- Complete Installation of the Granicus Meeting Management Software (Funding Approved)
- Purchase and Install Phase 2 & Video Cameras
- Provide a phased in approach to assure consistent quality – Start with BOS in year one
- Stream Live and Rebroadcast – target early fall 2016
- Provide consideration for other options for streaming of meetings (Planning Commission, etc.)

Videos from other localities currently using Granicus were shown to the Board.

Following the presentation, Mr. Budesky and Mr. Kevin R. Nelson, Director of Information Technology, answered questions from Board members and offered clarification on quality, browser compatibility and ongoing operational expenses. It was noted that citizens who live in areas of the county without high speed internet access will be able to listen to audio recordings of the meetings. There was a discussion on the other options that were explored by the Rules Committee, the importance of having the streaming be reliable and the high level of citizen interest.

Mr. Via made a motion to implement Streaming Video for Hanover County and approve the Budget Transfer of Reserve for Contingencies for System Replacement and Video Services in the amount of \$76,500, seconded by Mr. Peterson.

	Vote:
Wayne T. Hazzard	Aye
Aubrey M. Stanley	Aye
Sean M. Davis	Aye
Angela Kelly-Wiecek	Aye
W. Canova Peterson	Aye
G. E. “Ed” Via, III	Aye
Elton J. Wade, Sr.	Aye

Motion approved.

VII. Presentation of Quarterly Financial Reports

Mrs. Kathy Seay, Director of Finance and Management Services, came forward and presented the operating results for the County’s General Fund, the Department of Public Utilities, and the School Division for the six months ending December 31, 2014 and a projection for the fiscal year ending June 30, 2015. The detailed statement of revenues, expenditures and changes in fund balance was explained.

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- Total year revenues are projected to be approximately \$208.4 million or approximately \$1.1 million higher than the appropriated budget.
- Total year expenditures and transfers are projected to be \$210.4 million or approximately \$6.1 million lower than the appropriated budget.
- The total projected operating balance is approximately \$7.2 million which is primarily planned for use in the FY16 County and School budgets.
- YTD revenues and YTD expenses are consistent with the results that we expect for this period and are consistent with the prior year. YTD operating revenues through December 31st totaled \$91.9 million. Approximately 44% of the total year expected revenues have been collected.
- YTD expenditures and transfers totaled \$103.4 million, or 47.8% of the appropriated budget.
- General property taxes increased from the prior year by approximately \$1.1 million as well as other revenue sources such as other local taxes (\$496,000), charges for services (\$161,000) and miscellaneous revenues (\$184,000). Revenue from the Commonwealth decreased by approximately \$300,000 due to the County's State Aid Reversion payment and net decreases in reimbursements for human services activities (CSA and CSB).

Mrs. Seay reported that FY15 revenues are projected to be approximately \$1.1 million or .6% higher than the appropriated budget.

- General property taxes are projected to be favorable to budget by approximately \$1.5 million. This includes an increase of approximately \$230,000 for machinery and tools tax, \$200,000 for merchant's capital, and \$1.0 million for personal property taxes.
- Other local taxes are projected to be approximately \$469,000 lower than budget due to a decrease in recordation tax of approximately \$400,000 and a decrease in communication sales tax of \$150,000, offset by an increase in lodging tax of \$90,000.

FY15 expenditures are projected to be approximately \$6.1 million or 2.8% less than the appropriated budget. The positive variance reflects estimated personnel savings of approximately \$1.4 million, operating expenditure savings of approximately \$1.2 million and estimated expenditure savings from the School Board of \$3.5 million.

Mrs. Seay detailed the statement of revenues, expenses and changes in net position for Public Utilities.

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The total balance in net position, excluding depreciation, is projected to increase by \$11.6 million which is \$3.7 million above budget.

- Projected revenues are expected to be \$29.9 million or approximately \$2.8 million higher than the appropriated of \$804,000 and an increase of \$1.5 million in donated assets. Donated assets, although not part of the appropriated budget, are included in total revenue. YTD revenues total \$13.7 million, approximately 50.6% of projected revenues.
- Total expenses for the year are projected to be \$18.3 million or approximately \$1 million lower than the appropriated budget. Other charges are projected to be \$650,000 below budget, half of which is attributed to lower power costs. Public Utilities also anticipates savings in Personnel costs and Contract services. Year to date expenses total \$8.4 million, approximately 43.8% of appropriated budget.

The detailed statement of revenues, expenditures and changes in fund balance for the School Division Operating Fund was explained.

- At this point in the year the School Division anticipates a positive variance to the local appropriation of approximately \$3.5 million that will be returned to the County's General Fund.
- FY15 expenditures, net of year-end encumbrances and reappropriations, are anticipated to be \$5 million less than the approved budget. The variance reflects savings in pupil transportation, operations and maintenance primarily in fuel and utilities. The instruction variance to budget reflects vacancy savings of salaries and benefits.

Following the quarterly report presentation, Mrs. Seay made note that the resolution adopted under the consent agenda will allow the County to go back to the market to improve the interest rates on up to \$30 million of existing debt. This is similar to refinancing personal debt but is categorized as a debt refunding. The bonds are part of the issues previously approved by the Board in 2006, 2009 and 2011. The current market conditions indicate the opportunity for the County to realize annual debt service savings of up to \$100,000. The potential net present value savings of 4%-8.5%. A minimum of 2% net present value savings is required in accordance with the County financial regulations. The bond sale is tentatively Mar. 4-5.

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VIII. Board of Supervisors Proposed Fiscal Year 2016 Initiatives

Mr. Rhu Harris, County Administrator, came forward and explained that every year at this time the Board discusses what initiatives it might have for the upcoming fiscal year. Mr. Harris made several proposals for FY16 and noted that all proposed initiatives will be supported in the County budget to be presented at the next meeting. The initiatives described were:

Begin construction of the new Courthouse facility

- The contract was awarded on January 30.
- The contractor is scheduled to mobilize on March 2, so the project is about two months ahead of schedule.
- If construction takes 18 months as expected, the building should be completed by the fall of 2016.

Conduct space needs study to determine the best uses for the old courts buildings

- Attention will be turned to a space needs study of the old courts buildings, which were built in the mid-1970s.
- Funding for this space study is available by the winning bid for the new courthouse coming in around \$2 million less than budgeted.
- Mosley Architects will be doing this study, similar to that done in 2006 when the new Courthouse was being planned.
- Similar to what was done in 2006 when the new Courthouse was being planned, Mosely will analyze the future space needs of departments in the Wickham Building, Wickham Annex, Old Clerk's Office and the Taylor Complex.
- The process is expected to start in the early spring.

Provide additional resources to meet Public Safety needs

- This initiative will be a major focus of the FY16 budget and five-year plan that will be presented to the Board at the next meeting.

Video streaming of Board meetings

- This will be another way that citizens in the County can stay informed of the Board's activities from the convenience of their own homes.

Support UCI Road World Championships bike race in September

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- This event is the “World Series of competitive bicycling’ and a major race will be held in Hanover on September 23.
- There will be Individual Time Trials for Elite Men.
- The bicyclists will begin at Kings Dominion and follow Rt. 301 south through Hanover except for a segment from Georgetown Road to Rural Point Road back to 301.
- Rt. 301, Georgetown and Rural Point will have to be closed for several hours that day, which will impact residents and businesses as well as travelers.
- UCI anticipates that thousands of spectators will line the roads that day – people all over the world will see Hanover County on their TV screens.
- The County Administrator’s proposed budget will include \$180,000 in support for the race.

Following a video on the upcoming bike event, Mr. Harris answered questions from Board members. He detailed efforts being made by the County to involve area businesses as well as the efforts being made by the Sheriff’s Office with regard to public safety and traffic management.

IX. Legislative Agenda Update

Mr. Dennis Walter, Senior Assistant County Attorney, came forward to present the Hanover County Legislative Agenda update. He provided an update on the bills relating to industrial wastes, local fiscal impacts, elections, Capital Region Airport Commission charges as well as bills regarding public safety.

Mr. Walter updated the Board on the request for a State Budget Amendment to add reimbursement for one-half of the cost of proposed construction of additional bed space at Pamunkey Regional Jail.

Updates were also provided on the following: House Appropriations subcommittee on General Government and Capital Outlay, bills related to Schools, bills related to Conflicts and a number of other bills.

Remaining schedule – 2015 Session

- Thursday, February 12 – House of Delegates and Senate to complete work on House and Senate budget bills
- Wednesday, February 18 – work done on budget bills and conferees appointed
- Monday, February 23 – last day for committees to take action on non-budget bills

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- Saturday, February 28 – last day of 2015 Session

There was discussion and Mr. Walter offered clarification about the specifics and/or potential impacts of several of the bills. Mr. Rives addressed the Board and provided an update on the bills relating to Voting Primary Dates.

X. Recess

The Chairman recessed the meeting at 3:34 p.m.

The meeting was reconvened at 7:00 p.m.

XI. Citizens' Time

The Chairman opened citizens' time and offered to anyone who wanted to address the Board of Supervisors for up to five minutes on any matter within the scope of the Board's authority that is not on the agenda for that meeting to come forward.

Dr. Michelle Schmitt, Chickahominy Magisterial District, came forward and spoke on behalf of Friends of Hanover Schools on the matter of the budget submitted by the Schools. Dr. Schmitt cited figures supporting increases in the school budget.

Seeing no others come forward, citizens' time was closed.

XII. Presentation of Proclamation – Kay Beazley

Mr. Davis called Ms. Kay Beazley forward and presented her with a Proclamation recognizing her thirty-four (34) years of service to the Hanover community and surrounding area as Postmaster of the Studley Post Office in the Henry Magisterial District.

PUBLIC HEARINGS

XIII. Public Hearing –Ordinance 14-05, Amending Hanover County Animal Code

Mr. Sterling Rives, County Attorney, presented this Ordinance to the Board. He explained that over the past six 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

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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).

Mr. Rives noted that the title of Section 4-19 needs to be changed to read: “Confinement of animals which bite a person or are bitten by a wild animal”.

Following the presentation, Board members discussed and Mr. Rives offered clarification on the specifics and/or potential impacts of several of the provisions in the Ordinance, including, surety bonds, ten day confinement periods and liability insurance requirement amounts.

The Chairman opened the public hearing and asked that anyone who wished to speak for or against the matter come forward. Seeing none, he closed the public hearing.

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.

As used in this chapter, the following 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.

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.

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

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, 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. 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) 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 barbers companion animals. The following shall not be considered dealers:

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- (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 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: (i) has a right of property in an animal; (ii) keeps or harbors an animal; (iii) has an animal in his care; or (iv) acts as a custodian of an animal.

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.

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Releasing agency: A 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 and not 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 and not under its owner'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.

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 that has: (i) killed a person; (ii) inflicted serious injury to a person; or (iii) continued to exhibit the behavior that resulted in a previous finding by a court or, on or before July 1, 2006, by an animal control officer, 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,

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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.

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.

(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 that is cremated or buried the actual cost of the cremation or burial 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.

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(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.

The owner of any companion animal 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 his cost for this service.

Sec. 4-7. Cruelty to animals prohibited.

(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, 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 sores 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 act. to be done by another, is guilty of a class 1 misdemeanor.

(b) 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 sores 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

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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) This section shall not prohibit authorized wildlife management activities, hunting, fishing or trapping, 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.

(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, 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

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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.

(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 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 § 3.2-6503.

(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.

(a) 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.

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(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. 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.

(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.

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(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.

(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 that has potentially exposed 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 animals which bite a person or are bitten by a wild animal.

(a) Upon information to the animal control officer that a companion animal 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 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 companion animal, provided that the person who owns or controls such 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 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 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.

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(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.

(a) Any dog or cat found within the county showing active signs of rabies or suspected of having rabies that is not known to have exposed a person, companion animal, or livestock to rabies shall be confined under competent observation for such time as may be necessary to determine a diagnosis. 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.

(a) Any dog or cat for which no proof of current rabies vaccination is available and that may have been exposed to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, by an animal suspected to be rabid, shall be isolated in a public animal shelter, kennel or enclosure approved by the 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

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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 forty-five (45) days.

Sec. 4-22. Impoundment of unvaccinated dogs and cats.

(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 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 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 §3.2-6546.

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.

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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 § 3.2-6552.

Violations of this section shall constitute a class 1 misdemeanor.

Sec. 4-25. Emergency declaration of quarantine.

When there is sufficient reason to believe that the risk of exposure to rabies is elevated, the board of supervisors may enact, and the local health director may recommend, an emergency ordinance 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 public animal shelter.

The board of supervisors shall maintain or cause to be maintained a public animal shelter for the confinement of animals impounded, in accordance with the requirements of Virginia Code §3.2-6546, as amended.

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.

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Sec. 4-33. Disposition of unredeemed animals.

(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 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 3.2-6546. Upon the adoption of such animal, the new owner shall pay the amount of the required license fee, the cost of any vaccinations, and the cost of sterilization of the animal if sterilization was provided by the county. The new owner 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.

(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 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 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 animal shelter and the animal may be humanly destroyed or disposed of in accordance with Virginia Code section 3.2-6546.

Sec. 4-34. Impoundment required when unlawfully running at large.

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 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.

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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.

(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 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 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 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 with the exception of the Hanover County 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.

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Sec. 4-59. Taxes imposed.

(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 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.

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.

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(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.

(a) No license tag shall be issued for any dog pursuant to section 4-59(a)(1) unless there is presented to the treasurer satisfactory evidence that such dog has been inoculated or vaccinated against rabies 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. 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 to the treasurer satisfactory evidence that such dog has been inoculated or vaccinated against rabies 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. 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.

(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.

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(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, the date of payment, the period for which the license is issued, the serial number of the tag, and whether male 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.

(a) A dog license tag shall be securely fastened to a substantial collar by the owner of the dog and worn by such dog. It shall be unlawful for the owner 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 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, 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 shall at once apply to the county treasurer for a duplicate license tag, presenting the original license receipt. Upon affidavit of the owner 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 shall immediately affix to the collar of the

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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. Dogs killing, injuring or chasing livestock or poultry.

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

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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

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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.

(a) Any law enforcement officer or animal control officer who has reason to believe that a canine or canine crossbreed within the county is a dangerous dog shall apply to a magistrate in the county for the issuance of a summons requiring the owner, 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. 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 can confine the animal in a manner that protects the public safety, he may permit the owner 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 of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of this Section. 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;

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- (2) Committing, at the time, a willful trespass upon the premises occupied by the animal's owner; 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 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 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 dangerous dog registration certificates obtained pursuant to this section shall be updated and renewed annually for a fee of \$85 and in the same manner as the initial certificate was obtained. The animal control officer shall post the dangerous dog registration 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) that the animal has been neutered or spayed, and (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 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 electronic

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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. 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 section.

(g) The owner shall 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) Chip identification information;
- (6) Proof of insurance or surety bond; and
- (7) The death of the dog.

(h) After an animal has been found 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 of a canine or canine crossbreed or other animal is guilty of a:

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- (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 property, or when the animal is a police dog that is engaged in the performance of its duties at the time of the attack.

(j) The owner of any animal 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 produce 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 from 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 section and fees due to the State Veterinarian for maintenance of the Virginia Dangerous Dog Registry, shall be paid into a special

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dedicated fund in the treasury of the county for the purpose of paying the expenses of any training course required under Virginia Code § 3.2-6556.

Sec. 4-76. Vicious dogs.

(a) Any law enforcement officer or animal control officer who has reason to believe that a canine or canine crossbreed within the county is a vicious dog shall apply to a magistrate in the county for the issuance of a summons requiring the owner, 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 vicious. The animal control officer shall 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 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 § 3.2-6562. 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;
- (2) Committing, at the time, a willful trespass upon the premises occupied by the animal's owner; 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.

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No police dog 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 property shall be found to be a vicious dog.

Sec. 4-77. Violations and enforcement of article provisions.

(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 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, 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 companion, wild or exotic animals to prevent them from becoming a public nuisance. Behavior by a companion, wild or exotic animal that renders such animal a public nuisance shall include the following if the animal exhibits the behavior on two (2) or more occasions:

- (1) Chasing, threatening or harassing vehicles, bicyclists 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.

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(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.

(3) Biting a person so as to cause physical injury 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 agricultural, companion, wild or exotic animal, unless such agricultural, companion, wild or exotic animal is trespassing upon the property of the animal's owner.

(5) Trespassing upon school grounds or public parks or playgrounds.

(6) Damaging real or personal property of a person other than the animal's owner.

(7) Overturning trash containers and scattering trash on any property not owned or controlled by the animal's owner.

(8) Running at large after the animal's owner has been convicted of allowing the animal to run at large, pursuant to Hanover County Code section 4-74.

(b) Any person owning or having in his possession or under his control any companion, wild or exotic animal suspected of constituting a public nuisance may be summoned before the Hanover County General District Court to determine whether the animal constitutes a public nuisance and, if so, whether the animal should be confined or the nuisance otherwise abated.

(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, when a summons is issued the animal control officer deems confinement in the public animal shelter necessary to prevent a reoccurrence of the nuisance, the animal control may immediately confine the animal in the County's public animal shelter, and the owner shall be responsible for the impoundment fees. If the animal control officer determines that confinement is unnecessary, the animal shall be confined at the home of the owner during the pendency of the case.

(d) Upon proof that the companion, wild or exotic animal constitutes a public nuisance, the animal shall be confined or the nuisance shall be otherwise abated, as 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 of such animal. It shall be unlawful and shall constitute contempt of court for any person to harbor or

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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.

(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 Virginia Department of Game and Inland 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.

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- (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 one hundred thousand dollars (\$100,000.00) which covers incidents or occurrences involving the vicious animal.

The permit shall be nontransferable and subject to such conditions as are deemed necessary to ensure 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

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authorize the applicant to keep only those 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

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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 euthanize the animal(s), if the circumstances warrant.

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

ARTICLE IV. REPTILES

Sec. 4-94. Keeping of reptiles; penalty.

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, to keep the reptile in any manner that will 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.

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.

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

(1) The animal has already been sterilized; or

(2) The individual adopting the animal signs an agreement to have the animal sterilized by a licensed veterinarian: (i) within thirty (30) days of the adoption if the animal is sexually mature; or (ii) within thirty (30) days after the animal reaches six (6) months of age, if the animal is not sexually mature at the time of adoption.

(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.

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(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.

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 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.

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 of the animal's disappearance or death.

Sec. 4-100. Exemptions to mandatory sterilization.

The provisions for mandatory sterilization shall not apply to:

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

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

Sec. 4-101. Penalties.

(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.

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On motion of Mr. Via, seconded by Mr. Wade, the members of the Board of Supervisors voted 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.

	Vote:
Wayne T. Hazzard	Aye
Aubrey M. Stanley	Aye
Sean M. Davis	Aye
Angela Kelly-Wiecek	Aye
W. Canova Peterson	Aye
G. E. "Ed" Via, III	Aye
Elton J. Wade, Sr.	Aye

XIV. Public Hearing – Ordinance 14-13, Amending Hanover County Code, Chapter 15, Article III, Regulation of Parking

Mr. Scott Miller, Treasurer, came forward to present this Ordinance to the Board. Mr. Miller detailed the reason for the requested increase in the time for payment of parking tickets from five (5) to thirty (30) days. Additional amendments are also proposed to clarify the procedure for billing and issuing a summons for parking violations, and to reorganize Article III into a more logical format.

Following the presentation, there was discussion and Mr. Miller offered clarification regarding the content and wording of letters sent from the Treasurer's Office to citizens.

The Chairman opened the public hearing and asked that anyone who wished to speak for or against the matter come forward. Seeing none, he closed the public hearing.

ORDINANCE 14-13

AN ORDINANCE AMENDING HANOVER COUNTY CODE, CHAPTER 15, ARTICLE III, REGULATION OF PARKING, TO EXTEND THE TIME ALLOWED FOR VOLUNTARY PREPAYMENT OF A PARKING CITATION FROM 5 TO 30 DAYS FOR PAYMENT IN PERSON AND FROM 48 HOURS TO 30 DAYS FOR PAYMENT BY MAIL, AND TO CLARIFY THE DIFFERENT PARKING VIOLATIONS AND THE PROCEDURE FOR WAIVER AND VOLUNTARY PREPAYMENT OF A FINE, CONTESTING A VIOLATION, AND ISSUING A SUMMONS FOR NONPAYMENT

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WHEREAS Virginia Code § 46.2-1220 authorizes the governing body of any county to provide by ordinance for the regulation of parking of vehicles within its limits and to designate an official of the local government to administer the provisions of the ordinance;

WHEREAS Virginia Code § 46.2-1221 authorizes the governing body of any county to provide by ordinance for the regulation of parking on county-owned or leased property and to prohibit parking within fifteen feet of any fire hydrant or in any way obstructing a fire hydrant;

WHEREAS Virginia Code § 46.2-1219 authorizes the governing body of any county to regulate by ordinance the parking of vehicles on parking lots which are open to the public and designed to accommodate fifty or more vehicles;

WHEREAS Virginia Code § 46.2-1242 authorizes the governing body of any county to provide by ordinance that it shall be unlawful for a vehicle not displaying disabled parking plates or placards to park in a parking space reserved for persons with disabilities and to assess a penalty of not less than \$100 nor more than \$500 for this violation;

WHEREAS Virginia Code § 46.2-1225 mandates that any county ordinance regulating parking require that the local administrative official or officials shall cause complaints, summons, or warrants to be issued for delinquent parking citations and Virginia Code § 46.2-941 sets forth conditions precedent to issuance of a summons for violation of a parking ordinance; and

WHEREAS Virginia Code § 46.2-1246 allows the owner of a parking space designated and clearly marked as reserved for persons with disabilities to have any vehicle not displaying disabled parking plates or placards removed from the parking space and stored;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County:

1. That the Hanover County Code, Chapter 15, Article III, Regulation of Parking, shall be amended to read in its entirety as follows:

ARTICLE III. REGULATION OF PARKING

Sec. 15-41. Parking on county owned or leased property.

(a) The county administrator is authorized to direct the installation of appropriate signage and/or pavement markings for the regulation of the parking of vehicles upon property owned or leased by the county, to classify vehicles with reference to parking and to designate the time, place and manner in which such vehicles may be parked.

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- (b) It shall be unlawful for any person to park any vehicle in violation of the signage and/or pavement markings on county owned or leased property pursuant to subsection (a) of this section.
- (c) A violation of this section shall be punishable by a fine of fifty dollars (\$50.00).
- (d) Any person receiving a citation for violation of this section may waive the right to trial upon voluntary payment of twenty five dollars (\$25.00) pursuant to section 15-44 of this article.
- (e) A summons or citation for violation of this section may be issued by authorized personnel of the county sheriff's office.
- (f) The county administrator, or his designee, as agent of the board of supervisors, shall have the authority to have any vehicle not displaying disabled parking license plates, organizational removable windshield placards, permanent removable windshield placards, temporary removable windshield placards, or DV disabled parking license plates removed from any parking space designated and marked for parking by disabled persons upon property owned or leased by the county and stored. The owner of a vehicle which is removed and stored may regain possession of the vehicle upon payment to the person or persons who removed and stored the vehicle of all reasonable costs incidental to removal and storage.

Sec. 15-42. Parking in spaces reserved for the handicapped.

- (a) It shall be unlawful for a vehicle not displaying disabled parking license plates, an organizational removable windshield placard, a permanent removable windshield placard, a temporary removable windshield placard issued under Virginia Code § 46.2-1241 or DV disabled parking license plates issued under subsection B of Virginia Code § 46.2-739 to be parked in a parking space reserved for persons with disabilities or for a person who is not limited or impaired in his ability to walk to park a vehicle in a parking space so designated except when transporting a person with such a disability in the vehicle.
- (b) A violation of this section shall be punishable by a fine of one hundred fifty dollars (\$150.00).
- (c) Any person receiving a citation for violation of this section may waive the right to trial upon voluntary payment of one hundred dollars (\$100.00) pursuant to section 15-44 of this article.
- (d) A summons or citation for violation of this section may be issued by authorized personnel of the county sheriff's office.

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Sec. 15-43. Parking in certain fire lanes.

- (a) It shall be unlawful for a person to park a vehicle within a fire lane designated by the county fire marshal and marked as such, on any parking lot open to the public designed to accommodate fifty (50) or more vehicles.
- (b) A violation of this section shall be punishable by a fine of one hundred fifty dollars (\$150.00).
- (c) Any person receiving a citation for violation of this section may waive his right to trial upon voluntary payment of one hundred dollars (\$100.00) pursuant to section 15-44 of this article.
- (d) A summons or citation for violation of this section may be issued by authorized personnel of the county sheriff's office or authorized personnel of the county Fire-EMS department.

Sec. 15-44. Waiver and voluntary payment of fine; contest of citation.

- (a) Any person receiving a citation that he has violated section 15-41, 15-42, or 15-43 may waive his right to appear and be tried for the offense set forth in the citation. Such waiver shall be effective upon voluntary payment of the amount specified in the citation to the county treasurer's office, within thirty (30) days from the date written on the citation, or upon voluntarily placing the amount specified in the citation in the reply mail envelope on which the citation is printed and mailing it to the county treasurer's office, so that it is postmarked within thirty (30) days from the date written on the citation. Such person shall not thereafter be required to appear before the general district court for trial upon the charge set forth in the citation. Uncontested payment of parking citation penalties shall be collected and accounted for by the county treasurer's office.
- (b) Any person who wishes to contest the charged violation must appear in person before the Clerk of the Hanover County General District Court within thirty (30) days from the date written on the citation to have his case placed on the court docket for a hearing. The contest by any person of any parking citation shall be certified on an appropriate form to the Hanover County General District Court.

Sec. 15-45. Issuance of summons or complaint.

- (a) The county treasurer shall issue a notice of failure to pay for any parking citations not either voluntarily paid or contested within thirty (30) days from the date written on the citation pursuant to section 15-44. The notice shall be mailed to the violator's last known address or the address shown for such violator on the records of the Department of Motor Vehicles, and shall notify the violator that in order to avoid a summons he must pay the fine provided by law for such violation

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within five (5) business days of receipt of such notice. The notice to the violator required by this section shall be contained in an envelope bearing the words "Law-Enforcement Notice" stamped or printed in all capital letters, bold face type, no smaller than the print type size used for the primary address on the envelope. If window envelopes are used, the words "Law-Enforcement Notice" shall be clearly visible through the window of the envelope.

- (b) Upon the violator's failure to pay the parking citation within the five (5) business days from receipt of the notice issued pursuant to subsection (a) of this section, the county treasurer shall then cause a summons to be issued by the authorized person issuing the citation.
- (c) Every action to collect unpaid parking citation penalties imposed for violation of this article shall be commenced within three years of the date upon which such penalty became delinquent.

Sec. 15-46. Presumption in prosecution for violation.

In any prosecution for a violation of any parking ordinance contained in this article, proof that the vehicle described in the summons or parking citation was parked in violation of such ordinance, together with proof that the defendant was, at the time of such parking, the registered owner of the vehicle, as required by Chapter 6 (§ 46.2-600 et seq.) of Title 46.2 of the Code of Virginia, shall constitute in evidence a rebuttable presumption that such registered owner of the vehicle was the person who committed the violation.

Section 15-47. Administration of Ordinance

The county treasurer is authorized to administer the provisions of this ordinance.

Secs. 15-48—15-60. Reserved.

- 2. That this Ordinance shall be effective upon adoption.

On motion of Mrs. Kelly-Wiecek, seconded by Mr. Wade, the members of the Board of Supervisors voted to adopt Ordinance 14-13, Amending Hanover County Code, Chapter 15, Article III, Regulation of Parking as follows:

	Vote:
Wayne T. Hazzard	Aye
Aubrey M. Stanley	Aye
Sean M. Davis	Aye
Angela Kelly-Wiecek	Aye
W. Canova Peterson	Aye
G. E. "Ed" Via, III	Aye
Elton J. Wade, Sr.	Aye

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XV. Announcements

Mr. Peterson offered an invitation to visit the new lodge at Covenant Woods and attend the Community Forum that will be held there on February 17, 2015.

Mr. Wade announced that he will not be seeking reelection for another term on the Board of Supervisors.

XVI. Adjournment

At 7:37 p.m. the Chairman adjourned the meeting to February 25, 2015 – Hanover County Administration Building – 2:00 p.m.



Chairman