

Chapter 14

ANIMALS*

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*Cross references—Amusements and entertainments, ch. 10; businesses, ch. 22; environment, ch. 34; nuisances, § 34-71 et seq.; health and sanitation, ch. 42; traffic and vehicles, ch. 70; riding animal on sidewalk, § 70-4; zoning, app. A.

State law references—Comprehensive animal laws, Code of Virginia, § 3.1-796.66 et seq.; offenses involving animals, Code of Virginia, §§ 3.1-796.128, 18.2-403.1 et seq.; inoculation of cats against rabies, Code of Virginia, § 15.1-28.5; cruelty to animals, Code of Virginia, § 15.1-29.1:1; regulation of animals by municipalities, Code of Virginia, § 15.1-870; diseased animals, dead animals, etc., Code of Virginia, §§ 18.2-323, 18.2-510; hunting near public schools and public parks, Code of Virginia, § 29.1-527; estrays, Code of Virginia, § 55-202 et seq.

ARTICLE I. IN GENERAL**Sec. 14-1. Abandonment of animal; penalty.**

No person shall abandon any animal. Violation of this section is a class 3 misdemeanor. Nothing in this section shall be construed to prohibit the release of an animal by its owner to an animal shelter, pound, or humane society establishment. (Code 1980, § 4-1)

State law reference—Similar provisions, Code of Virginia, § 3.1-796.73.

Sec. 14-2. Keeping hogs, sheep or goats.

It shall be unlawful for any person to maintain or keep hogs, sheep or goats within the town. (Code 1980, § 4-2; Ord. of 12-8-97)

Sec. 14-3. Stock running at large.

It shall be unlawful for any person to permit any livestock to run at large or graze on or near any street or on any unenclosed property of the town.

(Code 1980, § 4-6)

State law references—Authority of town to regulate or prohibit the running at large of animals, Code of Virginia, § 15.1-870; estrays, Code of Virginia, § 55-202 et seq.

Sec. 14-4. Stabling or penning cows.

No person shall keep stabled or penned within the corporate limits of the town any cows or cattle, unless such pen or stable be more than 200 feet from the residence or place of business of any person other than the person keeping such cows or cattle, or unless the barn or pen in which cows or cattle are kept is provided with concrete floors which are flushed daily with water.

(Code 1980, § 4-7)

Sec. 14-5. Keeping chickens, ducks or other fowl.

It shall be unlawful for chickens, ducks or other fowl to be kept within the town. (Ord. of 10-13-97)

Secs. 14-6—14-35. Reserved.**ARTICLE II. DOGS*****Sec. 14-36. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Kennel means any establishment in which five or more canines, felines or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling or showing. (Code 1980, § 4-13)

Cross reference—Definitions generally, § 1-2.

Sec. 14-37. Joint program for enforcement of comprehensive animal laws.

(a) *Establishment.* Pursuant to and in compliance with Code of Virginia, § 3.1-796.66 et seq., known as the Comprehensive Animal Laws, and pursuant to the Code of Virginia, § 15.1-21, the town council enacts this section to administer a joint program regarding the ownership and licensing of dogs of resident owners or custodians who reside within the boundary limits of the town, in concurrence with ordinances enacted by the county, the Town of Burkeville, Virginia, and the Town of Blackstone, Virginia.

(b) *Duration; disposition of property upon termination of program.* This article providing for the joint administration on enforcement of the state animal laws shall remain in force and effect until repealed or modified by the town. Property contributed by a local jurisdiction shall revert to same upon termination of the joint program; property purchased with money from the joint dog fund account created hereunder shall be divided equally or sold and the proceeds divided equally between the participating local jurisdictions upon termination of this joint program.

(c) *Appointment of administrator; duties.* The county administrator is hereby designated and appointed administrator of this joint program to administer the state animal laws. The administrator is hereby directed to establish and maintain a budget for the financing of the joint pro-

*State law reference—Comprehensive animal laws, Code of Virginia, § 3.1-796.66 et seq.

gram. Such budget shall be presented for adoption by all of the participating local jurisdictions on or before January 1 of each calendar year. The administrator shall perform his duties in accordance with Code of Virginia, § 15.1-21. The administrator shall show in the budget all personal and real property proposed to be acquired to equip the animal wardens, the dog pound and to enforce the provisions of the state dog law and this article. No other personal or real property shall be acquired or held unless specifically approved by the vote of all of the governing bodies of the participating local jurisdictions. All checks drawn upon the dog fund created hereunder shall be signed by the administrator and countersigned by the county treasurer.

(d) *Appointment of dog warden.* The town shall appoint, in concurrence with the other local jurisdictions participating in this joint program, an officer to be known as the "dog warden" and such additional officers known as "deputy dog warden" to enforce the provisions of Code of Virginia, § 3.1-796.66 et seq., this concurrent section and all other laws of the state for the protection of domestic animals.

(Code 1980, §§ 4-8—4-11)

Cross reference—Administration, ch. 2.

Sec. 14-38. License taxes.

The amount of the annual license tax on each dog of resident owners or custodian who reside within the boundary limits of this town, shall be \$4.00 per year per dog. The tax for a kennel of 20 dogs shall be \$15.00 per year. The tax for a kennel of 50 dogs shall be \$25.00 per year. The fee for a duplicate tag shall be \$1.00. Licenses shall be issued for each calendar year, January 1 to December 31, inclusive. The license tax is payable as provided by the Code of Virginia, § 3.1-796.88.

(Code 1980, § 4-12)

Cross reference—Businesses, ch. 22.

Sec. 14-39. County treasurer to collect license taxes; creation of joint account; apportionment of surplus funds.

The town hereby designates and appoints the county treasurer to collect the license taxes for

the town. All the money collected for dog license taxes shall be made payable to the county treasurer and shall be kept by him in a special account designated the "Nottoway-Blackstone-Burkeville-Crewe Dog Fund." The funds in such account shall be expended pursuant to Code of Virginia, § 3.1-796.101, and section 14-37(c) as needed in the administration of this joint program; except, that any surplus remaining in such account on December 31 of any year shall be divided as follows: Town of Blackstone, 24 percent; Town of Burkeville, five percent; Town of Crewe, 13 percent; County of Nottoway, 58 percent.

(Code 1980, § 4-14)

Sec. 14-40. Placement of license tag on kennel; dogs at large.

The owner of a kennel shall securely fasten the identification plates provided to the kennel enclosure in full view and keep one of the license tags attached to the collar of each dog authorized to be kept enclosed in the kennel. Any license tag not so in use must be kept by the owner or custodian and promptly shown to any dog warden or other officer upon request. A kennel dog shall not be permitted to stray beyond the limits of the enclosure, but this shall not prohibit removing dogs therefrom temporarily while under the control of the owner or custodian for the purpose of exercising, hunting, breeding, trial or show.

(Code 1980, § 4-13)

Sec. 14-41. Treatment of person bitten by or exposed to rabid dogs; compensation for livestock and poultry killed by dogs.

The payments to be made pursuant to Code of Virginia, §§ 3.1-796.98 and 3.1-796.118 shall be made by the administrator of the dog fund account; provided, that the dog warden certifies to the administrator in writing that he has investigated the matter and believes the amount sought is proper. None of the requirements of Code of Virginia, § 3.1-796.118, is waived.

(Code 1980, § 4-15)

Sec. 14-42. Supplemental funds.

The supplements to the dog fund required by the Code of Virginia, § 3.1-796.102, shall be made as follows: Town of Blackstone, 24 percent; Town of Burkeville, five percent; Town of Crewe, 13 percent; County of Nottoway, 58 percent. (Code 1980, § 4-16)

Sec. 14-43. Dog pound.

The dog warden is directed to maintain a dog pound for the confinement of dogs pursuant to the provisions of the Code of Virginia, § 3.1-796.96. Funds for the maintenance of such dog pound shall be appropriated by the administrator of the dog fund account. (Code 1980, § 4-17)

Sec. 14-44. Dogs running at large.

Pursuant to Code of Virginia, § 3.1-796.93, as amended, it shall be unlawful for all or any category of dogs to run at large anywhere within the corporate limits of the town. For the purposes of this section, a dog shall be deemed to run at large while roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's control. Any person who permits his dog to run at large, or remain unconfined, unrestricted, or not penned up shall be deemed to have violated the provisions of this section and, thereby, to have committed a class 4 misdemeanor. (Code 1980, § 4-18; Ord. of 10-13-80, § 4-18)

Sec. 14-45. Female dog in season.

During the period of any female dog being in season (bitch in heat), the owner of such dog must confine the dog in an enclosure which does not permit her to escape. (Code 1980, § 4-19(a))

Sec. 14-46. Vicious dogs.

No person shall be permitted to keep on his premises, unconfined, unmuzzled or untied, any dog known to him to be a vicious dog, or permit such dog to run at large on the streets, or off his premises, even when muzzled, unless actually in charge of some responsible person. If in the exer-

cise of reasonable diligence and common prudence, the owner ought to have known a dog owned or kept by him was dangerously inclined and likely would, if unrestrained, inflict injury upon the person or property of another, then such dog shall be deemed to be vicious and such person shall be deemed to have violated the provisions of this article.

(Code 1980, § 4-19(b))

State law reference—Running at large of vicious dogs, Code of Virginia, § 3.1-796.100.

Sec. 14-47. Noisy or destructive dogs.

It shall be unlawful for any person to keep any dog which by habitual barking or howling shall disturb the quiet of any other person or which shall habitually damage or destroy the property of others.

(Code 1980, § 4-19(c))

Sec. 14-48. Prohibitions generally.

The following shall be unlawful:

- (1) *Diseased dog.* For the owner of any dog with a contagious or infectious disease to permit such dog to stray from his premises, if such disease is known to the owner.
- (2) *Removing collar and tag.* For any person, except the owner or custodian to remove a legally acquired license tag from a dog.
- (3) *Concealing a dog.* For any person to conceal or harbor any dog on which the license tax has not been paid or to conceal a mad dog to keep the same from being killed.
- (4) *License application.* For any person to make a false statement in order to secure a dog license to which he is not entitled.
- (5) *License tax.* For any dog owner to fail to pay the license tax required by this article when due for the year in which it is due. In addition, the General District Court may order that the dog be confiscated and the proper disposition of the dog.
- (6) *Dead dogs.* For any owner to fail to dispose of a dead dog in violation of Code of Virginia, § 3.1-796.121.

(7) *Rabid dogs.* For the resident owner or custodian to fail to have any dog four months old or older inoculated or vaccinated against rabies by a currently licensed veterinarian.

(8) *Display receipts; dogs to wear tags.* For the resident owner or custodian of a dog to fail to exhibit promptly on request for inspection by the dog warden or his deputy, a dog license receipt; or to permit any licensed dog to run or roam at large any time without a license tag except as permitted by Code of Virginia, § 3.1-796.92.

(Code 1980, § 4-19(d)—(k))

Sec. 14-49. Violation; penalty.

Any violation of this article shall be a class 4 misdemeanor and shall be enforced by proceedings before a judge of the General District Court in like manner and with the right of appeal.

(Code 1980, § 4-19)

Chapters 15—17

RESERVED