

CHAPTER 5. ANIMALS.

Article I. In General.

§ 5-1. Lawful fences.

Article II. Licensing of Dogs.

- § 5-11. Unlicensed dogs prohibited.
- § 5-12. Evidence showing inoculation for rabies prerequisite to obtaining dog license.
- § 5-13. How to obtain license.
- § 5-14. Amount of license tax.
- § 5-15. When license tax payable.
- § 5-16. Effect of dog not bearing tag as evidence.
- § 5-17. What dog license shall consist of.
- § 5-18. Duplicate license tags.
- § 5-19. Displaying receipts; dogs to wear tags.
- § 5-20. Payment of license tax subsequent to summons.

Article III. Control of Dogs.

- § 5-21. Running at large defined.
- § 5-22. Dogs prohibited from running at large.
- § 5-23. Dogs not inoculated prohibited from running at large.
- § 5-24. Destructive dogs prohibited from running at large.
- § 5-24.1 Control of dangerous and vicious dogs.
- § 5-25. Impoundment.
- § 5-26. Records.
- § 5-27. Dogs killing other domestic animals other than livestock or poultry.

Article IV. Compensation for Livestock and Poultry Killed by Dogs.

- § 5-31. Compensation provided.
- § 5-32. Requirements for compensation.
- § 5-33. Subrogation.
- § 5-34. Penalty for false claim.

Article V. Diseased and Deceased Fowl.

- § 5-41. Importation of diseased fowl and carcasses of diseased fowl prohibited.
- § 5-42. Disposal of diseased fowl off-site prohibited.

Article VI. Enforcement.

- § 5-51. Penalties.
- § 5-52. Power to issue summons.
- § 5-53. Issuance and service of summons in place of warrant.
- § 5-54. Violation of chapter; notice.

Article VII. Coyotes.

- § 5-61. Killing of coyotes.
- § 5-62. Payment of bounty for coyotes.
- § 5-63. Penalty for false claims.

CHAPTER 5. ANIMALS.

Article I. In General.

§ 5-1. Lawful fences.

The boundary line of each lot or tract of land and any stream in the county shall be a lawful fence as to any livestock domesticated by man. (3/28/67)

State law reference--Virginia Code § 55-310.

Sections 5-2 through 5-10 reserved.

Article II. Licensing of Dogs.

§ 5-11. Unlicensed dogs prohibited.

It shall be unlawful for any person to own a dog four months old or older in the county unless such dog is licensed as required by the provisions of this article. (Ords.6-13-62; 9-13-72; 11-28-72)

State law reference--Virginia Code §§ 3.2-6524 and 3.2-6543.

§ 5-12. Evidence showing inoculation for rabies prerequisite to obtaining dog license.

No license tag shall be issued for any dog unless there is presented, to the treasurer or other duly authorized issuing agency, evidence satisfactory to him showing that such dog has been inoculated or vaccinated against rabies by a currently licensed veterinarian.

State law reference--Virginia Code §§ 3.2-6529.

§ 5-13. How to obtain license.

A. Any person may obtain a dog license by making oral or written application to the treasurer of the county, accompanied by the amount of the license tax and current certificate of vaccination as required by this article.

B. Upon receipt of proper application and current certificate of vaccination as required by this article, the treasurer or other officer charged with the duty of issuing dog licenses shall issue a license receipt for the amount on which he shall record the name and address of the owner or custodian, the date of payment, the year or years for which issued and the serial number of the tag, and deliver the metal license tags or plates provided for in this article.

C. The treasurer may establish substations in convenient locations in the county and appoint agents for the collection of the license tax and issuance of such licenses. (6/13/62)

State law reference--Virginia Code §§ 3.2-6527.

§ 5-14. Amount of license tax.

A. There is hereby imposed a license tax on the ownership of dogs within the county, unless otherwise exempted by law.

B. The annual license tax on a fertile dog not in a licensed kennel shall be Ten Dollars (\$10.00). A multi-year license tax that runs concurrently with the dog's rabies vaccination effective period shall be Twenty-five Dollars (\$25.00).

C. The annual license tax on a neutered or infertile dog shall be Six Dollars (\$6.00). A multi-year license tax that runs concurrently with the dog's rabies vaccination effective period shall be Fifteen Dollars (\$15.00). Any person who applies for a license tag for a neutered or infertile dog shall present at the time of application certification from a licensed veterinarian attesting the neutering or infertility of the dog. If such certification is not so presented, the dog shall be taxed the fee levied on fertile dogs.

D. The tax for each kennel shall be calculated at the rate of fifty Dollars (\$50.00) for each block of up to twenty dogs.

E. For purposes of this chapter, "kennel" means an enclosure with five or more dogs.

(Ords. 6/13/62; 9/13/72; 11/28/72; 5/5/92; 9/23/09; 3/10/10, eff. 1/10/10)

State law reference--Virginia Code §§ 3.2-6528.

§ 5-15. When license tax payable.

A. On January 1 and not later than January 31 of each year a license tax is due, the owner of any dog four months old or older shall pay a license tax as prescribed in section 5-14 of this article.

B. If a dog becomes four months of age or comes into the possession of any person between January 1 and November 1 of any year, the license tax for the current calendar year shall be paid by the owner.

C. If a dog becomes four months of age or comes into the possession of any person between October 31 and December 31 of any year, the license tax for the succeeding calendar year shall be paid by the owner and this license shall be valid from the date the license is purchased. (Ord. 6/13/62)

State law reference--Virginia Code §§ 3.2-6530.

§ 5-16. Effect of dog not bearing tag as evidence.

Any dog not wearing a collar bearing a license tag of the proper calendar year shall prima facie be deemed to be unlicensed, and in any proceedings under this article the burden of proof of the fact that such dog has been licensed, or is otherwise not required to bear a tag at the time, shall be on the owner of the dog.

State law reference--Virginia Code §§ 3.2-6533.

§ 5-17. Of what dog license shall consist.

A. A dog license shall consist of a license receipt and a metal tag. The tag shall be stamped or otherwise permanently marked to show that the county issued the license and bear a serial number.

B. A kennel license shall consist of a license receipt which shall show that the county issued the license, shall show the number of dogs authorized to be kept under such license, and shall bear a serial number. It shall also consist of metal tags for the individual dogs, each of which shall be stamped or otherwise permanently marked to show that the county issued the license and bear a serial number. (6/13/62)

State law reference--Virginia Code §§ 3.2-6526.

§ 5-18. Duplicate license tags.

If a dog license tag shall become lost, destroyed or stolen, the owner or custodian shall at once apply to the treasurer or his agent who issued the original license for a duplicate license tag, presenting the original license receipt. Upon affidavit of the owner or custodian before the treasurer or his agent that the original license tag has been lost, destroyed or stolen, he shall issue a duplicate license tag which the owner or custodian shall immediately affix to the collar of the dog. The treasurer or his agent shall endorse the number of the duplicate and the date issued on the face of the original license receipt. The fee for a duplicate tag for any dog shall be one dollar. (Ords. 6/13/62; 9/13/72)

State law reference--Virginia Code §§ 3.2-6532.

§ 5-19. Displaying receipts; dogs to wear tags.

A. Dog and kennel license receipts shall be carefully preserved by the licensees and exhibited promptly on request for inspection by any animal warden or other officer.

B. Dog license tags shall be securely fastened to a substantial collar by the owner or custodian and worn by the licensed dog.

C. It shall be unlawful for the owner to permit any licensed dog four months old or older to run or roam at large at any time without a license tag.

D. The owner or custodian of the dog may remove the collar and license tag required by this section when (i) the dog is engaged in lawful hunting, (ii) the dog is competing in a dog show, (iii) the dog has a skin condition which would be exacerbated by the wearing of a collar, (iv) the dog is confined, or (v) the dog is under the immediate control of the owner or custodian.

E. 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 immediate control of the owner or custodian. (Ord. 6/13/62)

State law reference--Virginia Code §§ 3.2-6531.

§ 5-20. Payment of license tax subsequent to summons.

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

State law reference--Virginia Code §§ 3.2-6536.

Article III. Control of Dogs.

§ 5-21. Running at large defined.

A. 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 immediate control.

B. A dog shall not be deemed under its owner's or custodian's immediate control unless it is under restraint.

A dog under restraint shall mean any dog (i) secured by a leash or lead, (ii) under the control of a responsible person and obedient to that person's commands, (iii) within the real property limits of its owner or other person consenting to its presence, or (iv) restrained as a hunting dog as provided by state law. (Ord. 9/26/78)

State law reference--Virginia Code § 3.2-6538.

§ 5-22. Dogs prohibited from running at large.

It shall be unlawful for any dog to run at large at any time anywhere in the county. Any person who permits his dog to run at large shall be deemed to have violated the provisions of this section. (Ord. 9/26/78)

State law reference--Virginia Code §§ 3.2-6538.

§ 5-23. Dogs not inoculated prohibited from running at large.

It shall be unlawful for any dog which has not been inoculated or vaccinated against rabies to run at large at any time anywhere in the county. A dog shall be deemed not inoculated if its owner or custodian cannot produce proof of current rabies vaccination. Any person who permits his dog which is not inoculated to run at large shall be deemed to have violated the provisions of this section.

State law reference--Virginia Code § 3.2-6522.

§ 5-24. Destructive dogs prohibited from running at large.

It shall be unlawful for any destructive dog to run at large at any time anywhere in the county. For the purpose of this article, a dog shall be deemed destructive if it (i) has bitten a person, (ii) is of proven bad temper, (iii) has killed or injured a domestic pet, livestock or domestic fowl, or (iv) has damaged or destroyed personal property or real estate not belonging to its owner or custodian, and against which a complaint has been filed on an appropriate form supplied by the animal warden. A destructive dog shall not be considered under restraint unless it is properly muzzled so as to prevent it from biting any person, domestic pet, livestock or fowl.

Any person who permits his destructive dog to run at large shall be deemed to have violated the provisions of this section. (Ords. 3/13/68; 10/23/02)

State law reference--Virginia Code § 3.2-6525.

§ 5-24.1. Control of dangerous and vicious dogs.

A. If a canine or canine crossbreed previously declared a dangerous dog pursuant to Virginia Code § 3.1-796.93:1, 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, the owner or custodian of such canine or canine crossbreed shall be guilty of a Class 2 misdemeanor.

B. If a canine or canine crossbreed previously declared a dangerous dog pursuant to Virginia Code § 3.1-796.93:1, when such declaration arose out of a separate and distinct incident, bites a human being or attacks a human being causing bodily injury, the owner or custodian of such canine or canine crossbreed shall be guilty of a Class 1 misdemeanor.

C. If the owner of any canine or canine crossbreed declared a dangerous dog pursuant to Virginia Code § 3.1-796.93:1 willfully fails to comply with the requirements imposed as a result of such declaration shall be guilty of a Class 1 misdemeanor.

D. The provisions of subsections A and B of this section shall not apply to any animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, or when the animal is a police dog that is engaged in the performance of its duties at the time of the

attack.

(Ord.10/23/02; 8/23/06, eff. retroactively to 7/1/06)

State law reference—Virginia Code § 3.2-6540.

§ 5-25. Impoundment.

A. The board of supervisors shall maintain or cause to be maintained a pound or enclosure in accordance with state law and shall cause dogs running at large in violation of article III of this chapter to be confined therein.

B. Any animal which has been so confined must be kept for a period of not less than five days, such period to commence on the day immediately following the day the animal is initially confined to the facility, unless sooner claimed by the owner thereof.

C. In the event that any animal confined in such facility is claimed by its rightful owner, the owner shall only be charged with the actual expenses incurred in keeping the animal impounded.

D. Unclaimed dogs shall be disposed of in accordance with applicable state laws.

E. The pound shall be accessible to the public at reasonable hours during the week by appointment.

(Ords. 9/26/78; 5/22/79; 9/23/09)

State law reference--Virginia Code §§ 3.2-6546.

§ 5-26. Records.

An animal warden or the custodian of any pound, upon taking custody of any animal in the course of his official duties, shall immediately make a record of the matter in a daily log. The record shall include a description of the animal including color, breed, sex, approximate weight, reason for seizure, location of seizure, the owner's name and address if known, all license or other identification numbers and the disposition of the animal.

State law reference--Virginia Code § 3.2-6557.

§ 5-27. Dogs killing other domestic animals other than livestock or poultry.

A. Dogs which kill other dogs or domestic animals other than livestock or poultry shall be confined as provided in this section.

B. Any animal warden who has reason to believe that any dog is killing, or has killed, other dogs or domestic animals, within or without the county, other than livestock or poultry shall apply to a magistrate of the county, city or town wherein the dog may be located for the issuance of a warrant requiring the owner or custodian, if known, to appear before a general district court at a specified time.

C. The animal warden or owner shall confine the dog until such time as evidence shall be heard and a verdict rendered.

D. If it appears from the evidence that the dog has habitually killed other dogs or domestic animals, the court may order the dog killed in accordance with state law.

State law reference--Virginia Code § 3.1-796.117.

Sections 5-28 through 5-30 reserved.

Article IV. Compensation for Livestock and Poultry Killed
by Dogs.

§ 5-31. Compensation provided.

Any person who has any livestock or poultry killed or injured by any dog not his own shall be entitled to receive as compensation the fair market value of such livestock or poultry, not to exceed limits established by state law, provided the requirements of this article have been met. (Ord.4/24/79)

State law reference--Virginia Code §§ 3.2-6553.

§ 5-32. Requirements for compensation.

No person shall be entitled to receive compensation under section 5-31 unless:

A. The claimant has furnished evidence within sixty days of discovery of the quantity and value of the dead or injured livestock and the reasons the claimant believes that death or injury was caused by a dog;

B. The animal warden shall have been notified of the incident within seventy-two hours of its discovery;

C. The animal warden has conducted an investigation which included a visual examination of the dead or injured livestock;

D. The board of supervisors of Augusta County, Virginia, has determined that the claim is supported by the investigation of the animal warden; and

E. The claimant first has exhausted his legal remedies against the owner, if known, of the dog doing the damage for which compensation under section 5-31 is sought. Exhaustion shall mean a judgment against the owner of the dog upon which an execution has been returned unsatisfied. (Ords. 4/24/79; 3/12/86)

State law reference--Virginia Code §§ 3.2-6553.

§ 5-33. Subrogation.

Upon payment under section 5-31, the board of supervisors of Augusta County, Virginia, shall be subrogated to the extent of compensation paid to the right of action to the owner of the livestock or poultry against the owner of the dog and may enforce the same in an appropriate action at law. (Ord. 4/24/79)

State law reference--Virginia Code §§ 3.2-6553.

§ 5-34. Penalty for false claim.

For any person to present a false claim or to receive any money on a false claim under the provisions of this article shall constitute a Class 1 misdemeanor.

State law reference--Virginia Code §§ 3.2-6587.

Sections 5-35 through 5-40 reserved.

Article V. Diseased and Deceased Fowl.

§ 5-41. Importation of diseased fowl and carcasses of diseased fowl prohibited.

It shall be unlawful for any person knowingly to import, haul or transport into or through Augusta County any diseased fowl or carcasses of diseased fowl from areas subject to any lawful quarantine declared by any federal, state or local governmental agency without being properly permitted by the department of health or the Virginia Department of Agriculture and Consumer Services and with the concurrence of the Augusta County Board of Supervisors. (Ord. 6/24/84).

State law reference--Virginia Code § 15.2-1200.

§ 5-42. Disposal of diseased fowl off-site prohibited.

A. It shall be unlawful for any person knowingly to deposit, dump or bury diseased fowl or carcasses of diseased fowl, which have been determined to have contracted a disease within an area subject to any lawful quarantine declared by any federal, state or local governmental agency, on property located within Augusta County, unless the property is the site where said fowl were ordinarily maintained and kept at the time the disease was detected.

B. Nothing herein shall be deemed to require on-site disposal of such fowl and carcasses where a determination is made by the Virginia Department of Health or the Virginia Department of Agriculture and Consumer Services that on-site disposal would increase the risk of spread of contagious diseases among persons, animals or fowl or would be hazardous to the environment.

C. In the event on-site disposal is not approved by the Virginia Department of Health or the Virginia Department of Agriculture and Consumer Services, such fowl and carcasses may be deposited and disposed of by methods approved by the Virginia Department of Health at locations within the county approved by the Virginia Department of Health or the Virginia Department of Agriculture and Consumer Services. (Ord. 4/24/84)

Sections 5-43 through 5-50 reserved.

Article VI. Enforcement.

§ 5-51. Penalties.

The following shall be unlawful acts and constitute misdemeanors, and any person convicted thereof shall be subject to the following authorized punishments:

A. For any dog owner to own a dog four months or older in the county without a license in violation of section 5-11, a fine of not less than ten dollars (\$10.00) and not more than two hundred fifty dollars (\$250.00).

B. For any dog owner to allow a dog to run at large in violation of section 5-22, a fine of not less than twenty five dollars (\$25.00) and not more than two hundred fifty dollars (\$250.00).

C. For any dog owner to allow a dog not inoculated to run at large in violation of section 5-23, a fine of not less than fifty dollars (\$50.00) and not more than two hundred fifty dollars (\$250.00).

D. For any dog owner to allow a vicious dog to run at large in violation of section 5-24, a fine of not less than one hundred fifty dollars (\$150.00) and not more than two hundred fifty dollars (\$250.00).

E. For any person to violate any other provision of this chapter for which specific penalty is not provided, a fine of not less than ten dollars (\$10.00) and not more than two hundred fifty dollars (250.00).

State law reference--Virginia Code §§ 3.2-6587.

§ 5-52. Power to issue summons.

When in uniform or upon displaying a badge or other credentials of office, animal wardens and deputy animal wardens shall have the power to issue a summons to any person found in the act of violating any provision of this chapter.

State law reference--Virginia Code §§ 3.2-6543 and 3.2-6555.

§ 5-53. Issuance and service of summons in place of warrant.

A. Whenever any person is found violating any provision of this chapter punishable as a Class 3 or Class 4 misdemeanor or any other misdemeanor for which he cannot receive a jail sentence, the animal warden or other authorized authority shall take the name and address of such person and issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons or notice.

B. Upon the giving by such person of his written promise to appear at such time and place, the animal warden or other authorized authority shall forthwith release him from custody.

C. If any such person shall fail or refuse to discontinue the unlawful act, the animal warden or other authorized authority may proceed according to the Commonwealth's procedures for arrest without warrant.

D. Any person refusing to give written promise to appear under the provisions of this section shall be taken immediately by the animal warden or other authorized authority before a magistrate or other issuing authority having jurisdiction, who shall proceed according to the Commonwealth's procedures for arrest without warrant.

E. Any person who willfully violates his written promise to appear, given in accordance with this section, shall be treated in accordance with the Commonwealth's procedures and penalties for failure to appear.

State law reference--Virginia Code §§ 3.2-6555 and 19.2-74.

§ 5-54. Violation of chapter; notice.

The treasurer may, on a form to be provided by the county, notify a dog owner by certified mail at his last known address, that the dog owner may pay the dog license fee within the time specified by the notice together with the added cost of the certified mailing and, if such fee is not paid within the time so prescribed, the treasurer will notify the animal warden or other authorized authority that the dog owner has failed to pay such fee within the time so prescribed and a summons will be issued to appear before the general district court.

(Ord. 9/23/09)

ARTICLE VII. Coyotes.

§ 5-61. Killing of coyotes.

It shall be lawful for any person to kill coyotes within the boundaries of Augusta County

at any time, provided that, as to the property on which any such coyote is killed, (i) such person owns the property, (ii) such person is the lawful tenant in possession of the property, (iii) such person has the permission of the owner or lawful tenant in possession of the property to kill such coyote, or (iv) such property is owned by the Commonwealth of Virginia or the United States of America.

§ 5-62. Payment of bounty for coyotes and § 5-63. Penalty for false claims repealed by ordinance dated May 12, 2010, effective July 1, 2010.

(Ord. 10/12/05, eff. 1/1/06; 5/12/10, eff. 7/1/10)

State law reference—Virginia Code § 15.2-926.1.