

## **CHAPTER 4**

### **ANIMALS AND FOWL**

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## **Article I. In General.**

**Editor's note:** For County noise ordinance regarding animal noise, see §16-10.4 (c) of this Code.

### **Sec. 4-1. Keeping of hogs; penalty for violation.**

The Board of Supervisors deeming it necessary for the preservation of public health, it shall be unlawful for any owner or custodian of any hog to keep such hog impounded in any enclosure or pen within two hundred feet of residences or other buildings or wells, springs, streams, creeks, or brooks. However, where a greater separation or setback is required by provisions of another ordinance, statute, or regulation, including but not limited to the Zoning Ordinance of Campbell County, then the greater separation or setback shall govern. (5/20/29)

Violation of this section is a Class 4 misdemeanor punishable by a fine of not more than two hundred fifty dollars (\$250.00).

For state law authority, see VA. CODE ANN. §3.2-6544 (Repl. Vol. 2016) and §3.2-6587 A.9. (Cum. Supp. 2020). See also VA. CODE ANN. §15.2-2315 (Repl. Vol. 2018) and §22-4 of this Code.

[THE 1987 AMENDMENT, in the first sentence, added the finding language and substituted language following "feet of" for "the residence of any other person."]

[THE FEBRUARY 2, 1998, AMENDMENT inserted "or other buildings" following "residences" and "springs, streams, creeks, or brooks" following "wells."]

[THE AUGUST 7, 2000 AMENDMENT added the second sentence.]

[THE JULY 6, 2004 AMENDMENT added the second paragraph.]

### **Sec. 4-2. Abandonment or dumping of animal; penalty.**

No person shall abandon or dump any animal. Violation of this section is a Class 1 misdemeanor.

Nothing in this section shall be construed to prohibit the release of an animal by its owner to a public or private animal shelter or other releasing agency.

For the purpose of this chapter, the terms "abandon" and "dump" shall have the meanings ascribed to them by §4-4 of this Code.

For state law basis, see VA. CODE ANN. §3.2-6504 (Cum. Supp. 2019). As to authority for County to adopt ordinances prohibiting cruelty to animals, see VA.

CODE ANN. §3.2-6543 (Repl. Vol. 2016) and §3.2-6544 (Repl. Vol. 2016). For state law penalties for misdemeanors, see VA. CODE ANN. §18.2-11 (Repl. Vol. 2014).

Editor's note: For provisions prohibiting the dumping of a companion animal for the purpose of disposal on public property, on or along public highway, or on private property, see §12-1 (a) of this Code and VA. CODE ANN. §33.2-802 A. (Repl. Vol. 2019).

[THE 1987 AMENDMENT rewrote this section.]

[THE 1988 AMENDMENT substituted "§3.1-796.68" for "§29-213.38."]

[THE 1993 AMENDMENT deleted the former second sentence in the first paragraph defining "Abandonment," substituted "is a Class 3 misdemeanor punishable" for "shall be punishable" in the present second sentence of the first paragraph, added a new second paragraph and a new definition of "abandon."]

[THE JULY 7, 2003 AMENDMENT inserted "or dump" in the first paragraph, substituted "a pound, animal shelter, humane society, or other releasing agency" for "an animal shelter, pound, or humane society establishment" in second paragraph, and substituted "the terms 'abandon' and 'dump' shall have the meanings ascribed to them by §4-4 of this Code" for former definition of "abandon."]

[THE JULY 6, 2004 AMENDMENT deleted "humane society" following "animal shelter" in the second paragraph.]

[THE DECEMBER 2, 2014 AMENDMENT substituted "public or private" before "animal shelter," and deleted "pound."]

[THE DECEMBER 4, 2018 AMENDMENT substituted "Class 1" for "Class 3" and deleted "punishable by a fine of not less than \$500."]

#### **Sec. 4-2.1. Cruelty to animals; penalties.**

A. Any person who (i) overrides, overdrives, overloads, ill-treats, or abandons any animal, whether belonging to himself or another; (ii) tortures any animal, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation on any animal, or cruelly or unnecessarily beats, maims, mutilates, or kills any animal, whether belonging to himself or another; (iii) deprives any animal of necessary food, drink, shelter or emergency veterinary treatment; (iv) sores any equine for any purpose or administers any 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; (v) ropes, lassoes, or otherwise obstructs or interferes with one or more legs of an equine in order to intentionally cause it to trip or fall for the purpose of engagement in a rodeo, contest, exhibition, entertainment, or sport unless such actions are in the practice of accepted animal husbandry or for the purpose of allowing veterinary care; (vi) willfully sets on foot, instigates,

engages in, or in any way furthers any act of cruelty to any animal; (vii) 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 (viii) causes any of the above things, or being the owner of such animal permits such acts to be done by another, shall be guilty of a Class 1 misdemeanor.

In addition to the penalties provided in this subsection, the court may, in its discretion, require any person convicted of a violation of this subsection to attend an anger management or other appropriate treatment program or obtain psychiatric or psychological counseling. The court may impose the costs of such a program or counseling upon the person convicted.

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) ropes, lassoes, or otherwise obstructs or interferes with one or more legs of an equine in order to intentionally cause it to trip or fall for the purpose of engagement in a rodeo, contest, exhibition, entertainment, or sport unless such actions are in the practice of accepted animal husbandry or for the purpose of allowing veterinary care; (iv) maliciously deprives any companion animal of necessary food, drink, shelter or emergency veterinary treatment; (v) instigates, engages in, or in any way furthers any act of cruelty to any animal set forth in clauses (i) through (iv); or causes any of the actions described in clauses (i) through (v), or being the owner of such animal permits such acts to be done by another; and has been within five years convicted of a violation of this subsection or subsection A, shall be guilty of 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 or customary manner or other generally accepted agricultural or horticultural procedures.

D. For the purposes of this section, the word “animal” shall be construed to include birds and fowl.

E. This section shall not prohibit authorized wildlife management activities or hunting, fishing or trapping as regulated under other titles of the Code of Virginia, including, but not limited to Title 29.1 (Repl. Vol. 2018 and Cum. Supp. 2019), or to farming activities as provided under Title 3.2 of the Code of Virginia (Repl. Vol. 2016 and Cum. Supp. 2019) or regulations adopted thereunder.

F. Reserved.

G. 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 is a Class 6 felony.

H. 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 serious bodily injury to such dog or cat that is a companion animal, 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 subsection shall not overrule §4-7.1 or §4-7 of this Code.

For the purpose of this subsection, "serious bodily injury" means bodily injury that involves substantial risk of death, extreme physical pain, protracted or obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

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

For state law basis, see VA. CODE ANN. §3.2-6570 (Cum. Supp. 2019). For state law authority, see VA. CODE ANN. §3.2-6543 (Repl. Vol. 2016) and §3.2-6544 B. (Repl. Vol. 2016). For penalties for misdemeanors and felonies, see VA. CODE ANN. §18.2-11 (Repl. Vol. 2014) and VA. CODE ANN. §18.2-10 (Cum. Supp. 2019), respectively.

Cross reference: For provisions regarding seizure and impoundment of abandoned, abused, or neglected animal by humane investigator, see §4-8.1 of this Code. For provisions regarding seizure or impoundment of equine resulting from violation of subsection A (iii) or subsection (ii) of this section, see §4-8.1 at A. For definitions applicable throughout this chapter, see §4-4 of this Code.

[THE 1987 ACT adopted this section.]

[THE 1990 AMENDMENT substituted "\$2,500.00" for "\$1,000.00" near the end of the first paragraph.]

[THE 1991 AMENDMENT substituted "procedures" for "purposes" at the end of the third paragraph.]

[THE 1992 AMENDMENT added subsection designations A through D and added the last two sentences in subsection A.]

[THE MAY 17, 1999 AMENDMENT, in clause (ii) in the first sentence of subsection A, substituted "food, drink, shelter or emergency veterinary treatment;" for "sustenance, food, drink, or shelter."]

[THE AUGUST 7, 2000 AMENDMENT inserted "Class I" following clause (v) in the first sentence in subsection A and deleted the former last two sentences in subsection A., which

had provided that prosecutions for violations of this subsection must commence within five years after commission of the offense, except that prosecutions involving agricultural animals must commence within one year of offense; inserted new B; redesignated former B, C and D as present C, D and E and inserted “Class 3” in present C; and added new F and G.]

[THE JULY 7, 2003 AMENDMENT, in subsection A., deleted “or” at the end of clauses (i), (ii) and (iv), redesignated former clauses (iii) through (v) as present clauses (iv) through (vi) and inserted a new clause (iii); in subsection B., deleted “or” at the end of clause (i), redesignated former clauses (ii) and (iii) as present clauses (iii) and (iv), inserted a new clause (ii), deleted “of this subsection” at the end of present clause (iii) and substituted “clauses (i) through (iii)” for “subdivisions (i) and (ii) of this subsection” in present clause (iv); and in subsection C., inserted “or dumps” and substituted “companion” for “domesticated” in the first sentence and added the second sentence; and added H. and I.]

[THE JULY 6, 2004 AMENDMENT deleted former subsection C. regarding abandonment and dumping of companion animals on public property, public highway, etc. (substantially the same provisions now appear at §12-1 (a) of this Code), redesignated former D. through I. as present C. through H., inserted new second and third sentences in H., and added new I.]

[THE JULY 2, 2007 AMENDMENT, in B., inserted new clause (iii); renumbered former clause (iii) as present (iv), substituting “clauses (i) through (iv);” for “clause (i);” at the end thereof; and renumbered former clause (iv) as present (v), substituting “clauses (i) through (iv)” for “clauses (i) through (iii)” therein.]

[THE DECEMBER 1, 2008 AMENDMENT moved the current second paragraph in subsection A from former subsection F, now reserved, inserted “conducted in a reasonable or customary manner” in subsection C, substituted “adopted thereunder” for “promulgated thereto” in subsection E, substituted “is” for “shall constitute” in two places in subsection G, and substituted “is” for “shall be” near the end of the first sentence in subsection H.]

[THE DECEMBER 1, 2015 AMENDMENT added, in paragraphs A and B, “ropes, lassoes, or otherwise obstructs or interferes with one or more legs of an equine in order to intentionally cause it to trip or fall for the purpose of engagement in a rodeo, contest, exhibition, entertainment, or sport unless such actions are in the practice of accepted animal husbandry or for the purpose of allowing veterinary care” and redesignated the following clauses.]

[THE JULY 16, 2019 AMENDMENT reorganizes and renumbers the subsections of A and adds “serious bodily injury to such dog or cat that is a companion animal” to the first sentence of H and adds the second paragraph to H defining “serious bodily injury.”]

**Sec. 4-2.2. Sale of animals after cruelty or neglect conviction; penalty.**

Any person who has been convicted of a violation of any law concerning abuse, neglect, or cruelty to animals that sells, offers for sale, or trades any companion animal is guilty of a Class 1 misdemeanor. However, a person may dispose of animals under the provisions of a court order.

For similar state law, see VA. CODE ANN. §3.2-6570.1 (Repl. Vol. 2016).

[THE DECEMBER 1, 2008 ACT adopted this section, effective January 1, 2009.]

### **Sec. 4-3. Livestock running at large.**

The boundary line of each lot or tract of land within the County is hereby declared to be a lawful fence as to any of the animals mentioned in VA. CODE ANN. §55-306 (Repl. Vol. 2012), and it shall be unlawful for the owner or manager of any animal or type of animal described in VA. CODE ANN. §55-306 to permit any such animal to run at large beyond the limits of his own lands within the County.

For the purposes of this section, animals mentioned in VA. CODE ANN. §55-306 shall include any livestock domesticated by man.

Violation of this section is a Class 4 misdemeanor punishable by a fine of not more than two hundred fifty dollars (\$250.00).

For state law authority to regulate running at large of animals, see VA. CODE ANN. §15.2-1218 (Repl. Vol. 2018) and §3.2-6544 B (Repl. Vol. 2016). For authority for penalty, see VA. CODE ANN. §3.2-6587 A. 9. (Cum. Supp. 2020) and §18.2-11 (Repl. Vol. 2014). As to No-Fence Law, see VA. CODE ANN. §§55-310 to 55-316 (Repl. Vol. 2012).

[THE 1982 AMENDMENT repealed and reenacted this section.]

[THE AUGUST 7, 2000 AMENDMENT substituted “any of the animals mentioned in VA. CODE ANN. §55-306” for “any animal or fowl,” “owner or manager” for “owner and manager,” and “animal or type of animal described in VA. CODE ANN. §55-306 to permit any such animal” for “such animal to permit such animal or fowl,” all in the first paragraph, and added the second paragraph.]

[THE JULY 6, 2004 AMENDMENT added the third paragraph.]

#### **Sec. 4-3.1. Burial or cremation of animals or fowls which have died.**

(a) When the owner of any animal or grown fowl which has died knows of such death, such owner shall forthwith have its body cremated or buried, or request such service from an officer or other person designated for the purpose. If the owner fails to do so, any judge of a general district

court, after notice to the owner if he can be ascertained, shall cause such animal or fowl to be cremated or buried by any officer or other person designated for such purpose. Such officer or other person shall be entitled to recover of the owner of every such animal or fowl that is cremated or buried the actual cost of the cremation or burial and a reasonable fee to be recovered in the same manner as such officers' fees are recovered, free from all exemptions in favor of such owner.

(b) Any person violating the provisions of this section shall be guilty of a misdemeanor which shall be punishable by a fine of not more than two hundred fifty dollars (\$250.00).

(c) Nothing in this section shall be deemed to require the burial or cremation of the whole or portions of any animal or fowl which is to be used as food or in any commercial manner. (8-17-81)

For state law authority, see VA. CODE ANN. §18.2-510 (Repl. Vol. 2014). For penalty for misdemeanor, see VA. CODE ANN. §18.2-11 (Repl. Vol. 2014).

Cross reference: For section regarding disposal of dead companion animals, see §4-11 of this Code. See also VA. CODE ANN. §3.2-6025 (Repl. Vol. 2016) and §3.2-6026 (Repl. Vol. 2016) regarding state law requiring proper disposal of dead poultry.

[THE 1987 AMENDMENT inserted "\$75.00" and "\$5.00" in (a), deleted "Class 4" preceding "misdemeanor," and added language beginning "which shall" in (b).]

[THE 1988 AMENDMENT deleted "free of any exemptions" following "shall be entitled to recover of the owner," and added "free from all exemptions in favor of such owner" following "recovered" in the second sentence of (a).]

[THE 1990 AMENDMENT substituted "two hundred fifty dollars (\$250.00)" for "one hundred dollars (\$100.00)" at the end of (b).]

[THE JULY 7, 2008 AMENDMENT removed the cap on the actual cost of burial or cremation for animals of \$75 and fowl of \$5 in (a), and rewrote that subsection for clarity.]

#### **Sec. 4-3.2. Permitting animals to trespass.**

It shall be unlawful for the owner of any animal, after being requested by the owner or tenant of any premises not to permit the animal to trespass upon such premises, to allow any such animal to go upon or remain upon such premises. Any person violating the provisions of this section shall be guilty of a Class 4 misdemeanor.

For state law authority, see VA. CODE ANN. §15.2-1218 (Repl. Vol. 2018) and §3.2-6544 B. (Repl. Vol. 2016). For authority for penalty, see VA. CODE ANN. §3.2-6587 A.9. (Cum. Supp. 2020), §15.2-1429 (Repl. Vol. 2018) and §18.2-11 (Repl. Vol. 2014).

[THE JUNE 17, 2002 ACT adopted this section.]

**Sec. 4-3.3. Feeding of migratory and nonmigratory waterfowl prohibited in certain areas.**

(a) In order to protect the public health, welfare, peace, and safety of its citizens, the Board of Supervisors for the County of Campbell, Virginia, hereby finds and declares that those areas of the County described in subsection (c) hereof are so heavily populated as to make the feeding of migratory and nonmigratory waterfowl a threat to the public health or the environment because such feeding attracts large numbers of waterfowl whose droppings pollute surface waters and which contain pathogens that cause intestinal disorders and respiratory problems in persons frequenting the specified areas.

(b) For the purposes of this ordinance, the term “migratory and nonmigratory waterfowl” shall mean those species defined by the Virginia Department of Game and Inland Fisheries (VDGIF) as any and all waterfowl in the Family *Anatidae* (ducks, geese, and swans), including native, nonnative, and domestic ducks and geese, and any crossbreeds or hybrids of these bird and includes those species listed in the detailed VDGIF list, which is incorporated herein by reference.

(c) Accordingly, it shall be unlawful for any person to feed migratory and nonmigratory waterfowl within the following areas of the County:

- (1) Within 500 feet of the normal shoreline of Timber Lake; and
- (2) Within 500 feet of the normal shoreline of Leesville Lake, which is 613 feet National Geodetic Vertical Datum.

(d) No provision of this ordinance shall be applicable on lands within a national or state park or forest, or wildlife management area.

(e) The County shall post the appropriate signage that designates an area where this ordinance is applicable and shall be solely responsible for enforcement of the ordinance.

(f) Any person violating the provisions of this ordinance shall be subject to a civil fine of fifty dollars (\$50.00).

For state law authority, see VA. CODE ANN. §29.1-527.1 (Repl. Vol. 2018) and §15.2-1200 (Repl. Vol. 2018).

Editor’s note: VA. CODE ANN. §29.1-527.1 provides that a locality may adopt an ordinance pursuant to the authority of that statute “upon notice to the [State] Department [of Game and Inland Fisheries].” Such notice was provided to DGIF on July 12, 2005. According to the DGIF, the notification is for record-keeping purposes; there is no waiting period between official notification and effective date of the ordinance.

[THE JULY 5, 2005 ACT adopted this section.]

## **Article II. Dogs, Cats, and Other Animals.**

**Editor's note:** For County noise control ordinance concerning animal noise, see §16-10.4 (c) of this Code

### **Division 1. Generally.**

**Editor's note:** For penalties applicable to violations of provisions of this Division and of Division 2 of this Article, see §4-18 of this Code.

#### **Sec. 4-4. Definitions.**

For the purposes of this chapter, and unless otherwise required by the context, the following terms shall have the meanings ascribed to them below:

**Abandon** means to desert, forsake, or absolutely give up an animal without having secured another owner or custodian for the animal or by failing to provide the elements of basic care as set forth in VA. CODE ANN. §3.2-6503 (Repl. Vol. 2016) for a period of four consecutive days.

**Adequate care or care** means the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health.

**Adequate exercise or exercise** means the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal.

**Adequate feed** means access to and the provision of food that is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

**Adequate shelter** means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; during hot weather, is properly shaded and does not readily conduct heat; during cold weather, has a windbreak at its entrance and provides a quantity of bedding material consisting of straw, cedar shavings, or the equivalent that is sufficient to protect the animal from cold and promote the retention of body heat; and, for dogs and cats, provides a solid surface, resting platform, pad, floormat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this article

shelters whose wire, grid, or slat floors (i) permit the animals' feet to pass through the openings, (ii) sag under the animals' weight, or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter. The outdoor tethering of an animal shall not constitute the provision of adequate shelter (a) unless the animal is safe from predators and well suited and well equipped to tolerate its environment; (b) during the effective period for a hurricane warning or tropical storm warning issued for the area by the National Weather Service; or (c) (1) during a heat advisory issued by a local or state authority, (2) when the actual or effective outdoor temperature is 85 degrees Fahrenheit or higher or 32 degrees Fahrenheit or lower, or (3) during the effective period for a severe weather warning issued for the area by the National Weather Service, including a winter storm, tornado, or severe thunderstorm warning, unless an animal control officer, having inspected an animal's individual circumstances in clause (c)(1), (2), or (3), has determined the animal to be safe from predators and well suited and well equipped to tolerate its environment.

Adequate space means sufficient space to allow each animal to (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal and (ii) interact safely with other animals in the enclosure. When an animal is tethered, "adequate space" means that the tether to which the animal is attached permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness that is configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; is at least 15 feet in length or four times the length of the animal, as measured from the tip of its nose to the base of its tail, whichever is greater, except when the animal is being walked on a leash or is attached by a tether to a lead line or when an animal control officer, having inspected an animal's individual circumstances, has determined that in such an individual case, a tether of at least 10 feet or three times the length of the animal, but shorter than 15 feet or four times the length of the animal, makes the animal more safe, more suited, and better equipped to tolerate its environment than a longer tether; does not, by its material, size, or weight or any other characteristic, cause injury or pain to the animal; does not weigh more than one-tenth of the animal's body weight; and does not have weights or other heavy objects attached to it. The walking of an animal on a leash by its owner shall not constitute the tethering of the animal for the purpose of this definition. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space. The provisions of this definition that relate to tethering shall not apply to agricultural animals.

Adequate water means provision of and access to clean, fresh, potable water of a drinkable temperature that is provided in a suitable manner, in sufficient volume, and at suitable intervals appropriate for the weather and temperature, to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles which are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.

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

Agricultural animals means all livestock and poultry.

Ambient temperature means the temperature surrounding the animal.

Animal means any nonhuman vertebrate species except fish. For the purposes of VA. CODE ANN. §3.2-6522 (Cum. Supp. 2019), or any ordinance adopted pursuant to that section or paralleling the provisions thereof, animal means any species susceptible to rabies. For the purposes of VA. CODE ANN. §3.2-6570 (Cum. Supp. 2019) or any ordinance adopted pursuant to that section or paralleling the provisions thereof, animal means any nonhuman vertebrate species including fish except those fish captured and killed or disposed of in a reasonable and customary manner.

Animal control officer means a person appointed as an animal control officer or deputy animal control officer as provided in VA. CODE ANN. §3.2-6555 (Repl. Vol. 2016).

Boarding establishment means a place or establishment other than a public or private animal shelter where companion animals not owned by the proprietor are sheltered, fed, and watered in exchange for a fee. "Boarding establishment" shall not include any private residential dwelling that shelters, feeds, and waters fewer than five companion animals not owned by the proprietor.

Collar means a well-fitted device, appropriate to the age and size of the animal, attached to the animal's neck in such a way as to prevent trauma or injury to the animal.

Commercial dog breeder means any person who, during any 12-month period, maintains 30 or more adult female dogs for the primary purpose of the sale of their offspring as companion animals.

Companion animal means any domestic or feral dog, domestic or feral cat, non-human 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, game species, or any animals regulated under federal law as research animals shall not be considered companion animals for the purposes of this article.

Consumer means any natural person purchasing an animal from a dealer or pet shop or hiring the services of a boarding establishment. The term "consumer" shall not include a business or corporation engaged in sales or services.

Dealer means any person who in the regular course of business for compensation or profit buys, sells, transfers, exchanges, or barter companion animals. The following shall not be considered dealers: (i) any person who transports companion animals in the regular course of business as a common carrier, or (ii) any person or organization whose primary purpose is to find permanent adoptive homes for companion animals.

Direct and immediate threat means any clear and imminent danger to an animal's health, safety or life.

Dump means to knowingly desert, forsake, or absolutely give up without having secured another owner or custodian any dog, cat or other companion animal in any public place including the right-of-way of any public highway, road or street or on the property of another.

Emergency veterinary treatment means veterinary treatment to stabilize a life-threatening condition, alleviate suffering, prevent further disease transmission, or prevent further disease progression.

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

Euthanasia means 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.

Exhibitor means any person who has animals for or on public display, excluding an exhibitor licensed by the United States Department of Agriculture.

Facility means a building or a portion thereof as designated by the State Veterinarian, other than a private residential dwelling and its surrounding grounds, that is used to contain a primary enclosure or enclosures in which animals are housed or kept.

Farming activity means, consistent with standard animal husbandry practices, the raising, management, and use of agricultural animals to provide food, fiber, or transportation and the breeding, exhibition, lawful recreational use, marketing, transportation, and slaughter of agricultural animals pursuant to such purposes.

Foster care provider means a person who provides care or rehabilitation for companion animals through an affiliation with a public or private animal shelter, home-based rescue, releasing agency, or other animal welfare organization.

Foster home means a private residential dwelling and its surrounding grounds, or any facility other than a public or private animal shelter, at which site through an affiliation with a public or private animal shelter, home-based rescue, releasing agency, or other animal welfare organization care or rehabilitation is provided for companion animals.

Groomer means any person who, for a fee, cleans, trims, brushes, makes neat, manicures, or treats for external parasites any animal.

Home-based rescue means an animal welfare organization that takes custody of companion animals for the purpose of facilitating adoption and houses such companion animals in a foster home or a system of foster homes.

Humane means any action taken in consideration of and with the intent to provide for the animal's health and well-being.

Humane investigator means any person who has been appointed by a circuit court as a humane investigator as provided in VA. CODE ANN. §3.2-6558 (Repl. Vol. 2016).

Humane society means any incorporated, nonprofit organization that is organized for the purposes of preventing cruelty to animals and promoting humane care and treatment or adoptions of animals.

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.

Law enforcement officer means any person who is a full-time or part-time employee of a police department or sheriff's office which is a part of or administered by the Commonwealth of Virginia or any political subdivision thereof and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

Livestock includes all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; capradae animals; animals of the genus Lama; ratites; fish or shellfish in aquaculture facilities, as defined in VA. CODE ANN. §3.2-2600 (Repl. Vol. 2016); enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.

New owner means an individual who is legally competent to enter into a binding agreement pursuant to subdivision B 2 of VA. CODE ANN. §3.2-6574 (Repl. Vol. 2016), and who adopts or receives a dog or cat from a releasing agency.

Ordinance means any law, rule, regulation, or ordinance promulgated by the governing body of any locality.

Other officer includes all other persons employed or elected by the people of Virginia, or by any locality, whose duty it is to preserve the peace, to make arrests, or to enforce the law.

Owner means 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.

Pet shop means a retail establishment where companion animals are bought, sold, exchanged, or offered for sale or exchange to the general public.

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

Pound means a facility operated by the Commonwealth, or any locality, for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted animals; or a facility operated for the same purpose under a contract with any locality or incorporated society for the prevention of cruelty to animals.

Primary enclosure means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, cage, compartment, or hutch. For tethered animals, the term includes the shelter and the area within reach of the tether.

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

Properly cleaned means that carcasses, debris, food waste and excrement are removed from the primary enclosure with sufficient frequency to minimize the animals' contact with the above-mentioned contaminants; the primary enclosure is sanitized with sufficient frequency to minimize odors and the hazards of disease; and the primary enclosure is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with the stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants.

Properly lighted when referring to a facility means sufficient illumination to permit routine inspections, maintenance, cleaning, and housekeeping of the facility, and observation of the animals; to provide regular diurnal lighting cycles of either natural or artificial light, uniformly diffused throughout the facility; and to promote the well-being of the animals.

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

Releasing agency means (i) a public animal shelter or (ii) a private animal shelter, humane society, animal welfare organization, society for the prevention of cruelty to animals, or other similar entity or home-based rescue that releases companion animals for adoption.

Research facility means any place, laboratory, or institution licensed by the U.S. Department of Agriculture at which scientific tests, experiments, or investigations involving the use of living animals are carried out, conducted, or attempted.

Sanitize means to make physically clean and to remove and destroy, to a practical minimum, agents injurious to health.

Sore means, when referring to an equine, that an irritating or blistering agent has been applied, internally or externally, by a person to any limb or foot of an equine; any burn, cut, or laceration that has been inflicted by a person to any limb or foot of an equine; any tack, nail, screw, or chemical agent that has been injected by a person into or used by a person on any limb or foot of an equine; any other substance or device that has been used by a person on any limb or foot of an equine; or a person has engaged in a practice involving an equine, and as a result of such application, infliction, injection, use, or practice, such equine suffers, or can reasonably be expected to suffer, physical pain or distress, inflammation, or lameness when walking, trotting, or otherwise moving, except that such term does not include such an application, infliction, injection, use, or practice in connection with the therapeutic treatment of an equine by or under the supervision of a licensed veterinarian. Notwithstanding anything contained herein to the contrary, nothing shall preclude the shoeing, use of pads, and use of action devices as permitted by 9 C.F.R. Part 11.2.

Sterilize or sterilization means a surgical or chemical procedure performed by a licensed veterinarian that renders a dog or cat permanently incapable of reproducing.

Treasurer includes the treasurer and his assistants of each county or city or other officer designated by law to collect taxes in such county or city.

Treatment or adequate treatment means the responsible handling or transportation of animals in the person's ownership, custody or charge, appropriate for the age, species, condition, size and type of the animal.

Veterinary treatment means treatment by or on the order of a duly licensed veterinarian.

Weaned means that an animal is capable of and physiologically accustomed to ingestion of solid food or food customary for the adult of the species, and has ingested such food, without nursing, for a period of at least five days.

For state law authority and basis, see VA. CODE ANN. §3.2-6500 (Cum. Supp. 2020).

[THE 1982 AMENDMENT substituted "assistants" for "deputies" in "Treasurer."]

[THE 1987 AMENDMENT added language following "context" in the introductory language and rewrote the definition of "Owner."]

[THE 1988 AMENDMENT inserted definitions of "Animal pound or animal shelter," "Companion animal" and "Humane Society of Campbell County, Inc., or Humane Society," and deleted former language in "Owner" which read "Any person who knowingly permits a dog to remain on or about any premises occupied by him shall be considered the owner of the dog," and inserted "Running at large."]

[THE 1989 AMENDMENT added the definition of "Animal."]

[THE 1993 AMENDMENT substituted "chapter" for "article" in introductory paragraph, rewrote definitions of "Animal," "Companion animals," "Kennel" and "Livestock," inserted "chartered," "or shelter" and language beginning "and which was organized..." in the definition of "Humane Society for Campbell County, Inc., or Humane Society" and substituted "his care" for "its care" in definition of "Owner."]

[THE SECOND 1993 AMENDMENT inserted "Adoption," "Animal warden," "Enclosure," "Euthanasia," "New owner," "Releasing agency" and "Sterilize or sterilization."]

[THE SEPTEMBER 1996 AMENDMENT rewrote this section to include verbatim all definitions contained in VA. CODE ANN. §3.1-796.66 (Cum. Supp. 1996).]

[THE MARCH 17, 1997 AMENDMENT deleted redundant language in "Adequate water," and inserted second sentence in "Animal," and "society" in "Animal Shelter."]

[THE MAY 17, 1999 AMENDMENT substituted "§3.1-796.98" for "§3.1-796-122" in definition of "Animal," inserted "Animal control officer," "Direct and immediate threat," "Groomer," "Humane investigator," "Law enforcement officer," "Locality or local government," and "State Veterinarian's representative," deleted "Animal warden" and "Investigator or humane investigator," substituted "animal rescue group or any other organization" for "or other nonprofit organization" in "Animal shelter," substituted

“locality” for “political subdivision” in first clause in “Pound” and substituted “housing facility” for “shelter in the first clause in “Properly lighted.”]

[THE AUGUST 7, 2000 AMENDMENT inserted “or any ordinance adopted pursuant to that section or paralleling the provisions thereof” twice in definition of “Animal.”]

[THE JULY 7, 2003 AMENDMENT substituted “a cat, or any other companion animal” for “cat”; in definition of “Animal shelter,” inserted “other than a private residential dwelling and its surrounding grounds” and “a non-governmental entity including, but not limited to,” deleted “duly incorporated” preceding “humane society,” substituted “animal welfare organization” for “animal welfare society,” deleted “animal rescue group” preceding “or any other organization,” and substituted phrase beginning “operating for the purpose” for “devoted to the welfare, protection, and humane treatment of animals”; in “Dealer,” rewrote second sentence as clause (i) and added clause (ii); inserted definitions of “Dump,” “Facility,” “Foster care provider,” “Foster home,” “Home-based rescue,” and “Sore”; deleted definition of “Housing facility”; in “Humane Society,” substituted “incorporated” for “chartered” and “that is” for “incorporated under the laws of this Commonwealth,” and inserted “or adoptions”; in “Properly lighted,” inserted “when referring to a facility” and substituted “facility” for “housing facility” and “animal facilities” in first sentence, and added second sentence; and in “Releasing agency,” substituted “animal welfare organization” for “animal welfare society” and “companion animals” for “a dog or cat,” and inserted “or home-based rescue.”]

[THE JULY 7, 2008 AMENDMENT replaced “but at least once every twelve (12) hours” with “appropriate for the weather and temperature” in the definition of “Adequate water” and added “or a portion thereof as designated by the State Veterinarian” after “building” in the definition of “Facility.”]

[THE DECEMBER 1, 2008 AMENDMENT deleted “but not limited to” following “non-governmental entity including” in the definition of “Animal shelter”, deleted the definitions of “Board,” “Local ordinance,” “Locality or local government,” “Person,” “State Veterinarian,” “State Veterinarian’s representative”; added the definition of “Commercial dog breeder,” to be effective on January 1, 2009; added the definition of “Ordinance”; substituted “locality” for “municipality, county, or incorporated town thereof” in the definition of “Other officer”; substituted “locality” for “county, city, town” in the definition of “Pound”; and deleted the second sentence in the definition of “Properly lighted.”]

[THE JULY 5, 2011 AMENDMENT added the definition of “Farming activity”.]

[THE DECEMBER 2, 2014 AMENDMENT deleted definitions of “Animal shelter” and “Pound,” amended the definitions of “Boarding establishment,” “Foster care provided,” “Foster home,” “Home-based rescue,” and “Releasing agency” to remove references to “pounds” and making related stylistic changes; added definitions of “Private animal shelter” and “Public animal shelter.”]

[THE JULY 7, 2015 AMENDMENT rewrote the definition of “Private Animal Shelter” slightly.]

[THE DECEMBER 4, 2018 AMENDMENT substituted “four consecutive days” for “five consecutive days” in the definition of “Abandon,” added the second sentence in the definition of “Boarding establishment,” and added “retail” in the definition of “Pet shop.”]

[THE JULY 16, 2019 AMENDMENT added “during hot weather, is properly shaded and does not readily conduct heat; during cold weather, has a windbreak at its entrance and provides a quantity of bedding material consisting of straw, cedar shavings, or the equivalent that is sufficient to protect the animal from cold and promote the retention of body heat” to the definition of “Adequate shelter” and added “does not, by its material, size, or weight or any other characteristic, cause injury or pain to the animal; does not weigh more than one-tenth of the animal's body weight; and does not have weights or other heavy objects attached to it. The walking of an animal on a leash by its owner shall not constitute the tethering of the animal for the purpose of this definition” and the last sentence to the definition of “Adequate space.”]

[THE JULY 21, 2020 AMENDMENT added the last sentence to the definition of “Adequate shelter” and, in the definition of “Adequate space,” changed the required length of any tether to 15 feet or four times the length of the animal unless an animal control officer authorized 10 feet or three times the length of the animal.”]

**Sec. 4-5. County animal shelter; confinement and disposition of stray animals; disposition of certain "identified" animals.**

A. For purposes of this section:

"Animal" shall not include agricultural animals.

"Rightful owner" means a person with a right of property in the animal.

B. Pursuant to the provisions of VA. CODE ANN. §3.2-6546 (Cum. Supp. 2018), there is hereby created a County Animal Shelter for the confinement of dogs running at large without the tag required by VA. CODE ANN. §3.2-6531 (Repl. Vol. 2016) or in violation of ordinances herein adopted pursuant to VA. CODE ANN. §3.2-6538 (Cum. Supp. 2019). Said public animal shelter shall be operated by Campbell County in accordance with all applicable provisions of the Comprehensive Animal Care Laws of Virginia, VA. CODE ANN. §3.2-6500 et seq. (Repl. Vol. 2016 and Cum. Supp. 2020), regulations issued by the Board of Agriculture and Consumer Services, and all local ordinances promulgated under authority of state law. Nothing in this section shall be construed to prohibit confinement of other companion animals in such a shelter. The official name of the County Animal Shelter shall be the Campbell County Animal Control and Care Facility, hereinafter referred to as either the “Facility” or the “shelter.” The Board of Supervisors hereby requires that:

1. The public animal shelter shall be accessible to the public at reasonable hours during the week;

2. The public animal shelter shall obtain a signed statement from each of its directors, operators, staff, or animal caregivers specifying that each individual has never been

convicted of animal cruelty, neglect, or abandonment, and each shelter shall update such statement as changes occur;

3. If a person contacts the public animal shelter inquiring about a lost companion animal, the shelter shall advise the person if the companion animal is confined at the shelter or if a companion animal of similar description is confined at the shelter;

4. The public animal shelter shall maintain a written record of the information on each companion animal submitted to the shelter by a private animal shelter in accordance with subsection D of VA. CODE ANN. §3.2-6548 for a period of thirty (30) days from the date the information is received by the shelter. If a person contacts the shelter inquiring about a lost companion animal, the shelter shall check its records and make available to such person any information submitted by such releasing agency or allow such person inquiring about a lost animal to view the written records;

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

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

C. An animal confined pursuant to this section shall 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 in the facility, unless sooner claimed by the rightful owner thereof.

The operator or custodian of the public animal shelter shall make a reasonable effort to ascertain whether the animal has a collar, tag, license, tattoo, or other form of identification. If such identification is found on the animal, the animal shall be held for an additional five (5) days, unless sooner claimed by the rightful owner. If the rightful owner of the animal can be readily identified, the operator or custodian of the 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.

During the time that an animal is confined pursuant to this subsection, the operator or custodian of the public animal shelter may vaccinate the animal to prevent the risk of communicable diseases, provided that (i) all vaccines are administered in accordance with a protocol approved by a licensed veterinarian and (ii) rabies vaccines are administered by a licensed veterinarian or licensed veterinary technician under the immediate direction and supervision of a licensed veterinarian in accordance with VA. CODE ANN. § 3.2-6521.

Any animal, not rabid or suspected of being rabid, confined pursuant to this section may be redeemed by its rightful owner upon:

1. Payment of a boarding fee of eight dollars (\$8.00) per day, or part thereof;
2. Purchase of a license tag, if unlicensed; and
3. Presentation of a valid rabies certificate from a licensed veterinarian pursuant to the requirements of §4-12 of this Code.

The above redemption fees shall be payable (i) in the office of the Treasurer of Campbell County and the receipt for the fees, together with the veterinarian's certificate of rabies inoculation or vaccination, shall be presented at the shelter for the animal's release, or (ii) at the Campbell County Animal Control and Care Facility (County Animal Shelter) and the receipt for the fees, together with the veterinarian's certificate of rabies inoculation or vaccination, shall be presented there for the animal's release.

D. If an animal confined pursuant to this section has not been claimed, upon expiration of the appropriate holding period as provided by subsection C., it shall be deemed abandoned and become the property of the public animal shelter.

Such animal may be euthanized in accordance with the methods approved by the State Veterinarian or disposed of by the methods set forth in subdivisions 1 through 5. No shelter shall release more than two animals or a family of animals during any thirty (30) day period to any one person under subdivisions 2, 3, or 4.

1. Release to any humane society, public or private animal shelter, or other releasing agency within the Commonwealth, provided that each humane society, animal shelter, or other releasing agency obtains a signed statement from each of its directors, operators, staff, or animal caregivers specifying that each individual has never been convicted of animal cruelty, neglect, or abandonment and updates such statements as changes occur;

2. Adoption by a resident of Campbell County and who will pay the required license fee, if any, on such animal, provided that such resident has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment;

3. Adoption by a resident of an adjacent political subdivision of the Commonwealth, provided that such resident has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment;

4. Adoption by any other person, provided such person has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment, and provided that no dog or cat may be adopted by any person who is not a resident of Campbell County or of an adjacent political subdivision, unless the dog or cat is first sterilized and the shelter may require that the sterilization be done at the expense of the person adopting the dog or cat; or

5. Release, for the purposes of adoption or euthanasia only, to an animal shelter or any other releasing agency located in and lawfully operating under the laws of another state, provided that such animal shelter or other releasing agency: (i) maintains records that would comply with VA. CODE ANN. §3.2-6557 (Repl. Vol. 2016); (ii) requires that adopted dogs and cats be sterilized; (iii) obtains a signed statement from each of its directors, operators, staff, and animal caregivers specifying that each individual has never been convicted of animal cruelty, neglect, or abandonment, and updates such statement as changes occur; and (iv) has provided to the public or private animal shelter, or other

releasing agency within the Commonwealth a statement signed by an authorized representative specifying the entity's compliance with clauses (i) through (iii), and the provisions of adequate care and performance of humane euthanasia, as necessary in accordance with the provisions of VA. CODE ANN. §3.2-6500 et seq. and of this chapter.

For purposes of recordkeeping, release of an animal by a public animal shelter to a public or private animal shelter or other releasing agency shall be considered a transfer and not an adoption. If the animal is not first sterilized, the responsibility for sterilizing the animal transfers to the receiving entity.

Any proceeds deriving from the gift, sale, or delivery of such animals shall be paid directly to the Treasurer of Campbell County. Any proceeds deriving from the gift, sale, or delivery of such animals by a public or private animal shelter or other releasing agency shall be paid directly to the clerk or treasurer of the animal shelter or other releasing agency for the expenses of the society and expenses incident to any agreement concerning the disposing of such animal. No part of the proceeds shall accrue to any individual except for the aforementioned purposes.

E. Nothing in this section shall prohibit the immediate euthanasia of a critically injured, critically ill, or unweaned animal for humane purposes. Any animal euthanized pursuant to the provisions of this article shall be euthanized by one of the methods prescribed or approved by the State Veterinarian.

F. Nothing in this section shall prohibit the immediate euthanasia or disposal by the methods listed in subdivisions 1 through 5 of subsection C. of an animal that has been released to a public or private animal shelter, other releasing agency, or animal control officer by the animal's rightful owner after the rightful owner has read and signed a statement (i) surrendering all property rights in such animal; (ii) stating that no other person has a right of property in the animal; and (iii) acknowledging that the animal may be immediately euthanized or disposed of in accordance with subdivisions 1 through 5 of subsection C.

G. Nothing in this section shall prohibit any feral dog or feral cat not bearing a collar, tag, tattoo, or other form of identification which, based on the written statement of a disinterested person, exhibits behavior that poses a risk of physical injury to any person confining the animal, from being euthanized after being kept for a period of not less than three days, at least one of which shall be a full business day, such period to commence on the day the animal is initially confined in the facility, unless sooner claimed by the rightful owner. The statement of the disinterested person shall be kept with the animal as required by VA. CODE ANN. §3.2-6557 (Repl. Vol. 2016). For purposes of this subsection, a disinterested person shall not include a person releasing or reporting the animal.

H. No public animal shelter shall place a companion animal in a foster home with a foster care provider unless the foster care provider has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment, and each shelter shall update such statement as changes occur. The shelter shall maintain the original statement and any updates to such statement in accordance with VA. CODE ANN. §3.2-6500 et seq. and this chapter and for at least so long as the shelter has an affiliation with the foster care provider.

I. A public animal shelter that places a companion animal in a foster home with a foster care provider shall ensure that the foster care provider complies with VA. CODE ANN. §3.2-6503 (Repl. Vol. 2016).

J. If a public animal shelter finds a direct and immediate threat to a companion animal placed with a foster care provider, it shall report its findings to the animal control agency in the locality where the foster care provider is located.

K. (1) A schedule of fees and charges for services for retention of an animal in the shelter shall be established periodically by Campbell County. Funds collected pursuant to enforcement of this section may be used for the purposes of defraying the costs of local animal control, including efforts to promote sterilization of cats and dogs, care and maintenance of the shelter, or other purposes enumerated in VA. CODE ANN. §3.2-6534 (Repl. Vol. 2016).

(2) The County shall retain all fees received by the Animal Control Officer for picking up animals, at the request of the owner thereof, for delivery to the County Animal Shelter.

(3) All County dog license fees, except fees collected pursuant to §4-7.1 of this Code, shall be retained by the County in accordance with §4-20 of this Code and used for the purposes enumerated in VA. CODE ANN. §3.2-6534 (Repl. Vol. 2016).

For state law mandate, see VA. CODE ANN. §3.2-6546 (Cum. Supp. 2019). For state law authority, see VA. CODE ANN. §3.2-6543 (Repl. Vol. 2016). See also VA. CODE ANN. §3.2-6534 (Repl. Vol. 2016) and §3.2-6535 (Repl. Vol. 2016).

Editor's note: By Agreement and Lease, entered into on September 6, 1988, by and between the Campbell County School Board, the Board of Supervisors for the County of Campbell, Virginia, and the Humane Society for Campbell County, Inc., the said Humane Society for Campbell County, Inc. contracted to operate the County dog pound and to do so in accordance with the provisions of the Comprehensive Animal Laws of Virginia and applicable local ordinances, as amended from time to time. The Agreement and Lease were terminated, effective July 1, 2000, at which time Campbell County assumed responsibility for operation of the County animal shelter.

Cross-reference. - For detailed record-keeping requirements imposed by state law upon animal control officers, law-enforcement officers, humane investigators or custodians of any animal shelter, upon taking custody of any animal in the course of his official duties, or any representative of a humane society, upon obtaining custody of any animal on behalf of the society, see VA. CODE ANN. §3.2-6557. Such records shall be maintained for at least five years and shall be available for public inspection upon request.

For civil penalties assessable by the State Board of Agriculture and Consumer Services *against a locality* for failure to operate the shelter in accordance with regulations issued by the Board or other violation of said regulations or of the Comprehensive Animal Care Laws of Virginia (VA. CODE ANN. §3.2-6500 et seq. (Repl. Vol. 2016 and Cum. Supp. 2020)) and for authority for State Commissioner of Agriculture and Consumer Services to bring action to enjoin the violation or threatened violation of such laws or regulations regarding animal shelters, see VA. CODE ANN. §3.2-6546 at subsections K. and L.

[THE 1982 AMENDMENT repealed this section, and reenacted a revised version.]

[THE 1987 AMENDMENT rewrote the section.]

[THE 1988 AMENDMENT added subsection and paragraph designations, substituted "County Animal Pound" for "County Dog Pound," inserted "or other animals" preceding "running at large," and substituted "VA. CODE ANN. §3.1-796.96 (Cum. Supp. 1988)" for "VA. CODE ANN. § 29-213.66 (Repl. Vol. 1985)" in the first sentence of subsection (a), substituted "without the tag required by this article or in violation of any other provisions of this article" for "in violation of the provisions of this article" at the end of the first sentence of subsection (a), added the second sentence therein, inserted "Animal" preceding "Pound" in the introductory language of subsection (b) and near the end of subsection (b)(4), inserted "or retention by" in the middle of subsection (b)(4), and, in subsection (h), designated the first and second sentences as paragraph (1) therein, substituted "Humane Society" for "Board of Supervisors" at the end of the first sentence and substituted the present second sentence for the former second sentence which had read: "This shall be done by resolution at such intervals as the Board may deem necessary," and added new paragraphs (2) and (3) in subsection (h).]

[THE 1989 AMENDMENT substituted "animal" for "dog" near the end of the introductory language of subsection (b) and throughout paragraphs (1), (2), and (3), thereof, substituted "If" for "In the event" and "claims" for "shall claim" in paragraph (3), and, in paragraph (4) of (b), deleted "or" preceding "state-supported institution," inserted language beginning "provided that" and ending "not less than five (5) days," redesignated former (c) through (h) as present (d) through (i), inserted new (c), substituted "animal" for "dog" and "of the animal's" for "of the dog's" and deleted "of the dog" following "owner" in present (d), and added new (j).]

[THE 1993 AMENDMENT added the language beginning "and used for the purposes..." at the end of paragraph (3) in subsection (i).]

[THE 1994 AMENDMENT, in the introductory language of (b), inserted the clause designation (i) and inserted "rightful" preceding "owner thereof" and added clauses (ii) and (iii) in the first sentence, and added the second, third and fourth sentences; deleted "five (5) day" preceding "period" and substituted "in the introductory language of this subsection" for "herein" in subsection (b)(1); deleted "that" following "If" in subsection (b)(3); substituted "by delivery to any humane society or shelter, or by delivery" for "by delivery to or retention by any local humane society, shelter, or" in the middle of (b)(4) and added "or by delivery to a resident of an adjacent political subdivision of the Commonwealth" at the end; inserted "collar" in (c)(1); added "unless sooner claimed by the rightful owner" at the end of (c)(4); substituted "within the next forty-eight (48) hours following" for "with forty-eight (48) hours next following" in (d); in (e), added "At the expiration of the holding period required for such identified animal," at the beginning of subsection, substituted "resident who proposes" for "person who proposed," and inserted "or to any humane society or shelter, or to a resident of an adjacent political subdivision of the Commonwealth;" redesignated provisions of (h) as present (h)(1) and inserted "immediate" in the second sentence thereof; added new (h)(2); and added the second sentence in (j).]

[THE SEPTEMBER 1996 AMENDMENT rewrote the section.]

[THE MARCH 17, 1997 AMENDMENT substituted "without the Commonwealth, means any nonprofit organization organized for the purpose of" for "organized for the purpose of" in the last paragraph in G, and added H.]

[THE FEBRUARY 2, 1998 AMENDMENT extensively revised this section without making substantive changes and deleted former provisions specifying the process for a custodian or finder of the animal to claim such animal.]

[THE MAY 17, 1999 AMENDMENT substituted "VA. CODE ANN. §3.1-796.92 (Cum. Supp. 1998)" for "this article" in the first sentence of subsection A., and substituted "animal control officer" for "animal warden" throughout the section.]

[THE AUGUST 7, 2000 AMENDMENT substituted "Campbell County" for "the Humane Society for Campbell County, Inc., a nonprofit corporation" in the second sentence of A; in C, deleted "or" at the end of subdivision 4, inserted new subdivision 5, renumbered former subdivision 5 as present subdivision 6, substituted "4, or 5" for "or 4" in the second and third paragraphs therein, and added new fourth paragraph therein; and substituted "6" for "5" twice in E; in paragraph (1) of H, substituted "Campbell County" for "the Humane Society" at the end of the first sentence, deleted the former second sentence concerning retention of certain funds by Campbell County Humane Society for use in operation of animal pound, and added new second and third sentences concerning disposition of certain proceeds by Campbell County which now operates the animal pound; and, in paragraph (3) of H, inserted "except fees collected pursuant to §4-7.1 of this Code."]

[THE JULY 2, 2001 AMENDMENT amended subsection A, substituting "regulations" for "guidelines" and "Board" for "Department" in the second sentence.]

[THE JULY 7, 2003 AMENDMENT, in the introductory paragraph of subsection A, changed the order of the sentences near the end and added the present last sentence, designated existing provisions as paragraph 1 in A. and added paragraphs 2 through 6 thereafter; rewrote the third paragraph in B and added the fourth paragraph therein; in the first undesignated paragraph in C, deleted "or shelter" in the first sentence and deleted the second sentence regarding certain dogs bearing collar, tag, etc., added the second undesignated paragraph in C; also in C, deleted former paragraph 1 regarding sale/gift of unclaimed animal to federal agency, etc., redesignated former paragraphs 2 through 6 as present 1 through 5, and revised those provisions extensively, including adding requirement of a statement by certain animal caregivers, administrators, and persons seeking adoption that such person has never been convicted of animal cruelty, neglect or abandonment, deleted the three former undesignated paragraphs at end of C (provisions now found elsewhere herein), and added present last paragraph in C; revised D, E, and F regarding above-required statement and making substitutions in terminology; redesignated former G and H as present J and K, and, in the second sentence in K.1., substituted "release or transfer" for "gift, sale, or delivery"; and added new G, H, and I.]

[THE DECEMBER 1, 2003 AMENDMENT inserted the next-to-last sentence in introductory language of A. and rewrote the fourth paragraph in B. to provide for payment of animal redemption fees in either the office of the County Treasurer or at the Campbell County Animal Control and Care Facility (County Animal Pound).]

[THE DECEMBER 1, 2008 AMENDMENT moved former subsection J to become new subsection A and renumbered all other sections; substituted “euthanized in accordance with the methods approved by the State Veterinarian” for “humanely destroyed” in second paragraph of subsection now numbered D; substituted “dog or cat” for “animal” three times in subsection now numbered D 4; added last paragraph to subsection now numbered D 5; and deleted “Any proceeds deriving from the release or transfer of such animals pursuant to subsection C. of this section shall be paid directly to the Treasurer of Campbell County, and no part of such proceeds shall accrue to any individual” from subsection K 1.]

[THE DECEMBER 2, 2014 AMENDMENT substituted “public animal shelter” or “shelter” for “pound” and “public or private animal shelter” for “animal shelter” throughout the section; in subdivision B 4, substituted “shelter by a private animal shelter” for “pound by an animal shelter;” in subdivision D 5, substituted “public or private” for “pound or” in the first paragraph and substituted “public animal shelter to a public or private” for “pound to a pound” in the second paragraph.]

[THE DECEMBER 4, 2018 AMENDMENT added the third paragraph in subdivision C.]

#### **Sec. 4-5.1. Acceptance of animals for research or experimentation; prohibition.**

No person shall use or accept for the purpose of medical research or experimentation any animal bearing a tag, license or tattooed identification, unless the individual who owns such animal consents thereto in writing.

For state law authority, see VA. CODE ANN. §3.2-6547 (Repl. Vol. 2016) and §3.2-6587 A.9. (Cum. Supp. 2020).

Cross reference: For penalty applicable to violations of this section, see §4-18 of this Code.

[THE 1990 ACT adopted this section.]

[THE DECEMBER 1, 2008 AMENDMENT changed title and revised this section to remove passive voice.]

#### **Sec. 4-5.2 Regulation of sale of animals procured from animal shelters.**

(a) No person who acquires an animal from an animal shelter which is supported in whole or in part by the County shall sell such animal within a period of six (6) months from the time the animal is acquired from the shelter.

(b) Violation of this ordinance shall constitute a Class 1 misdemeanor.

For state law authority, see VA. CODE ANN. §3.2-6545 (Repl. Vol. 2016) and §3.2-6587 (Cum. Supp. 2020). For

punishment for misdemeanor, see §18.2-11 (Repl. Vol. 2014).

[THE FEBRUARY 2, 1998 ACT adopted this section.]

[THE JULY 7, 2003 AMENDMENT, in (a), substituted “an animal shelter which is supported in whole or in part by the County” for “the County animal pound or shelter.”]

[THE JULY 6, 2004 AMENDMENT reworded the penalty provision in (b).]

[THE DECEMBER 1, 2008 AMENDMENT added “a pound or” in subsection (a), and changed the level of misdemeanor for violation from Class 4 to Class 1.]

[THE DECEMBER 2, 2014 AMENDMENT deleted “a pound or” before “animal shelter” in (a).]

**Sec. 4-5.3. Private animal shelters; confinement and disposition of animals; penalties; injunctive relief.**

(a) A private animal shelter may confine and dispose of animals in accordance with the provisions of subsections B through F of §4-5 of this Code.

(b) Each private animal shelter shall obtain a signed statement from each of its directors, operators, staff, and animal caregivers specifying that the individual has never been convicted of animal cruelty, neglect, or abandonment, and each animal shelter shall update such statement as changes occur.

(c) A private animal shelter shall be operated in accordance with all applicable provisions of the Comprehensive Animal Care Laws of Virginia (VA. CODE ANN. §3.2-6500 et seq.), regulations issued by the Board of Agriculture and Consumer Services, and other applicable laws and local ordinances, with particular emphasis on those requirements specified in VA. CODE ANN. §3.2-6548 (Repl. Vol. 2016) regarding confinement and disposition of animals, recordkeeping, required transmittal of information regarding any animal received from person other than its owner, public accessibility of the shelter, and affiliations with foster care providers and related responsibilities.

(d) No private animal shelter shall be operated in violation of any local zoning ordinance.

(e) Any violation of this section shall be subject to the remedies and penalties prescribed in subsections J. and K. of VA. CODE ANN. §3.2-6548.

For state law authority, see VA. CODE ANN. §3.2-6548 (Repl. Vol. 2016) and VA. CODE ANN. §3.2-6543 (Repl. Vol. 2016).

[THE JULY 7, 2003 ACT adopted this section.]

[THE DECEMBER 2, 2014 AMENDMENT added “private” to the catchline and prior to “animal shelter” throughout.]

**Sec. 4-5.4. Releasing agencies other than public or private animal shelters; confinement and disposition of companion animals; recordkeeping; penalties.**

- (a) A releasing agency other than a public or private animal shelter:
1. May confine and dispose of companion animals in accordance with subsections B through G of §4-5 of this Code if incorporated and not operated for profit.
  2. Shall keep accurate records of each companion animal received for two years from the date of disposition of the companion animal. Records shall (i) include a description of the companion animal, including species, color, breed, sex, approximate weight, age, reason for release, owner's or finder's name, address, and telephone number, and license number or other identifying tags or markings, as well as disposition of the companion animal, and (ii) be made available upon request to the Office of Animal Care and Health Policy, animal control officers, and law enforcement officers at mutually agreeable times. A releasing agency other than a public or private animal shelter shall annually submit a summary of such records to the State Veterinarian in a format prescribed by him, wherein a post office box may be substituted for a home address; and
  3. Shall annually file with the State Veterinarian a copy of its intake policy.

For purposed of recordkeeping, release of a companion animal by a releasing agency to a public or private animal shelter or other releasing agency shall be considered a transfer and not an adoption. If the animal is not first sterilized, the responsibility for sterilizing the animal transfers to the receiving entity.

(b) Each releasing agency other than a public or private animal shelter shall obtain a signed statement from each of its directors, operators, staff, or animal caregivers specifying that each individual has never been convicted of animal cruelty, neglect, or abandonment, and each such releasing agency shall update such statement as changes occur.

(c) A releasing agency other than a public or private animal shelter shall be operated in accordance with all applicable provisions of the Comprehensive Animal Care Laws of Virginia (VA. CODE ANN. §3.2-6500 et seq.), regulations issued by the Board of Agriculture and Consumer Services, and other applicable laws and local ordinances, with particular emphasis on those requirements specified in VA. CODE ANN. §3.2-6549 (Repl. Vol. 2016) regarding confinement and disposition of animals, recordkeeping, required transmittal of information regarding any animal found or animal received from person other than its owner, affiliations with foster care providers and related responsibilities.

(d) A releasing agency other than a public or private animal shelter shall comply with the provisions of VA. CODE ANN. §3.2-6503.

(e) No releasing agency other than a public or private animal shelter shall be operated in violation of any local zoning ordinance.

(f) A releasing agency other than a public or private animal shelter that violates any provision of this section, other than subsection (d), may be subject to a civil penalty not to exceed \$250.

For state law authority, see VA. CODE ANN. §3.2-6549 (Repl. Vol. 2016) and VA. CODE ANN. §3.2-6543 (Repl. Vol. 2016).

[THE JULY 7, 2003 ACT adopted this section.]

[THE DECEMBER 1, 2008 AMENDMENT changed “F” to “G” in subsection (a).]

[THE DECEMBER 2, 2014 AMENDMENT substituted “public or private” for “pound or” throughout the section, and inserted “if incorporated and not operated for profit” in subsection (a).]

[THE DECEMBER 6, 2016 AMENDMENT added subsections 2 and 3 and the last paragraph to subsection (a) and reformatted (a) as necessary.]

**Sec. 4-5.5. Requirements for foster homes for companion animals; penalty.**

(a) In addition to any other requirements of this chapter or of VA. CODE ANN. §3.2-6500 et seq., foster homes shall be subject to the following:

1. No foster home shall be operated in violation of any local zoning ordinance;  
and
2. No private residential dwelling and its surrounding grounds that serves as a foster home shall keep more than fifty (50) companion animals on site at one time.

(b) Any foster home found in violation of this section may be subject to a civil penalty not to exceed \$250.

For state law authority, see VA. CODE ANN. §3.2-6550 (Repl. Vol. 2016) and VA. CODE ANN. §3.2-6543 (Repl. Vol. 2016).

[THE JULY 7, 2003 ACT adopted this section.]

[THE DECEMBER 2, 2014 AMENDMENT inserted “private residential dwelling and its surrounding grounds that serves as a” in (a)(2).]

**Sec. 4-5.6. Required notification by individuals finding companion animals; penalty.**

(a) Any individual who finds a companion animal and (i) provides care or safekeeping, or (ii) retains the 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 Campbell County animal shelter and provide to the shelter contact information including at least a name and 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 an individual finds a companion animal and (i) provides care or safekeeping, or (ii) retains the companion animal in such a manner as to control its activities, the individual shall comply with the provisions of VA. CODE ANN. §3.2-6503 (Repl. Vol. 2016) regarding provision of adequate food, water, shelter, exercise, etc.

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

For state law authority, see VA. CODE ANN. §3.2-6551 (Repl. Vol. 2016) and VA. CODE ANN. §3.2-6543 (Repl. Vol. 2016).

[THE JULY 7, 2003 ACT adopted this section.]

[THE DECEMBER 2, 2014 AMENDMENT substituted “shelter” for “pound” throughout section, and substituted “the” for “a” before “companion animal” in (a) and (b).]

**Sec. 4-6. Dogs and cats deemed personal property; authority of animal control officer to seize and hold stolen or unlawfully detained animals; fee therefor.**

All dogs and cats shall be deemed personal property and may be the subject of larceny and malicious or unlawful trespass.

Owners may maintain any action for the killing of any such animals, or injury thereto, or unlawful detention or use thereof as in the case of other personal property. The owner of any dog or cat which is injured or killed contrary to the provisions of this article by any person shall be entitled to recover the value thereof or the damage done thereto in an appropriate action at law from such person.

An animal control officer or other officer finding a stolen dog or cat, or a dog or cat held or detained contrary to law, shall have authority to seize and hold such animal pending action before a general district court or other court. If no such action is instituted within seven (7) days, the animal control officer or other officer shall deliver the dog or cat to its owner.

The presence of a dog or cat on the premises of a person other than its legal owner shall raise no presumption of theft against the owner and the animal control officer may take such animal in charge and notify its legal owner to remove it. (6-3-68, §12.)

The legal owner of such animal seized and held by the animal control officer shall pay a fee of eight dollars (\$8.00) per day, or portion thereof, for the keep of such animal while in the possession of the animal control officer. All such fees shall be forwarded by the animal control officer to the Treasurer of Campbell County and retained in a separate account to be used for the purpose of defraying the costs of local animal control, including efforts to promote sterilization of cats and dogs.

For state law basis, see VA. CODE ANN. §3.2-6585 (Repl. Vol. 2016) and VA. CODE ANN. §3.2-6543 (Repl. Vol. 2016).

Cross-reference. - For strict record-keeping requirements applicable to animal control officer upon taking custody of animal in the course of his official duties, see VA. CODE ANN. §3.2-6557.

[THE 1987 AMENDMENT rewrote this section.]

[THE 1988 AMENDMENT divided the section into three paragraphs, substituted "All dogs and cats" for "All dogs" in the first paragraph, substituted "animals" for "dogs" in the second sentence thereof; substituted "animal" for "dog" and "such animal and to deliver such animal to the County Animal Pound for holding" for "and hold such animal" in first sentence of second paragraph; inserted "or cat" following "dog" throughout the section, and deleted the former last sentence which read: "The legal owner of the animal shall pay a reasonable charge to be established by ordinance, for the keep of such animal while in possession of the animal warden."]

[THE MAY 17, 1999 AMENDMENT substituted "and" for "or" preceding "malicious" in the first paragraph, substituted "or" for "for" preceding "injury" and "unlawful" in the first sentence in the second paragraph, substituted "animal control officer" for "animal warden" throughout the third and fourth paragraphs; in the first sentence in the third paragraph, substituted seize and hold such animal" for "seize such animal and to deliver such animal to the County Animal Pound for holding."]

[THE DECEMBER 20, 1999 AMENDMENT added the last paragraph.]

[THE JULY 7, 2003 AMENDMENT increased the fee in the first sentence of the last paragraph from three dollars (\$3.00) to eight dollars (\$8.00) per day or portion thereof.]

#### **Sec. 4-6.1. Dog injuring or killing other companion animals.**

The owner of any companion animal that is injured or killed by a dog shall be entitled to recover damages consistent with the provisions of VA. CODE ANN. §3.2-6585 or §4-6 of this Code from the owner of such dog in an appropriate action at law if (i) the injury occurred on the premises of

the companion animal's owner, and (ii) the owner of the offending dog did not have the permission of the companion animal's owner for the dog to be on the premises at the time of the attack.

For state law authority, see VA. CODE ANN. §3.2-6586 (Repl. Vol. 2016) and VA. CODE ANN. §3.2-6543 (Repl. Vol. 2016).

[THE DECEMBER 1, 2003 ACT adopted this section.]

**Sec. 4-7. Dogs killing, injuring or chasing livestock or poultry.**

(a) It shall be the duty of any animal control officer or other officer who may find a dog in the act of killing or injuring livestock or poultry to seize or kill such dog forthwith whether such dog bears a tag or not. Any person finding a dog committing any of the depredations mentioned in this section shall have the right to kill such dog on sight as shall any owner of livestock or his agent finding a dog chasing livestock on land utilized by the livestock when the circumstances show that such chasing is harmful to the livestock. Any court shall have the power to order the animal control officer or other officer to kill any dog known to be a confirmed livestock or poultry killer, and any dog killing poultry for the third time shall be considered a confirmed poultry killer. The court, through its contempt powers, may compel the owner, custodian or harbinger of the dog to produce the dog.

(b) Any animal control officer who has reason to believe that any dog is killing livestock or poultry shall be empowered to seize such dog solely for the purpose of examining such dog in order to determine whether it committed any of the depredations mentioned 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 the magistrate of the County, city or town wherein such dog may be, who shall issue a warrant requiring the owner or custodian, if known, to appear before a general district court at the time and place named therein, at which time evidence shall be heard. If it shall appear that the dog is a livestock killer or has committed any of the depredations mentioned in this section, the district court shall order that the dog be (i) killed or euthanized immediately, by the animal control officer or other officer designated by the Court or (ii) removed to another state which does not border on the Commonwealth and prohibited from returning to the Commonwealth. Any dog ordered removed from the Commonwealth which is later found in the Commonwealth shall be ordered by a court to be killed or euthanized immediately.

(c) Pending such court hearing and determination, the Animal Control Officer shall ensure that the dog is securely confined, either by requiring the owner to confine said dog in a fenced enclosure or by delivering such dog to the County Animal Pound, where the dog shall be held until the matter is determined by the court. The determination of the method of confinement, either by the owner or the animal pound, shall be made by the Animal Control Officer in his sole discretion.

(d) Notwithstanding the provisions of subsection (b), if it is determined that the dog has killed or injured only poultry, the district court may, instead of ordering killing, euthanasia, or removal to another state pursuant to this section, order either (1) that the dog be transferred to another owner whom the court deems appropriate and permanently fitted with an identifying microchip registered to that owner or (2) that the dog be fitted with an identifying microchip registered to the owner and confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent the dog's escape; direct contact with the dog by minors, adults, or other animals; or

entry by minors, adults, or other animals. The structure shall be designed to provide the dog with shelter from the elements of nature. When off its owner's property, any dog found to be a poultry killer shall be kept on a leash and muzzled in such a manner as not to cause injury to the dog or interfere with its vision or respiration, but so as to prevent it from biting a person or another animal.

For state law basis, VA. CODE ANN. §3.2-6552 (Repl. Vol. 2016).

[THE 1987 AMENDMENT rewrote this section.]

[THE 1988 AMENDMENT inserted "city or town" preceding "wherein such dog may be" in second sentence of second paragraph, and inserted new third and fourth sentences.]

[THE 1990 AMENDMENT added subsection designations (a) through (d), inserted the designation (i) and added language beginning "or (ii) removed to another state..." in the first sentence of (d) and added the last sentence therein.]

[THE 1993 AMENDMENT added the last sentence in subsection (a).]

[THE MAY 17, 1999 AMENDMENT substituted "animal control officer" for "animal warden" throughout the section.]

[THE JULY 1, 2014 AMENDMENT added "seize or" to the first sentence of (a).]

[THE DECEMBER 6, 2016 AMENDMENT moved former subsection (d) to the end of (b) and added "or euthanized" to that except, and added new language at subsection (d).]

#### **Sec. 4-7.1 Control of dangerous dogs.**

- A. As used in this section, "dangerous dog" means:
1. A canine or canine crossbreed that has bitten, attacked, or inflicted injury on a companion animal that is a dog or cat or killed a companion animal that is a dog or cat. A canine or canine crossbreed is not a dangerous dog if, upon investigation, a law-enforcement officer or animal control officer finds that (i) 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, (ii) both animals are owned by the same person, or (iii) such attack occurred on the property of the attacking or biting dog's owner or custodian; or
  2. A canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person. A canine or canine crossbreed is not a dangerous dog if, upon investigation, a law-enforcement officer or animal control officer finds that the injury inflicted by the canine or canine crossbreed upon a person consists solely of a single nip or bite resulting only in a scratch, abrasion, or other minor injury.

B. 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 or custodian as part of lawful hunting or participating in an organized, lawful dog handling event. No dog shall be found to be a dangerous dog if the court determines, based on the totality of the evidence before it, or for other good cause, that the dog is not dangerous or a threat to the community.

C. Any law-enforcement officer or animal control officer who has reason to believe that a canine or canine crossbreed within Campbell County is a dangerous dog may apply to a magistrate of the jurisdiction for the issuance of a summons requiring the owner or custodian, if known, to appear before a 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 County 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 or custodian can confine the animal in a manner that protects the public safety, he may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal.

D. 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 ordinance. The court, upon finding the animal to be a dangerous dog, may order the owner, custodian, or harbinger 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.

E. If, after hearing the evidence, the court decides to defer further proceedings without entering an adjudication that the animal is a dangerous dog, it may do so, notwithstanding any other provision of this section. A court that defers further proceedings shall place specific conditions upon the owner of the dog. If the owner violates any of the conditions, the court may enter an adjudication that the animal is a dangerous dog and proceed as otherwise provided in this section. Upon fulfillment of the conditions, the court shall dismiss the proceedings against the animal and the owner without an adjudication that the animal is a dangerous dog.

F. The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in VA. CODE ANN. §19.2-260 et seq. The Commonwealth shall be required to prove its case beyond a reasonable doubt.

G. No canine or canine crossbreed shall be found to be a dangerous dog solely because it is a particular breed; nor is the ownership of a particular breed of canine or canine crossbreed prohibited.

H. No animal shall be found to be a dangerous dog if the threat, injury or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian, (ii) committing, at the time, a willful trespass upon the premises occupied by the animal's owner or custodian or (iii) 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 that was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog. No 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, shall be found to be a dangerous dog.

I. If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.

J. The owner of any animal found to be a dangerous dog shall, within thirty (30) days of such finding, obtain a dangerous dog registration certificate from the County animal control officer or Treasurer for a fee of \$150.00 in addition to other fees that may be authorized by law. The local animal control officer or Treasurer shall also provide the owner with a uniformly designed tag that 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 certificates obtained pursuant to this subdivision shall be updated and renewed for a fee of \$85 and in the same manner as the initial certificate was obtained. The County animal control officer shall post registration information on the Virginia Dangerous Dog Registry.

K. All dangerous dog registration certificates or renewals thereof required to be obtained under this section 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 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 (i) 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 (ii) the animal has been permanently identified by means of electronic implantation. All certificates or renewals thereof required to be obtained under this section shall only be issued to persons who present satisfactory evidence that the owner has liability insurance coverage, to the value of at least \$100,000, 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 \$100,000.

L. While on the property of its owner, an animal found 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 VA. CODE ANN. § 3.2-6503 (Repl. Vol. 2016). When off its owner's property, an animal found 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 another animal.

M. The owner shall cause the County animal control officer to be promptly notified of (i) the names, addresses, and telephone numbers of all owners; (ii) all of the means necessary to locate the owner and the dog at any time; (iii) any complaints or incidents of attack by the dog upon any person or cat or dog; (iv) any claims made or lawsuits brought as a result of any attack; (v) chip identification information; (vi) proof of insurance or surety bond; and (vii) the death of the dog.

N. After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon learning of same, cause the local animal control authority to be notified if the animal (i) is loose or unconfined; (ii) bites a person or attacks another animal; or (iii) is sold, is 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 local animal control authority for the old address from which the animal has moved and the new address to which the animal has been moved.

- O. Any owner or custodian of a canine or canine crossbreed or other animal is guilty of a:
1. Class 2 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this ordinance, 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;
  2. Class 1 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this ordinance, when such declaration arose out of a separate and distinct incident, bites a human being or attacks a human being causing bodily injury; or
  3. Class 6 felony if any owner or custodian whose willful act or omission in the care, control, or containment of a canine, canine crossbreed, or other animal is so gross, wanton, and culpable as to show a reckless disregard for human life, and is the proximate cause of such dog or other animal attacking and causing serious bodily injury to any person.

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

P. The owner of any animal that has been found to be a dangerous dog who willfully fails to comply with the requirements of the ordinance shall be guilty of a Class 1 misdemeanor.

Whenever an owner or custodian 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 a verdict rendered. The court, through its contempt powers, may compel the owner, custodian, or harbinger of the animal to produce the animal.

Upon conviction, the court may (i) order the dangerous dog to be disposed of by the County pursuant to VA. CODE ANN. § 3.2-6562 (Repl. Vol. 2016) or (ii) grant the owner up to 30 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 County pursuant to VA. CODE ANN. § 3.2-6562 (Repl. Vol. 2016). 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.

Q. All fees collected pursuant to the ordinance, less the costs incurred by the animal control authority in producing and distributing the certificates and tags required by the ordinance and fees due to the State Veterinarian for maintenance of the Virginia Dangerous Dog Registry, shall be paid into a special dedicated fund in the treasury of Campbell County for the purpose of paying the expenses of any training course required under VA. CODE ANN. §3.2-6556 (Repl. Vol. 2016).

For state law basis, see VA. CODE ANN. §3.2-6540 (Cum. Supp. 2019). For additional state law authority, see VA. CODE ANN. §3.2-6525 (Repl. Vol. 2016). For penalty for misdemeanors, see VA. CODE ANN. §18.2-11 (Repl. Vol. 2014).

Cross-reference: For provisions regulating hybrid canines and requiring special hybrid canine permits, see Article III (§4-29 et seq.) of this chapter.

[THE SEPTEMBER 1996 AMENDMENT repealed former § 4-7.1 regarding dogs killing other domestic animals other than livestock or poultry and adopted new § 4-7.1 above.]

[THE MARCH 17, 1997 AMENDMENT inserted the clause in the first sentence of C.]

[THE DECEMBER 1, 1997 AMENDMENT, redesignated provisions of former subsection B as present paragraph (1) of B and added new paragraph (2) thereafter, deleted "by a court" preceding "to be a dangerous dog" in D, F, G, H, and I, and divided provisions of subsection E into paragraphs (1) and (2) thereof, added clause (iii) provisions at end of both paragraphs, and substituted "signs" for "sign" in clause (i) in paragraph (2).]

[THE MAY 17, 1999 AMENDMENT substituted "animal control officer" for "animal warden" throughout the section and inserted "local" in the first sentence in D.]

[THE JULY 2, 2001 AMENDMENT, in B(1), deleted "or owner" following "The animal control officer" in the third sentence and inserted the present fourth sentence; and substituted "§3.1-796.104:1 (Cum. Supp. 2000)" for "§3.1-796.105 (Cum. Supp. 1999)" in J.]

[THE DECEMBER 1, 2003 AMENDMENT, in A., placed definitions of "Dangerous dog" and "Vicious dog" into separate paragraphs and, in definition of "Dangerous Dog," deleted "other than a dog" preceding "or killed a companion animal" and added language beginning "however, when a dog . ." ; and, in definition of "Vicious dog," inserted "or an animal control officer as authorized by subsection B.(1) of this section"; substituted "that" for "which"; and, in clause (iii) of subsection E. (2), increased the required amount of liability insurance that covers animal bites from \$50,000 to \$100,000.]

[THE DECEMBER 4, 2006 AMENDMENT rewrote this section in order to track 2006 state amendments to VA. CODE ANN. §3.1-796.93:1.]

[THE JULY 2, 2007 AMENDMENT added the second sentence in the first paragraph in H.]

[THE JULY 7, 2008 AMENDMENT added the last sentence in the definition of “Dangerous dog” in A.]

[THE DECEMBER 1, 2008 AMENDMENT deleted “However” from the beginning the second sentence within the definition of “Dangerous dog” in A, and substituted “animals” for “dogs” in clause (ii) of that same sentence; slightly revised the first sentence in C; added “and” between clauses (i) and (ii) in the second sentence in F; and substituted “any appropriate court” for “court of competent jurisdiction” in the first sentence of H.]

[THE DECEMBER 7, 2009 AMENDMENT added the ninth sentence in B.]

[THE JULY 17, 2012 AMENDMENT in subsection E, increased the time to obtain a registration certificate from 10 days to 45 days, increased the initial fee from \$50 to \$150, requires yearly updates and renewals to the certificate for an annual fee of \$85, and requires the animal control officer to post the information to the Dangerous Dog Registry, and deletes the first paragraph of subsection H, and adds “and fees due to the State Veterinarian for maintenance of the Virginia Dangerous Dog Registry” to subsection L.]

[THE JULY 2, 2013 AMENDMENT separated all language related to vicious dogs and moved it to the new section, 4-7.2, removed references to tattoos in lieu of electronic chip implantation, added the second and third paragraphs in subsection K, and made minor stylistic changes.]

[THE DECEMBER 5, 2017 AMENDMENT divided former subsections A and C into two subsections each and redesignated the remaining subsections accordingly; rewrote subsection A and added subdivision A.2; in the second sentence of subsection B, deleted “that has bitten, attacked, or inflicted injury on a person” preceding “shall be found” and inserted “or for other good cause;” in subsection C, substituted “may apply to a magistrate” for “shall apply to a magistrate” in the first sentence; in subsection G, substituted “30 days” for “45 days”; and in subsection M, substituted “30 days” for “45 days.”]

[THE JULY 16, 2019 AMENDMENT added subsection E and renumbered all following subsections, reorganized the section, and added subsection O.3.]

#### **Sec. 4-7.2 Control of vicious dogs.**

A. As used in this section:

“Serious injury” means 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 dog” means 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 which resulted in a previous finding by a court or, on or before July 1, 2006, by an animal control officer as authorized by ordinance that it is a dangerous dog, provided that its owner has been given notice of that finding.

B. Any law-enforcement officer or animal control officer who has reason to believe that a canine or canine crossbreed within his jurisdiction is a vicious dog shall apply to a magistrate serving the jurisdiction for the issuance of a summons requiring the owner or custodian, if known, to appear before the general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. If a law-enforcement officer successfully makes an application for the issuance of a summons, he shall contact the local 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, custodian, or harbinger 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 VA. CODE ANN. § 3.2-6562 (Repl. Vol. 2016). The court, upon finding the animal to be a vicious dog, may order the owner, custodian, or harbinger thereof 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 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.

C. No canine or canine crossbreed shall be found to be a vicious dog solely because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed prohibited. No animal shall be found to be a vicious dog if the threat, injury, or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian; (ii) committing, at the time, a willful trespass upon the premises occupied by the animal's owner or custodian; or (iii) 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 that was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a vicious dog. No 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, shall be found to be a vicious dog.

D. Any owner or custodian of a canine or canine crossbreed or other animal whose willful act or omission in the care, control, or containment of a canine, canine crossbreed, or other animal is so gross, wanton, and culpable as to show a reckless disregard for human life and is the proximate cause of such dog or other animal attacking and causing serious injury to any person is guilty of a Class 6 felony. The provisions of this subsection shall not apply to any animal that, at the time of the acts complained of, was responding to pain or injury or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, or when the animal is a police dog that is engaged in the performance of its duties at the time of the attack.

For state law basis, see VA. CODE ANN. §3.2-6540.1 (Repl. Vol. 2016). For additional state law authority, see VA. CODE ANN. §3.2-6525 (Repl. Vol. 2016). For penalty for misdemeanors, see VA. CODE ANN. §18.2-11 (Repl. Vol. 2014).

Cross-reference: For provisions regulating hybrid canines and requiring special hybrid canine permits, see Article III (§4-29 et seq.) of this chapter.

[THE JULY 2, 2013 ACT adopted this section.]

**Sec. 4-8. Animal control officer.**

Pursuant to VA. CODE ANN. §3.2-6555 (Repl. Vol. 2016), the position of Animal Control Officer for the County is hereby created and established. The animal control officer shall discharge the duties and responsibilities of the position of Animal Control Officer as set forth in VA. CODE ANN. §3.2-6555 (Repl. Vol. 2016) and VA. CODE ANN. §3.2-6557 (Repl. Vol. 2016), and such other duties as may be required by the Board of Supervisors from time to time. Such Animal Control Officer shall have knowledge of the animal control and protection laws of Virginia which he is required to enforce and, effective April 1, 1999, shall be required to complete the training courses as specified in VA. CODE ANN. §3.2-6556 (Repl. Vol. 2016). When in uniform or upon displaying a badge or other credentials of office, the Animal Control Officer shall have the power to issue a summons or obtain a felony warrant as necessary, providing the execution of such warrant shall be carried out by any law-enforcement officer as defined in VA. CODE ANN. §9.1-101 (Cum. Supp. 2019), to any person found in the act of violating any such law or any ordinance of Campbell County enacted pursuant to such law. Commercial dog breeding locations shall be subject to inspection by animal control at least twice annually and additionally upon receipt of a complaint or their own motion to ensure compliance with state animal care laws and regulations. The Animal Control Officer shall receive such compensation as prescribed by the Board of Supervisors. (6-3-68, § 1.)

For state law mandate, see VA. CODE ANN. §3.2-6555 (Repl. Vol. 2016), and VA. CODE ANN. §3.2-6556 (Repl. Vol. 2016).

Editor's note.— Pursuant to an Agreement dated April 18, 1979, between the County of Campbell and the Town of Altavista, the County agreed to provide the necessary personnel, equipment and facilities for the control, inspection and protection of dogs and the enforcement of the dog laws, both state and local, within the Town of Altavista, in exchange for the payment of \$1.00 by the Town per fiscal year. Such contract remains in force from year to year without formal renewal, except that it may be terminated upon ninety days written notice by either party.

VA. CODE ANN. §3.2-6555 (Repl. Vol. 2016) authorizes, but does not require, the local governing body to appoint one or more deputy animal control officers to assist the Animal Control Officer in the performance of his duties. Any such deputy is also charged with the duties and responsibilities as set forth in this section and state law and, effective April 1, 1999, is required to complete training courses as prescribed by state law.

Cross-references.--For detailed record-keeping requirements imposed by state law upon animal control officers, law-enforcement officers, humane investigators or custodians of any animal shelter, upon taking custody of any animal in the course of his official duties, or any representative of a humane society, upon obtaining custody of any animal on behalf of the society, see VA. CODE ANN.

§3.2-6557 (Repl. Vol. 2016). Such records shall be maintained for at least five years and shall be available for public inspection upon request.

For duty of animal control officer, humane investigator or State Veterinarian's representative to interfere to prevent the perpetration of any act of cruelty upon any animal in his presence, see VA. CODE ANN. §3.2-6566 (Repl. Vol. 2016).

For provisions regarding issuance of warrant, upon affidavit of any animal control officer, humane investigator, law-enforcement officer or State Veterinarian's representative that laws regarding cruelty to animals have been, are being, or about to be violated in a particular building or place, authorizing any sheriff, deputy, sheriff or police officer to search the building or place, see VA. CODE ANN. §3.2-6568 (Repl. Vol. 2016).

For authority of a town to adopt by reference any animal control ordinance of the surrounding county to be applied within its town limits, in lieu of adopting a town ordinance, see VA. CODE ANN. §3.2-6543 at A. (Repl. Vol. 2016).

[THE 1987 AMENDMENT substituted "VA. CODE ANN. §29-213.73" for "section 29-213.8 of the Code of Virginia" twice and inserted third and fourth sentences.]

[THE 1988 AMENDMENT substituted "VA. CODE ANN. §3.1-796.104" for "VA. CODE ANN. §29-213.73" twice.]

[THE 1989 AMENDMENT inserted "VA. CODE ANN. §3.1-796.105 (Cum. Supp. 1989)" in the second sentence.]

[THE MAY 17, 1999 AMENDMENT substituted "control officer" for "warden" and, in third sentence, inserted "and, effective April 1, 1999, shall be required to complete the training courses as specified in VA. CODE ANN. §3.1-796.104:1 (Cum. Supp. 1998)."]

[THE JULY 6, 2004 AMENDMENT inserted "or obtain a felony warrant . . . VA. CODE ANN. §9.1-101 (Cum. Supp. 2003)" following "summons" in the fourth sentence.]

[THE DECEMBER 1, 2008 AMENDMENT deleted "a" after "shall have" in the third sentence, and added the second to last sentence, *to be effective January 1, 2009.*]

**Sec. 4-8.1. Seizure and impoundment of abandoned, abused, or neglected animal by humane investigator, etc.; notice; hearing; disposition of animal.**

A. Any humane investigator, law-enforcement officer or animal control officer may lawfully seize and impound any animal that has been abandoned, has been cruelly treated, or is suffering from an apparent violation of this chapter that has rendered the animal in such a condition as to constitute a direct and immediate threat to its life, safety or health. The seizure or impoundment of an equine resulting from a violation of clause (iv) of subsection A or clause (ii) of subsection B of §4-2.1 of this Code may be undertaken only by the State Veterinarian or State Veterinarian's representative who has received training in the examination and detection of sore horses as required by 9 C.F.R. Part 11.7.

B. Before seizing or impounding any agricultural animal, the humane investigator, law-enforcement officer or animal control officer shall contact the State Veterinarian or State Veterinarian's representative, who shall recommend to the person the most appropriate action for effecting the seizure and impoundment. The humane investigator, law-enforcement officer or animal control officer shall notify the owner of the agricultural animal and the local attorney for the Commonwealth of the recommendation. The humane investigator, law-enforcement officer or animal control officer may impound the agricultural animal on the land where the agricultural animal is located if:

1. The owner or tenant of the land where the agricultural animal is located gives written permission;
2. A general district court so orders; or
3. The owner or tenant of the land where the agricultural animal is located cannot be immediately located, and it is in the best interest of the agricultural animal to be impounded on the land where it is located until the written permission of the owner or tenant of the land can be obtained.

If there is a direct and immediate threat to an agricultural animal, the humane investigator, law-enforcement officer or animal control officer may seize the animal, in which case the humane investigator, law-enforcement officer or animal control officer shall file within five business days on a form approved by the State Veterinarian a report on the condition of the animal at the time of the seizure, the location of impoundment, and any other information required by the State Veterinarian.

C. Upon seizing or impounding an animal, the humane investigator, law-enforcement officer or animal control officer shall petition the general district court in the city or county where the animal is seized for a hearing. The hearing shall be not more than 10 business days from the date of the seizure of the animal. The hearing shall be to determine whether the animal has been abandoned, has been cruelly treated, or has not been provided adequate care.

D. The humane investigator, law-enforcement officer, or animal control officer shall cause to be served upon the person with a right of property in the animal or the custodian of the animal notice of the hearing. If such person or the custodian is known and residing within the jurisdiction wherein the animal is seized, written notice shall be given at least five days prior to the hearing of the time and place of the hearing. If such person or the custodian is known but residing out of the jurisdiction where such animal is seized, written notice by any method or service of process as is provided by the Code of Virginia shall be given. If such person or the custodian is not known, the humane investigator, law-enforcement officer, or animal control officer shall cause to be published in a newspaper of general circulation in the jurisdiction wherein such animal is seized notice of the hearing at least one time prior to the hearing and shall further cause notice of the hearing to be posted at least five days prior to the hearing at the place provided for public notices at the courthouse wherein such hearing shall be held.

E. The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in VA. CODE ANN. §19.2-260 et seq. (Repl. Vol. 2015 and Cum. Supp. 2019). The Commonwealth shall be required to prove its case beyond a reasonable doubt.

F. The humane investigator, law-enforcement officer, or animal control officer shall provide for such animal until the court has concluded the hearing. The owner of any animal held pursuant to this subsection for more than thirty (30) days shall be required to post a bond in surety with Campbell County in an amount sufficient to cover the costs of boarding and providing the elements of good care set forth in VA. CODE ANN. §3.2-6503 for such animal pending final disposition of the matter by the court. The amount of the surety bond may be determined on the basis of a per diem fee of eight dollars (\$8.00) per day, but such fee may be adjusted based on the condition of and special circumstances related to such animal. Posting of such surety bond shall be required to secure such costs for three-month intervals, or, at the option of Campbell County, for such longer or shorter intervals as required by an individual case, such period not to exceed a total of nine (9) months.

If the court determines that the animal has been neither abandoned, cruelly treated, nor deprived of adequate care, the animal shall be returned to the owner. If the Court determines that the animal has been (i) abandoned or cruelly treated, (ii) deprived of adequate care as that term is defined in VA. CODE ANN. §3.2-6500, or (iii) raised as a dog that has been, is, or is intended to be used in dogfighting in violation of VA. CODE ANN. §3.2-6571, then the court shall order that the animal may be: (a) sold by a local governing body, if not a companion animal; (b) disposed of by a local governing body pursuant to subsection D of VA. CODE ANN. §3.2-6546, whether such animal is a companion animal or an agricultural animal; or; (c) delivered to the person with a right of property in the animal as provided in subsection G.

G. In no case shall the owner be allowed to purchase, adopt, or otherwise obtain the animal if the court determines that the animal has been abandoned, cruelly treated, or deprived of adequate care. The court shall direct that the animal be delivered to the person with a right of property in the animal, upon his request, if the court finds that the abandonment, cruel treatment, or deprivation of adequate care is not attributable to the actions or inactions of such person.

H. The court shall order the owner of any animal determined to have been abandoned, cruelly treated, or deprived of adequate care to pay all reasonable expenses incurred in caring and providing for such animal from the time the animal is seized until such time that the animal is disposed of in accordance with the provisions of this section, to the provider of such care.

I. The court may prohibit the possession or ownership of other companion animals by the owner of any companion animal found to have been abandoned, cruelly treated, or deprived of adequate care. In making a determination to prohibit the possession or ownership of companion animals, the court may take into consideration the owner's past record of convictions under this chapter or other laws prohibiting cruelty to animals or pertaining to the care or treatment of animals and the owner's mental and physical condition.

J. If the court finds that an agricultural animal has been abandoned or cruelly treated, the court may prohibit the possession or ownership of any other agricultural animal by the owner of the agricultural animal if the owner has exhibited a pattern of abandoning or cruelly treating agricultural animals as evidenced by previous convictions or violating VA. CODE ANN. §3.2-6504 (Cum. Supp. 2019) or §4-2 of this Code, or of violating VA. CODE ANN. §3.2-6570 (Cum. Supp. 2019) or §4-2.1 of this Code. In making a determination to prohibit the possession or ownership of agricultural animals, the court may take into consideration the owner's mental and physical condition.

K. Any person who is prohibited from owning or possessing animals pursuant to subsection I or J may petition the court to repeal the prohibition after two years have elapsed from the date of entry of the court's order. The court may, in its discretion, repeal the prohibition if the person can prove to the satisfaction of the court that the cause for the prohibition has ceased to exist.

L. When a sale occurs, the proceeds shall first be applied to the costs of the sale, then next to the unreimbursed expenses for the care and provision of the animal, and the remaining proceeds, if any, shall be paid over to the owner of the animal. If the owner of the animal cannot be found, the proceeds remaining shall be paid into the Literary Fund of the state treasury.

M. Nothing in this section shall be construed to prohibit the humane destruction of a critically injured or ill animal for humane purposes by the impounding humane investigator, law-enforcement officer, animal control officer, or licensed veterinarian.

N. Reserved.

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

For state law authority, see VA. CODE ANN. §3.2-6569 (Cum. Supp. 2019) and VA. CODE ANN. §3.2-6543 (Repl. Vol. 2016). For state law basis for subsection O., see VA. CODE ANN. §3.2-6570 D. (Cum. Supp. 2019).

Cross reference: For provisions prohibiting cruelty to animals and providing penalties for violations, see §4-2.1 of this Code.

[THE AUGUST 7, 2000 ACT adopted this section.]

[THE JULY 7, 2003 AMENDMENT added proviso language at the end of the second sentence in the first paragraph of A.; in the first paragraph in D, substituted the language beginning “in an amount sufficient to cover . . .” for “for the amount of the cost of boarding the animal for a period of time, not to exceed nine (9) months” at the end of the second sentence, and added new third and fourth sentences thereafter; and deleted L.]

[THE JULY 7, 2008 AMENDMENT added “as that term is defined in VA. CODE ANN. §3.1-796.66, or (iii) raised as a dog that has been, is, or is intended to be used in dogfighting in violation of VA. CODE ANN. §3.1-796.124” after “deprived of adequate care” in the second sentence of the second paragraph in D, and renumbered clauses for clarity.]

[THE DECEMBER 1, 2008 AMENDMENT separated the second sentence in A into two sentences, separated the text in E into two sentences, and made other minor stylistic revisions.]

[THE JULY 5, 2011 AMENDMENT deleted the second sentence from subsection A and moved it to the beginning of new subsection B, rewrote other language in subsection A for clarity, substituted “location of impoundment” for “disposition of animal” in the last

sentence of B.3, , added “may” to the second sentence in the second paragraph in subsection F, added “if not a companion animal” to clause F(a), and rewrote other options for disposal in subsection F and re-lettered all subsections.]

[THE JULY 16, 2019 AMENDMENT corrected a cross reference in A.]

**Sec. 4-9. Compensation for livestock and poultry killed by dogs.**

(a) Any person who has any livestock or poultry killed or injured by any dog not his own shall be entitled to receive as compensation the fair market value of such livestock or poultry not to exceed \$750.00 per animal or \$10.00 per fowl, provided, that: (1) the claimant has furnished evidence within sixty (60) days of the 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; (2) the Animal Control Officer or other officer shall have been notified of the incident within seventy-two (72) hours of its discovery; and (3) the claimant first has exhausted his legal remedies against the owner, if known, of the dog doing the damage for which compensation under this section is sought. Exhaustion shall mean a judgment against the owner of the dog upon which an execution has been returned unsatisfied.

(b) Upon payment of any claim under this section, the Board of Supervisors 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.

(c) It shall be a misdemeanor for any person to present for payment a false claim for compensation or to receive any money on a false claim under the provisions of this section and any such violation shall be punishable by confinement in jail for not more than twelve (12) months and a fine of not more than \$2,500.00, either or both. (5-5-80, §6.) (9-8-87) (3-7-89)

For state law authority, see VA. CODE ANN. §3.2-6553 (Repl. Vol. 2016). As to penalty, see VA. CODE ANN. §3.2-6587 B (Cum. Supp. 2020) and §18.2-11 (Repl. Vol. 2014).

[THE 1987 AMENDMENT inserted "not to exceed \$400.00 per animal or fowl" and substituted "that" for "the" preceding "death" in (a), and rewrote (c).]

[THE MARCH 1989 AMENDMENT substituted present items (2) and (3) and the last sentence of (a) for former item (2) therein which had read: "the Animal Warden has conducted an investigation and his investigation supports the claim."]

[THE 1990 AMENDMENT substituted "\$2,500.00" for "\$1,000.00" in (c).]

[THE 1992 AMENDMENT inserted "\$10.00 per" in (a).]

[THE FEBRUARY 2, 1998 AMENDMENT substituted "to" the owner of the livestock" for "of the owner of the livestock" in (b).]

[THE MAY 17, 1999 AMENDMENT substituted “Animal Control Officer” for “Animal Warden” in (a).]

[THE JULY 1, 2014 AMENDMENT substituted “\$750.00” for “\$400.00” in (a).]

**Sec. 4-10. Capturing, confining and euthanizing companion animals; approval of drugs, etc., used.**

It shall be the duty of the Animal Control Officer or any other officer to capture and confine any companion animal of unknown ownership found running at large on which the license tax has not been paid. Following the expiration of the holding period prescribed in §4-5 of this Code, the Animal Control Officer or other officer or the operator or custodian of the County Animal Pound may deliver such companion animal to any person in this County who will pay the required license tax on such companion animal. Prior to disposition by euthanasia or otherwise, all the provisions of §4-5 of this Code shall have been complied with. For all companion animals not otherwise disposed of as provided for in this article, it shall be the duty of the Animal Control Officer or any other officer to euthanize such companion animals. Any person, animal control officer or other officer euthanizing a companion animal under this article shall cremate, bury or sanitarily dispose of the same.

All drugs and drug administering equipment used by the Animal Control Officer or other officers to capture companion animals pursuant to this article shall have been approved by the State Veterinarian. (11-15-82)

For state law basis, see VA. CODE ANN. §3.2-6562 (Repl. Vol. 2016).

[THE 1982 AMENDMENT added the second paragraph.]

[THE 1987 AMENDMENT inserted "or any other officer" and "or other officer" in first sentence of first paragraph, deleted "; provided, that" at end of second sentence and substituted "all requirements of §4-5 of this Code" for "the requirements of section 4-5" in third sentence of first paragraph and substituted "the Animal Warden" for “animals wardens” and "article" for "chapter” in the second paragraph.]

[THE 1988 AMENDMENT deleted "and euthanize" following "capture,” inserted "and to deliver such dog to the County Animal Pound to be euthanized" and inserted "or the operator or custodian of the County Animal Pound" in the first sentence of the first paragraph.]

[THE 1991 AMENDMENT substituted "companion animal" for "dog" throughout the section, and, in first paragraph, substituted "capture and confine" for "capture" and deleted "and to deliver said dog to the County Animal Pound to be euthanized; provided, that" in the first sentence, added "Following the expiration of the holding period prescribed in §4-5 of this Code" in second sentence, rearranged the former last sentence as the present third sentence and the former third sentence as present last sentence and inserted new fourth sentence.]

[THE FEBRUARY 2, 1998 AMENDMENT deleted language following "the required license tax on such companion animal" in the second sentence in the first paragraph

providing that the legal owner could reclaim the animal at any time from an adoptive owner upon providing proof of ownership and reimbursing the adoptive owner for any license tax paid and a reasonable charge for keeping the animal.]

[THE MAY 17, 1999 AMENDMENT substituted “Animal Control Officer” for “Animal Warden” and “animal control officer” for “animal warden” throughout section.]

**Sec. 4-11. Disposal of dead companion animals.**

(a) The owner of any companion animal shall forthwith cremate, bury or sanitarily dispose of the animal upon its death. If, after notice, any owner fails to do so, the Animal Control Officer or other officer shall bury or cremate the companion animal and he may recover on behalf of the County from the owner his cost for this service. (6-3-68, §15.)

(b) Any owner failing to dispose of the body of his dead companion animal in violation of subsection (a) of this section shall be subject to the civil penalty prescribed in §4-18 of this Code.

Cross reference: For section regarding burial or cremation of dead animals or fowl, see §4-3.1 of this Code.

For state law basis, see VA. CODE ANN. §3.2-6554 (Repl. Vol. 2016) and VA. CODE ANN. §3.2-6543 B. (Repl. Vol. 2016).

[THE 1990 AMENDMENT designated existing provisions as (a) and added (b).]

[THE 1993 AMENDMENT substituted "companion animal" for "dog" twice in (a), "dead companion animal" for "dog" in (b) and "cremate, bury or sanitarily dispose of the same" for "cremate or bury such dead dog" in (a).]

[THE MAY 17, 1999 AMENDMENT substituted “Animal Control Officer” for “Animal Warden” in (a).]

[THE JULY 6, 2004 AMENDMENT substituted “subject to the civil penalty prescribed in §4-18 of this Code” for “guilty of a misdemeanor which shall be punishable by a fine of not more than two hundred fifty dollars (\$250.00)” in (b).]

[THE DECEMBER 1, 2008 AMENDMENT rewrote the first sentence for clarity.]

**Sec. 4-12. Rabies inoculation of dogs and domesticated cats.**

The owner or custodian of all dogs and cats four 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 or custodian 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 owner or custodian of the dog or the cat shall

furnish within a reasonable period of time, upon the request of the animal control officer, humane investigator, law-enforcement officer, State Veterinarian's representative, or official of the Department of Health, the certificate of vaccination for such dog or cat. The vaccine used shall be licensed by the United States Department of Agriculture for use in that species. At the discretion of the local health director, a medical record from a licensed veterinary establishment reflecting a currently vaccinated status may serve as proof of vaccination.

The requirement of the preceding paragraph shall apply whether the owner or custodian of such dog or cat is a resident of this County or such dog or cat is merely being kept in this County. The owner of a dog brought into the County for hunting or other purposes shall have his dog inoculated or vaccinated for rabies with a vaccine licensed by the United States Department of Agriculture before bringing such dog into the County. (6-3-68, §16).

Violation of this section shall be subject to the civil penalty prescribed in §4-18 of this Code. Vaccination subsequent to a summons to appear before a court for failure to do so shall not operate to relieve such owner from the penalties or court costs provided under VA. CODE ANN. §16.1-69.48:1 or §17.1-275.7.

For state law authority and basis, see VA. CODE ANN. §3.2-6525 (Repl. Vol. 2016) and §3.2-6521 A (Repl. Vol. 2016). For civil penalty for violation, see VA. CODE ANN. §3.2-6543 B. (Repl. Vol. 2016).

Cross-references: For provisions requiring evidence of inoculation for rabies as prerequisite to obtaining dog license, see §4-23 of this Code. For provisions requiring veterinarians to provide local treasurers with rabies certificate information, see §4-23.1 of this Code.

Editor's notes: For authority to adopt emergency ordinance requiring confinement of dogs and cats to owners' premises when rabid animal is at large in County, see VA. CODE ANN. §3.2-6522.

For the authority for the local health director to adopt a plan to control and respond to the risk of rabies, including the capture and confinement of animals that have exposed, or pose a risk of exposing a person or companion animal, and identification of the responsibilities of animal control officers to report to the local health director for such purposes, see VA. CODE ANN. §3.2-6562.1 (Repl. Vol. 2016).

[THE 1988 AMENDMENT substantially rewrote provisions to require rabies inoculation of dogs and domesticated cats prior to attaining four months, rather than six months, of age, and provided that the rabies vaccine shall be licensed by the United States Department of Agriculture rather than the State Department of Health.]

[THE 1992 AMENDMENT deleted "Prior to the animal's attaining four months of age" in the first paragraph, inserted "four months of age and older" following "all dogs and domesticated cats," and inserted "currently" preceding "inoculated" and deleted "currently" preceding "licensed veterinarian" in the first sentence thereof.]

[THE MARCH 17, 1997 AMENDMENT added "or licensed veterinary technician who is under the immediate and direct supervision of a licensed veterinarian on the premises" at

the end of the first sentence in the first paragraph and substituted "The supervising veterinarian on the premises shall" for "who shall" in the second sentence thereof, and inserted the second sentence in the second paragraph.]

[THE MAY 17, 1999 AMENDMENT, in third sentence in first paragraph, substituted "control officer" for "warden" and inserted "State Veterinarian's representative."]

[THE JULY 6, 2004 AMENDMENT added the last paragraph.]

[THE DECEMBER 1, 2008 AMENDMENT deleted "inoculated or" before "vaccinated", and substituted "for" for "against" in the first sentence.]

[THE DECEMBER 7, 2009 AMENDMENT added the last sentence in the last paragraph.]

[THE JULY 19, 2010 AMENDMENT revised this section to clarify that dogs and cats are to be treated the same, removed requirement that cats to be vaccinated must be domesticated, and requires that the vaccinating veterinarian must keep a copy of the certificate on file.]

#### **Sec. 4-13. Diseased dogs or cats running at large; penalty.**

It shall be a Class 4 misdemeanor for any owner of any dog or cat with a contagious disease or infectious disease, other than rabies, to permit such dog or cat to stray from his premises if such disease is known to the owner. (6-3-68, §17.)

It shall be a Class 1 misdemeanor for any person to permit a dog or cat that he owns or is in his custody to stray from his premises when he knows or has been told by the local health department, law-enforcement agency, animal control agency, or any other person who has a duty to control or respond to a risk of rabies exposure that the dog or cat is suspected of having rabies.

For state law authority, see VA. CODE ANN. §3.2-6587 A.6 and B.3 (Cum. Supp. 2020) and §3.2-6525 (Repl. Vol. 2016). As to civil penalty for violation, see VA. CODE ANN. §3.2-6543 B. (Repl. Vol. 2016).

[THE 1982 AMENDMENT added the second paragraph.]

[THE 1990 AMENDMENT substituted "two hundred fifty dollars (\$250.00)" for "\$100.00" in the second paragraph.]

[THE 1993 AMENDMENT inserted "or cat" twice in the first paragraph].

[THE JULY 6, 2004 AMENDMENT rewrote the second paragraph to prescribe a civil penalty for violation.]

[THE JULY 21, 2020 AMENDMENT rewrote the first paragraph for clarity and added the second paragraph.]

**Sec. 4-13.1. Rabid animals.**

(a) 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 department may recommend, an emergency ordinance that shall become effective immediately upon passage, requiring owners of all dogs and cats in Campbell 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 a rabid animal. Any such emergency ordinance enacted pursuant to the provisions of this section shall be operative for a period not to exceed 30 days unless renewed by the Board of Supervisors in consultation with the local health director.

(b) Any dog or cat 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 a 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 by one of the methods approved by the State Veterinarian as provided in § [3.2-6546](#). The disposition of other animals showing active signs of rabies shall be determined by the local health director and may include euthanasia and testing.

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

(d) 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 months at the expense of the owner or custodian in a manner and by a date certain as determined by the local health director. A rabies vaccination shall be administered by a licensed veterinarian prior to release. Inactivated rabies vaccine may be administered at the beginning of isolation. Any dog or cat so bitten, or exposed to rabies through saliva or central nervous system tissue, in a fresh open wound or mucous membrane with proof of 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 or custodian, for a period of 45 days. If the local health director determines that isolation is not feasible or maintained, such dog or cat shall be euthanized by one of the methods approved by the State Veterinarian as provided in VA. CODE ANN. § 3.2-6546 (Cum. Supp. 2019). The disposition of such dogs or cats not so confined shall be at the discretion of the local health director.

(e) At the discretion of the local health director, any animal that may have exposed a person shall be confined under competent observation for 10 days at the expense of the owner or custodian, unless the animal develops active signs of rabies, expires, or is euthanized before that time. A seriously injured or sick animal may be euthanized as provided in § [3.2-6546](#). When determining whether a dog that has bitten a person shall be so confined, the health director shall weigh any proof that the dog has current certificates for both (i) rabies vaccination and (ii) special training for police work, military work, or work as a first responder.

(f) When any suspected rabid animal, other than a dog or cat, exposes or may have exposed a person to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, decisions regarding the disposition of that animal shall be at the discretion of a local health director and may include euthanasia as provided in § [3.2-6546](#), or as directed by the state agency with jurisdiction over that species.

When any animal, other than a dog or cat, is exposed or may have been exposed to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, by an animal suspected to be rabid, decisions regarding the disposition of that newly exposed animal shall be at the discretion of a local health director.

(g) When any animal may have exposed a person to rabies and subsequently expires due to illness or euthanasia, either within the observation period, where applicable, or as part of a public health investigation, its head or brain shall be sent to the Division of Consolidated Laboratory Services of the Department of General Services or be tested as directed by the local health department.

For state law authority, see VA. CODE ANN. §3.2-6522 (Cum. Supp. 2019). As to civil penalty for violation, see VA. CODE ANN. §3.2-6543 B. (Repl. Vol. 2016).

[THE JULY 19, 2010 ACT adopted this section.]

[THE DECEMBER 2, 2014 AMENDMENT substituted “public animal shelter” for “pound” in (d).]

[THE DECEMBER 4, 2018 AMENDMENT added the last sentence in (e), renumbered the former last two paragraphs of (e) as (f), and renumbered the former (f) to (g).]

#### **Sec. 4-14. Female dog in season running at large.**

It shall be unlawful for the owner of any female dog to permit such dog to stray from his premises while such dog is known to such owner to be in season. During the entire time such dog is in season she shall be confined, restricted or penned up in a building or a secure enclosure adequate to prevent the animal from running at large. Tethering of a female dog in season not under the direct supervision and control of the owner or custodian shall not be considered adequate confinement. (6-3-68, §17.)

Violation of this section shall be subject to the civil penalty prescribed in §4-18 of this Code.

For state law authority, see VA. CODE ANN. §3.2-6538 (Cum. Supp. 2019). For civil penalty, see VA. CODE ANN. §3.2-6543 B. (Repl. Vol. 2016).

Cross-reference: For definition of “owner,” see §4-4 of this Code.

[THE JUNE 17, 2002 AMENDMENT divided existing provisions into two sentences; in the first sentence, substituted “It shall be unlawful for the” for “No” and “to permit” for “shall permit” and inserted “to such owner”; in the second sentence, inserted “During the entire time” and “is in season she,” deleted “or” preceding “restricted” and during such period” following “penned up” and added “in a building or a secure enclosure adequate to prevent the animal from running at large”; and added the third sentence.]

[THE JULY 6, 2004 AMENDMENT added the second paragraph.]

**Sec. 4-14.1. Mandatory sterilization of adopted dogs and cats – Requirements; enforcement; civil penalty.**

A. Every new owner of a dog or cat adopted from a releasing agency shall cause to be sterilized the dog or cat pursuant to the agreement required by subdivision 2 of subsection B of this section.

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

1. The animal has already been sterilized; or

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

C. 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.

D. Nothing in this section shall preclude the sterilization of a sexually immature dog or cat upon the written agreement of the veterinarian, the releasing agency, and the new owner.

E. Upon the petition of an animal control officer, humane investigator, the State Veterinarian or a State Veterinarian’s representative to the district court of Campbell County, the court may order the new owner to take any steps necessary to comply with the requirements of Sections 4-14.1 through 4-14.7 of this Code. This remedy shall be exclusive of and in addition to any civil penalty which may be imposed under this chapter.

F. Any person who violates subsection A or B of this section shall be subject to a civil penalty not to exceed \$250.

For state law authority, see VA. CODE ANN. §3.2-6574 (Repl. Vol. 2016) and VA. CODE ANN. §3.2-6543 (Repl. Vol. 2016).

[THE JULY 7, 2003 ACT adopted this section.]

[THE DECEMBER 6, 2010 AMENDMENT substituted \$250 for \$50 at the end of subsection F.]

**Sec. 4-14.2. Same -- Sterilization agreement.**

Any agreement used by a releasing agency pursuant to subsection B of §4-14.1 of this Code 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 Sections 4-14.1 through 4-14.7 of the Campbell County Code of 1988; that a person who violates such provisions is subject to a civil penalty; and that the new owner may be compelled to comply with the provisions of the cited ordinances.

For state law authority, see VA. CODE ANN. §3.2-6575 (Repl. Vol. 2016) and VA. CODE ANN. §3.2-6543 (Repl. Vol. 2016).

[THE JULY 7, 2003 ACT adopted this section.]

**Sec. 4-14.3. Same -- Sterilization confirmation; civil penalty.**

Each new owner who signs a sterilization agreement shall, within seven (7) days of the sterilization, cause to be delivered or mailed to the 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. Any person who violates this section shall be subject to a civil penalty not to exceed \$150.

For state law authority, see VA. CODE ANN. §3.2-6576 (Repl. Vol. 2016) and VA. CODE ANN. §3.2-6543 (Repl. Vol. 2016).

[THE JULY 7, 2003 ACT adopted this section.]

**Sec. 4-14.4. Same -- Notification concerning lost, stolen or dead dogs or cats; civil penalty.**

If an adopted dog or cat is lost or stolen or dies before the animal is sterilized and before the date by which the dog or cat is required to be sterilized, the new owner shall, within seven (7) days of the animal's disappearance or death, notify the releasing agency of the animal's disappearance or death. Any person who violates this section shall be subject to a civil penalty not to exceed twenty-five dollars (\$25.00).

For state law authority, see VA. CODE ANN. §3.2-6577 (Repl. Vol. 2016) and VA. CODE ANN. §3.2-6543 (Repl. Vol. 2016).

[THE JULY 7, 2003 ACT adopted this section.]

**Sec. 4-14.5. Same -- Exemptions.**

Sections 4-14.1 through 4-14.7 of this Code shall not apply to:

1. An owner reclaiming his dog or cat from a releasing agency;
2. A releasing agency within a locality that has adopted a more stringent mandatory sterilization ordinance; and
3. A local governing body which has disposed of an animal by sale or gift to a federal agency, state-supported institution, agency of the Commonwealth, agency of another state, or licensed federal dealer having its principal place of business located within the Commonwealth.

For state law authority, see VA. CODE ANN. §3.2-6578 (Repl. Vol. 2016) and VA. CODE ANN. §3.2-6543 (Repl. Vol. 2016).

[THE JULY 7, 2003 ACT adopted this section.]

[THE DECEMBER 1, 2008 AMENDMENT substituted “within a locality” for “located in a county, city, or town” in subsection 2.]

**Sec. 4-14.6. Same -- Releasing agency; fees and deposits.**

The County animal shelter or other releasing agency may charge and collect from the new owner a fee or deposit before releasing a dog or cat for adoption to ensure sterilization.

For state law authority, see VA. CODE ANN. §3.2-6579 (Repl. Vol. 2016) and VA. CODE ANN. §3.2-6543 (Repl. Vol. 2016).

Editor's note: Currently, the Campbell County Humane Society administers the animal adoption program and charges a deposit to ensure sterilization.

[THE JULY 7, 2003 ACT adopted this section.]

[THE DECEMBER 2, 2014 AMENDMENT substituted "shelter" for "pound".]

**Sec. 4-14.7. Same -- Civil penalties for noncompliance.**

Any animal control officer, humane investigator, releasing agency, the State Veterinarian or State Veterinarian's representative shall be entitled to bring a civil action for any violation of Sections 4-14.1 through 4-14.6 of this Code that is subject to a civil penalty. Any civil penalty assessed pursuant to the cited ordinances shall be paid into the treasury of Campbell County and used for the purpose of defraying the costs of local animal control, including efforts to promote sterilization of cats and dogs.

For state law authority, see VA. CODE ANN. §3.2-6580 (Repl. Vol. 2016) and VA. CODE ANN. §3.2-6543 (Repl. Vol. 2016).

[THE JULY 7, 2003 ACT adopted this section.]

**Sec. 4-15. Removing collar and tag.**

It shall be unlawful for any person, except the owner or custodian, to remove a legally acquired license tag from a dog, without the permission of the owner or custodian. (6-3-68, §17.)

Violation of this section shall be subject to the civil penalty prescribed in §4-18 of this Code.

For state law authority, see VA. CODE ANN. §3.2-6587 A.8. (Cum. Supp. 2020). For civil penalty, see VA. CODE ANN. §3.2-6543 B. (Repl. Vol. 2016).

Cross reference: For requirement that dog license tag be fastened to collar and worn by such dog, see §4-28 of this Code. As to status of dog not wearing license tag, see §4-24 of this Code.

Editor's note: Effective July 1, 2007, the General Assembly adopted VA. CODE ANN. §18.2-97.1 (Repl. Vol. 2014) which provides that any person who removes from a dog, falcon, hawk or owl *an electronic or radio transmitting collar* without the permission of the owner and with the intent to prevent or hinder the owner from locating the dog, falcon, hawk or owl is guilty of a Class 1 misdemeanor and may also be ordered to make restitution to the owner. A violation of that statute is separate and distinct from a violation of §4-15 of this Code.

[THE 1987 AMENDMENT added "without permission of the owner or custodian."]

[THE 1990 AMENDMENT added the second paragraph.]

[THE JULY 6, 2004 AMENDMENT rewrote the second paragraph to prescribe a civil penalty for violation.]

**Sec. 4-16. Concealing a dog.**

It shall be unlawful 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 dog from being killed. (6-3-68, §17.)

Violation of this section shall be subject to the civil penalty prescribed in §4-18 of this Code.

For state law authority, see VA. CODE ANN. §3.2-6587 A.7. and A.4. (Cum. Supp. 2020). For civil penalty, see VA. CODE ANN. §3.2-6543 B. (Repl. Vol. 2016).

[THE 1990 AMENDMENT added the second paragraph.]

[THE JULY 6, 2004 AMENDMENT rewrote the second paragraph to prescribe a civil penalty for violation.]

**Sec. 4-17. Destructive dog running at large.**

(a) It shall be unlawful for the owner of a dog which is known by such person to be destructive of the property of others to allow such destructive dog to run at large within the County. A destructive dog shall be securely confined indoors or securely confined in an enclosed and locked pen or run area upon the premises of its owner or custodian.

(b) As used in this section, a “destructive dog” is one that has frequently or habitually injured, damaged, or destroyed personal property of any person other than the owner or custodian of such dog. Such dog shall be deemed to be running 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.

(c) (1) Any animal control officer who has reason to believe that any dog is frequently or habitually injuring, damaging, or destroying personal property of any person other than the owner or custodian of such dog shall apply to a magistrate of the jurisdiction 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.

(2) The animal control officer shall confine the dog until such time as evidence shall be heard and a verdict rendered. If the animal control officer determines that the owner or custodian is willing and able to confine the dog in a manner that protects the public safety, he may permit the owner or custodian to confine the dog until such time as evidence shall be heard and a verdict rendered. Such determination shall be within the sole discretion of the animal control officer.

(3) If, after hearing evidence, the court finds that the animal is a destructive dog, the court shall order the dog’s owner to confine such animal as required by the provisions of this

section. If the owner of a dog found to be a destructive dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.

(d) The owner of any dog which has been found to be a destructive dog who fails to comply with the requirements of this section shall be subject to the civil penalty prescribed in §4-18 of this Code. Upon a second or subsequent violation of the confinement provisions of this section, in addition to any other penalty imposed therefor, the court may order the owner of the destructive dog to permanently remove the dog from the County or may order that the dog be humanely destroyed.

For state law authority, see VA. CODE ANN. §3.2-6538 (Cum. Supp. 2019) and §3.2-6525 A. (Repl. Vol. 2016). See also VA. CODE ANN. §3.2-6587 (Cum. Supp. 2020) and §3.2-6543 B. (Repl. Vol. 2016).

Cross-reference: For definition of “owner,” see §4-4 of this Code.

[THE JUNE 17, 2002 ACT adopted this section.]

[THE JULY 6, 2004 AMENDMENT, in (d), substituted “subject to the civil penalty prescribed in §4-18 of this Code” for “guilty of a Class 4 misdemeanor” in the first sentence and deleted “conviction” following “Upon” in the second sentence.]

**Sec. 4-17.1. All dogs prohibited from running at large in certain areas of the County.**

No owner or custodian of any dog of any breed shall permit or allow such dog to run at large in the hereinafter designated portions of Campbell County at any time. For the purposes of this section, a dog shall be deemed to be running 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. The areas in which it shall be unlawful to allow all breeds of dogs to run at large are as follows:

Beginning at a point at the intersection of the Campbell County and Bedford County line, 200 feet south of the centerline of State Secondary Route 625; thence running east on a line parallel to and 200 feet south of the centerline of State Secondary Route 625 to its intersection with State Secondary Route 623; thence continuing parallel to State Secondary Route 623, staying 200 feet southwest of the centerline thereof to a point 200 feet southwest of its intersection with State Secondary Route 682; thence parallel to State Secondary Route 682 remaining 200 feet southeast of the centerline of State Secondary Route 682 to a point 200 feet southwest of State Secondary Route 691; thence proceeding southeasterly parallel to State Secondary Route 691 remaining 200 feet southwest of State Secondary Route 691 centerline to the Norfolk/Southern Railway; thence following the centerline of the Norfolk/Southern Railway northeast to its intersection with a branch of Flat Creek; thence following the centerline of the branch of Flat Creek in a southeasterly direction to a point 200 feet south of its intersection with State Secondary Route 683; thence proceeding approximately 0.45 mile in a northeasterly direction parallel to State Secondary Route 683,

remaining 200 feet south of the centerline of State Secondary Route 683, to its intersection with U. S. Route 29; thence following the centerline of U.S. Route 29 south to a point 200 feet south of its intersection with State Secondary Route 738; thence proceeding southeasterly parallel to State Secondary Route 738 staying 200 feet south of the State Secondary Route 738 centerline to its intersection with State Secondary Route 680; thence proceeding in a generally easterly direction parallel to State Secondary Route 680 staying 1,000 feet south of the State Secondary Route 680 centerline to its intersection with State Secondary Route 669; then proceeding in a generally northerly direction parallel to State Secondary Route 669 staying 1,000 feet east of the State Secondary Route 669 centerline to its intersection with State Secondary Route 670; then proceeding in a generally westerly direction parallel to State Secondary Route 670 staying 1,000 feet north of the State Secondary Route 670 centerline to a point 1,000 feet north of the intersection of State Secondary Routes 670 and 677; thence in a westerly direction parallel to State Secondary Route 670 remaining 200 feet north of the centerline of State Secondary Route 670 to the Lynchburg City Limits; thence following the Lynchburg City Limits in a westerly direction to the Bedford County/Campbell County line; thence following the Bedford County/Campbell County line in a southwesterly direction to the point of beginning.

Dogs found running at large within the above-designated areas may be captured by the animal control officer and treated in accordance with the applicable provisions of Section 4-5 of this Code.

Any owner or custodian who permits or allows his dog or a dog under his actual or constructive control to run at large in the above-described areas of Campbell County shall be deemed to have violated the provisions of this section and shall be subject to the civil penalty prescribed in Section 4-18 of this Code. In any prosecution under this section, the trier of fact may infer from the fact that a dog is running at large that the owner or custodian has knowledge of and has permitted such dog to run at large. (2-20-90)

Any owner or custodian of any dog found running at large in a pack shall be subject to a civil penalty of \$100 per dog so found. For the purpose of this section, a dog shall be deemed to be running at large in a pack if it is running at large in the company of one or more other dogs that are also running at large. Dogs used for hunting shall not be deemed to be running at large, whether in a pack or otherwise. Any civil penalties collected pursuant to this section shall be deposited by the Treasurer pursuant to the provisions of VA. CODE ANN. §3.2-6534 (Repl. Vol. 2016).

For state law authority, see VA. CODE ANN. §3.2-6538 (Cum. Supp. 2019) and §3.2-6544 (Repl. Vol. 2016). As to penalty provisions, see VA. CODE ANN. §3.2-6543 B. (Repl. Vol. 2016).

[THE 1989 AMENDMENT adopted this section, effective on June 1, 1990.]

[THE 1990 AMENDMENT rewrote the first sentence in the first paragraph and the last paragraph for clarity, adding the last sentence of the last paragraph.]

[THE MAY 17, 1999 AMENDMENT substituted “animal control officer” for “animal warden” in the next-to-last paragraph.]

[THE SEPTEMBER 5, 2000 AMENDMENT extended the area in which it shall be unlawful to allow all breeds of dogs to run at large to include an area (adjacent to the area previously so restricted) bounded by State Secondary Routes 680 on the south, 669 on the east, 670 on the north, and 677 on the west, and extending 1,000 feet in both directions from the centerlines of said roads; and deleted an extraneous “or” following “Dogs found running at large” at the beginning of the next-to-last paragraph.]

[THE JUNE 17, 2002 AMENDMENT extended the area in which it shall be unlawful to allow all breeds of dogs to run at large to include an area (adjacent to areas previously so restricted) bounded by the Norfolk/Southern Railway tracks on the north and west, U. S. Route 29 on the east, State Secondary Route 683 on the south (remaining 200 feet south of the centerline of said route), and a branch of Flat Creek on the southwest, just west of State Secondary Route 784; the extended area will include the Winebarger Circle area.]

[THE JULY 6, 2004 AMENDMENT substituted “subject to the civil penalty prescribed in” for “punished in accordance with the provisions of” in first sentence of last paragraph.]

[THE JULY 16, 2019 AMENDMENT added the new last paragraph regulating dogs running at large in a pack.]

**Sec. 4-17.1:1. Discretionary period of dog confinement; limited exemption; penalty.**

The Board reserves the right each year to establish as necessary a five-week period beginning on the Monday following the second Saturday in April, during which no owner or custodian of any dog of any breed shall permit or allow such dog to remain unconfined, unrestricted, or not penned up in any part of Campbell County from sunrise to sunset Monday through Friday. No such period will be in effect without a resolution each year by the Board.

During the above-described period, dogs shall not be permitted to run at large, but shall be confined, restricted, or penned up. Such confinement, restriction, or penning up may be accomplished by confining a dog inside a building, kennel, fence, or by tethering or otherwise confining such animal. For the purposes of this section, a dog shall be deemed to be running 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.

Should the Board resolve to establish a confinement period in a particular year, at least thirty (30) days prior to the beginning of the confinement period, the Animal Control Officer shall cause to be advertised, in a newspaper or newspapers having general circulation within Campbell County, one or more notices stating the dates upon which such confinement period shall begin and end. In his discretion, the Animal Control Officer may cause to be posted or circulated additional notices or flyers in order to adequately inform County citizens.

Dogs found running at large or unconfined, unrestricted, or not penned up during the above-described period may be captured by an animal control officer and treated in accordance with the applicable provisions of Section 4-5 of this Code.

Beagles and hounds engaged in lawful hunting or training are exempt from confinement while participating in such hunting or training activities. While engaged in hunting or training activities, any such animal shall wear a collar upon which shall be affixed the name and telephone number of its owner. Such beagles and hounds that may be picked up by an Animal Control Officer during the above-described period will be returned to the owner without consequence.

Any owner or custodian who permits or allows his dog or a dog under his actual or constructive control to run at large or to remain unconfined, unrestricted, or not penned up in Campbell County during any prescribed period shall be deemed to have violated the provisions of this section and shall be subject to the civil penalty prescribed in Section 4-18 of this Code.

The provisions of this section shall be *in addition to*, and not in place of, any other County ordinance prohibiting the running at large of dogs or requiring the confinement, restriction, or penning up of any dog.

For state law authority, see VA. CODE ANN. §3.2-6538 (Cum. Supp. 2019) and §3.2-6544 (Repl. Vol. 2016). As to penalty provisions, see VA. CODE ANN §3.2-6543 B. (Repl. Vol. 2016).

[THE DECEMBER 4, 2006 ACT adopted this section.]

[THE JULY 17, 2012 AMENDMENT changed the title of the section, substituted “The Board reserves the right each year to establish as necessary a” for “During the” and “during which” for “each year” in the first sentence, added the last sentence in the first paragraph, substituted “Should the Board resolve to establish a confinement period in a particular” for “Each” in the first sentence of the third paragraph, and deleted “annual” from that sentence.]

**Sec. 4-17.2 Exotic or poisonous animals running at large prohibited.**

(a) No owner, custodian, or harbinger of any exotic or poisonous animal shall permit or allow such animal to run at large beyond the limits of his own property in any portion of Campbell County at any time.

(b) For the purposes of this section, the following definitions shall apply:

“*Exotic animal*” means any domestic or feral animal not indigenous to the Commonwealth of Virginia which has exhibited or, if unrestrained, is likely to exhibit a dangerous propensity that is characteristic of animals of that particular class such as is likely to inflict injury upon the person or property of another.

*“Poisonous or venomous animal”* means any domestic or feral animal, whether exotic or indigenous to the Commonwealth of Virginia, that is capable of injuring or killing another animal or a person by or as if by poison or venom transmitted by bite, sting or otherwise.

*“Running at large”* means roaming, running, or self-hunting off the property of the owner, custodian, or harbinger of such animal and not under the immediate control of such owner, custodian, or harbinger.

(c) An exotic or poisonous animal found running at large may be captured by the animal control officer and treated in accordance with the applicable provisions of §4-5 of this Code or other applicable provisions of this Code.

(d) The owner, custodian, or harbinger of an exotic or poisonous animal found running at large shall pay a fee to cover Campbell County’s actual cost in locating and capturing or otherwise disposing of the animal.

(e) Any owner, custodian, or harbinger of an exotic or poisonous animal who permits or allows his animal or an animal under his actual or constructive control to run at large in Campbell County shall be deemed to have violated the provisions of this section and shall be punished in accordance with the provisions of §4-18 of this Code.

(f) Funds collected under this section shall first be applied to recovery costs and any special costs associated with the keeping of the animal in the county animal pound or by the animal control officer. Any remaining funds may be used for the purpose of defraying the costs of local animal control.

For state law authority, see VA. CODE ANN. §3.2-6544 B. (Repl. Vol. 2016) and VA. CODE ANN. §3.2-6587 (Cum. Supp. 2020).

Cross-references: For state law prohibiting handling or using any poisonous or dangerous snake or reptile in such a manner as to endanger the life or health of any person, see VA. CODE ANN. §18.2-313 (Repl. Vol. 2014). For state law prohibiting keeping of exotic reptile or type of reptile not native to Virginia, including the American alligator, in such a manner that will permit escape or knowingly permitting the reptile to run at large, see VA. CODE ANN. §29.1-569 (Repl. Vol. 2018).

[THE AUGUST 7, 2000 ACT adopted this section.]

**Sec. 4-18. Unlawful acts; penalties.**

- (a) The following shall be unlawful acts and are Class 4 misdemeanors:
1. For any person to make a false statement in order to secure a dog or cat license to which he is not entitled.

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

3. For any dog owner to allow a dog to run at large in violation of an ordinance passed pursuant to § 3.2-6539.

4. Unless otherwise punishable under subsection B, for any person to fail to obey an ordinance passed pursuant to §§ 3.2-6522 and 3.2-6525.

5. For any owner to fail to dispose of the body of his companion animals in accordance with § 3.2-6554.

6. For the owner of any dog or cat with a contagious or infectious disease, other than rabies, to permit such dog or cat to stray from his premises if such disease is known to the owner.

7. For any person to conceal or harbor any dog or cat on which any required license tax has not been paid.

8. For any person, except the owner or custodian, to remove a legally acquired license tag from a dog or cat without the permission of the owner or custodian.

9. Any other violation of this chapter for which a specific penalty is not provided.

(b) It is a Class 1 misdemeanor for any person to:

1. Present a false claim or to receive any money on a false claim under the provisions of § 3.2-6553.

2. Impersonate a humane investigator.

3. Permit a dog or cat that he owns or is in his custody to stray from his premises when he knows or has been told by the local health department, law enforcement agency, animal control agency, or any other person who has a duty to control or respond to a risk of rabies exposure that the dog or cat is suspected of having rabies.

For state law authority, see VA. CODE ANN. §3.2-6587 (Cum. Supp. 2020) and VA. CODE ANN. §3.2-6543 B. (Repl. Vol. 2016). See also §18.2-403.1 et seq. (Repl. Vol. 2014 and Cum. Supp. 2020).

[THE 1987 AMENDMENT deleted “Class 4” preceding “misdemeanor,” inserted “which shall be punishable by a fine of not more than one hundred dollars (\$100.00)” and added language at the end of the section beginning “or by the provisions.”]

[THE 1988 AMENDMENT substituted “VA. CODE ANN. §§3.1-796.66 et seq.” for “the Virginia Comprehensive Animal Laws of 1984 (VA. CODE ANN. §29-213.36 et seq.)”]

[THE 1990 AMENDMENT substituted “two hundred fifty dollars (\$250.00)” for “one hundred dollars (\$100.00).”]

[THE JULY 6, 2004 AMENDMENT designated the former provisions as subsection (c) hereof, substituting “any provision of Divisions 1 or 2 of this article” for “the provisions of this article,” and “in either Division of this article” for “herein,” and inserting “not included in the schedule of civil penalties in subsection (b) hereof”; and added new subsections (a) and (b).]

[THE DECEMBER 4, 2006 AMENDMENT added new paragraph 8a. in subsection (b).]

[THE DECEMBER 5, 2017 AMENDMENT substituted “within one month after the date when” for “before February 1 for the year in which” in (b)(9).]

[THE JULY 21, 2020 AMENDMENT completely rewrote the section to remove civil penalties and to correspond with the state code designation of the offenses listed as misdemeanors.]

## **Division 2. Dog Licenses**

**Cross reference:** For penalties applicable to violations of provisions of this Division and of Division 1 of this Article, see §4-18 of this Code.

### **Sec. 4-19. Amount of tax; exemptions; penalty.**

(a) An annual license tax on the ownership of dogs four (4) months of age or older within the County is hereby established. The rate of such tax shall be ten dollars (\$10.00) per year for a non-neutered or non-spayed dog. The rate of such tax for a neutered or spayed dog shall be five dollars (\$5.00) per year. The tax for a kennel of not more than twenty (20) dogs shall be twenty dollars (\$20.00) for each year and for a kennel of fifty (50) dogs, the tax shall be thirty dollars (\$30.00) for each year.

(b) (1) Specifically exempted from the tax imposed by this section shall be any dog that is trained and serves as (i) a guide dog for a blind person, (ii) a hearing dog for a person who is deaf or hard of hearing (iii) a service dog for a mobility-impaired or otherwise disabled person. For the purposes of this section, “hearing dog,” “mobility-impaired person,” “otherwise disabled person,” and “service dog” have the same meanings as assigned in VA. CODE ANN. §51.5-40.1 (Cum. Supp. 2019).

(2) A releasing agency, as defined in §4-4 of this Code, that has registered as such annually with the County Animal Control Officer, shall be exempted from the obligation of dog licensure in Campbell County.

(c) The violation of any provisions of this section shall subject to the civil penalty prescribed in §4-18 of this Code. (6-3-68, §3; 5-5-80, §2, §7.) (3-19-84)

For state law as to dog license taxes, see VA. CODE ANN. §3.2-6524 (Repl. Vol. 2016), §3.2-6528 (Cum. Supp. 2019), and §3.2-6530 (Cum. Supp. 2019). See also VA. CODE ANN. §3.2-6543 B. (Repl. Vol. 2016), §3.2-6587 (Cum. Supp. 2020), and §18.2-403.3 (Cum. Supp. 2019).

Editor's note: On July 7, 2003, the Board of Supervisors increased the amount of the annual license tax on dogs, effective on January 1, 2005, prior to which time the provisions of the prior ordinance continued in effect.

[THE 1984 AMENDMENT, effective November 1, 1984, amended (a) to increase the amount of license tax per dog by \$1.00 and to increase the kennel tax by \$5.00.]

[THE 1987 AMENDMENT inserted "for each year" twice in the last sentence of (a), substituted "and serve" for "to serve" in the first sentence in (b), and "or that are trained and serve" for "and" preceding "hearing dogs" therein, designated provisions of former second paragraph in (b) as present (c), deleted "Class 4" preceding "misdemeanor" and inserted "which shall be" and "(\$100.00)" in (c).]

[THE 1988 AMENDMENT substituted "four (4) months of age" for "six (6) months of age" at the beginning of (a).]

[THE 1990 AMENDMENT substituted "two hundred fifty dollars (\$250.00)" for "one hundred dollars (\$100.00)" in (c).]

[THE MARCH 17, 1997 AMENDMENT added "or that are trained and serve as service dogs for a mobility-impaired person" at the end of the first sentence in (b), and added the definition of "service dog" at the end of the second sentence therein.]

[THE JULY 7, 2003 AMENDMENT, effective on and after January 1, 2005, rewrote the former second sentence in (a) as the present second and third sentences, increasing the license fee from \$3 per year to \$10 per year for non-neutered or non-spayed dogs and increasing the license fee from \$3 per year to \$5 per year for neutered or spayed dogs.]

[THE JULY 6, 2004 AMENDMENT substituted "subject to the civil penalty prescribed in §4-18 of this Code" for "a misdemeanor, which shall be punishable by imposition of a fine not to exceed two hundred fifty dollars (\$250.00)" in (c).]

[THE JULY 2, 2007 AMENDMENT designated the former provisions of (b) as paragraph (1) therein, and added paragraph (2) thereafter.]

[THE DECEMBER 2, 2014 AMENDMENT inserted “or otherwise disabled person” in (b)(1) and rewrote the last sentence to clarify where definitions are to be found.]

[THE DECEMBER 3, 2019 AMENDMENT slightly rewrote subsection (b)(1) without substantive change.]

**Sec. 4-20. Disposition of funds.**

(a) The County Treasurer shall keep all moneys collected by him for dog license taxes in a separate account from all other funds collected by him, except those funds collected under Section 4-7.1 of this Code which shall be held as therein provided. The County shall use the funds for the following purposes:

1. The salary and expenses of the animal control officer and necessary staff;
2. The care and maintenance of a public animal shelter;
3. The maintenance of a rabies control program;
4. Payments as a bounty to any person neutering or spaying a dog up to the amount of one year of the County license tax;
5. Payments for compensation as provided in §4-9 and §4-43 of this Code; and
6. Efforts to promote sterilization of dogs and cats.

(b) Any part or all of any surplus remaining in such account on December 31 of any year may be transferred by the County Board of Supervisors into the general fund of Campbell County.

For state law authority, see VA. CODE ANN. §3.2-6534 (Repl. Vol. 2016).

Editor's note: VA. CODE ANN. §3.2-6535 provides that a locality may supplement the dog and cat license tax fund with additional funds. However, the locality must supplement the dog and cat license tax fund to the extent necessary to provide for salary and expenses of the animal control officer and staff and the care and maintenance of a public animal shelter, when operated by the County. At this time Campbell County does not require cats four months or older to be licensed; however, §4-12 of this Code requires that such domesticated cats be currently inoculated or vaccinated against rabies.

[THE SEPTEMBER 1996 AMENDMENT inserted exclusionary language beginning "except those funds collected under §4-7.1..."]

[THE MARCH 17, 1997 AMENDMENT rewrote the section to provide for maintenance of a separate fund and to prescribe the permissible uses of funds therein.]

[THE MAY 17, 1999 AMENDMENT, in (a), substituted “moneys” for “money” in introductory paragraph, substituted “animal control officer” for “animal warden” in item 1., deleted “dog” preceding “pound” in item 2, and inserted “§4-43” in item 5.]

[THE DECEMBER 2, 2014 AMENDMENT substituted “public animal shelter” for “pound” in (a)(2).]

**Sec. 4-21. When license tax payable.**

(a) On January 1 and not later than January 31 of each year, the owner of any dog four (4) months old or older shall pay a license tax as prescribed in §4-19 of this Code.

(b) The license tax as prescribed in §4-19 of this Code is due not later than thirty (30) days after a dog has reached the age of four (4) months, or not later than thirty (30) days after an owner acquires a dog four (4) months of age or older, and each year thereafter.

(c) Any kennel license tax prescribed by §4-19 of this Code shall be due on January 1 and not later than January 31 of each year.

(d) Failure to pay the license tax as required by this and §4-19 of this Code shall be subject to the civil penalty prescribed in §4-18 of this Code. In addition, the general district court may order confiscation and proper disposition of any dog as to which the license tax is not paid. (6-3-68, §4; 5-5-80, §3.)

For similar state law, see VA. CODE ANN. §3.2-6530 (Cum. Supp. 2019) and §3.2-6524 (Repl. Vol. 2016). For authority for civil penalty, see VA. CODE ANN. §3.2-6543 B. (Repl. Vol. 2016).

[THE 1987 AMENDMENT deleted "forthwith" preceding "by the owner" in (c), and inserted language beginning "which" and ending "(\$100.00)" in (d).]

[THE 1988 AMENDMENT substituted "four (4) months" for six (6) months.]

[THE 1990 AMENDMENT substituted "this license shall be valid from the date the license is purchased" for "such license shall protect such dog from the date of purchase" at the end of (c) and substituted "two hundred fifty dollars (\$250.00)" for "one hundred dollars (\$100.00)" in (d).]

[THE JULY 6, 2004 AMENDMENT, in (d), substituted “subject to the civil penalty prescribed in §4-18 of this Code” for “a misdemeanor which shall be punishable by a fine of not more than two hundred fifty dollars (\$250.00)” in the first sentence and substituted “In addition” for “and, in addition” in the second sentence.]

[THE JULY 2, 2007 AMENDMENT substituted new (b) for former language that had provided: “If a dog shall become four (4) months of age or come 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”; and substituted new (c) for former language providing that “If a dog shall become four (4) months of age or come 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.”]

**Sec. 4-22. 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 or court costs provided under VA. CODE ANN. §§16.1-69.48:1 or 17.1-275.7. (6-3-68, §5.)

For similar state law, see VA. CODE ANN. §3.2-6536 (Repl. Vol. 2016) and §3.2-6543 (Repl. Vol. 2016).

[THE DECEMBER 7, 2009 AMENDMENT rewrote this section for clarity.]

**Sec. 4-23. Evidence showing inoculation for rabies prerequisite to obtaining dog license.**

(a) No license tag shall be issued for any dog unless there is presented, to the Treasurer or other officer of the County, or other agent charged by law with the duty of issuing license tags for dogs, 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.

(b) All rabies clinics require the approval by the County health department and Board of Supervisors. Rabies clinics shall be held at least once every two years in the County. The licensed veterinarian who administers rabies vaccinations at the clinic shall (i) provide the owner or custodian a rabies vaccination certificate for each vaccinated animal and (ii) ensure that a licensed veterinary facility retains a copy of the rabies vaccination certificate. The sponsoring organization of a rabies clinic shall, upon the request of the owner or custodian, an animal control officer, a humane investigator, a law enforcement officer, a State Veterinarian’s representative, a licensed veterinarian, or an official of the Department of Health, provide the name and contact information of the licensed veterinary facility where a copy of the rabies vaccination certificate is retained.

For similar state law, see VA. CODE ANN. §3.2-6526 B (Repl. Vol. 2016), VA. CODE ANN. §3.2-6521 B (Repl. Vol. 2016) and §3.2-6543 (Repl. Vol. 2016). See also VA. CODE ANN. §3.2-6521 A (Repl. Vol. 2016).

Cross reference: For requirement of rabies inoculation of dogs and domesticated cats, see §4-12 of this Code.

[THE MARCH 17, 1997 AMENDMENT added the language beginning "or currently licensed veterinary technicians..." following "veterinarian" in (a).]

[THE JULY 2, 2007 AMENDMENT, in (a), inserted “or other agent” preceding “charged” and substituted “dogs, satisfactory evidence” for “dogs at the time application for license is made, evidence satisfactory to him showing.”]

[THE JULY 19, 2010 AMENDMENT added a requirement that all rabies clinics must be approved by the County Health Department and the Board of Supervisors, and added the last two sentences in (b).]

[THE JULY 2, 2013 AMENDMENT substituted “require the approval” for “must be approved” in the first sentence, and substituted “once every two years” for “once per year” and deleted “if the Board of Supervisors finds that the number of resident veterinarians is otherwise inadequate to meet the need” from the second sentence.]

**Sec. 4-23.1. Veterinarians to provide local treasurers with rabies certificate information; civil penalty.**

(a) Each veterinarian who vaccinates a dog against rabies or directs a veterinary technician in his employ to vaccinate a dog against rabies shall provide the owner a copy of the rabies vaccination certificate. The veterinarian shall forward within forty-five (45) days a copy of the rabies vaccination certificate or the *relevant* information contained in such certificate to the treasurer of the locality in which the vaccination occurs.

The rabies vaccination certificate shall include at a minimum the signature of the veterinarian, the animal owner's name and address, the species of the animal, the sex, the age, the color, the primary breed, whether or not the animal is spayed or neutered, the vaccination number, and expiration date. The rabies vaccination certificate shall indicate the locality in which the animal resides.

(b) It shall be the responsibility of the owner of each vaccinated animal that is not already licensed to apply for a license for the vaccinated dog. Beginning January 1, 2008, if the County Treasurer determines, from review of the rabies vaccination information provided by veterinarians, that the owner of an unlicensed dog has failed to apply for a license within ninety (90) days of the date of vaccination, the Treasurer shall transmit an application to the owner and request the owner to submit a completed application and pay the appropriate fee. Upon receipt of the completed application and payment of the license fee, the County Treasurer or other agent charged with the duty of issuing the dog licenses shall issue a license receipt and a permanent tag. The Treasurer shall retain only the information that is required to be collected and open to public inspection pursuant to the provisions of this chapter and shall forthwith destroy any rabies vaccination certificate or other similar record transmitted by a veterinarian to a treasurer pursuant to this section.

The Treasurer shall remit any rabies vaccination certificate received for any animal owned by an individual residing in another locality to the local treasurer for the appropriate locality.

(c) Any veterinarian that willfully fails to provide the treasurer of any locality with a copy of the rabies vaccination certificate or the information contained in such certificate may be subject to a civil penalty not to exceed ten dollars (\$10) per certificate. Monies raised pursuant to this subsection

shall be placed in the County general fund for the purpose of animal control activities including spay or neuter programs.

For similar state law, see VA. CODE ANN. §3.2-6529 (Repl. Vol. 2016) and §3.2-6543 (Repl. Vol. 2016). See also VA. CODE ANN. §3.2-6521 A (Repl. Vol. 2016).

[THE JULY 2, 2007 ACT adopted this section, effective upon passage except as otherwise indicated.]

[THE JULY 7, 2008 AMENDMENT added the last sentence in subsection (b).]

[THE DECEMBER 1, 2008 AMENDMENT deleted “but not limited to” in the last sentence of subsection (c).]

#### **Sec. 4-24. Status of dog not wearing valid license tag.**

Any dog not wearing a collar bearing a valid license tag shall prima facie be deemed to be unlicensed, and in any proceedings under this article, the burden of proof of the fact that the dog has been licensed, or is otherwise not required to bear a license tag at the time, shall be upon the owner of the dog. (6-3-68, §6.)

For similar state law, see VA. CODE ANN. §3.2-6533 (Repl. Vol. 2016) and §3.2-6543 (Repl. Vol. 2016).

Cross reference: For requirement that dog license tag be fastened to collar and worn by such dog, see §4-28 of this Code. For ordinance prohibiting any person, except the owner or custodian, from removing a legally acquired license tag from a dog, see §4-15 of this Code.

[THE JULY 2, 2007 AMENDMENT substituted “bearing a valid license tag” for “to which is attached a license tag issued for the current calendar year” and “prima facie be deemed to be unlicensed” for “be considered, prima facie, an unlicensed dog” and made stylistic changes.]

#### **Sec. 4-25. How to obtain license; additional requirements as to hybrid canines.**

(a) Any County resident may obtain a dog license by making oral or written application to the Treasurer of the County accompanied by the amount of license tax and current certificate of vaccination as required by this article or satisfactory evidence that such certificate has been obtained. The Treasurer or other officer charged with the duty of issuing dog licenses shall only have authority to license dogs of resident owners or custodians who reside within the boundary limits of the County and may require information to this effect from any applicant. Upon receipt of proper application and current certificate of vaccination as required by this article or satisfactory evidence that such certificate has been obtained, 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 years for which issued, the serial number of the tag, whether male or female, whether spayed or neutered, or whether a kennel, and deliver the metal

license tags or plates provided for in VA. CODE ANN. §3.2-6526 (Repl. Vol. 2016). The information thus received shall be retained by the Treasurer, open to public inspection, during the period for which such license is valid. The Treasurer may establish substations in convenient locations in the County and appoint agents for the collection of the license tax and issuance of such licenses.

(b) No dog license or tag authorized to be issued under subsection (a) of this section shall be issued by the County Treasurer, or other officer of the county charged by law with the duty of issuing license tags for dogs, for a hybrid canine until the owner of such hybrid canine presents for examination a valid hybrid canine permit and hybrid canine tag issued by the animal control officer of Campbell County under authority of Article III of Chapter 4 of the Campbell County Code of 1988 (§4-29 et seq.). Furthermore, in order to obtain such dog license, the owner of a hybrid canine shall comply with all requirements of subsection (a) of this section including, but not limited to, presentation of satisfactory evidence of current rabies inoculation or vaccination of the animal and payment of the dog license tax.

For similar state law, see VA. CODE ANN. §3.2-6527 (Cum. Supp. 2019). See also VA. CODE ANN. §3.2-6582 (Repl. Vol. 2016).

Cross-reference: For special provisions regulating hybrid canines, see §4-29 et seq. of this Code.

[THE 1987 AMENDMENT inserted the fourth sentence.]

[THE 1991 AMENDMENT inserted "current" preceding "certificate" twice.]

[THE DECEMBER 1, 1997 AMENDMENT designated existing provisions as (a) and added (b).]

[THE JULY 2, 2007 AMENDMENT, in (a), inserted “or satisfactory evidence that such certificate has been obtained” in the first and third sentences, and substituted “or female, whether spayed or neutered, or whether” for “unsexed female, female or” in the third sentence.]

[THE JULY 6, 2017 AMENDMENT, in (a), substituted “years” for “year” and added a citation cross-reference.]

#### **Sec. 4-26. What dog licenses shall consist of.**

A dog license shall consist of a license receipt and a metal tag in the style and design adopted by the County Board of Supervisors. The tag shall be stamped or otherwise permanently marked to show the County name, the calendar year for which issued and a serial number or other identifying information prescribed by the County. (6-3-68)

For similar state law, see VA. CODE ANN. §3.2-6526 (Repl. Vol. 2016).

Editor’s note.--VA. CODE ANN. §3.2-6526 was amended by the Virginia General Assembly, effective July 1, 1998, such that state law authorizes, but no longer requires, dog license tags to be

permanently marked to indicate the sex of the dog. At this time Campbell County continues to require such information on rabies inoculation certificates, but not on dog license tags.

[THE MAY 17, 1999 AMENDMENT deleted “the sex of the dog,” following “County name” and “shall bear” preceding “a serial number” in the second sentence.]

[THE JULY 2, 2007 AMENDMENT added “or other identifying information prescribed by the County” at the end of the second sentence.]

**Sec. 4-27. Duplicate license tags.**

If a dog license tag is 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, the Treasurer 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 tag and the date issued on the face of the original license receipt. The fee for the issuance of a duplicate tag for any dog shall be one dollar (\$1.00).

For similar state law, see VA. CODE ANN. §3.2-6532 (Cum. Supp. 2019). See also VA. CODE ANN. §3.2-6543 B. (Repl. Vol. 2016) and §3.2-6587 at A. 9 (Cum. Supp. 2020).

Cross reference: For civil penalty applicable to violations of this section, see §4-18 of this Code.

[THE 1988 AMENDMENT rewrote the first sentence and inserted "of the owner or custodian" following "Upon affidavit" in the second sentence and "for any dog" preceding "shall be one dollar (\$1.00)" in the last sentence.]

[THE DECEMBER 1, 2008 AMENDMENT substituted “is” for “shall become” and added “tag” after “duplicate license” in the first sentence.]

**Sec. 4-28. Displaying receipts; dogs to wear tags.**

Dog license receipts shall be carefully preserved by the licensees and exhibited promptly on request for inspection by any animal control officer or other officer. Dog license tags shall be securely fastened to a substantial collar by the owner or custodian and worn by such dog. It shall be unlawful for the owner to permit any licensed dog four (4) months old or older to run or roam at large at any time without a license tag. The owner of the dog may remove the collar and license tag required by this section when (1) the dog is engaged in lawful hunting, (2) the dog is competing in a dog show, (3) the dog has a skin condition which would be exacerbated by the wearing of a collar, (4) the dog is confined, or (5) the dog is under the immediate control of its owner.

Violation of this section shall be subject to the civil penalty prescribed in §4-18 of this Code.

For similar state law, see VA. CODE ANN. §3.2-6531 (Repl. Vol. 2016). As to civil penalty provision, see VA. CODE ANN. §3.2-6543 B. (Repl. Vol. 2016).

Cross reference: For ordinance prohibiting any person, except the owner or custodian, from removing a legally acquired license tag from a dog, see §4-15 of this Code. As to status of dog not wearing license tag, see §4-24 of this Code.

[THE 1988 AMENDMENT substituted "four (4) months old" for "six (6) months old."]

[THE 1990 AMENDMENT inserted "when" preceding "(1)" in the last sentence and deleted "when" preceding "the dog" in clauses (1) through (5).]

[THE MAY 17, 1999 AMENDMENT substituted "officer" for "warden."]

[THE JULY 6, 2004 AMENDMENT added the second paragraph.]

[THE DECEMBER 1, 2008 AMENDMENT separated the second and third sentences for clarity and substituted "older" for "over" in the third sentence.]

### **Division 3. Commercial Dog Breeding Operations**

#### **Sec. 4-28.1. Business license required.**

No commercial dog breeder shall breed dogs in the Commonwealth without a valid business license issued by Campbell County, as applicable, where he maintains dogs for the purpose of commercial dog breeding.

For similar state law, see VA. CODE ANN. §3.2-6507.1 (Repl. Vol. 2016).

[THE DECEMBER 1, 2008 ACT adopted this section, effective January 1, 2009.]

#### **Sec. 4-28.2. Commercial dog breeding; requirements.**

Commercial dog breeders shall:

1. Maintain no more than 50 dogs over the age of one year at any time for breeding purposes;
2. Breed female dogs only: (i) after annual certification by a licensed veterinarian that the dog is in suitable health for breeding; (ii) after the dog has reached the age of 18 months; and (iii) if the dog has not yet reached the age of 8 years;

3. Dispose of dogs only by gift, sale, transfer, barter, or euthanasia by a licensed veterinarian;
4. Dispose of deceased dogs in accordance with VA. CODE ANN. §3.2-6554 (Repl. Vol. 2016);
5. Dispose of dog waste in accordance with state and federal laws and regulations; and
6. Maintain accurate records for at least five years including:
  - a. The date on which a dog enters the operation;
  - b. The person from whom the animal was purchased or obtained, including the address and phone number of such person;
  - c. A description of the animal, including the species, color, breed, sex, and approximate age and weight;
  - d. Any tattoo, microchip number, or other identification number carried by or appearing on the animal;
  - e. Each date that puppies were born to such animal and the number of puppies;
  - f. All medical care and vaccinations provided to the animal, including certifications required by a licensed veterinarian under this chapter; and
  - g. The disposition of each animal and the date.

For similar state law, see VA. CODE ANN. §3.2-6507.2 (Repl. Vol. 2016).

[THE DECEMBER 1, 2008 ACT adopted this section, effective January 1, 2009.]

#### **Sec. 4-28.3. Right of entry.**

(a) The Commissioner, the State Veterinarian or his assistant, any animal control officer, and any public health or safety official employed by Campbell County may, upon receiving a complaint or upon his own motion, investigate any violation of the provisions of this chapter. Such investigation may include (i) the inspection of the books and records of any commercial dog breeder, (ii) the inspection of any companion animal owned by the commercial dog breeder, and (iii) the inspection of any place where animals are bred or maintained. In conducting the inspection, the Commissioner or animal control officer may enter any premises where animals may be bred or maintained during daytime hours.

(b) Any commercial dog breeder who is the subject of an investigation by the Commissioner, the State Veterinarian, or any animal control officer shall, upon request, provide assistance to the Commissioner, the State Veterinarian, or the animal control officer in making any inspection authorized by this section.

For similar state law, see VA. CODE ANN. §3.2-6507.3 (Repl. Vol. 2016).

[THE DECEMBER 1, 2008 ACT adopted this section, effective January 1, 2009.]

**Sec. 4-28.4. Concurrent operation of releasing agency prohibited.**

It is unlawful for a commercial dog breeder to operate or maintain a controlling interest in any releasing agency.

For similar state law, see VA. CODE ANN. §3.2-6507.4 (Repl. Vol. 2016).

[THE DECEMBER 1, 2008 ACT adopted this section, effective January 1, 2009.]

**Sec. 4-28.5. Penalty.**

Any commercial dog breeder violating any provision of this division is guilty of a Class 1 misdemeanor.

For similar state law, see VA. CODE ANN. §3.2-6507.5 (Repl. Vol. 2016).

[THE DECEMBER 1, 2008 ACT adopted this section, effective January 1, 2009.]

**Sec. 4-28.6. Duty of attorneys for the Commonwealth.**

It shall be the duty of each attorney for the Commonwealth to enforce this division.

For similar state law, see VA. CODE ANN. §3.2-6507.6 (Repl. Vol. 2016).

[THE DECEMBER 1, 2008 ACT adopted this section, effective January 1, 2009.]

**Article III. Hybrid Canines.**

**Sec. 4-29. Purpose and scope of article; applicability of other ordinances; effective date.**

(a) In order to ensure the adequate confinement and responsible ownership of hybrid canines for the safety and well-being of the citizens of Campbell County, the Board of Supervisors does hereby establish a permitting system for hybrid canines within Campbell County.

(b) The owner or custodian of a hybrid canine within the County must comply with the permitting requirements and other ordinances regulating hybrid canines as set forth in this article or by state law. In addition, the owner or custodian of a hybrid canine within the County is subject to and must comply with the provisions of §4-2, §4-2.1, §4-3.1, and §4-4 through §4-28 of this Code, the provisions of which sections shall be interpreted mutatis mutandis. However, where an ordinance within this article specifically addressed to hybrid canines and a similar ordinance in the preceding articles both regulate the same or similar activity or subject, the ordinance in this article shall supersede the more general ordinance. Furthermore, where an ordinance in this article conflicts with an ordinance in the preceding articles, then that ordinance imposing more stringent standards or regulations shall control as to hybrid canines.

(c) The requirements of this article shall apply whether the owner or custodian of such hybrid canine is a resident of Campbell County or such hybrid canine is merely being kept in the County.

(d) The requirements of this article shall apply to all owners or custodians of hybrid canines within Campbell County whether such ownership or custodianship commenced prior to or subsequent to the effective date of this article.

(e) This article shall become effective 12:01 a.m. on January 1, 1998.

For state law authority, see VA. CODE ANN. §3.2-6582 (Repl. Vol. 2016).

Editor's note: "Mutatis mutandis" is a Latin phrase meaning "with the necessary changes in points of detail."

[THE DECEMBER 1, 1997 ACT adopted this section, effective January 1, 1998.]

[THE MAY 17, 1999 AMENDMENT inserted "or custodians" and "or custodianship" in subsection (d).]

### **Sec. 4-30. Definitions.**

As used in this article:

"Adequate confinement" means while on the property of its owner and not under the direct supervision and control of the owner or custodian, a hybrid canine shall be confined in a humane manner in a securely enclosed and locked structure of sufficient height and design to (i) prevent the animal's escape; or if the hybrid canine is determined to be a dangerous dog pursuant to VA. CODE ANN. §3.2-6540 (Cum. Supp. 2019) or §4-7.1 of this Code, the structure shall prevent direct contact with any person or animal not authorized by the owner to be in direct contact with the hybrid canine and (ii) provide a minimum of 100 square feet of floor space for each adult animal. Tethering of a hybrid canine not under the direct supervision and control of the owner or custodian shall not be considered adequate confinement.

"Hybrid canine" means any animal that is or can be demonstrated to be a hybrid of the domestic dog and any other species of the Canidae family; that at any time has been permitted, registered, licensed, or advertised as such; or that at any time has been described, represented, or reported as such by its owner to a licensed veterinarian, law-enforcement officer, animal control officer, humane investigator, official of the Department of Health, or State Veterinarian's representative.

"Responsible ownership" means the ownership and humane care of a hybrid canine in such a manner as to comply with all laws and ordinances regarding hybrid canines and prevent endangerment by the animal to public health and safety.

Unless otherwise required by the context or superseded by the above definitions, the definitions provided in §4-4 of this Code shall also apply in this article.

For state law authority, see VA. CODE ANN. §3.2-6581 (Repl. Vol. 2016).

Cross reference: For ordinances prescribing control of dangerous or vicious dogs, see §4-7.1 and §4-7.2 of this Code.

[THE DECEMBER 1, 1997 ACT adopted this section, effective January 1, 1998.]

[THE MAY 17, 1999 AMENDMENT substituted "animal control officer" for "animal warden" and "State Veterinarian's representative" for "compliance officer who is under the direction of the State Veterinarian" in the definition of "Hybrid canine."]

[THE DECEMBER 2, 2014 AMENDMENT substituted in definition of "Hybrid canine:" "that is or can be demonstrated to be a hybrid of the domestic dog and any other species of the Canidae family; that" for "which" and substituted "or advertised as such; or that at any time has been described, represented, or reported as such" for "or otherwise described or represented as a hybrid canine, wolf, or coyote."]

**Sec. 4-31. Reserved.**

**Sec. 4-32. Hybrid canine permit required; application.**

(a) The owner of any hybrid canine four (4) months of age or older within Campbell County shall apply for a hybrid canine permit from the animal control officer for each such animal. The permit period shall extend for the entire calendar year unless otherwise provided in this article. A hybrid canine permit obtained pursuant to this article shall be renewed annually for the same permit fee as specified by §4-33 of this Code and in the same manner as the initial permit was obtained.

(b) All hybrid canine permits or renewals thereof required to be obtained by this article shall only be issued to persons eighteen (18) years of age or older who comply with the requirements of this article. If the owner of a hybrid canine is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this article and such custodial parent or legal guardian shall execute the "Hybrid Canine Owner Contract" as required by subsection (e)(2) of this section.

- (c) A hybrid canine permit shall not be transferable.
- (d) No more than two (2) hybrid canines subject to the permit requirements of this article shall be owned by a permittee.
- (e) (1) To obtain a hybrid canine permit or renewal thereof, the owner of such animal shall file with the animal control officer an application form, supplied by the animal control officer, which shall include the following information, along with evidence and documentation satisfactory to the animal control officer:
- (i) The full legal name and personal description of the applicant;
  - (ii) The applicant's street and mailing addresses, legal (permanent) and local;
  - (iii) The applicant's telephone numbers, permanent and local;
  - (iv) The full legal name and personal description of the person who is primarily responsible for the day-to-day care and confinement of the hybrid canine, if different from the applicant; such custodian's street and mailing address, legal (permanent) and local; and such custodian's telephone numbers, permanent and local;
  - (v) Location, including street and mailing addresses, where the hybrid canine will be kept, confined, or sheltered;
  - (vi) Name of the legal owner of the property upon which the hybrid canine will be kept, confined, or sheltered, and a brief description of the property, which may include amount of acreage, tax map identification number, etc.;
  - (vii) The name of the hybrid canine to be permitted and the type of hybrid (i.e. wolf-dog hybrid, coyote-dog hybrid, etc.);
  - (viii) A full description of such hybrid canine, which shall include, but not be limited to:
    - (a) Date of birth;
    - (b) Sex;
    - (c) Height, length, and weight of hybrid canine;
    - (d) Color and any distinctive markings or scars, including any permanent tattooing;
  - (ix) Proof satisfactory to the animal control officer that the hybrid canine has been permanently identified by means of a tattoo on the inside thigh or by electronic implantation;

- (x) Proof satisfactory to the animal control officer that the hybrid canine has been currently and effectively inoculated or vaccinated against rabies as required by §4-34 of this Code; such proof shall include, but not be limited to, presentation of a current certificate of vaccination as specified in §4-34 of this Code;
- (xi) Proof satisfactory to the animal control officer that the hybrid canine has been currently and adequately inoculated or vaccinated against such other diseases or illnesses, as such inoculations/vaccinations may be required by the State Veterinarian;
- (xii) Proof satisfactory to the animal control officer that while on the property of its owner and not under the direct supervision and immediate control of the owner or custodian, the hybrid canine will be confined in a humane manner in a securely enclosed and locked structure as described in §4-36 of this Code and provided adequate shelter, feed, water, exercise, care, treatment, transportation, and veterinary care as required by statute or ordinance; and that such property upon which is located the animal's enclosure where the hybrid canine is customarily kept is adequately posted;
- (xiii) Proof satisfactory to the animal control officer that when off the property of its owner, the hybrid canine shall be kept under the direct supervision and immediate control of its owner or custodian and adequately cared for as required by §4-37 of this Code.

(2) The owner of the hybrid canine, or the custodial parent or legal guardian of a minor owner, shall execute a Hybrid Canine Owner Contract in the form furnished by the animal control officer. Such contract form, which may be revised from time to time, is set out in the Appendix of Forms for Chapter 4 of the Campbell County Code of 1988, which immediately follows the text of this chapter.

For state law authority, see VA. CODE ANN. §3.2-6582 (Repl. Vol. 2016).

[THE DECEMBER 1, 1997 ACT adopted this section, effective January 1, 1998.]

[THE MAY 17, 1999 AMENDMENT substituted “animal control officer” for “animal warden” in subsection (e).]

[THE JULY 2, 2007 AMENDMENT deleted “and as set forth at §4-38 of this Code” at the end of subsection (b), and, in subsection (e)(2), substituted “in the form furnished by the animal control officer” for “as set forth in §4-38 of this Code” at the end of the first sentence and added the second sentence therein.]

**Sec. 4-33. Annual permit fee.**

(a) On January 1 and not later than January 31 of each year, the owner of any hybrid canine four (4) months of age or older in Campbell County shall pay an annual permit fee of seventy-five dollars (\$75.00) for each hybrid canine.

(b) Such annual permit fee shall be paid to the animal control officer with the application for a hybrid canine permit or renewal thereof as required by this article.

(c) The annual permit fee is due not later than thirty (30) days after any hybrid canine has reached the age of four (4) months of age, or not later than thirty (30) days after an owner acquires a hybrid canine four (4) months of age or older, and each year thereafter.

(d) Reserved.

(e) Payment of the annual permit fee shall be in addition to the annual license tax on the ownership of dogs four (4) months of age or older within the County imposed by §4-19 of this Code, the fee imposed by §4-7.1 D. of this Code upon the owner of any dog found to be a dangerous dog (if applicable), or any other fees that may be authorized by law.

(f) The requirements of this section, §4-34 of this Code, and §4-32 of this Code shall apply whether the owner of such hybrid canine is a resident of Campbell County or such hybrid canine is merely being kept in the County.

(g) Failure to pay the required permit fee shall be a misdemeanor punishable as provided in §4-45 of this Code.

For state law authority, see VA. CODE ANN. §3.2-6582 A. (Repl. Vol. 2016). See also VA. CODE ANN. §3.2-6530 (Cum. Supp. 2019).

[THE DECEMBER 1, 1997 ACT adopted this section, effective on January 1, 1998.]

[THE MAY 17, 1999 AMENDMENT substituted “control officer” for “warden” in subsection (b).]

[THE JULY 2, 2007 AMENDMENT substituted new (c) for former language that had provided: “If a hybrid canine shall become four (4) months of age or come into the possession of any person between January 1 and November 1 of any year, the permit fee for the current calendar year shall be paid by the owner”; and deleted former (d), now a “Reserved” subsection, which had provided: “If a hybrid canine shall become four (4) months of age or come into the possession of any person between October 31 and December 31 of any year, the permit fee for the succeeding calendar year shall be paid by the owner and this permit shall be valid from the date the permit fee is paid.]

**Sec. 4-34. Rabies inoculation of hybrid canines; prerequisite to issuance of hybrid canine permit.**

(a) The owner or custodian of all hybrid canines four (4) months of age and older shall have them currently inoculated or vaccinated against rabies by a licensed veterinarian, or licensed

veterinary technician who is under the immediate and direct supervision of a licensed veterinarian on the premises.

(b) The supervising veterinarian on the premises who administered or supervised the administration of the inoculation or vaccination of the hybrid canine shall provide the owner or custodian of the hybrid canine with a certificate of vaccination.

(c) The owner or custodian of the hybrid canine shall furnish the certificate of vaccination to the animal control officer when applying for a hybrid canine permit or renewal thereof under this article. Presentation of proof satisfactory to the animal control officer that the hybrid canine has been currently and effectively inoculated or vaccinated against rabies shall be an express prerequisite to issuance of a hybrid canine permit under this article. In addition, at other times the owner or custodian of the hybrid canine shall furnish within a reasonable period of time, upon the request of the animal control officer, humane investigator, law-enforcement officer, State Veterinarian's representative, or official of the Department of Health, the certificate of vaccination.

(d) The vaccine used shall be licensed by the United States Department of Agriculture for use in that species.

(e) The requirements of the preceding subsections shall apply whether the owner or custodian of such hybrid canine is a resident of Campbell County or such hybrid canine is merely being kept in the County. The owner or custodian of a hybrid canine brought into Campbell County for any purpose shall have the hybrid canine effectively inoculated or vaccinated against rabies with a vaccine licensed by the United States Department of Agriculture before bringing such hybrid canine into Campbell County, and shall present such certificate of vaccination for such hybrid canine when requested by an animal control officer, humane investigator, law-enforcement officer, State Veterinarian's representative, or official of the Department of Health.

For state law authority, see VA. CODE ANN. §3.2-6582 (Repl. Vol. 2016).

Cross reference: For requirements regarding rabies inoculation of dogs and domesticated cats, see §4-12 of this Code.

[THE DECEMBER 1, 1997 ACT adopted this section, effective January 1, 1998.]

[THE MAY 17, 1999 AMENDMENT, substituted "control officer" for "warden" in (c) and (e), and inserted "or State Veterinarian's representative" twice.]

**Sec. 4-35. Identifying tattoo or electronic implantation required.**

The owner or custodian of any hybrid canine four (4) months of age and older shall cause the hybrid canine to be permanently identified by means of a tattoo on the inside thigh or by electronic implantation. Evidence of such permanent tattoo or electronic implantation shall be presented to the animal control officer at the time of application for issuance of or renewal of a hybrid canine permit.

For state law authority, see VA. CODE ANN. §3.2-6582 A(iii) (Repl. Vol. 2016).

[THE DECEMBER 1, 1997 ACT adopted this section, effective January 1, 1998.]

[THE MAY 17, 1999 AMENDMENT substituted “control officer” for “warden.”]

**Sec. 4-36. Confinement and control of hybrid canine on property of owner or custodian; adequate care required; posting of property.**

(a) A hybrid canine, as defined in §4-30 of this Code, shall, while on the property of its owner and not under the direct supervision and immediate control of the owner or custodian, be confined in a humane manner in a securely enclosed and locked structure of sufficient height and design to:

- (i) prevent the animal's escape; or if the hybrid canine is determined to be a dangerous dog pursuant to VA. CODE ANN. §3.2-6540 (Cum. Supp. 2019) or §4-7.1 of this Code, the structure shall prevent direct contact with any person or animal not authorized by the owner to be in direct contact with the hybrid canine, and
- (ii) provide a minimum of 100 square feet of floor space for each adult animal.

(b) Chaining or tethering of a hybrid canine not under the direct supervision and control of the owner or custodian shall not be considered adequate confinement.

(c) A hybrid canine shall not be allowed to run unleashed outside of its cage or enclosure or to roam or self-hunt on the property of its owner or custodian.

(d) The structure or enclosure shall be designed to provide the hybrid canine with adequate shelter from the elements of nature and shall be maintained in a sanitary condition, in accordance with the requirements of VA. CODE ANN. §3.2-6503 (Repl. Vol. 2016), VA. CODE ANN. §3.2-6500 (Cum. Supp. 2020), and the provisions of this chapter.

(e) The owner or custodian of the hybrid canine shall provide the animal with adequate feed and water, adequate exercise, adequate care, treatment, and transportation, and adequate veterinary care as required by VA. CODE ANN. §3.2-6503 (Repl. Vol. 2016), VA. CODE ANN. §3.2-6500 (Cum. Supp. 2020), and the provisions of this chapter.

(f) The owner shall post the property upon which is located the hybrid canine's enclosure and upon which the hybrid canine is customarily kept with clearly visible signs warning both minors and adults of the presence of a hybrid canine on the property.

For state law authority, see VA. CODE ANN. §3.2-6582 (Repl. Vol. 2016).

[THE DECEMBER 1, 1997 ACT adopted this section, effective January 1, 1998.]

**Sec. 4-37. Control of hybrid canine off property of owners or custodian; adequate care required; when confinement required.**

(a) When off the property of its owner or custodian, a hybrid canine shall be kept under the direct supervision and immediate control of its owner or custodian. Such control shall include, but not be limited to, keeping the hybrid canine on a leash and muzzling the animal 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 the hybrid canine from biting a person or another animal.

(b) Under no circumstances when off the property of its owner or custodian shall a hybrid canine be allowed to run at large (i.e. run unleashed, roam, or self-hunt).

(c) At all times when a hybrid canine is off the property of its owner or custodian, such owner or custodian shall provide the animal with adequate feed and water, adequate exercise, adequate care, treatment, and transportation, and adequate veterinary care as required by VA. CODE ANN. §3.2-6503 (Repl. Vol. 2016), VA. CODE ANN. §3.2-6500 (Cum. Supp. 2020), and the provisions of this chapter.

(d) When the hybrid canine's absence from the property of its owner or custodian continues for more than seven (7) days, such period of time being continuous and uninterrupted, then the owner or custodian shall be required to confine the animal in a humane manner in a securely enclosed and locked structure of sufficient height and design to confine and control the animal as specified in §4-36 of this Code, and shall also be subject to all other requirements of that section, including posting of the property.

For state law authority, see VA. CODE ANN. §3.2-6582 (Repl. Vol. 2016).

[THE DECEMBER 1, 1997 ACT adopted this section, effective January 1, 1998.]

#### **Sec. 4-38. Hybrid Canine Owner Contract required.**

(a) As a prerequisite to issuance or renewal of a hybrid canine permit, the owner of such hybrid canine or, if the owner is a minor, the custodial parent or legal guardian of such minor owner, (hereinafter referred to as owner/permittee), shall execute a Hybrid Canine Owner Contract in the form furnished by the animal control officer. Such contract form, which may be revised from time to time, is set out in the Appendix of Forms for Chapter 4 of the Campbell County Code of 1988 , which immediately follows the text of this chapter.

(b) The Hybrid Canine Owner Contract shall be executed by the owner/permittee and the animal control officer or other officer charged with the permitting authority, and shall be deemed an integral part of the hybrid canine permit. The original signed Contract shall be maintained in the records of the animal control officer; a copy shall be provided to the permittee.

For state law authority, see VA. CODE ANN. §3.2-6582 (Repl. Vol. 2016).

[THE DECEMBER 1, 1997 ACT adopted this section, effective January 1, 1998.]

[THE MAY 17, 1999 AMENDMENT substituted “control officer” for “warden.”]

[THE JULY 2, 2007 AMENDMENT, in the introductory language of subsection (a), substituted “in the form furnished by the animal control officer” for “as set forth below” at the end of the first sentence and added the second sentence; and deleted the contract form which previously followed subsection (a), which contract form is now found in the Appendix of Forms for Chapter 4 of the Campbell County Code of 1988, which immediately follows the text of this Chapter.]

**Sec. 4-39. Certain notifications required to be given to animal control officer.**

Acceptance of the hybrid canine permit issued under the provisions of this article imposes upon the permittee the following additional obligations, which shall be of a continuing nature:

- (a) The permittee shall notify the animal control officer in writing within thirty (30) days of any change in:
  - (i) The permittee's street or mailing addresses, legal (permanent) and local;
  - (ii) The permittee's telephone numbers, permanent and local;
  - (iii) The person who is primarily responsible for the day-to-day care and confinement of the hybrid canine, and shall supply the full legal name and personal description of such person, as well as such custodian's telephone numbers, permanent and local.
  
- (b) The permittee shall notify the animal control officer in writing within ten (10) days of any:
  - (i) Change in the location where the hybrid canine will be kept, confined, or sheltered, and shall supply the street and mailing addresses of such property, the name of the legal owner and a brief description of such property;
  - (ii) Transfer of ownership of the hybrid canine whereby such animal is sold or given away; such transfer shall be made only to another permittee in Virginia or in another state in which ownership of a hybrid canine is legal.
  
- (c) The permittee or custodian shall **immediately**, upon learning of same, notify the animal control officer if the hybrid canine:
  - (i) is loose or unconfined;
  - (ii) bites a person or attacks another animal; or
  - (iii) dies.

For state law authority, see VA. CODE ANN. §3.2-6582 (Repl. Vol. 2016).

[THE DECEMBER 1, 1997 ACT adopted this section, effective January 1, 1998.]

[THE MAY 17, 1999 AMENDMENT substituted “control officer” for “warden.”]

**Sec. 4-40. Display of hybrid canine tag; exhibition of permit.**

(a) The animal control officer shall provide the owner/permittee of a hybrid canine with a uniformly designed tag which identifies the animal as a hybrid canine. Such tag shall be in addition to the dog license issued by the County Treasurer under §4-19 et seq. of this Code.

(b) The owner of a hybrid canine shall affix the special hybrid canine tag and the dog license tag to the animal's collar and ensure that the animal wears the collar and tags at all times. The exceptions allowing removal of collar and tags by the animal's owner in specified circumstances set out in §4-28 of this Code shall not apply to hybrid canines.

(c) The hybrid canine permit issued by the animal control officer shall be carefully preserved by the permittee and shall be exhibited promptly on request for inspection by any animal control officer or other officer.

For state law authority, see VA. CODE ANN. §3.2-6582 A. (Repl. Vol. 2016).

[THE DECEMBER 1, 1997 ACT adopted this section, effective January 1, 1998.]

[THE MAY 17, 1999, AMENDMENT substituted “control officer” for “warden.”]

**Sec. 4-41. Presentation of hybrid canine permit and tag prerequisite to issuance of dog license under §4-19 et seq. of this Code.**

No dog license or tag authorized under §4-25 of this Code shall be issued by the County Treasurer, or other officer of the county charged by law with the duty of issuing license tags for dogs, for a hybrid canine until the owner of such hybrid canine presents for examination a valid hybrid canine permit and hybrid canine tag issued by the animal control officer of Campbell County. Furthermore, in order to obtain such dog license, the owner of a hybrid canine shall comply with all requirements of such regular dog license including, but not limited to, presentation of satisfactory evidence of current rabies inoculation or vaccination of the animal and payment of the dog license tax.

For state law authority, see VA. CODE ANN. §3.2-6582 (Repl. Vol. 2016).

[THE DECEMBER 1, 1997 ACT adopted this section, effective January 1, 1998.]

[THE MAY 17, 1999 AMENDMENT substituted “control officer” for “warden.”]

**Sec. 4-42. Hybrid canines killing, injuring or chasing livestock or poultry.**

(a) It shall be the duty of any animal control officer or other officer who may find a hybrid canine in the act of killing or injuring livestock or poultry to kill such hybrid canine forthwith, whether such hybrid canine bears a tag or not. Any person finding a hybrid canine committing any of the depredations mentioned in this section may kill such hybrid canine on sight as may any owner of livestock or his agent finding a hybrid canine chasing livestock on land lawfully utilized by the

livestock when the circumstances show that such chasing is harmful to livestock. Any court may order the animal control officer or other officer to kill any hybrid canine known to be a confirmed livestock or poultry killer, and any hybrid canine that kills poultry for the third time shall be considered a confirmed poultry killer. The court, through its contempt powers, may compel the owner, custodian, or harbinger of the hybrid canine to produce the hybrid canine.

(b) Any animal control officer who has reason to believe that any hybrid canine is killing livestock or poultry shall be empowered to seize such hybrid canine solely for the purpose of examining such hybrid canine 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 hybrid canine is killing livestock, or committing any of the depredations mentioned in this section, shall apply to a magistrate of the County wherein such hybrid canine may be, who shall issue a warrant requiring the owner or custodian, if known, to appear before a general district court, at which time evidence shall be heard.

(c) Pending such court hearing and determination, the animal control officer shall ensure that the hybrid canine is securely confined, either by requiring the owner to confine said hybrid canine in a humane manner in a securely enclosed and locked structure of sufficient height and design to prevent the animal's escape or by delivering such hybrid canine to the County Animal Pound, where the hybrid canine shall be held until the matter is determined by the court. The determination of the method of confinement, either by the owner or the animal pound, shall be made by the animal control officer in his sole discretion.

(d) If it appears that the hybrid canine is a livestock killer, or has committed any of the depredations mentioned in this section, the district court shall order that the hybrid canine 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 hybrid canine ordered removed from the Commonwealth that is later found in the Commonwealth shall be ordered by a court to be killed immediately.

For state law authority, see VA. CODE ANN. §3.2-6583 (Repl. Vol. 2016).

[THE DECEMBER 1, 1997 ACT adopted this section, effective January 1, 1998.]

[THE MAY 17, 1999 AMENDMENT substituted “control officer” for “warden.”]

[THE DECEMBER 1, 2008 AMENDMENT substituted “may” for “shall have the right to” and “shall” in the second sentence of (a), substituted “may” for “shall have the power to” in the third sentence of (a), substituted “that kills” for “killing” in the third sentence of (a), deleted “at a time and place named therein” in the last sentence of (b), and substituted “that” for “which” twice in (d).]

#### **Sec. 4-43. Compensation for livestock or poultry killed by hybrid canines.**

(a) Any person who has any livestock or poultry killed or injured by any hybrid canine not his own shall be entitled to receive as compensation the fair market value of such livestock or poultry

not to exceed \$750.00 per animal or \$10.00 per fowl, if: (i) the claimant has furnished evidence within 60 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 hybrid canine; (ii) the animal control officer or other officer shall have been notified of the incident within 72 hours of its discovery; and (iii) the claimant first has exhausted his legal remedies against the owner, if known, of the hybrid canine doing the damage for which compensation under this section is sought. Exhaustion shall mean a judgment against the owner of the hybrid canine upon which an execution has been returned unsatisfied.

(b) Upon payment of any claim under this section, the Campbell County Board of Supervisors 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 hybrid canine and may enforce the same in an appropriate action at law.

(c) It shall be a misdemeanor for any person to present for payment a false claim for compensation or to receive any money on a false claim under the provisions of this section and any such violation shall be punishable by confinement in jail for not more than twelve (12) months and a fine of not more than \$2,500.00, either or both.

For state law authority, see VA. CODE ANN. §3.2-6584 (Repl. Vol. 2016). For authority for penalty, see VA. CODE ANN. §3.2-6587 B. (Cum. Supp. 2020) and VA. CODE ANN. §18.2-11 (Repl. Vol. 2014). See also VA. CODE ANN. §3.2-6544 (Repl. Vol. 2016).

Cross reference: For ordinance regarding dogs killing, chasing, or injuring livestock or poultry, see §4-7. For ordinance regarding compensation for livestock or poultry killed by dogs, see §4-9.

[THE DECEMBER 1, 1997 ACT adopted this section, effective January 1, 1998.]

[THE MAY 17, 1999 AMENDMENT substituted “control officer” for “warden.”]

[THE DECEMBER 1, 2008 AMENDMENT substituted “if” for “provided that” after “per fowl” in (a).]

[THE JULY 1, 2014 AMENDMENT substituted “\$750.00” for “\$400.00” in (a).]

#### **Sec. 4-44. Disposition of funds.**

All permit fees collected pursuant to this article, less the costs incurred by the animal control authority in producing and distributing the hybrid canine permit applications, permits, and tags required by this article, shall be deposited with the County Treasurer who shall maintain and utilize such funds in accordance with the provisions of §4-20 of this Code.

For state law authority, see VA. CODE ANN. §3.2-6534 (Repl. Vol. 2016).

[THE DECEMBER 1, 1997 ACT adopted this section, effective January 1, 1998.]

**Sec. 4-45. Violations; penalties.**

(a) The violation of any provision of this article shall be a Class 3 misdemeanor for the first violation, which shall be punishable by the imposition of a fine not to exceed five hundred dollars (\$500.00). A second or subsequent violation of a provision of this article shall be a Class 1 misdemeanor, which shall be punishable by confinement in jail for not more than twelve (12) months and imposition of a fine not to exceed two thousand, five hundred dollars (\$2,500.00), either or both.

(b) In addition, the owner of any hybrid canine who (i) willfully fails or refuses to obtain or renew any required permit or pay the required permit fee, or (ii) willfully violates a provision of this article or any other law pertaining to the responsible ownership of the hybrid canine may be ordered by a court of competent jurisdiction in the County to surrender the hybrid canine for euthanasia in accordance with VA. CODE ANN. §3.2-6562 (Repl. Vol. 2016) or §4-10 of this Code, or to otherwise dispose of such hybrid canine as specified by such court.

For state law authority, see VA. CODE ANN. §3.2-6582 (Repl. Vol. 2016). For penalties for misdemeanors, see VA. CODE ANN. §18.2-11 (Repl. Vol. 2014).

[THE DECEMBER 1, 1997 ACT adopted this section, effective January 1, 1998.]

**Sec. 4-46. Severability.**

Should any portion or provision of this article be held by final order of any court of competent jurisdiction to be unconstitutional or invalid, that decision shall not affect the validity of this article as a whole, or any part of this article, other than that part held to be unconstitutional or invalid.

[THE DECEMBER 1, 1997 ACT adopted this section, effective January 1, 1998.]

**Article IV. Coyotes.**

**Sec. 4-50. “Coyote” defined; limited exclusion.**

(a) For the purposes of this Article, the term “coyote” shall be deemed to mean a small, wolf-like carnivorous animal, which is frequently predatory.

(b) The provisions of this Article shall not apply to a coyote which is duly licensed under Article III (“Hybrid Canines”) of this Chapter, provided that such coyote is continuously maintained by its owner or custodian in strict compliance with all of the requirements set forth in said Article III.

For state law authority, see VA. CODE ANN. §15.2-926.1 (Repl. Vol. 2018).

[THE JUNE 5, 2006 ACT adopted this section.]

**Sec. 4-51. Inapplicability within towns in County.**

The provisions of this Article shall not apply within the boundaries of an incorporated town in the County.

For state law authority, see VA. CODE ANN. §15.2-926.1 (Repl. Vol. 2018).

[THE JUNE 5, 2006 ACT adopted this section.]

**Sec. 4-52. Article not to supersede provisions restricting discharge of firearms in certain areas or hunting with firearm within certain proximity to primary or secondary highway.**

The provisions of this Article shall not supersede provisions of this Code including, but not limited to §16-26.1 and §16-13.

For state law authority, see VA. CODE ANN. §15.2-926.1 (Repl. Vol. 2018).

Cross-references: Sec. 16-26.1 of this Code prohibits shooting a firearm outdoors within residential zoning districts Residential-Single Family (R-SF), Residential-Multi Family (R-MF) and Residential-Manufactured Housing (R-MH) in Campbell County, with the exceptions found in Section 16-26.3. Effective July 1, 2007, Sec. 16-13 of this Code prohibits hunting with a firearm *on or within the ditchlines* of any primary or secondary highway in Campbell County, superseding the previous ordinance which prohibited hunting with a firearm *within the right-of-way* of any primary or secondary highway in the County.

[THE JUNE 5, 2006 ACT adopted this section.]

**Sec. 4-53. Killing of coyotes.**

It shall be lawful for any person to kill coyotes within the boundaries of Campbell 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.

For state law authority, see VA. CODE ANN. §15.2-926.1 (Repl. Vol. 2018).

[THE JUNE 5, 2006 ACT adopted this section.]

**Sec. 4-54. Reserved.**

**Sec. 4-55. Reserved.**

**Appendix of Forms**  
**for Chapter 4 of the Campbell County Code of 1988**

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**FORM 1. -- Hybrid Canine Owner Contract per §4-38 of this Code.**  
**Hybrid Canine Owner Contract**

In consideration of issuance or renewal of a hybrid canine permit by the animal control officer of Campbell County, Virginia, or such other officer charged with such permitting authority, I, \_\_\_\_\_, as owner/permittee, or as custodial parent or legal guardian of a minor owner, of a hybrid canine identified as \_\_\_\_\_, do hereby acknowledge that I have been provided an opportunity to examine the Campbell County ordinances regulating the ownership of hybrid canines (specifically, Article III (Hybrid Canines) of Chapter 4 (Animals and Fowl) of the Campbell County Code of 1988) and other provisions in said Chapter 4, pertaining to the control and confinement of hybrid canines and the provision of adequate care, exercise, feed, shelter, space, water, and veterinary treatment, and I do hereby agree to comply with the requirements of all such provisions.

I specifically acknowledge and agree to comply with the requirements of confinement of the hybrid canine and control of such animal whether on or off the property of its owner or custodian.

By executing this contract and accepting the hybrid canine permit, I agree to the following additional ownership conditions:

- (1) I shall maintain ownership of the hybrid canine for its natural lifetime; or
- (2) If I cannot keep the hybrid canine, I will give or sell the animal only to another permittee in Virginia or in another state in which ownership of a hybrid canine is legal;
- (3) If, for any reason, I cannot comply with either paragraph (1) or (2) above, then I agree that I will provide humane euthanasia by a licensed veterinarian or others approved by the State Veterinarian or the Virginia Department of Game and Inland Fisheries;
- (4) I will not willfully abandon the hybrid canine or release it to live, survive, or defend itself on its own;
- (5) I understand that I am under a continuing obligation, as specified in §4-39 of the Campbell County Code of 1988, to notify the animal control officer in writing within the time limits specified in §4-39 of this Code of any change in my address, telephone number, the person responsible for the day-to-day care and confinement of the animal, the location where the hybrid canine is kept, confined or sheltered, and any transfer of ownership of the animal.
- (6) I understand that I am under a continuing obligation, as specified in §4-39 of the Campbell County Code of 1988, to immediately notify the animal control officer if the

hybrid canine (i) is loose or unconfined, (ii) bites a person or attacks another animal, or (iii) dies;

- (7) I understand that violations of the above-cited Campbell County ordinances regulating the ownership of hybrid canines shall be punishable by imposition of monetary fines and/or confinement in jail and may result in the court-ordered surrender of the hybrid canine for euthanasia.

As owner/permittee, or as custodial parent or legal guardian of a minor owner, I acknowledge and agree that I shall be responsible for compliance with the requirements of the hybrid canine permit as set forth in Article III, Chapter 4 of the Campbell County Code of 1988. In witness whereof, I do affix my signature this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(signature of owner/permittee)

\_\_\_\_\_  
(signature of animal control officer)

STATE OF VIRGINIA

to-wit:

COUNTY OF CAMPBELL:

Executed, subscribed and sworn to before me in my said County and state above-written, on the day and year above-written.

My commission expires: \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

Editor's note: The above contract form was formerly part of §4-38(a) of this Chapter. However, by amendment adopted on July 2, 2007, by the Board of Supervisors, said §4-38(a) was amended to delete the contract form from the ordinance text, to place the form itself in this Appendix, and to make reference thereto in the ordinance text. The contract form, which may be revised from time to time, shall be available from the animal control officer for the County.