

PITTSYLVANIA COUNTY CODE

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An Ordinance to repeal Chapter 2, Articles I and II, Sections 2-1 through 2-20 of the Code of Laws of Pittsylvania County, and to re-enact the same with certain changes, modifications, additions, deletions, and amendments.

ORDINANCE

Be it ordained by the Board of Supervisors of Pittsylvania County, Virginia, that Chapter 2, Articles I and II of the Code of Laws of Pittsylvania County, Virginia, be repealed, and be re-enacted as Chapter 2, Articles I and II together with certain changes, modifications, additions, deletions and amendments.

CHAPTER 2

Article I.

ANIMALS AND FOWL

SEC. 2-1. BURIAL OR CREMATION OF ANIMALS OR FOWLS.

1. The owner of any animal or grown fowl, which has died from disease or otherwise, when he knows of such death, shall forthwith have its body cremated or buried.
2. Any person violating the provisions of this section shall be subject to a fine not exceeding twenty (\$20.00) dollars for each offense.
3. The above ordinance is adopted pursuant to the authority granted by the Code of Virginia of 1950, as amended.

SEC. 2-2. BIRD SANCTUARY.

The following described real estate in Tunstall Magisterial District is hereby set-aside as an area for a Bird Sanctuary.

1. Sanctuary established. Beginning at a point corner with the southern right of way of the Old Martinsville Rd., and the corporate limits of the City of Danville, Virginia; thence in a southerly direction to the northern boundary of Route 58; thence along said Route 58 in a westerly direction to the intersection of said Route 58 and the Old Martinsville Road at Callahan's Hill; thence in an easterly direction along the southern boundary of the old Martinsville Road to the point and place of beginning.
2. Discharge of weapons prohibited, penalty. It shall be unlawful for any person to shoot or otherwise discharge any rifle, pistol, shotgun, bow, crossbow, sling, slingshot, air gun, or other weapon at, toward or upon any bird, or to otherwise injure or destroy any such bird or any nest or egg thereof, within the sanctuary created by Paragraph 1 hereof. Any person violating any provision of this section shall be guilty of a misdemeanor.
3. Posting sanctuary. The Commission of Game and Inland Fisheries may post such sanctuary, provided that signs therefore can be obtained with cost to the State.

Provided, however, that existing hunting areas within said bird sanctuary as herein created are to be excepted from the provisions of this ordinance, and if it becomes necessary in the opinion of the County Game Warden to destroy certain birds which are a nuisance, then said Game Warden shall have such authority.

SEC. 2-3. FENCING OF ANIMALS.

- a) In Pittsylvania County, the boundary line of each lot or tract of land is declared to be a lawful fence as to any livestock as defined by § 3.2-5900, Code of Virginia, 1950, as amended, and it shall be unlawful for the owner, person in control, or manager of any said livestock to permit the same to run at large beyond the limits of his own land.
- b) A violation of this Section shall constitute a Class 4 misdemeanor.
(B.S.M. 4/18/17)

CHAPTER 2

Article II.

DOGS

SEC. 2-4. DEFINITIONS GENERALLY.

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section.

- (a) Animal Control Officer. Any Animal Control Officer or deputy Animal Control Officer appointed pursuant to Section 2-5.
- (b) Enclosure. A structure used to house or restrict animals from running at large.
- (c) Livestock. Cattle, horses, sheep, goats, swine and enclosed domesticated rabbits or hares.
- (d) County Administrator. The duly appointed County Administrator, his deputy, or other person authorized to perform the duties imposed by this ordinance. **(B.S.M. 5/2/88)**
- (e) Owner. Any person having a right of property in any dog, subject to the provisions of this article, and any person who keeps or harbors such dog, or has the dog in his care, or who acts as its custodian, and any person who permits a dog to remain on or about any premises occupied by him.
- (f) Poultry. All domestic fowl, and game birds raised in captivity.
- (g) Pound. A facility operated by the County for the prevention of cruelty to animals or for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted animals.
- (h) Boarding Kennel. A place or establishment other than a pound or shelter where animals not owned by the proprietor are fed, sheltered and watered for a fee, but shall not include training or show kennels.
- (i) Person. Any individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity.

(j) Other Officer. All other persons employed or elected by the people of Virginia, or by any municipality, county, or incorporated town therefore, whose duty is to preserve the peace, to make arrests, or to enforce the law.

(k) Treasurer. The County Treasurer and his assistants or other officer designated by law to collect taxes in the County.

(l) To Run at Large. A dog shall be deemed “to run at large” while roaming, running or self-hunting off the property of its owner or custodian and not under its owner’s or custodian’s immediate control, including chasing motor vehicles on a highway. **(B.S.M. 5/2/88)**

(m) Vaccinate, Vaccinated, or Vaccination. The immunization of a dog against rabies, whether by inoculation, vaccination, or any other method of treatment approved by the County Health Officer.

(n) Veterinarian. Any licensed veterinarian authorized to practice veterinary medicine in the State.

(o) Guide Dog, Lead Dog or Hearing Dog. Any dog that is trained and serves as a guide dog for a blind person or that is trained and serves as a guide dog for a blind person or that is trained and serves as a lead dog or guide dog for a deaf person or a hearing-impaired person. A hearing dog means a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond.

SEC. 2-5. POSITIONS OF ANIMAL CONTROL OFFICER CREATED.

There is hereby created the position of Animal Control Officer, who shall have the power to enforce, Chapter 64, Title 3.2 Code of Virginia of 1950, as amended, all laws for the protection of domestic animals, the provisions of this ordinance and the Comprehensive Animal Laws of the Commonwealth of Virginia. There is also created the position of Deputy Animal Control Officer who shall assist the Animal Control Officer in dog inspection activities and in the enforcement of dog laws, animal control and protection laws of Virginia. When in uniform or upon displaying a badge or other credentials of office, Animal Control Officers and Deputy Animal Control Officers shall have the power to issue a summons to any person found in the act of violating any such law or any ordinance enacted pursuant to such law of the County for which the Animal Control Officer or Deputy Animal Control Officer is appointed.

Animal Control Officers shall have knowledge of the comprehensive laws of Virginia governing animals, and basic animal care, and shall complete training as required by the Commonwealth as set forth in Section 3.2-6556 of the Code of Virginia. **(B.S.M. 5/2/88)**

Upon taking into custody any dog, the Animal Control Officer or the Deputy Animal Control Officer shall fill out and complete in detail the Pittsylvania County Animal Custody Record, as then in current use, together with such signatures thereon as may be necessary. **(B.S.M. 5/2/88)**

For authority of this section, refer to Section 3.2-6555, Code of Virginia, 1950, as amended. **(B.S.M. 3/7/05)**

SEC. 2-6. AMOUNT OF LICENSE TAX.

It shall be unlawful for any person to own a dog four (4) months old or older in this county unless such a dog is licensed, as required by the provisions of this ordinance. Dog licenses shall run by the calendar year, namely, from January 1st, to December 31st, inclusive, and the license tax shall be payable at the Office of the Treasurer and shall be:

- A. Male. For a male dog; ten (\$10.00) dollars per dogs; five (\$5.00) dollars for neutered dogs per dog.
- B. Female. For a female dog; ten (\$10.00) dollars per dog; five (\$5.00) dollars for an unsexed (successfully spayed) female.
- C. Kennel.
 - (1). For a kennel of 1-20 dogs, forty (\$40.00) dollars, regardless of sex.
 - (2). For a kennel of 21 or more dogs, fifty (\$50.00) dollars, regardless of sex.
- D. No license tax shall be levied against the owners of any guide dog, lead dog, or hearing dog.

For authority of this section, refer to Section 3.2-6524, Code of Virginia, 1950, as amended.
Adopted by the Board of Supervisors, 3/7/05. (B.S.M. 4/19/05) (B.S.M. 12/18/07), (B.S.M. 1/27/20)

SEC. 2-7. WHEN LICENSE TAX PAYABLE.

- (a) On January 1st, and not later than January 31st, of each year the owner of any dog four (4) months old or older shall pay a license tax as prescribed in Section 2-6.
- (b) If a dog shall become four months of age or come into possession of any person between January 1st, and November 1st, of any year the license tax for the current calendar year shall be paid forthwith by the owner.
- (c) If a dog shall become four months of age or come into the possession of any person between October 31st, and December 31st, of any year the license tax for the succeeding calendar year shall be paid forthwith by the owner and this license shall protect the dog from the date of purchase.

SEC. 2-8. 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 should not operate to relieve such owner from the penalties provided.

SEC. 2-9. EFFECT OF DOG NOT WEARING COLLAR AS EVIDENCE.

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

SEC. 2-10. HOW TO OBTAIN LICENSE.

Any person may obtain a dog license by making oral or written application to the Treasurer of the County, accompanied by the amount of the license tax and certificate of vaccination as required by this article. 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 the applicant. Upon receipt of proper application and certificate of vaccination as required by this article, the Treasurer or other Officer charged with the duty of issuing dog licenses shall issue a license receipt for the amount on which he shall record the name and address of the owner or custodian, the date of payment, the year for which issued, the serial number of the tag, whether male, unsexed female, female or kennel, and deliver the metal license tag or plate provided herein. The information thus received, shall be retained by the Treasurer and open to the public for 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.

SEC. 2-11. WHAT DOG LICENSE SHALL CONSIST OF.

A dog license shall consist of a license receipt and a metal tag. The tag shall be stamped or otherwise permanently marked to show the name Pittsylvania County, the sex of the dog, the calendar year for which issued and bear a serial number.

SEC. 2-12. DUPLICATE LICENSE TAGS.

If the dog license shall become lost, destroyed, or stolen, the owner or custodian shall at once apply to the Treasurer or his Agent who issued the original license for a duplicate license tag, presenting the original license receipt. Upon affidavit of the owner or custodian before the Treasurer or his Agent that the original license tag has been lost, destroyed, or stolen, he shall issue a duplicate license tag which the owner or custodian shall immediately affix to the collar of the dog. The Treasurer or his Agent shall endorse the number of the duplicate and the date issued on the face of the original license receipt. The fee for a duplicate tag shall be two (\$2.00) dollars. **(B.S.M. 4/19/05)**

SEC. 2-13. DISPLAYING RECEIPTS: DOGS TO WEAR TAGS.

Dog license receipts shall be carefully preserved by the licensee and exhibited promptly on request for inspection 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 license dog four 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 (i) when the dog engaged in lawful hunting, (ii) when the dog is competing in a dog show,

(iii) when the dog has a skin condition which would be exacerbated by the wearing of a collar, (iv) when the dog is confined, or when the dog is under immediate control of its owner.

SEC. 2-14. DOGS DEEMED PERSONAL PROPERTY: RIGHTS RELATING THERETO.

All dogs 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 dogs, or injury thereto, or unlawful detention or use thereof as in the case of other personal property. The owner of any such dog which is injured or killed contrary to the provisions of this chapter 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.

Any Animal Control Officer or other officer finding a stolen dog, or a dog held or detained contrary to law. Shall have authority to seize and hold such dog pending action before the General District Court or other court. If no such action is instituted within seven days, the Animal Control Officer or other officer shall deliver the dog to its owner. The presence of a dog 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 dog in charge and notify its legal owner to remove him. The legal owner of the dog shall pay a reasonable charge as specified by the Board of Supervisors for the keep of such dog while in the possession of the Animal Control Officer.

SEC. 2-15. 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 harbored 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 a magistrate serving the locality wherein the dog may be, who shall issue a warrant requiring the owner or custodian, if known, to appear before a general district court at a time and place named therein, at which time evidence shall be heard. If it shall appear that the dog is a livestock killer, or has committed any of the depredations mentioned in this section, the district court shall order that the dog be (I) killed or euthanized immediately by the animal control officer or other officer designated by the court or (ii) removed to another state that does not border on the Commonwealth and prohibited from returning to the Commonwealth. Any dog ordered removed from the Commonwealth that is later found in the Commonwealth shall be ordered by a court to be killed or euthanized immediately.

C. 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 (a) 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 (b) 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.

D. The legal owner of any dog confined by Animal Control pursuant to this section shall be liable to the County for any reasonable boarding fees, medical costs, or any other charges incurred or required during any holding period. **(B.S.M. 1/27/20)**

SEC. 2-16 DOG KILLING OTHER DOMESTIC ANIMALS OTHER THAN LIVESTOCK OR POULTRY.

Any Animal Control Officer who has reason to believe that any dog is killing other dogs or domestic animals other than livestock or poultry shall apply to a magistrate of the county for the issuance of a warrant requiring the owner or custodian, if known, to appear before the general district court at a specified time. The Animal Control Officer or owner shall confine the dog until such time as evidence shall be heard and a verdict rendered. If it appears from the evidence that the dog has habitually killed other dogs or domestic animals, the court may order the dog killed or removed to another state that does not border on the Commonwealth and prohibited from returning to the Commonwealth. Any dog ordered removed by the Commonwealth shall be ordered by a court to be killed or euthanized immediately. **(B.S.M. 1/27/20)**

SEC. 2-17. DISPOSAL OF DEAD DOGS.

The owner of any dog, which has died from disease or other cause, shall forthwith cremate or bury the same. If, after notice, any owner fails to do so, the Animal Control Officer or other officer shall bury or cremate the dog, and he may recover on behalf of the county from the owner his cost for this service.

SEC. 2-18. UNLAWFUL ACTS: PENALTIES.

(a) The following shall be unlawful acts and constitute Class 4 misdemeanors:

- (1) False statements on license application. For any person to make a false statement in order to secure a dog license to which he is not entitled.
- (2) Failure to pay license tax. For any dog owner to fail to pay the license tax required by this chapter before February 1st, for the year in which it is due.
- (3) Running at large. For any dog owner to allow a dog to run at large in violation of Section 2- 19.

(4) Dead Dogs. For any owner to fail to dispose of the body of his dog in violation of Section 2-17.

(5) Diseased Dogs. For the owner of any dog with a contagious or infectious disease to permit such dog to stray from his premises if such disease is known to the owner.

(6) Removing Collar and Tag. For any person, except the owner or custodian, to remove a legally acquired license tag from a dog.

(7) Concealing a Dog. For any person to conceal or harbor any dog on which the license tax has not been paid, or to conceal a mad dog to keep the same from being killed.

(8) Other violations. To permit a dog to chase motor vehicles on a public highway. **(B.S.M. 5/2/88) (B.S.M. 3/7/05)**

(b) The following act shall be punished as a Class 1 misdemeanor: False Claim. For any person to present a false claim or to receive any money on a false claim under the provisions of the Code of Virginia.

SEC. 2-19. DANGEROUS DOGS AND VICIOUS DOGS.

(a) As used in this section:

“Dangerous dog” means a canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person or companion animal that is a dog or cat or killed a companion animal that is a dog or a cat. However, when a dog attacks or bites another dog or cat, the attacking or biting dog shall not be deemed dangerous (i) if no serious physical injury as determined by a licensed veterinarian has occurred to the other dog or cat as a result of the attack or bite (ii) both animals are owned by the same person, (iii) if such attack occurs on the property of the attacking or biting dog’s owner or custodian, or (iv) for other good cause as determined by the court. No dog shall be found to be a dangerous dog as a result of biting, attacking or inflicting injury on another dog while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event. **(B.S.M. 4/17/07)**

“Vicious dog” means a canine or canine crossbreed that has (i) killed a person; (ii) inflicted serious injury to a person including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or (iii) continued to exhibit the behavior that resulted in a previous finding by a court or, on or before July 1, 2006, by an animal control officer as authorized by local ordinance, that it is a dangerous dog, provided that its owner has been given notice of that finding.

No canine or canine crossbreed shall be found to be a dangerous dog or a vicious dog solely because it is a breed, nor shall the ownership of a breed of canine or canine crossbreed be prohibited. No animal shall be found to be a dangerous dog or 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 dangerous dog or a vicious dog. No animal which, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, shall be found to be a dangerous dog or a vicious dog.

(b) Disposition of vicious dogs and dangerous dogs:

(1) Any Law Enforcement Officer or Animal Control Officer who has reason to believe that a canine or canine crossbreed within his jurisdiction is a dangerous dog or vicious dog shall 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 Office successfully makes an application for 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 dangerous or vicious. The Animal Control Officer shall confine the animal until such time as evidence shall be heard and a verdict rendered. If the Animal Control Officer determines or custodian can confine the animal in a manner that protects the public safety, he may permit that 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 harbored of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of this ordinance. 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 §3.2-6562, Code of Virginia, 1950, as amended, and the same from time to time be amended.

(2) 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.

(3.) The owner of any animal found to be a dangerous dog shall, within ten (10) days of such finding, obtain a dangerous dog registration certificate from the local Animal Control Officer or treasurer for a fee of fifty (\$50.00) dollars, 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 always wears the collar and tag. All certificates obtained pursuant to this subdivision shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained. The Animal Control Officer shall provide a copy of the Dangerous Dog Registration Certificate and verification of compliance to the State Veterinarian.

(4) All certificates or renewals thereof required to be obtained under this section shall only be issued to persons 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 a tattoo on the inside thigh or by 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 one hundred thousand (\$100,000.00) dollars that covers animal bites. The owner may obtain and maintain a bond in surety, in lieu of liability insurance, to the value of at least one hundred thousand (\$100,000.00) dollars.

(5) 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 height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. The structure shall be designed to provide the animal with shelter from the elements of nature. When off its owner's property, an animal found 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.

(6) The owner of any dog found to be a dangerous shall register the animal with the Commonwealth of Virginia Dangerous Dog Registry, as established under Section 3.2-6542, within forty-five (45) days of such a finding by a court of competent jurisdiction. The owner shall also cause the local 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 complaint 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) tattoo or chip identification information or both; (vi) proof of insurance or surety bond; and (vii) the death of the dog.

(7) After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon learning of the same, notify the local animal control authority if the animal (i) is loose or unconfined; (ii) bites a person or attacks another person; (iii) is sold, given away, or dies. Any owner of a dangerous dog who relocates to a new address shall, within ten (10) days of relocating, provide written notice to the appropriate local animal control authority for the old address from which the animal had moved and the new address to which the animal has been moved.

(8) 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, shall be paid into a special dedicated fund in the treasury of the locality for the purpose of paying the expenses of any training course required under §3.2-6556, of the Code of Virginia, 1950, as the same may from time to time be amended.

(9) The owner of any custodian of a canine or canine cross-breed or other animal is guilty of a:

1. Class 2 misdemeanor if the canine or the canine cross-breed previously declared a dangerous dog pursuant to this Section, when such declaration arose out of a separate and distinct incident, attacks and injures or kills a cat or dog that is a companion animal belonging to another person;

2. Class 1 misdemeanor if the canine or the canine cross-breed previously declared a dangerous dog pursuant to this Section, when such declaration arose out of a separate and distinct incident, bites a human being or attacks a human causing bodily injury; or

3. Class 6 felony as provided for in the Code of Virginia if any owner or custodian whose willful act or omission in the care, control or containment of a canine, canine cross-breed 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 a 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.

(10) The owner of any animal that has been found to be a dangerous dog who willfully fails to comply with the requirements of this Section shall be guilty of a Class 1 misdemeanor. **(B.S.M. 4/17/07)**

(c) The Animal Control Officer may determine, after investigation, whether a dog is a dangerous dog. If the animal control officer believes that a dog is a dangerous dog, he may order the animal's owner to comply with the provisions of this ordinance. If the animal's owner disagrees with the Animal Control Officer's determination, he may appeal the determination to the General District Court for a trial on the merits.

(B.S.M. 3/5/07) (B.S.M. 4/17/07) (B.S.M. 12/18/07) (B.S.M. 1/15/08)

SEC. 2-20. COMPENSATION FOR LIVESTOCK AND POULTRY KILLED BY DOGS.

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 four hundred (\$400.00) dollars per animal or ten (\$10.00) dollars per fowl to the extent budgeted for the fiscal year, provided that (i) claimant has furnished evidence within Sixty (60) days of discovery of the quality and value of the dead or injured livestock and the reasons the claimant believes that death or injury was caused by a dog; (ii) the Animal Control Officer or other officer shall have conducted an investigation and that his investigation supports the claim. **(B.S.M. 5/2/88) (B.S.M. 4/19/05)**

Under this section, the County Administrator is authorized to receive claims for compensation for livestock and poultry killed by dogs, together with reports made by the Animal Control Officer investigating the killing of livestock and poultry by dogs. The County Administrator shall process the claim and determine the fair market value of the livestock or poultry killed, and, if the claim is

supported by the warden's investigation, shall approve the claim and submit the same to the Treasurer of Pittsylvania County for payment to the person entitled. **(B.S.M. 5/2/88)**

SEC. 2-21. SEVERABILITY CLAUSE.

It is hereby declared to be the intention of the Board of Supervisors that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of a Court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance. (Code 1975, Sec.1-3)

SEC. 2-22. RUNNING AT LARGE RESTRICTIONS IN DESIGNATED AREAS.

(a) Notwithstanding the provisions of Section 2-13, it shall be unlawful for any dogs, licensed or unlicensed to run at large within certain designated subdivisions, towns, villages, or other defined areas. **(B.S.M. 4/19/05)**

(b) At least seventy-five percent (75%) of the property owners in any R-1 zoned subdivision, town, village, or other defined area within Pittsylvania County may petition the Board of Supervisors to be included among those areas within which it is unlawful for dogs to run at large. Only one (1) owner per property shall be counted towards the above-required percentage. The Petitioner shall be required to fully pay for any and all advertising costs associated with the Public Hearing on their petition. Upon receipt of such petition, the Board shall consider (1) whether the petition is signed by at least seventy-five (75%) percent of the property owners within the area, and (2) whether the area is well enough defined to permit adequate enforcement by the Animal Control Officer. Thereafter, the Board shall vote upon the petition. If a majority of the members of the Board vote in favor of the petition, the area designated therein shall be added to those on file in the County Administrator's Office. If the Board approves the petition, the Petitioner shall pay the County for all costs associated with producing and installing the "no dogs running at large" signs. **(B.S.M. 9/17/19)**

(c) The following areas shall be designated areas restricting dogs running at large.

(1) Quailwood Subdivision, off Orphanage Road in the Mt. Hermon area as recorded in Map Book 43, Page 67 H, Section 2, Lots 1-26, 28 and 29.

(2) Fairfield Park Subdivision, off Highway 41 in the Mt. Hermon area as shown on maps recorded in Map Book 14, Pg. 84, Sec. A, B, C, D; Pg. 31, Map Book 20, Pg. 65; Map Book 31, Pg. 98.

(3) Ridgecrest Park Subdivision, off Highway 41 in the Mt. Hermon area as shown on maps recorded in Map Book 15, Pg. 51, Sec. A, B, C, D, E; Map Book 22, Pg. 17, Sec. A, B, C; Map Book 33, Page 41, Sec. B, F; Map Book 33, Pg. 42, Sec. G.

(4) Olde Hunting Hills Subdivision, off Mt. Cross Road, Secondary Highway 750 as shown on maps recorded in Map Book 23, Pg. 93, Sec. K., Sec. L-Lt. 7A, Sec. B-Lt. 18A; Map Book 13; Pg. 94 Sec's A-1A-3A, B-1-6, C-1-3; Map Book 16, Pg. 8, Sec's A-4, 5, B-18-24, L-1-7; Map

Book 26, Pg. 25, Sec's A, L, M; Map Book 37, Pg. 49, Sec's L, M, N; Map Book 39, Pg. 12, Sec's A, M, N, P; Map Book 40, Pg. 188, Sec's A, P; Map Book 14, Pg. 65, Sec's D, E.

(5) Laurel Woods Subdivision, off Golf Club Road in the Mt. Hermon area as recorded in Map Book 21, Page 7, Sections A, B; Map Book 40, Page 17. **(B.S.M. 7/19/05 effective 9/1/05)**

(6) Mountain View Place Subdivision, off R & L Smith Drive, State Route 863, as recorded in Deed Book 848, Page 748, Sections A & B, Plat Book 43, Page 148-L, Tax I.D. #125-A-47, Zoning R-1. **(B.S.M. 9/20/05 effective 10/21/05).**

(7) Stoneridge Subdivision, off Pinecroft Road, State Road 747, as recorded in Deed Book 1176, Page 102; DB 1309, Pg 651; DB 1324, Pg 662; DB 1330, Pg 490; DB 1332, Pg 729; DB 1352, Pg 090; DB 1353, Pg 124; DB 1354, Pg 457; DB 1402, Pg 140; DB 1403, Pg 858; DB 1431, Pg 623; DB 1443, Pg 406; DB 1452, Pg 400; DB 1455, Pg 622; DB 1461, Pg 219; DB 1475, Pg 009; DB 1478, Pg 617; DB 1499, Pg 646; DB 1511, Pg 605; DB 1513, Pg 488; DB 1522, Pg 850. **(B.S.M. 7/18/06)**

(8) A portion of Stony Mill Road, beginning at the intersection of SR 869 & SR 844 and ending at the Stony Mill Bridge at Sandy River. A map is available for viewing in the office of the County Administrator, 21 North Main Street, Chatham, Virginia.

(9) Mt. Hermon Place Subdivision, from Samuel Road to the end of Pepper Lane, and the cul-de-sacs' of Samuel Road, Samuel Ct., Samuel Bend, and Franklin Place as recorded in MB 39, Pg 199; DB 840, Pg 323; MB 40, Pg 84; MB 43, Pg 139B; MB 43, Pg 26J; MB 39, Pg 55; MB 40, Pg 13; MB 42, Pg 193; MB 43, Pg 21C; MB 43, Pg 30G; MB 43, Pg 170B; MB 42, Pg 142. A map is available for viewing in the office of the County Administrator, 21 North Main Street, Chatham, Virginia. **(B.S.M. 10/21/08 effective 11/3/08)**

(10) Huckleberry Hills Subdivision, from Blue Ridge Drive/SR 634 to end of Banley Street/SR 980, as recorded in DB 1191, Pg 581; DB 1191, Pg 578; DB 606, Pg 164; DB 587, Pg 113; DB 1268, Pg 052; DB 1463, Pg 643; DB 1202, Pg 782; DB 586, Pg 46; DB 998, Pg 609; DB 533, Pg 583; DB 557, Pg 487; DB 1025, Pg 004; DB 894, Pg 124; DB 551, Pg 547; WF 09, Pg 00134; including 250 feet around 125 Banleys Street #2532-73-2915 in the Staunton River District, A map is available for viewing in the office of the County Administrator, 21 North Main Street, Chatham, Virginia. **(B.S.M. 5/19/09)**

(11) Dogwood Estates Subdivision including the entire subdivision from Ridgecrest Drive (SR 744), along Dogwood Lane (SR 1540), along all of Maple Drive (SR 1541), along all of John Drive (SR 1558) and to the end of Allen Place (SR 1559) as recorded in MB 43, Pg 63C; MB 29, Pg 53 MB 43, Pg 156K; MB 43, Pg 156J; Plat Cabinet 2, Pg 232C. A map is available for viewing in the office of the County Administrator, 21 North Main Street, Chatham, Virginia. **(B.S.M. 4/17/12)**

(12) Wayside Acres Subdivision, from Hillside Road (Route 1115), to Hogan Street, to Ridgeview Road (Route 1114) MB 2, Pg 100, including Ollie S. Short Subdivision, DB 415, Pg 344 and Pg 345. A Map is available for viewing in the Office of the County Administrator, located at 1 Center Street, Chatham, Virginia. **(B.S.M. 11/5/12)**

(13) Sunset Bay Subdivision, from Rose Street (SR 758) to the Sandy Court cul-de-sac, along Sunset Bay Road to the Crestview Lane cul-de-sac as recorded in MB 43, Pg. 287E; MB 43, Pg. 251G and MB 43, Pg. 251H. A Map is available for viewing in the Office of the County Administrator, located at 1 Center Street, Chatham, Virginia. **(B.S.M. 2/19/13)**

(14) Lakeside Drive the entire length Lakeside Drive coming off U.S. 29N thru its entire length of 2051.18 feet upon reaching the deadend, in the Banister Electoral District. A Map is available for viewing in the Office of the County Administrator, located at 1 Center Street, Chatham, Virginia. **(B.S.M. 1/21/14)**

(15) Restriction in Designated Areas, to include Jasper Woods Road in Hurt, Virginia, with a controlled area defined as from Highway View Road/SR 988 to Jasper Wood Road/ SR 753, and ending at Shula Drive/SR 642. **(B.S.M. 12/15/15)**

(16) Restriction to include the entirety of Green Farm Road/SR 719 in the Banister and Dan River Election Districts. **(B.S.M. 12/9/17)**

SEC. 2-23. FEMALES 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. For authority of this section, refer to Section 3.2-6538, Code of Virginia, 1950, as amended. **(B.S.M. 3/7/05)**

SEC. 2-24. IMPOUNDMENT WHERE RUNNING AT LARGE.

(a) It shall be the duty of the Animal Control Officer or other officer to cause any dog found running at large in violation of any provisions of this Chapter to be caught and confined in the County animal shelter. Every effort shall be made on the part of such officer to determine ownership of the confined dog and to notify the owner of its whereabouts. If the owner is known by the virtue of a nametag, license or other identification on the dog, such owner shall be notified forthwith by the person taking the dog into custody.

(b) A dog confined, pursuant to this Chapter may be claimed by the rightful owner, after displaying proof of ownership, a current dog tag and current rabies inoculation proof. No dog shall be released to any person claiming ownership, unless such tag and proof are displayed. Any owner claiming a dog impounded under this Chapter shall pay to the person in charge of the animal shelter a fee in an amount equal to the actual expenses incurred in keeping the dog impounded. Such fee shall be in addition to any penalty imposed for the violation of this article and shall be paid prior to release of the dog from the shelter. The County Animal Shelter collecting such fee shall furnish the owner of the dog with a printed receipt, in a form and manner approved by the County Administrator and shall keep an electronic copy of all such receipts. These funds shall be tracked and turned over to the County Treasurer with normal deposits. Records of these charges collected shall be subject to audit by representatives of the Board of Supervisors whenever requested.

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

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 48 hours following its confinement.

(d) Nothing contained in this section shall be construed to prohibit the destruction of critically ill or critically injured dogs for humane purposes. (B.S.M.1/27/20)

SEC. 2-25. EVIDENCE SHOWING INOCULATION FOR RABIES PREREQUISITE TO OBTAINING DOG LICENSE.

No license tag shall be issued for any dog unless there is presented, to the Treasurer or other officer of the county charged by law with the duty of issuing license tags for dogs at the time application for license is made, evidence satisfactory to him showing 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. For authority of this section, refer to Section 3.2-6526, Code of Virginia, 1950, as amended. (B.S.M 3/7/05)

SEC. 2-25.1. RABIES INOCULATION OF DOGS; AVAILABILITY OF CERTIFICATE.

The owner or custodian of all dogs four (4) months of age and older shall have them 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. The supervising Veterinarian on the premises shall provide the owner of the dog with a certificate of vaccination. The owner of the dog shall furnish within a reasonable period, upon the request of an 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. The vaccine used shall be licensed by the United States Department of Agriculture for use in that species.

For authority of this section, refer to Section 3.2-6521, Code of Virginia, 1950, as amended. (B.S.M. 3/7/05)

SEC. 2-26. LACK OF CONTROL OF COMPANION ANIMAL ORDINANCE

A. Lack of control of a companion animal is created when any dog, cat, canine crossbreed, or other companion animal, as defined by § 3.2-6500, Code of Virginia, 1950, as amended, unreasonably annoys humans, endangers the life or health of other animals or persons, or substantially interferes with the rights of citizens, other than their owners, to the enjoyment of life or property. Acts constituting a lack of control of a dog, cat, canine crossbred, or other companion animal shall include, but are not limited to, the following:

(1) Trespassing upon another's property in such a manner as to damage property;

(2) Habitually running at large in a restricted area (meaning three (3) or more convictions for running at large within two (2) years);

(3) Molesting, annoying, or intimidating pedestrians or passersby not located on the companion animal's owner's property;

(4) Defecating without permission of the property owner upon any public place or upon premises not owned or controlled by the owner unless promptly removed by the animal's owner; or

(5) Being found at large on any school property.

B. Any person owning or having possession or control of an animal suspected of violating this Ordinance shall be proceeded against by warrant or summoned before the General District Court of the County to show cause why the animal should not be confined, euthanized, removed, or the public nuisance otherwise abated.

C. The Animal Control Officer, owner, or custodian shall confine the animal until the Court has made a final decision in the case. If the Animal Control Officer deems confinement necessary, then the owner or custodian shall be responsible for the impound fees.

D. Upon proof that such animal has violated this Ordinance, the animal shall, by General District Court Order, be confined, euthanized, removed, or the public nuisance shall be otherwise abated, as the Court shall Order. No person shall fail to comply with such an Order.

E. Violation of Subsections A(3), A(4), or A(5) of this Section is a Class 1 Misdemeanor. Violation of any other provision of this Ordinance is a Class 3 Misdemeanor.

F. This Ordinance shall not apply to non-companion animals, livestock, poultry, alpacas, and llamas; any person while engaged in law enforcement or search and rescue activity; in a supervised formal obedience training class or show; during formally sanctioned field trials; while engaged in lawful hunting with a dog or dogs during open season; during bona fide hunting or field trial dog training, and/or dogs actively engaged in farming activity.

G. Enforcement. No person shall be charged with a violation of § A herein, unless the Complainant appears before a Magistrate and requests a Summons or Warrant be issued charging the violation; except that, when a violation is committed in the presence of an Animal Control Officer, said Officer may issue a Summons and take other action as set forth in this Ordinance. **(B.S.M. 7/16/19)**

Article III.

CATS

SEC. 2-30. VACCINATION OF CATS; CERTIFICATE REQUIRED; IMPOUNDMENT OF UNVACCINATED CATS.

(a) It shall be unlawful for any person to own, keep or harbor any domestic cat over the age of four (4) months unless such cat has been vaccinated against rabies with a species appropriate vaccine approved by the United States Department of Agriculture and administered by a licensed

Veterinarian, and has received any required vaccination against rabies as specified in the Certificate of Vaccination.

(b) Upon vaccination or revaccination of a domestic cat as required by this Section, a Certificate of Vaccination, properly executed and signed by the licensed Veterinarian performing the vaccination, shall be issued to the cat's owner by the Veterinarian, who shall retain a copy of the Certificate for his or her records.

(c) The certificate issued pursuant to paragraph (B) of this section shall be NASPHV Form number 50 or its equivalent, or as the same shall be from time to time modified, and shall certify that the cat has been vaccinated in accordance with this article, and shall include the following information:

1. The date of the vaccination;
2. The date for required revaccination;
3. A brief description of the cat or its age, sex and breed; and
4. The name and address of the animal's owner.

(d) The certificate issued pursuant to subsection (B) of this section shall be preserved by the owner of the cat and exhibited promptly upon request for inspection by the Animal Control Officer or any Law enforcement officer.

(e) Any person bringing a domestic cat into the County from some other jurisdiction shall be required to conform with the provisions of subsection (A) above within fifteen (15) days subsequent to bringing such cat into the County.

(f) It shall be the duty of the persons charged with the enforcement of this chapter to impound any cat which has not been vaccinated as required by the Section, and such cat shall be held for a period of not less than five (5) days, unless the cat is rabid or suspected of being rabid, in which case the cat shall be destroyed humanely and preserved and tested in accordance with acceptable Health Department procedures. Community cats displaying the signature ear tip shall not be impounded in the enforcement of this section.

(g) Any cat impounded pursuant to the Section which is not rabid or suspected of being rabid may be redeemed by its owner at any time within the five (5) days following its impoundment by paying a reasonable impoundment fee established annually by the Board of Supervisors in its approved fees schedule. If the rightful owner is identified and chooses to surrender their cat, they are still responsible for any accrued fees until the date of the surrender. If the cat is unclaimed after a period of ten (10) days, the cat shall become the property of the County Intake Shelter for disposition. of fifteen dollars (\$15.00) plus five dollars (\$5.00) for each day or fraction thereof during which the cat was impounded, and the cost of any vaccination required to comply with this Section, otherwise such cat shall be disposed of as is provided by law. **(B.S.M. 1/27/20)**

For authority for this Section, see Section 3.2-6524, Code of Virginia, 1950, as amended. **(Adopted by the Board of Supervisors on July 16, 2002)**

CHAPTER 2

Article IV.

WATERFOWL

SEC. 2-35. PROHIBIT AND RESTRICT FEEDING OF MIGRATORY AND NON-MIGRATORY WATERFOWL.

- (a) That upon notice to the Department of Game and Inland Fisheries, the feeding of migratory and non-migratory waterfowl is hereby prohibited in Pittsylvania County in accordance with subsection (c).
- (b) For the purpose of this section, migratory and non-migratory waterfowl shall be those species defined by the Virginia Department of Game and Inland Fisheries as any and all waterfowl in the Family Anatidae (ducks, geese, and swans) including native, non-native, and domestic ducks and geese, and any crossbreeds or hybrids of these birds and includes those species listed in the attachment to this ordinance.
- (c) This prohibition is applicable to those areas of Pittsylvania County that are so heavily populated as to make the feeding of such waterfowl a threat to the public health or environment. Specific areas include all areas within the waters or within five hundred (500) feet of the Smith Mountain project shorelines.
- (d) Specific areas cited within subsection (c) shall be posted with the appropriate signage to designate the area where this section is applicable.
- (e) Enforcement of this section shall be the sole responsibility of Pittsylvania County.
- (f) Any person violating the provisions of this section shall be subject to a civil fine not to exceed fifty (\$50.00) dollars.
- (g) No provision of this section shall be applicable on lands within a national or state park or forest, or wildlife management area.

For authority for this Section, see Section 29.1-527.1 (2004, c.386), Code of Virginia, 1950, as amended. (Adopted by the Board of Supervisors on April 19, 2005)

This ordinance was presented and adopted at a regular meeting of the Pittsylvania County Board of Supervisors held on Monday, April 6, 1987 in the Circuit Courtroom in Chatham, Virginia. The effective date of this ordinance is April 6, 1987.

This ordinance was amended at a regular meeting of the Pittsylvania County Board of Supervisors held on Monday, May 2, 1988 in the Circuit Courtroom in Chatham, Virginia.

The effective date of these amendments is May 2, 1988.

This ordinance was amended at a regular meeting of the Pittsylvania County Board of Supervisors on Tuesday, September 4, 1990 in the Circuit Courtroom in Chatham, Virginia.

This ordinance was amended at an adjourned meeting of the Pittsylvania County Board of Supervisors on Tuesday, September 17, 2002.

This ordinance was amended at a regular meeting of the Pittsylvania County Board of Supervisors on Monday, March 7, 2005.

Amended by the Board of Supervisors on September 18, 2007.

Amended by the Board of Supervisors on December 18, 2007.

Amended by the Board of Supervisors on January 15, 2008.

Amended by the Board of Supervisors on March 3, 2008.

Amended by the Board of Supervisors on November 3, 2008.

Amended by the Board of Supervisors on May 19, 2009.

Amended by the Board of Supervisors on January 19, 2010.

Amended by the Board of Supervisors on April 17, 2012.

Amended by the Board of Supervisors on November 5, 2012.

Amended by the Board of Supervisors on January 27, 2020.