

**ANIMAL CONTROL ORDINANCE OF
MADISON COUNTY, VIRGINIA**

BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia, that the Madison County Animal Control Ordinance adopted April 10, 2001, amended October 8, 2002, and June 10, 2003, is hereby repealed; and that in lieu thereof this Animal Control Ordinance of Madison County, Virginia is hereby adopted pursuant to Virginia Code Section 3.1-796.66 et seq. (1950, as amended), effective upon its adoption on this 4th day of October, 2006.

*(for scheduled adoption
by Resolution)*

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ARTICLE I

GENERAL PROVISIONS

- SECTION I SHORT TITLE

This ordinance may be cited as the Madison County Animal Control Ordinance.

- SECTION II DEFINITIONS

The definitions of terms used in this ordinance shall have the same meaning as those set forth in Virginia Code Section 3.1-796.66. Such definitions are hereby adopted and incorporated in this ordinance by reference. In addition, the following terms and phrases shall have the following meanings:

- A. ANIMAL CONTROL OFFICER: The Animal Control Officer of Madison County, Virginia.
- B. ANIMAL POUND: A facility maintained by the Madison County Board of Supervisors for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted animals; or a facility maintained for the same purpose under a contract with any county, city, town, or incorporated society for the prevention of cruelty to animals.
- C. DOG: Every dog four (4) months of age or older, regardless of sex.

D. DOMESTICATED CAT: Every domesticated cat, regardless of age or sex.

E. OWNER: Any person who:

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

F. RUNNING AT LARGE: A dog shall be deemed to run at large while roaming, running, or self-hunting off the property of its owner and not under its owner's immediate control.

G. STRAY ANIMAL: Any unlicensed animal running at large and not under the control of an owner.

H. TREASURER: The Treasurer of Madison County, Virginia.

SECTION III VIOLATIONS

Pursuant to Virginia Code Section 3.1-796.128, a violation of this ordinance shall be punishable as a Class 4 misdemeanor; provided, however, if a dog has been declared a dangerous or vicious dog in accordance with Article VI, Control of Dangerous and Vicious Dogs, a violation of this ordinance shall be punishable as set forth in Virginia Code Section 3.1-796.93:1.

SECTION IV POSITION OF ANIMAL CONTROL OFFICER

The Animal Control Officer of Madison County shall complete the required training as set forth in Virginia Code Section 3.1-796.104:1. The Animal Control Officer of Madison County shall discharge the duties and responsibilities of the position of Animal Control Officer as set forth in Virginia Code Section 3.1-796.104.

SECTION V DISPOSITION OF TAXES AND FEES COLLECTED

The Treasurer shall keep all money collected under this ordinance, except as provided below, in the general fund and such funds shall be used for the purposes designated by Virginia Code Section 3.1-796.101.

The Treasurer shall keep all money collected pursuant to Article VI, Control of Dangerous and Vicious Dogs, less the costs incurred by the Animal Control Officer in producing and distributing the certificates and tags required by Article VI, in a special dedicated fund in the Madison County treasury and such funds shall be used for paying the expenses of any training course required under Virginia Code Section 3.1-796.104:1.

SECTION VI SEVERABILITY

If any article or section of this ordinance is declared invalid or unenforceable, the remaining articles or sections of this ordinance shall not be affected thereby, and such remaining articles or sections shall continue in full force and effect.

ARTICLE II

LICENSING OF DOGS

SECTION I UNLICENSED DOGS PROHIBITED

Pursuant to Virginia Code Section 3.1-796.85, it shall be unlawful for any person to own a dog four (4) months of age or older in Madison County unless such dog is licensed, as required by the provisions of this article.

SECTION II HOW TO OBTAIN A LICENSE

Pursuant to Virginia Code Section 3.1-796.86, any person who owns or has custody of a dog in Madison County, Virginia, shall obtain a dog license from the Treasurer or a designated agent by making written application, accompanied by the amount of license tax and a current certificate of vaccination against rabies for each dog as required under Article III of this ordinance.

The Treasurer shall have the authority to license dogs of owners who reside within the limits of Madison County, and may require information to this effect from any applicant. The Treasurer may establish substations in convenient locations in Madison County and appoint agents for the collection of the license tax and issuance of such license tags and receipts. Upon receipt of proper application and current certificate of vaccination against rabies, the Treasurer or a designated agent shall issue a license receipt for the amount of license tax on which he shall record the name and address of the owner, the date of payment, the year for which issued, the serial number of the license tag, whether male, unsexed male, female, or unsexed female, and deliver the metal license tags or plates provided for herein. The above listed information received by Treasurer or a designated agent shall be retained and shall be open to public inspection during the period for which the license is valid.

SECTION III AMOUNT OF LICENSE TAX

Pursuant to Virginia Code Section 3.1-796.87, any person licensing a dog in Madison County, Virginia, shall pay an annual license tax on the ownership of the dog in an amount set by resolution of the Madison County Board of Supervisors.

SECTION IV TERM OF LICENSE; WHEN LICENSE TAX IS PAYABLE

The term of a dog license shall be from January 1 through December 31. Pursuant to Virginia Code Section 3.1-796.88, the owner of any dog four (4) months of age or older shall pay a license tax, as set forth above in Section III, according to the following time frame:

- A. On January 1 and not later than January 31 of each year unless subsection (B) or (C) apply.
- B. If a dog becomes four (4) months of age or comes under the possession of any person between January 1 and October 31 of any year, the license tax for the current calendar year shall be paid by the owner within thirty (30) days of either of the aforementioned occurrences.
- C. If a dog becomes four (4) months of age or comes under the possession of any person between November 1 and December 31 of any year, the license tax for the succeeding calendar year shall be paid by the owner within thirty (30) days of either of the aforementioned occurrences and the license received shall be valid from the date the license is purchased.

SECTION V WHAT A DOG LICENSE SHALL CONSIST OF

Pursuant to Virginia Code Section 3.1-796.90, the Madison County dog license shall consist of a license receipt and a metal tag. The metal tag shall be stamped or otherwise permanently marked to identify the tag as a dog licensed for Madison County, and shall include the calendar year for which issued, and a serial number assigned to the dog.

SECTION VI EFFECT OF DOG NOT WEARING COLLAR AS EVIDENCE OF LICENSE

Pursuant to Virginia Code Section 3.1-796.89, any dog not wearing a collar bearing a license tag for the current calendar year shall be presumed to be unlicensed; and in any proceeding under this ordinance, the burden of proof that such dog has been licensed or is otherwise not required to wear a tag at all times shall be on the owner of the dog. Pursuant to Virginia Code Section 18.2-403.3(11), it shall be unlawful for any person, except the owner, to remove a legally acquired license tag from a dog or cat without permission of the owner.

SECTION VII DUPLICATE LICENSE TAGS

Pursuant to Virginia Code Section 3.1-796.91, if a dog license is lost, destroyed, or stolen, the owner shall immediately apply to the Treasurer or a designated agent for a duplicate tag, presenting the original license receipt. Upon affidavit of the owner that the original license tag has been lost, destroyed, or stolen, the Treasurer or a designated agent

shall issue a duplicate license tag, which the owner shall immediately affix on the collar of the dog. The Treasurer or a designated agent shall endorse the number of the duplicate and the date issued in the face of the original receipt. The fee for a duplicate tag shall be \$1.00.

SECTION VIII DISPLAYING RECEIPTS; DOGS TO WEAR TAGS

Pursuant to Virginia Code Section 3.1-796.92, dog license receipts shall be carefully preserved by the licensees and exhibited promptly on request for inspection by the Animal Control Officer or other law enforcement officer. Dog license tags shall be securely fastened to a substantial dog collar by the owner 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:

- (i) when the dog is 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
- (v) when the dog is under the immediate control of its owner

ARTICLE III

RABIES INOCULATION OF DOGS AND DOMESTICATED CATS

SECTION I REQUIREMENT OF RABIES INOCULATION; AVAILABILITY OF CERTIFICATE

Pursuant to Virginia Code Section 3.1-796.97:1, the owner of all dogs and domesticated cats four (4) months of age or older shall have them vaccinated for rabies by a currently licensed veterinarian or currently licensed veterinary technician who is under the immediate and direct supervision of a licensed veterinarian on the premises. The veterinarian shall provide the owner of the dog or domesticated cat with a certificate of vaccination. Upon the request of the Animal Control Officer or other law-enforcement official, the owner of the dog or domesticated cat shall furnish, within a reasonable period of time, the certificate of vaccination for such dog or domesticated cat.

SECTION II EVIDENCE SHOWING INOCULATION FOR RABIES PREREQUISITE TO OBTAINING DOG LICENSE; RABIES CLINICS

Pursuant to Virginia Code Section 3.1-796.97, no license tag shall be issued for any dog unless there is presented, to the Treasurer or a designated agent, at the time application for license is made, evidence satisfactory to the Treasurer or a designated

agent 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 within three (3) years of the date of such application for the license.

Pursuant to Virginia Code Section 3.1-796.97, rabies clinics, approved by the Madison County Health Department and the Madison County Board of Supervisors shall be held at least once per year when the Madison County Board of Supervisors finds that the number of resident veterinarians is otherwise inadequate to meet the need.

SECTION III RABID ANIMALS AT LARGE, EMERGENCY ORDINANCES

Pursuant to Virginia Code Section 3.1-796.98, when there is sufficient reason to believe that a rabid animal is at large, the Madison County Board of Supervisors shall have the power to pass an emergency ordinance which shall become effective immediately upon passage, requiring owners of all dogs and domesticated cats therein to keep the same confined on their premises unless leashed under restraint of the owner in such manner that persons or animals will not be subject to the danger of being bitten by the rabid animal. Any such emergency ordinance enacted pursuant to the provisions of this section shall be operative for a period not to exceed thirty (30) days unless renewed by the Madison County Board of Supervisors.

Dogs or cats showing active signs of rabies or suspected of having rabies shall be confined under competent observation for such a time as may be necessary to determine a diagnosis. If confinement is impossible or impracticable, such dog or cat shall be humanely euthanized by one of the methods approved by the State Veterinarian as provided in Virginia Code Section 3.1-796.96. Every person having knowledge of the existence of an animal apparently afflicted with rabies shall report immediately to the Madison County Health Department the existence of such animal, the place where seen, the owner's name, if known, and the symptoms suggesting rabies.

Any dog or cat, for which no proof of current rabies vaccination is available, and which is 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 believed to be afflicted with rabies, shall be confined in a pound, kennel or enclosure approved by the Madison County Board of Supervisors for a period not to exceed six months at the expense of the owner. Inactivated rabies vaccine may be administered at the beginning of confinement and a rabies vaccination shall be administered prior to release. However, if confinement is not feasible, the dog or cat shall be humanely euthanized by one of the methods approved by the State Veterinarian as provided in Virginia Code Section 3.1-796.96.

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 a valid rabies vaccination, shall be revaccinated immediately following the bite and shall be confined to the premises of the owner, or other site as may be approved by the Madison County Health Department, for a period of ninety (90) days.

At the discretion of the Director of the Madison County Health Department, any animal that has bitten a person shall be confined under competent observation for ten (10) days, unless the animal develops active symptoms of rabies or expires before that time. A seriously injured or sick animal may be humanely euthanized as provided in Virginia Code Section 3.1-796.96, and its head sent to the Division of Consolidated Laboratory Services of the Department of General Services, or the Madison County Health Department, for evaluation.

When any potentially 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, that animal shall be confined at the discretion of the Madison County Health Director in a manner approved by the Health Department or humanely euthanized as provided in Virginia Code Section 3.1-796.96 and its head sent to the Division of Consolidated Laboratory Services of the Department of General Services or the Madison County Health Department for evaluation.

When any animal, other than a dog or cat, is 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 believed to be afflicted with rabies, that newly exposed animal shall be confined at the discretion of the Madison County Health Director in a manner approved by the Madison County Health Department or humanely euthanized as provided in Virginia Code Section 3.1-796.96.

ARTICLE IV

MADISON COUNTY ANIMAL POUND

SECTION I MAINTENANCE OF ANIMAL POUND

The Madison County Board of Supervisors shall maintain a pound or enclosure as required by Virginia Code Section 3.1-796.96. This pound or enclosure shall be known as the Madison County Animal Shelter.

SECTION II SEIZURE AND CONFINEMENT OF STRAY ANIMALS

The Animal Control Officer is hereby authorized to seize, deliver, and confine dogs and cats within the pound during normal business hours or in emergency situations in accordance with Virginia Code Section 3.1-796.96 and this ordinance.

SECTION III REDEMPTIONS

One of the goals of Animal Control is to reunite as many animals as possible with their owner. The procedure for redemption of an animal by its owner shall be as follows:

- A. Only the owner of an animal shall be permitted to redeem an animal unless a

person other than the owner has written authorization from the owner.

- B. A person who seeks to redeem an animal must present some proof of identification and ownership.
- C. A person who seeks to redeem an animal must be sixteen (16) years of age or older.
- D. A person who seeks to redeem an animal must pay all fees for licensure, seizure, and confinement of that animal.
- E. A person who redeems an animal must complete and sign a redemption form.

SECTION IV FEES FOR SEIZURE AND CONFINEMENT

The owner of an animal that has been seized and confined shall pay to the Treasurer or a designated agent fees for seizure, confinement and adoption in an amount set by resolution of the Madison County Board of Supervisors.

ARTICLE V

CONTROL OF DOGS GENERALLY

SECTION I UNLICENSED DOGS RUNNING AT LARGE

Pursuant to Virginia Code Section 3.1-796.93 and 3.1-796.96, the Animal Control Officer may seize and confine any dog of unknown ownership found running at large without a license tag. If such animal has not been claimed upon the expiration of the holding period of not less than five days, and is not delivered to a person in Madison County, the Animal Control Officer may humanely euthanize such dog by one of the methods approved by the State Veterinarian as provided in Virginia Code Section 3.1-796.96. The Animal Control Officer or other law enforcement officer may deliver such dog to any person in Madison County, Virginia who will pay the required license fee on such dog and the charge assessed for seizure and confinement as required by this ordinance, with the understanding that should the owner therefore claim the dog and prove ownership, such owner may recover the dog by paying to the person to whom such animal was delivered, the cost of the license and a reasonable charge for the keep of the dog.

If the Animal Control Officer or other law enforcement officer delivers a dog to any person in Madison County, Virginia, who will pay the required license fee and cost on such dog as provided herein, the person accepting the delivery of such dog shall within five (5) days after such delivery furnish to the Animal Control Officer evidence of the rabies inoculation and licensing of such dog as required by this ordinance. The failure to provide such evidence shall be a violation of this ordinance.

SECTION II CONFINEMENT OF FEMALE DOGS IN SEASON

Pursuant to Virginia Code Section 3.1-796.93, the running at large of a female dog in season is prohibited, and such dog shall be confined in a place inaccessible to a male dog unless the owner is breeding said female dog to a specific male dog.

SECTION III DOGS DESTROYING PROPERTY

Pursuant to Virginia Code Section 3.1-796.93, no owner of a dog shall permit it to go upon the land of any other person and damage or destroy any garden, shrub, grass or other property thereon. Any person owning property, which is damaged or destroyed by any violation described in this section, may enter a complaint by warrant issued against the owner of the animal involved. The District Court shall hear the complaint.

SECTION IV DOGS KILLING LIVESTOCK OR POULTRY

Pursuant to Virginia Code Section 3.1-796.116, 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 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.

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 of Madison County, who shall issue a warrant requiring the owner or custodian, if known, to appear before the Madison County 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 Madison County General District Court shall order that the dog be (i) killed immediately by the Animal Control Officer or other officer designated by the court or (ii) removed to another state 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 immediately.

SECTION V COMPENSATION FOR LIVESTOCK OR 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 \$400 per animal or \$10 per fowl, provided that: (i) the claimant has furnished evidence within sixty (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 dog; (ii) the Animal Control Officer or other officer shall have been notified of the incident within seventy-two (72) hours of its discovery; and (iii) 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.

Any claims for compensation made as set forth above shall be paid only if there are sufficient monies in the general fund of Madison County budgeted to pay those claims approved by the Madison County Board of Supervisors. If there are not sufficient monies in the general fund budgeted to pay a claim, the claim shall be paid in the order it is received when monies become available. Upon payment under this section, the Madison County Board of Supervisors shall be subrogated to the extent of compensation paid 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.

ARTICLE VI

CONTROL OF DANGEROUS OR VICIOUS DOGS

SECTION I DEFINITIONS, CONTROL, AND PENALTIES

Pursuant to Virginia Code Section 3.1-796.93:1,

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 cat. However, when a dog attacks or bites a companion animal that is a dog or cat, the attacking or biting dog shall not be deemed dangerous (i) if no serious physical injury as determined by a licensed veterinarian has occurred to the dog or cat as a result of the attack or bite, (ii) if 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 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.

"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 this 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 Madison County is a dangerous dog or vicious dog shall apply to a magistrate of Madison County for the issuance of a summons requiring the owner or custodian, if known, to appear before the Madison County 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 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 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. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of this section. 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 § 31.796.119. 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 dangerous dog or 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 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 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 or a vicious dog.

D. 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.

E. The owner of any animal found to be a dangerous dog shall, within 10 days of such finding, obtain a dangerous dog registration certificate from the local animal control officer or treasurer for a fee of \$50, 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. All certificates obtained pursuant to this subsection 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.

F. All dangerous dog registration 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 \$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.

G. 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. 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.

H. The owner of any dog found to be dangerous shall register the animal with the Commonwealth of Virginia Dangerous Dog Registry, as established under § 3.1-796.93:3, within 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 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) tattoo or chip identification information or both; (vi) proof of insurance or surety bond; and (vii) the death of the dog.

I. 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; or (ii) bites a person or attacks another animal; or (iii) is sold, given away, or dies. Any owner of a dangerous dog who relocates to a new address shall, within 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.

J. 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 section, when such declaration arose out of a separate and distinct incident, attacks and injures or kills a cat or dog that is a companion animal belonging to another person; or

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

The provisions of this subsection shall not apply to any animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's 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.

K. 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 is guilty of a Class 1 misdemeanor.

L. All fees collected pursuant to this section, less the costs incurred by the animal control authority in producing and distributing the certificates and tags required by this section, 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 § 3.1-796.104:1.

ARTICLE VII

CONTROL OF STRAY OR DEAD ANIMALS

SECTION I CONFINEMENT AND DISPOSITION OF STRAY ANIMALS

Pursuant to Virginia Code Section 3.1-796.96, the Animal Control Officer may seize and confine any stray animals found running at large.

- A. Upon receipt of a complaint about a stray animal, it shall be the duty of the Animal Control Officer, upon locating such animal, to seize and confine it in the Madison County Animal Pound, or an appropriate facility.
- B. Any animal confined pursuant to this ordinance shall be kept for a period of not less than five (5) days if not wearing a collar, tag, license, tattoo, micro-chipping device, or other form of identification; or kept for a period of not less than ten (10) days if wearing a collar, tag, license, tattoo, micro-chipping device or other form of identification, such period to commence on the day immediately following the day the animal is initially confined, unless sooner claimed by the owner thereof.
- C. If any animal confined pursuant to this section bears identification of the owner, the Animal Control Officer shall make a reasonable effort to notify the owner within a reasonable time after the animal is seized and confined.
- D. If the animal has not been claimed within the such period of time, it may be humanely euthanized or, after having been spayed or neutered, disposed of in accordance with Virginia Code Section 3.1-796.96 by:
 1. Sale or gift to a federal agency or state-supported institution, agency of the Commonwealth, agency of another state, or licensed federal dealer, provided that such agency, institution or dealer agrees to confine the animal for an additional period of not less than five (5) days;
 2. Delivery to any local humane society or animal shelter within the Commonwealth;
 3. Adoption by any person who is a resident of Madison County who will pay the required license fee, if any, on such animal;
 4. Adoption by an person who is not a resident of Madison County; or
 5. Delivery, for the purposes of adoption or euthanasia only, to a humane society or animal shelter located in and lawfully operating under the laws of another state, provided that such humane society or animal shelter (i) maintain records which would comply with Virginia Code

Section 3.1-796.105; (ii) requires that adopted dogs and domesticated cats be spayed or neutered; and (iii) has been approved by the State Veterinarian or a designated agent as a facility which maintains such records, requires adopted dogs and domesticated cats to be spayed or neutered, and provides adequate care and euthanasia.

- E. The Madison County Animal Shelter shall not deliver more than two (2) animals or a family of animals during any thirty (30) day period to any one person in accordance with Virginia Code Section 3.1-796.96.
- F. No provision herein shall prohibit the destruction of a critically injured or critically ill animal for humane purposes.
- G. Any animal destroyed pursuant to this section shall be humanely euthanized by one of the methods approved by the State Veterinarian as provided in Virginia Code Section 3.1-796.96.

**SECTION II ABANDONMENT OF DOMESTICATED ANIMALS OR FOWL
IN PUBLIC PLACE OR ON PROPERTY OF ANOTHER**

Pursuant to Virginia Code Section 3.1-796.73, any person who abandons any cat, dog, or other domesticated animal or fowl in any public place, including but not limited to the right-of-way of any public highway, road, or street or on any property of another shall be guilty of a Class 3 misdemeanor.

SECTION III DISPOSAL OF DEAD ANIMALS

Pursuant to Virginia Code Section 3.1-796.121, the owner of any animal, which has died from disease or other cause, shall forthwith cremate, bury or render the same. If, after notice any owner fails to do so, the Animal Control Officer or other law enforcement officer shall bury or cremate the animal and then may recover from the owner, on behalf of Madison County, the cost for this service.

ARTICLE VIII

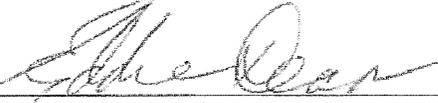
CONTROL OF LIVESTOCK, HORSES, AND FOWL

**SECTION I MAINTENANCE OF PREMISES WHERE ANIMALS AND
FOWL ARE KEPT**

Each stable, pen, coop, or other place where any animal or fowl is kept shall be maintained at all times in a safe and sanitary condition.

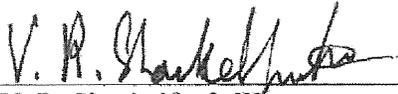
ENACTED this 4th day of October, 2006.

Madison County Board of Supervisors

By: 
Eddie Dean, Chairman

Adopted by the Board of Supervisors of Madison County, Virginia, on October 4, 2006.

| | Aye | Nay | Abstain |
|--------------------|--------------|-------|---------|
| Eddie Dean | <u> x </u> | _____ | _____ |
| Bob Miller | <u> x </u> | _____ | _____ |
| James L. Arrington | <u> x </u> | _____ | _____ |
| William L. Crigler | <u> x </u> | _____ | _____ |
| Clark Powers | <u> x </u> | _____ | _____ |


V. R. Shackelford, III,
Madison County Attorney

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