

PRESENT: Greg Benton, Livingston District  
Greg Cebula, Berkeley District  
Timothy J. McLaughlin, Chancellor District  
David Ross, Courtland District  
Gary F. Skinner, Lee Hill District  
Paul D. Trampe, Salem District  
Chris Yakabouski, Battlefield District

STAFF PRESENT: Mark B. Taylor, County Administrator  
Mark Cole, Deputy County Administrator  
Karl Holsten, County Attorney  
Niki Dickinson, Assistant to County Administration

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Mr. Ross called the meeting to order at 6:00 p.m. Mr. Skinner gave the invocation and Mr. Yakabouski led the Pledge of Allegiance.

### **APPROVAL OF AGENDA**

On a motion by Mr. Benton and passed unanimously, the Board approved the agenda as presented.

#### **VOTE:**

Ayes:	7	Mr. Benton, Mr. Cebula, Mr. McLaughlin, Mr. Ross Mr. Skinner, Mr. Trampe and Mr. Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

### **APPROVAL OF THE CONSENT AGENDA**

The County Administrator read the synopsis as a brief preview of these agenda items for the public.

The following items were removed for separate consideration:

Budget Amendment for 6 Additional Teaching Positions Needed Due to Increased Student Enrollment; Funded by Additional State Revenues.

FY 2019/2020 Revenue Sharing Application.

On a motion by Mr. Cebula and passed unanimously, the Board approved the amended Consent Agenda as follows:

1. Approval of the September 26, 2017 Board of Supervisors Meeting Minutes;

2. 2017 Regional Hazard Mitigation Plan Endorsement as follows:

VOTE:

Ayes:	7	Mr. Benton, Mr. Cebula, Mr. McLaughlin, Mr. Ross Mr. Skinner, Mr. Trampe and Mr. Yakabowski
Nays:	0	
Absent:	0	
Abstain:	0	

**RESOLUTION NO. 2017-122**

**Endorsement of the George Washington Regional Commission Regional Hazard Mitigation Plan 2017 Update**

WHEREAS, all jurisdictions within the George Washington Region have exposure to natural hazards that cause risk to life, property, environment, and the economy; and

WHEREAS, undertaking hazard mitigation actions will reduce the potential for harm to people and property from future hazard occurrences; and

WHEREAS, the Disaster Mitigation Act of 2000, as amended, requires that local governments develop, adopt, and update natural hazard mitigation plans in order to receive certain federal assistance; and

WHEREAS, the George Washington Regional Commission's Regional Hazard Mitigation Plan 2017 Update has been prepared in accordance with Federal Emergency Management Agency (FEMA) requirements; and

WHEREAS, Spotsylvania County has been involved in the preparation of the Regional Hazard Mitigation Plan 2017 Update through the participation of key staff in the plan's working committee, local advertisement and opportunity for public input, and plan review by staff; and

NOW THEREFORE BE IT RESOLVED, the Spotsylvania County Board of Supervisors does hereby endorse the George Washington Region Commission's Regional Hazard Mitigation Plan 2017 Update.

3. Budget Adjustment to Correct Budget For FY18 DCJS Victim Witness Program;
4. Approve Updates to Procurement Policy as follows:

VOTE:

Ayes:	7	Mr. Benton, Mr. Cebula, Mr. McLaughlin, Mr. Ross Mr. Skinner, Mr. Trampe and Mr. Yakabowski
Nays:	0	
Absent:	0	
Abstain:	0	

**RESOLUTION NO. 2017-123**

**A RESOLUTION TO AMEND THE PROCUREMENT POLICY OF SPOTSYLVANIA  
COUNTY, VIRGINIA**

WHEREAS, the Board of Supervisors of Spotsylvania County (hereinafter the “Board”) has in accordance with law, adopted a Procurement Policy to ensure that all County Procurement procedures are conducted in a fair and impartial manner and for such purposes as are set forth more particularly therein; and

WHEREAS, the Board further finds that it is desirable for the County to amend and reorder Articles and Sections of its Procurement Policy to further this purpose; and

WHEREAS, the Board finds that it is desirable for the County to amend the provisions of its Procurement Policy in order for the County to adopt and clarify portions of its existing policy to comply with law.

NOW, THEREFORE, the Board does by this resolution amend the Procurement Policy of Spotsylvania County, Virginia, as set forth in the attached revised version hereto which revisions are incorporated herein and made a part hereof. The Procurement Policy, as amended, shall be in force and effect upon adoption of this Resolution.

5. Approval of Purchase Order to CAS Severn, Inc. for Computer Hardware and Software;
6. Acceptance and Budget Adjustment for the FY18 Virginia Department of Fire Programs (VDFFP) Grant Award for the Regional Burn Building as follows:

VOTE:

Ayes:	7	Mr. Benton, Mr. Cebula, Mr. McLaughlin, Mr. Ross Mr. Skinner, Mr. Trampe and Mr. Yakabowski
Nays:	0	
Absent:	0	
Abstain:	0	

**RESOLUTION NO. 2017-124**

**Approving Grant Award Agreement, Designation of Authorized Agents in the Execution and Administration of the Grant Award and Acceptance and Appropriation of FY18 Funds**

**WHEREAS**, Spotsylvania County has applied for and received approval for state grant from the Virginia Department of Fire Programs in the amount of \$34,449 to be utilized by the Department of Fire, Rescue and Emergency Management for needed repairs at the Rappahannock Regional Burn Building; and

**WHEREAS**, the County is required to provide a local cash match of \$6,079; and

**WHEREAS**, the Department of Fire, Rescue and Emergency Management will provide the local match through the use of their FY18 Adopted Budget; and

**WHEREAS**, the County will administer the grant in accordance with the terms as set forth in the grant award agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the Spotsylvania County Board of Supervisors, that the grant award agreement between Spotsylvania County and the Virginia Department of Fire Programs is approved; and

**BE IT FURTHER RESOLVED** by the Spotsylvania County Board of Supervisors that the following individuals are hereby designated as authorized agents any of whom may act in the execution and administration of the grant award agreement: Mark B. Taylor, County Administrator; Mark Cole, Deputy County Administrator; Edward Petrovitch, Deputy County Administrator; and Annette B. D'Alessandro, Grants Manager; and

**BE IT FURTHER RESOLVED** by the Spotsylvania County Board of Supervisors that the grant in the amount of \$34,449 is accepted and that the General Fund budget is hereby amended to reflect the increase in funds associated with the grant award; and

**BE IT FURTHER RESOLVED** by the Spotsylvania County Board of Supervisors that the following appropriations be, and the same hereby are, made for the fiscal year beginning July 1, 2017, for expenditures in the amount of \$34,449 to be utilized only for needed repairs at the Rappahannock Regional Burn Building, to be expended only by order of the Board of Supervisors as follows:

**GENERAL FUND: \$ 34,449**

7. Capital Projects Budget & Appropriation Adjustments.

VOTE:

Ayes:	7	Mr. Benton, Mr. Cebula, Mr. McLaughlin, Mr. Ross Mr. Skinner, Mr. Trampe and Mr. Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

**RESOLUTION NO. 2017-125**

**BE IT RESOLVED** by the Board of Supervisors of the County of Spotsylvania, Virginia, that the following appropriation be, and the same hereby are, made for the fiscal year beginning July 1, 2017, from the funds and for the functions or purposes indicated.

To close out and reallocate funding on certain capital projects, to be expended only by order of the Board of Supervisors as follows:

**CAPITAL PROJECTS FUND:** (\$1,372,488)  
**UTILITIES OPERATING FUND:** (\$125,000)  
**UTILITIES CAPITAL PROJECTS FUND:** \$53,499

Budget Amendment for 6 Additional Teaching Positions Needed Due to Increased Student Enrollment; Funded by Additional State Revenues

On a motion by Mr. Yakabouski and passed unanimously, the Board adopted the resolution as follows:

VOTE:

Ayes:	7	Mr. Benton, Mr. Cebula, Mr. McLaughlin, Mr. Ross Mr. Skinner, Mr. Trampe and Mr. Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

**RESOLUTION NO. 2017-126**

**BE IT RESOLVED** by the Board of Supervisors of the County of Spotsylvania, Virginia, that the following appropriations be, and the same hereby are, made for the fiscal year beginning July 1, 2017 from the funds and for the functions or purposes indicated:

For appropriation of expenses associated with restoring six teaching positions needed as a result of increased student enrollment, to be expended only by the order of the Board of Supervisors as follows:

**SCHOOL OPERATING FUND - \$490,000**

FY 2019/2020 Revenue Sharing Application

On a motion by Mr. Yakabouski and passed 6 to 1 with Mr. Yakabouski opposed, the Board adopted the resolution as follows:

VOTE:

Ayes:	6	Mr. Benton, Mr. Cebula, Mr. McLaughlin, Mr. Ross Mr. Skinner and Mr. Trampe
Nays:	1	Mr. Yakabouski
Absent:	0	
Abstain:	0	

**RESOLUTION NO. 2017-127**

**Application for the Virginia Department of Transportation  
FY 2019/2020 Revenue Sharing Program**

**WHEREAS**, the Spotsylvania County Board of Supervisors desires to submit an application for an allocation of funds totaling \$9,500,000 through the Virginia Department of Transportation, \$4,500,000 in Fiscal Year 2019 and \$5,000,000 in Fiscal Year 2020 Revenue Sharing Program; and

- **WHEREAS, \$500,000 in FY19**, for Phase 1 Harrison Road turn lane improvements at Old Plank and Gordon Road;
- **WHEREAS, \$2,500,000 in FY19** for RTE 3 Operational Improvements. Eliminating West bound right turn lane bump outs to create a full through/turn lane combination;
- **WHEREAS, \$1,500,000 in FY19** for Old Plank Road and Andora Drive round – a – bout
- **WHEREAS, \$5,000,000 in FY20** for Harrison Road widening improvements from Old Plank Road to Harrison Road final phase.

**WHEREAS**, these projects will accommodate increased traffic and turning movements, reduce accidents and congestion by improving intersections, paving roads, and improving current levels of service;

**NOW, THEREFORE, BE IT RESOLVED** that the Spotsylvania County Board of Supervisors does hereby support this application for an allocation of \$9,500,000 through the Virginia Department of Transportation Revenue Sharing Program, \$4,500,000 in FY19 and \$5,000,000 in FY20.

**BE IT FURTHER RESOLVED** that the Spotsylvania County Board of Supervisors hereby grants authority for the County Administrator to execute project administration agreements for any approved revenue sharing projects.

**BE IT FURTHER RESOLVED** that the Spotsylvania County Board of Supervisors hereby commits to fund its local share of the costs of the projects references above when additional SmartScale, Revenue Sharing, and other sources of funding are not available to pay such local share.

**BE IT FURTHER RESOLVED** that funding by the Spotsylvania County Board of Supervisors shall be subject to annual appropriation.

**ADOPTED** this 10<sup>th</sup> day of October 2017.

### **PUBLIC PRESENTATIONS**

Carl Steadman spoke about releasing his responsibilities to the partial pond on his property.

Judy Rodgers spoke about the leasing of the Marshall Center and asked that it not impact the Women's Club Gospel event taking place in April 2018.

Raymond Tate shared his concerns regarding Collins Construction Company and the obstruction they are causing on Old Robert E. Lee Drive. He also shared concerns about the change of plans from the proposed cul-de-sac and the lack of notification provided.

### **VDOT REPORT**

Sean Nelson from VDOT was present. He reviewed the October VDOT Report presented to the Board.

Mr. Yakabouski requested a no U-turn sign on Route 208 at Stoney Creek Road and for a review of the light timing on Spotsylvania Parkway at Leavells Road and Smith Station Road.

Mr. Skinner asked to meet with Mr. Nelson regarding the timing of the light on Route 208/Southpoint Parkway.

The Board requested a monthly report from VDOT and a bi-monthly presentation to the Board.

### **PRESENTATIONS/REPORTS BY STAFF**

Employee of the Quarter Recognition

The Board of Supervisors recognized Annette B. D'Alessandro as the General Government Employee of the Quarter "Service Excellence Award" recipient and Shawn Divelbliss as the Public Safety Employee of the Quarter "Service Excellence Award" recipient for the second quarter of 2017.

Regional Transportation Authority

Paul Agnello, FAMPO Administrator, gave a brief presentation on the Regional Transportation Authority. On a motion by Mr. McLaughlin and passed unanimously, the Board moved to deny participation in the Regional Transportation Authority.

VOTE:

Ayes:	7	Mr. Benton, Mr. Cebula, Mr. McLaughlin, Mr. Ross Mr. Skinner, Mr. Trampe and Mr. Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

MAC – Military Affairs Council

Joe Grzeika presented information regarding the foundation and projected agendas of the Military Affairs Council.

**CLOSED MEETING**

On a motion by Mr. Ross and passed unanimously, the Board adopted a resolution to adjourn into closed meeting as follows:

VOTE:

Ayes:	7	Mr. Benton, Mr. Cebula, Mr. McLaughlin, Mr. Ross Mr. Skinner, Mr. Trampe and Mr. Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

**RESOLUTION NO. 2017-128**

**To Adjourn into Closed Meeting**

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into Closed Meeting for discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining,



or resignation of specific public officers, appointees, or employees of any public body, specifically staff of the Department of Fire, Rescue and Emergency Management; and

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into a Closed Meeting for discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community, specifically a recreational and entertainment business; and

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into a Closed Meeting for consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body, specifically regarding the matters of *Walgreen Co. v. County of Spotsylvania, Virginia*, Spotsylvania County Circuit Court, Case Nos. CL13001151-00 and CL15000723-00; and

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into Closed Meeting for consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, specifically relating to matters of law enforcement; and

WHEREAS, pursuant to Va. Code Ann. § 2.2-3711(A)(1), (5), (7) and (8), such discussions may occur in Closed Meeting.

NOW, THEREFORE, BE IT RESOLVED that the Spotsylvania County Board of Supervisors does hereby authorize discussion of the aforestated matters.

### **RETURN TO OPEN MEETING AND CERTIFICATION**

On a roll call vote, the Board returned to open meeting and adopted the following resolution:

**VOTE:**

Ayes:	7	Mr. Benton, Mr. Cebula, Mr. McLaughlin, Mr. Ross Mr. Skinner, Mr. Trampe and Mr. Yakabowski
Nays:	0	
Absent:	0	
Abstain:	0	

### **RESOLUTION NO. 2017-129**

#### **Return to Open Meeting**

WHEREAS, the Spotsylvania County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 (D) of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Spotsylvania County Board of Supervisors hereby returns to open session and certifies, by roll call vote, that to the best of each member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Freedom of Information Act and identified in the motion to go into Closed Meeting were heard, discussed or considered in the Closed Meeting.

### **PUBLIC PRESENTATIONS**

Debbie Curcie shared her concerns with the Board using tax payer dollars to support charitable organizations.

### **PUBLIC HEARINGS**

#### **FY 2019 Pre-Budget Public Hearing**

Bonnie Jewell and Mary Sorrell presented.

Mr. Ross declared the public hearing opened:

Mike Smith, Fredericksburg Virginia Patriots, spoke about budget concerns and recommendation for future budgets.

Terry Demaris, Spotsylvania Education Association, spoke about the implementation for the Spotsylvania County Schools Evergreen study needing to be a top priority in the upcoming budget.

Mr. Ross closed the public hearing.

#### **Public Hearing - Amendments and Additions to County Code Chapter 4, Animals and Fowl, Articles 1 through IV**

Captain William Tydings presented.

Mr. Ross declared the public hearing opened and when no one indicated an intention to speak, closed the public hearing.

On a motion by Mr. Cebula and passed unanimously, the Board adopted the ordinance as follows:

VOTE:

Ayes:	7	Mr. Benton, Mr. Cebula, Mr. McLaughlin, Mr. Ross Mr. Skinner, Mr. Trampe and Mr. Yakabowski
Nays:	0	
Absent:	0	
Abstain:	0	

AN ORDINANCE No. 4-31

To amend Chapter 4, Animals and Fowls, Article I, In General, Sections 4-1, 4-4, 4-10, 4-13, and 4-17, Article II, Dogs Generally, Sections 4-21, 4-23, 4-24, and 4-25, Article III, Vicious and Dangerous Dogs, Sections 4-31 and 4-32, Article IV, Dog License, Sections 4-40, 4-41, 4-42, 4-43, 4-45, 4-46, 4-47, 4-47, and 4-49, and Article V, Rabies Control, Sections 4-62, 4-64 through 4-68, to bring current with the Code of Virginia.

PUBLIC HEARING: October 10, 2017

**WHEREAS**, staff has reviewed the code amendment and recommends approval as stated in the executive summary dated October 10, 2017; and

**WHEREAS**, the Spotsylvania Board of Supervisors' public hearing, duly advertised in a local newspaper for a period of two weeks, was held on October 10, 2017, and interested citizens were given an opportunity to be heard; and

**WHEREAS**, good practice and the general welfare are served by approval of the code amendment.

NOW, THEREFORE, THE COUNTY OF SPOTSYLVANIA BOARD OF SUPERVISORS HEREBY ORDAINS:

§ 1. That Chapter 4, Articles I through V, be and are hereby **amended** and reordained as follows:

Chapter 4 - ANIMALS AND FOWL<sup>[\[1\]](#)</sup>

Footnotes:

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**Cross reference**— Farm animals exempt from taxation as tangible personal property, § 21-27; animals running at large at Ni River Reservoir, § 22-237.

**State Law reference**— Comprehensive animal laws, Code of Virginia, §§ 3.2-6500 – 3.2-6590; authority of county to adopt ordinances paralleling state animal laws, § 3.2-6543.

## ARTICLE I. - IN GENERAL

### Sec. 4-1. – Definitions.

For the purpose of this chapter and Chapter 13, Section 13-6, unless otherwise required by the context, the following words, terms and phrases shall have the meanings respectively ascribed to them by this section. Words and terms not defined, herein, which are defined in the comprehensive animal care laws of the Code of Virginia, shall have the meanings respectively ascribed to them by that section:

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

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

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

*Adequate shelter* means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and, for dogs and cats, provides a solid surface, resting platform, pad, floormat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors: (i) permit the animals' feet to pass through the openings; (ii) sag under the animals' weight; or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter.

*Adequate space* means sufficient space to allow each animal to: (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal; and (ii) interact safely with other animals in the enclosure. When an animal is tethered, "adequate space" means a tether that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least three times the length of the animal, as measured from the tip of its nose to the base of its tail, except when the animal is

being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space.

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

*Ambient temperature* means the temperature surrounding the animal.

*Animal* means any nonhuman vertebrate species except fish. For the purposes of Article V of this chapter, animal means any species susceptible to rabies. For the purpose of Section 4-11, animal means any nonhuman vertebrate species, including fish, except those fish captured and killed or disposed of in a reasonable and customary manner.

*Animal control officer* means a person appointed as an animal control officer or deputy animal control officer as provided in the Code of Virginia. *Companion animal* means any domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal that is bought, sold, traded, or bartered by any person.

*Direct and immediate threat* means any clear and imminent danger to an animal's health, safety or life. *Emergency veterinary treatment* means veterinary treatment to stabilize a life-threatening condition, alleviate suffering, prevent further disease transmission, or prevent further disease progression.

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

*Kennel* means any establishment in which five (5) or more canines, felines or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling or showing.

*Livestock* includes all domestic or domesticated: bovine animals, equine animals, ovine animals, porcine animals, cervidae animals, caprae animals, animals of the genus Lama, ratites, enclosed domesticated rabbits or hares raised for human food or fiber, or any other individual animal specifically raised for food or fiber, except companion animals.

*Other officer* includes all persons employed by the county whose duty it is to preserve the peace, make arrests, or enforce the law.

*Own/owner* includes any person having a right of property in an animal, any person who keeps or harbors an animal, any person who has an animal in his care, or any person who acts as its custodian.

*Pet* means any animal kept for pleasure rather than utility.

*Plainly audible* means any sound that can be detected by a person using his or her unaided hearing facilities. As an example, if the sound source were a portable or personal vehicular sound amplification or reproduction device, the enforcement officer need not determine the title of the song, specific words, or the artist performing the song. The detection of the rhythmic base component of the music is sufficient to constitute a plainly audible sound.

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

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

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

*Wild or exotic animal* means any live monkey (nonhuman primate), raccoon, skunk, wolf, squirrel, fox, leopard, panther, tiger, lion, lynx or any other warm-blooded animal, poisonous snake or tarantula which can normally be found in the wild state or any other member of crocodilian, including but not limited to alligators, crocodiles, caimans and gavials. Ferrets, nonpoisonous snakes, rabbits and laboratory rats which have been bred in captivity and which never have known the wild shall be excluded [from] this definition.

(Code 1980, § 4-1; Ord. No. 4-2, 6-1-93; Ord. No. 4-26, 10-13-09; Ord. No. 4-28, 2-12-13; Ord. No 4-31, 10-10-17)

**Cross reference**— Definitions and rules of construction generally, § 1-2.

**State Law reference**— Similar provisions, Code of Virginia, § 3.2-6500.

#### Sec. 4-4. - Fees.

Fees for services provided by the animal control officer, or for reclaiming animals, not otherwise specified within this chapter shall be set by resolution of the board of supervisors.

(Ord. No. 4-2, 6-1-93; Ord. No. 4-13, 8-11-98; Ord. No 4-31, 10-10-17)

**State Law reference**— Similar provisions, Code of Virginia, § 3.2-6546(C).

#### Sec. 4-10. - Impoundment of animals running at large.

Any animal, other than a dog, cat, or wild animal, found running at large in the county, shall be taken up by the animal control officer or other officer, as defined in section 4-1, and impounded at the animal pound or other facility and thereafter disposed of under the same terms and conditions as prescribed in section 4-22 for dogs. Nothing in this section shall apply to an animal disposed of under the provisions of section 4-7. For purposes of this section, running at large shall mean off the property of its owner or custodian and not leashed or otherwise tethered.

(Code 1980, § 4-11; Ord. No. 4-2, 6-1-93; Ord. No. 4-13, 8-11-98; Ord. No 4-31, 10-10-17)

**State Law reference**— Similar provisions, Code of Virginia, § 3.2-6538; authority of county to adopt above section, § 3.2-6543; duty of county to maintain pound, Code of Virginia, § 3.2-6546. Sec. 4-13. - Abandoning domesticated animal or fowl in public places or on property of another.

Any person who abandons any dog, cat or other domesticated animal or fowl in any public place, including the right-of-way of any public highway, road or street, or on the property of another, shall be guilty of a Class 3 misdemeanor.

(Code 1980, § 4-24; Ord. No. 4-2, 6-1-93; Ord. No 4-31, 10-10-17)

**Cross reference**— Penalty for Class 3 misdemeanor, § 1-11.

**State Law reference**— Similar provisions, Code of Virginia, § 3.2-6504; authority of county to adopt above section, § 15.2-1518.

Sec. 4-17. - Dogs and cats deemed personal property; rights relating thereto.

- (a) All dogs and cats in this county shall be deemed to be personal property and may be the subject of larceny and malicious or unlawful trespass, and the owners thereof may maintain an action for killing of any such dogs or cats, or injury thereto, or unlawful detention or use thereof as in the case of other personal property. The owner of any dog or cat which is injured or killed contrary to the provisions of this 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.
- (b) The animal control officer or other officer finding a stolen dog or cat, or a dog or cat held or detained contrary to law, shall have authority to seize and hold such dog or cat pending action before the general district court or other court. If no such action is instituted within seven (7) days, the animal control officer or other officer shall deliver the dog or cat to its owner. The presence of a dog or cat on the premises of a person other than its legal owner shall raise no presumption of theft against the owner or occupant of such premises, however the animal control officer may take such dog or cat in charge or notify its legal owner to remove the dog or cat. The legal owner of the dog or cat shall pay a reasonable charge, as fixed by the board of supervisors, for the keeping of such dog or cat while in the possession of the animal control officer.

(Ord. No. 4-2, 6-1-93; Ord. No. 4-6, 10-11-94; Ord. No. 4-13, 8-11-98; Ord. No 4-31, 10-10-17)

**State Law reference**— Similar provisions, Code of Virginia, § 3.2-6585.

## ARTICLE II. - DOGS GENERALLY

### Sec. 4-21. - Running at large—Generally.

- (a) No dog shall run at large in the county. Any person who is the owner or custodian of a dog found running at large in the county shall be in violation of this section.
- (b) For the purposes of this section, a dog shall be deemed to be "running at large" while roaming, running or self-hunting off the property or premises of its owner or custodian and not under the immediate control of the owner or custodian or his agent. "Property or premises of its owner or custodian" for purposes of this section, shall not mean residential or commercial common areas.
- (c) This section shall not apply to 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; or during bona fide hunting or field trial dog training.
- (d) It shall be unlawful for the owner of a dog to place such dog or allow it to be placed in the custody of any other person not physically capable of maintaining effective control of such dog.
- (e) A violation of this section shall constitute a Class 4 misdemeanor for the first offense; provided, however, if the dog is a dangerous or vicious dog, a violation of this section shall constitute a Class 1 misdemeanor.
- (f) A second violation of this section within one (1) year of a conviction of the first violation shall constitute a Class 2 misdemeanor; provided, however, if the dog is a dangerous or vicious dog, a violation of this section shall constitute a Class 1 misdemeanor.
- (g) A third or subsequent violation of this section within two (2) years of conviction of the second or subsequent violation shall constitute a Class 1 misdemeanor.

(Code 1980, § 4-10; Ord. No. 4-2, 6-1-93; Ord. No. 4-13, 8-11-98; Ord. No. 4-14, 8-11-98; Ord. No. 4-15, 9-28-99; Ord. No. 4-22, 5-10-05; Ord. No 4-31, 10-10-17)

**State Law reference—** Authority for above section, Code of Virginia, §§ 3.2-6538.

### Sec. 4-23. - Killing or injuring livestock or poultry.

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



time shall be considered a confirmed poultry killer. The court, through its contempt powers, may compel the owner, custodian, or harbinger of the dog to produce the dog.

- (b) Any animal control officer who has reason to believe that any dog is killing livestock or poultry in the county 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 jurisdiction where the dog is located, , 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 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 (i) 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 (ii) that the dog be fitted with an identifying microchip registered to that 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 other animal.

(Code 1980, § 4-16; Ord. of 8-28-84(3); Ord. No. 4-2, 6-1-93; Ord. No. 4-13, 8-11-98; Ord. No. 4-28, 2-12-13; Ord. No 4-31, 10-10-17)

**State Law reference**— Similar provisions, Code of Virginia, § 3.2-6552.

**Sec. 4-24. - Compensation for livestock or poultry killed by dogs.**

- (a) Any person who has any livestock or poultry killed or injured by any dog not his own in the county shall be entitled to receive as compensation therefor the fair market value of such livestock or poultry not to exceed seven hundred and fifty dollars (\$750.00) per animal or ten dollars (\$10.00) per fowl, if:

- (1) The claimant has furnished evidence within sixty (60) days of the discovery of the quantity and value of the dead and injured livestock or poultry and the reasons the claimant believes that death or injury was caused by a dog;
  - (2) The animal control officer or other officer shall have been notified of the incident within seventy-two (72) hours of its discovery;
  - (3) The claimant first has exhausted his or her legal remedies against the owner, if known, of the dog doing the damage for which compensation under this section is sought. Exhaustion shall mean a judgment against the owner of the dog upon which an execution has been returned unsatisfied.
- (b) Requirements (2) or (3) above, or both, may be waived if the animal control officer conducts an investigation, and that investigation supports the claim. Upon payment under this section, the county shall be subrogated to the extent of compensation paid to the right of action to the owner of the livestock or poultry against the owner of the dog and may enforce the same in an appropriate action.
- (c) Compensation under subsections (a) and (b) shall not apply in cases of livestock or poultry running at large or trespassing upon the property on which the dog or dogs are kept.

(Code 1980, § 4-18; Ords. of 7-27-82; 6-14-88(1); Ord. No. 4-2, 6-1-93; Ord. No. 4-6, 10-11-94; Ord. No. 4-13, 8-11-98; Ord. No. 4-28, 2-12-13; Ord. No. 4-31, 10-10-17)

**State Law reference**— Similar provisions, Code of Virginia, 3.2-6553.

#### Sec. 4-25. - Disposal of dead companion animals.

- (a) Any person, including the animal control officer or other officer, killing a companion animal under this article, shall cremate, bury or sanitarily dispose the body of such companion animal.
- (b) The owner of any companion animal which has died from disease or other cause shall forthwith cremate, bury or sanitarily dispose the body of such companion animal.
- (c) If, after notice, any owner fails to comply with this section, the animal control officer or other officer shall bury, cremate or sanitarily dispose the companion animal and may recover, on behalf of the county, from the owner his cost for this service.

(Ord. No. 4-2, 6-1-93; Ord. No. 4-13, 8-11-98; Ord. No. 4-31, 10-10-17)

**Cross reference**— Burial or cremation of dead animals and fowl, § 4-14.

**State Law reference**— Similar provisions, Code of Virginia, §§ 3.2-6554.

### ARTICLE III. - VICIOUS AND DANGEROUS DOGS

Sec. 4-31. - Definitions.

For the purposes of this article and unless otherwise required by the context, the following words and terms shall have the meanings respectively ascribed to them by 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, such dog is not a dangerous dog if, upon investigation, an animal control officer or law enforcement officer finds that (i) no serious physical injury, as determined by a licensed veterinarian, has occurred to the dog or cat as a result of the attack or bite, (ii) both animals are owned by the same person, (iii) such attack occurred on the property of the attacking or biting dog's owner or custodian, or (iv) the injury inflicted upon a person by the attacking or biting dog consists solely of a single nip or bite resulting only in a scratch, abrasion, or other minor injury. No dog shall be found to be a dangerous dog as a result of biting, attacking, or inflicting injury on a dog or cat while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event. No dog shall be found to be a dangerous dog if the court determines, based on the totality of the evidence before it, or for other good cause shown, that the dog is not dangerous or a threat to the community.

*Serious injury* means an injury having a reasonable potential to cause death or any injury other than a sprain or strain, including serious disfigurement, serious impairment of health, or serious impairment of bodily function and requiring significant medical attention.

*Vicious dog* means a canine or canine crossbreed that has (i) killed a person; (ii) inflicted serious injury to a person, 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.

(Ord. No. 4-2, 6-1-93; Ord. No. 4-3, 7-12-94; Ord. No. 4-21, 8-10-04; Ord. No. 4-24, 8-8-06; Ord. No. 4-29, 11-14-13; Ord. No 4-31, 10-10-17)

**State Law reference**— Similar provisions, Code of Virginia, § 3.2-6540.

Sec. 4-32. - Control of dangerous dogs; penalties.

- (a) Any law enforcement officer, animal control officer or other officer who has reason to believe that a canine or canine crossbreed within the county is a dangerous dog may apply to a magistrate serving the county for the issuance of a summons requiring the owner or custodian, if known, to appear before a general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. If a law-enforcement officer or other officer successfully makes an application for the issuance of a summons, he shall contact the local animal control officer and inform him or her of the location of the dog and the relevant facts pertaining to his belief that the dog is dangerous. The animal control officer shall confine the animal until such time as evidence shall be heard and a verdict rendered. If the animal control officer determines that the owner or

custodian can confine the animal in a manner that protects the public safety, he or she 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. The court, upon finding the animal to be a dangerous dog, may order the owner, custodian, or harbinger thereof to pay restitution for actual damages to any person injured by, or whose companion dog or cat was injured or killed by the dangerous dog. The court, in its discretion, may also order the dangerous dog's owner, custodian or harbinger to pay all reasonable expenses incurred in caring and providing for such dangerous dog from the time the animal is taken into custody until such time as the animal is disposed of or returned to the owner. The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in the Code of Virginia. The county shall be required to prove its case beyond a reasonable doubt.

- (b) No canine or canine crossbreed shall be found to be a dangerous dog solely because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed prohibited. No animal shall be found to be a dangerous dog if the threat, injury or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian; (ii) committing, at the time, a willful trespass upon the premises occupied by the animal's owner or custodian; or (iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog that was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog. No animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, shall be found to be a dangerous dog.
- (c) 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.
- (d) The owner of any animal found to be a dangerous dog shall, within thirty (30) days of such finding, obtain a dangerous dog registration certificate from the local animal control officer or treasurer for a fee of one hundred fifty dollars (\$150.00), in addition to other fees that may be authorized by law. The local animal control officer or treasurer shall also provide the owner with a uniformly designed tag that identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. By January 31 of each year, until such time as the dangerous dog is deceased, all certificates obtained pursuant to this subsection shall be renewed for a fee of eighty-five dollars (\$85.00) and in the same manner as the initial certificate was obtained. The animal control officer shall post registration information on the Virginia Dangerous Dog Registry.
- (e) All dangerous dog registration certificates or renewals thereof required to be obtained under this section shall only be issued to persons eighteen (18) years of age or older who present satisfactory evidence (i) of the animal's current rabies vaccination, if applicable; (ii) that the animal has been neutered or spayed; and (iii) that the animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be

muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed. In addition, owners who apply for certificates or renewals thereof under this section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence that (i) their residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property and (ii) the animal has been permanently identified by means of electronic implantation. All certificates or renewals thereof required to be obtained under this section shall only be issued to persons who present satisfactory evidence that the owner has liability insurance coverage, to the value of at least one hundred thousand dollars (\$100,000.00), 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 dollars (\$100,000.00).

- (f) While on the property of its owner, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. While so confined within the structure, the animal shall be provided for according to section 4-19 of this chapter. 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.
- (g) 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 complaints made or lawsuits brought as a result of any attack; (v) chip identification information; (vi) proof of insurance or surety bond; and (vii) the death of the dog.
- (h) 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 ten (10) days of relocating, provide written notice to the appropriate local animal control authority for the old address from which the animal has moved and the new address to which the animal has been moved.
- (i) 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.

- (j) 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.

Whenever an owner or custodian of an animal found to be a dangerous dog is charged with a violation of this section, the animal control officer shall confine the dangerous dog until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian, or harbinger of the animal to produce the animal.

Upon conviction, the court may (i) order the dangerous dog to be disposed of by a local governing body pursuant to the Code of Virginia or (ii) grant the owner up to 30 days to comply with the requirements of this section, during which time the dangerous dog shall remain in the custody of the animal control officer until compliance has been verified. If the owner fails to achieve compliance within the time specified by the court, the court shall order the dangerous dog to be disposed of by a local governing body pursuant to the Code of Virginia. The court, in its discretion, may order the owner to pay all reasonable expenses incurred in caring and providing for such dangerous dog from the time the animal is taken into custody until such time that the animal is disposed of or returned to the owner.

- (k) 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 county for the purpose of paying the expenses of any animal control officer training course required by the Code of Virginia.

(Ord. No. 4-2, 6-1-93; Ord. No. 4-3, 7-12-94; Ord. No. 4-8, 7-8-97; Ord. No. 4-13, 8-11-98; Ord. No. 4-21, 8-10-04; Ord. No. 4-24, 8-8-06; Ord. No. 4-26, 10-13-09; Ord. No. 4-29, 11-14-13; Ord. No 4-31, 10-10-17)

**Editor's note**— Ord. No. 4-29, adopted November 14, 2013, changed the title of section 4-32 from "Control of dangerous or vicious dogs; penalties" to "Control of dangerous dogs; penalties." The historical notation has been preserved for reference purposes.

**State Law reference**— Similar provisions, Code of Virginia, § 3.2-6540; authority or county to adopt above section, Code of Virginia, § 3.2-6540.

#### ARTICLE IV. - DOG LICENSE

##### Sec. 4-40. - Required.

It shall be unlawful for any person to own a dog four (4) months old or older in the county, unless such dog is licensed under the provisions of this article.

(Code 1980, § 4-25; Ord. of 9-13-88(1); Ord. No. 4-2, 6-1-93; Ord. No 4-31, 10-10-17)

**State Law reference**— Similar provisions, Code of Virginia, § 3.2-6524; authority of county to adopt above section, § 3.2-6543.

Sec. 4-41. - Application; applicant must be county resident.

- (a) Any person may obtain a dog license by making oral or written application to the treasurer, accompanied by the amount of the license tax. The treasurer shall only have the authority to license dogs of owners or custodians who reside within the boundary limits of the county and may require information to establish the location of the residence of any applicant.
- (b) It shall be unlawful for any person to make a false statement in order to secure a dog license to which he is not entitled. Violation of this section shall constitute a Class 3 misdemeanor.
- (c) Nothing in this article shall preclude compliance with all provisions of the zoning chapter of this Code.

(Code 1980, §§ 4-29, 4-30; Ord. No. 4-2, 6-1-93; Ord. No 4-31, 10-10-17)

**State Law reference**— Similar provisions, Code of Virginia, §§ 3.2-6527.

Sec. 4-42. - Fee imposed.

- (a) An annual license fee is hereby imposed on dogs required to be licensed under this article. The amount of the license tax shall be established by resolution adopted by the board of supervisors.
- (b) The annual license shall be available to be purchased individually for all dog owners subject to the number of dogs that may be owned as set forth in this chapter. The annual license shall also be available for purchase as a multi-dog license for those county residents who satisfy the requirements of this chapter, specifically those set forth in Section 4-51 and subject to the number of dogs, which may be owned as set forth in this chapter. The multi-dog license may be available as ten (10), twenty (20), thirty (30), forty (40) or fifty (50) dog licenses as established by resolution adopted by the board of supervisors. However, a person or persons regardless of whether the dogs are kept on one or more tax map parcels may purchase only one multi-dog license.
- (c) No license fee shall be imposed under this section on any dog that is trained and serves as a guide dog for a blind person or that is trained and serves as a hearing dog for a deaf or hearing-impaired person; or that is a search and rescue dog; or that is trained and serves as a service dog for a mobility-impaired person. As used herein, the term "*hearing dog*" means a dog trained to alert its owner, by touch, to sounds of danger and sounds to which the owner

should respond; and "service dog" means a dog trained to accompany its owner for the purpose of carrying items, retrieving objects, pulling a wheelchair or other such activities or service or support.

- (d) All money collected by the treasurer pursuant to this section shall be deposited into the general fund of the county.

(Code 1980, § 4-25; Ord. of 9-13-88(1); Ord. No. 4-2, 6-1-93; Ord. No. 4-5, 9-27-94; Ord. No. 4-6, 10-11-94; Ord. No. 4-23, 8-9-05; Ord. No 4-31, 10-10-17)

**State Law reference**— Duty of county to impose dog license tax, limit on the amount thereof and provisions similar to subsection (b) above, Code of Virginia, § 3.2-6528.

Sec. 4-43. - When license tax due and payable.

The license tax imposed on dogs by section 4-42 shall be due and payable as follows:

- (1) On or before the first day of January and not later than the thirty-first day of January of each year, the owner of any dog four (4) months old or older shall pay such tax.
- (2) If a dog shall become four (4) months of age or if a dog over four (4) months of age unlicensed by this county shall come into the possession of any person between the first day of January and the thirty-first day of October of any year, the license tax for the current calendar year shall be paid by the owner forthwith.
- (3) If a dog shall become four (4) months of age or if a dog over four (4) months of age unlicensed by this county shall come into the possession of any person between the first day of November and the thirty-first day of December of any year, the license tax for the succeeding calendar year shall be paid forthwith by the owner and such license shall protect the dog from the date of payment of the license tax to the end of the succeeding calendar year.

(Code 1980, §§ 4-25, 4-26; Ord. of 9-13-88(1); Ord. No. 4-2, 6-1-93; Ord. No 4-31, 10-10-17)

**State Law reference**— Similar provisions, Code of Virginia, § 3.2-6530.

Sec. 4-45. - Issuance, composition and contents.

- (a) Upon receipt of a proper application and the prescribed license tax, the treasurer shall issue a dog license; provided, that no such license shall be issued for any dog, unless there is presented to the treasurer a current certificate of vaccination or inoculation issued for the dog pursuant to section 4-61, valid for the entire license year or years. When the license is issued, such certificate shall be marked and returned to the dog's owner. It shall be unlawful for any person to present a certificate for a dog other than that for which it was issued.



- (b) Each dog license shall consist of a license tax receipt and a metal tag. Such receipt shall have recorded thereon the amount of the tax paid, the name and address of the owner or custodian of the dog, the date of payment, the year for which the license is issued, the serial number of the tag and whether the license is for a male, female or unsexed female dog or for a kennel. The metal tag issued hereunder shall be stamped or otherwise permanently marked to show the name of the county, the sex of the dog and the calendar year for which issued and a serial number.

(Code 1980, §§ 4-29, 4-33; Ord. No. 4-2, 6-1-93; Ord. No 4-31, 10-10-17)

**State Law reference**— Similar provisions, Code of Virginia, §§ 3.2-6526, 3.2-6527, 3.2-6529.

Sec. 4-46. - Preservation and exhibition of license receipt; tag to be worn by dog; exceptions.

- (a) A dog license receipt shall be carefully preserved by the person to whom it is issued and exhibited promptly on request for inspection by the animal control officer or any other officer of the county. Dog license tags shall be securely fastened to a substantial collar by the owner and worn by such dog. The owner of the dog may remove the collar and license tag required by this section when the dog is engaged in lawful hunting; when the dog is competing in a dog show, supervised obedience training, or supervised field trial; when the dog has a skin condition which would be exacerbated by the wearing of a collar; when the dog is confined; or when the dog is under the immediate control of its owner.
- (b) Any dog not wearing a collar bearing a license tag of the proper calendar year shall prima facie be deemed to be unlicensed, and in any proceedings under this article, the burden of proof of the fact that such dog has been licensed or is otherwise not required to bear a tag at the time shall be on the owner of the dog.

(Code 1980, §§ 4-35, 4-36; Ord. No. 4-2, 6-1-93; Ord. No. 4-13, 8-11-98; Ord. No 4-31, 10-10-17)

**State Law reference**— Similar provisions, Code of Virginia, §§ 3.2-6531, 3.2-6533.

Sec. 4-47. - Removal of tag.

It shall be unlawful for any person, other than the owner, to remove a license tag from a dog without the permission of the owner.

(Code 1980, § 4-37; Ord. No. 4-2, 6-1-93; Ord. No 4-31, 10-10-17)

**State Law reference**— Similar provisions, Code of Virginia, § 3.2-6587.

Sec. 4-48. - Duplicate tags.

If a dog license tag shall become lost, destroyed or stolen, the owner shall at once apply to the treasurer for a duplicate license tag. Upon presenting the original license receipt and an affidavit that the original license tag has been lost, destroyed or stolen, the treasurer shall issue a duplicate license tag, which the owner shall immediately affix to the collar of the dog. The treasurer 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 established by resolution adopted by the board of supervisors.

(Code 1980, § 4-32; Ord. of 8-28-84(3); Ord. No. 4-2, 6-1-93; Ord. No. 4-6, 10-11-94; Ord. No 4-31, 10-10-17)

**State Law reference**— Similar provisions, Code of Virginia, § 3.2-6532.

Sec. 4-49. - Concealing or harboring unlicensed dog.

It shall be unlawful for any person to conceal or harbor any dog upon which the license tax imposed by this article has not been paid.

(Code 1980, § 4-20; Ord. No. 4-2, 6-1-93; Ord. No 4-31, 10-10-17)

**State Law reference**— Similar provisions, Code of Virginia, § 3.2-6587.

ARTICLE V. - RABIES CONTROL [\[3\]](#)

Footnotes:

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**State Law reference**— Authority of county to adopt ordinances to prevent spread of rabies, Code of Virginia, § 3.2-6525.

Sec. 4-62. - Emergency declaration of quarantine.

The health director may declare an emergency exists in the county or any section thereof, upon finding there is a widespread rabies epizootic. Upon such declaration, for the protection of public health, the health director may declare a quarantine in the county, or such section of the county as may be affected, and restrict all dogs or cats to the owner's premises and to the immediate custody of a responsible person, either or both, for the duration of such emergency.

(Ord. No. 4-2, 6-1-93; Ord. No 4-31, 10-10-17)

**State Law reference**— Similar provisions, Code of Virginia, § 3.2-6522.

Sec. 4-64. - Procedure when dog or domesticated cat exposes person to rabies.

- (a) The owner of a dog or domesticated cat which has exposed a person to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, or any person having knowledge of any dog or domesticated cat which has so exposed a person to rabies shall immediately notify the animal control officer, the sheriff's department, or the director of the health department. The animal control officer or director of the health department shall immediately examine such animal, and in his discretion:
  - (1) Confine the dog or cat in a strong enclosure on the owner's premises, and isolated from all other animals and persons, for a period of ten (10) days, unless the dog or cat develops active symptoms of rabies; or
  - (2) Impound or board the dog or cat, at the owner's expense, with a licensed kennel or veterinarian hospital, for a period of ten (10) days, unless the dog or cat develops active symptoms of rabies; or
  - (3) Impound the dog or cat in the county animal pound, at the owner's expense, for a period of ten (10) days, unless the dog or cat develops active symptoms of rabies; or
  - (4) Confine the dog or cat under competent observation for ten (10) days, unless the animal develops active symptoms of rabies or expires before that time.
- (b) At the end of the period of confinement under this section, if the dog or cat has not developed active symptoms of rabies, it may be released to its owner. If the dog or cat was confined at the animal pound, the owner shall pay the impoundment fee, transport fee and daily charges authorized by this ordinance. If the dog or cat was confined in a kennel or veterinarian hospital, the owner shall pay the standard boarding fee charged by such kennel or hospital. Should a dog or cat confined under this section die prior to expiration of the ten-day confinement period, the owner shall still be required to pay confinement costs to the date of death of the dog or cat.
- (c) Any dog or cat confined under this section and not claimed by its owner as herein provided for may be disposed of as provided in section 4-22.

(Ord. No. 4-2, 6-1-93; Ord. No. 4-6, 10-11-94; Ord. No. 4-13, 8-11-98; Ord. No 4-31, 10-10-17)

**State Law reference**— Similar provisions, Code of Virginia, § 3.2-6522.

Sec. 4-65. - Procedure when animal other than a dog or domesticated cat exposes person or another animal other than a dog or cat to rabies.

- (a) 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

animal control officer or director of the health department in a manner approved by the state health department or humanely euthanized. The head of a euthanized animal shall be kept and evaluated by the health department, or sent to the division of consolidated laboratory services of the Virginia Department of General Services for evaluation.

- (b) When any animal, other than a dog or cat, believed to be afflicted with rabies, exposes another animal, other than a dog or cat, to rabies through a bite or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, that newly exposed animal shall be confined at the discretion of the animal control officer or health director in a manner approved by the health department or humanely euthanized.

(Ord. No. 4-2, 6-1-93; Ord. No. 4-13, 8-11-98; Ord. No 4-31, 10-10-17)

**State Law reference**— Similar provisions, Code of Virginia, § 3.2-6522.

Sec. 4-66. - Report of existence of rabid animal.

Every person having knowledge of the existence of an animal apparently afflicted with rabies shall report immediately to the animal control officer or the county health department the existence of such animal, the place where seen, the owner's name, if known, and the symptoms suggesting rabies.

(Ord. No. 4-2, 6-1-93; Ord. No. 4-13, 8-11-98; Ord. No 4-31, 10-10-17)

**State Law reference**— Similar provisions, Code of Virginia, § 3.2-6522.

Sec. 4-67. - Confinement or destruction of dogs or cats showing signs of or suspected of having rabies.

Any dog or cat found within the county showing active signs of rabies or suspected of having rabies shall be forthwith taken into custody by the animal control officer or other officer and confined under competent observation for such time as may be necessary to determine a diagnosis. If confinement is impossible or impracticable, such dog or cat shall be euthanized by one of the methods approved by the state veterinarian as provided by the Virginia Code, and the head shall be delivered to the health department for examination.

(Ord. No. 4-2, 6-1-93; Ord. No. 4-13, 8-11-98; Ord. No 4-31, 10-10-17)

**State Law reference**— Similar provisions, Code of Virginia, § 3.2-6522.

Sec. 4-68. - Destruction or confinement of dog or cat exposed to rabies.

- (a) 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 affected with rabies shall be confined in a pound, kennel or enclosure approved by the health department for a period not to exceed six (6) months, at the expense of the owner of such dog or cat; however, if this is not feasible, the dog or cat shall be euthanized. A rabies vaccination shall be administered four (4) weeks prior to release from confinement. Inactivated rabies vaccine may be administered at the beginning of confinement.
- (b) Any dog or cat which has proof of a valid rabies vaccination, and which has been bitten or exposed to rabies through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, shall be revaccinated immediately and confined to the premises of its owner or other site as may be approved by the health department, for a period of forty-five (45) days.

(Ord. No. 4-2, 6-1-93; Ord. No. 4-21, 8-10-04; Ord. No 4-31, 10-10-17)

**State Law reference**— Similar provisions, Code of Virginia, § 3.2-6522.

§ 2. This ordinance shall be in force and effect upon adoption.

**Public Hearing - Amendments and Additions to County Code Chapter 13, Section 13-6, Dogs Constituting Public Nuisance**

Captain William Tydings presented.

Mr. Ross declared the public hearing opened:

Terry Payne expressed frustration with his neighbors barking dogs and the lack of help he has received from the County to rectify the situation.

Mr. Ross closed the public hearing.

On a motion by Mr. Cebula and passed unanimously, the Board adopted the ordinance as follows:

**VOTE:**

Ayes:	7	Mr. Benton, Mr. Cebula, Mr. McLaughlin, Mr. Ross Mr. Skinner, Mr. Trampe and Mr. Yakabowski
Nays:	0	
Absent:	0	
Abstain:	0	

AN ORDINANCE No. 13-3

To amend Chapter 13, Section 13-6, Dogs Constituting Public Nuisance, an amendment to add dog attacks upon human beings and dog attacks upon poultry as acts deemed public nuisances

PUBLIC HEARING: October 10, 2017

**WHEREAS**, staff has reviewed the code amendment and recommends approval as stated in the executive summary dated October 10, 2017; and

**WHEREAS**, the Spotsylvania Board of Supervisors' public hearing, duly advertised in a local newspaper for a period of two weeks, was held on October 10, 2017, and interested citizens were given an opportunity to be heard; and

**WHEREAS**, good practice and the general welfare are served by approval of the code amendment.

NOW, THEREFORE, THE COUNTY OF SPOTSYLVANIA BOARD OF SUPERVISORS HEREBY ORDAINS:

§ 1. That Chapter 13, Section 13-6, Dogs Constituting Public Nuisance, be and is hereby **amended** and reordained as follows:

**Chapter 13 - NUISANCES<sup>[1]</sup>**

--- (1) ---

**State Law reference**— Nuisances generally, Code of Virginia, § 48-1 et seq.; authority of county to adopt measures to secure and promote the health, safety and general welfare of the inhabitants, § 15.2-1200; authority of county to adopt ordinances that parallel §3.2-6540 (civil charge - but cannot charge felony), §3.2-6540(O); exceptions §3.2-6540(E)

**Sec. 13-6. - Dogs constituting public nuisance.**

(a) No owner or custodian shall fail to exercise proper care and control of his or her dog to prevent it from becoming a public nuisance. Acts deemed nuisances shall include but are not limited to the following:

- (1) Chasing vehicles;
- (2) Trespassing upon other's property in such a manner as to damage property;
- (3) Attacking any companion animal, livestock or poultry so as to cause injury or death, unless such, companion animal livestock or poultry is trespassing upon the property on which the dog or dogs are kept;
- (4) Habitually running at large; or
- (5) Three (3) or more convictions for running at large within two (2) years; or

- (6) Attacking any human being so as to cause injury or death, subject to the exceptions set forth in section (g).
- (b) Any person owning or having in his or her possession or under his or her control any dog suspected of constituting a nuisance shall be proceeded against by warrant or summoned before the general district court of the county to show cause why such dog should not be confined, euthanized, removed or the nuisance otherwise abated.
- (c) The animal control officer, owner or custodian shall confine the animal until such time as 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 dog does constitute a public nuisance, the dog shall, by order of the general district court be confined, euthanized, removed or the nuisance shall be otherwise abated, as the court shall order. No person shall fail to comply with such an order.
- (e) Any person violating subsections (a)(3), (a)(4), (a)(5), or (a)(6) of this section shall be guilty of a Class 1 misdemeanor. Any person violating any other provision of this section shall be guilty of a Class 3 misdemeanor.
- (f) This section shall not apply to 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; or during bona fide hunting or field trial dog training.
- (g) No dog shall be found to constitute a public nuisance if, for purposes of section (a)(6), at the time of the attack:
  - (1) the human being who was attacked was committing a crime upon the premises occupied by the dog's owner or custodian; or
  - (2) the human being who was attacked was committing a willful trespass upon the premises occupied by the dog's owner or custodian; or
  - (3) the human being who was attacked was provoking, tormenting, or physically abusing the dog, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the dog at other times;
  - (4) the attacking dog was a police dog engaged in the performance of its duties as such at the time of the attack; or
  - (5) the attacking dog was responding to pain or injury that was not caused by the human being who was attacked; or
  - (6) the attacking dog was protecting itself, its kennel, its offspring, its owner or custodian, or a family member, as defined by the Code of Virginia, who lives at the same residence, or its owner's or custodian's property from the human being who was attacked.
- (h) Enforcement. No person shall be charged with a violation of section 13-6(a), unless the complainant shall appear before a magistrate and make complaint thereof and request a summons or warrant be issued charging such violation in the manner provided by law; provided that, when a violation is committed in the presence of an animal control officer, the officer may proceed to issue a summons and take other action as set forth in this section.

(Ord. No. 13-1, 5-10-05; Ord. No. 13-3, 10-10-17)

§ 2. This ordinance shall be in force and effect upon adoption.

### **PRESENTATIONS/REPORTS BY STAFF (cont'd)**

#### **Total Compensation Study - Benefits**

The presentation provided an overview of a comparison of existing benefits to other comparators, along with the following recommended considerations: Adding high-deductible health plan, transitioning to medical supplement for Medicare-eligible retirees, offering paid time off (PTO) leave, providing County sponsored short-term disability (STD) and long-term disability (LTD) plans, support conversion of unused sick time to service time upon retirement, replace accrued leave with holiday pay for part-time employees, and establish volunteer/community service leave.

#### **FY 2017 Preliminary End of Year Financial Report and Recommended Carryover Requests**

Staff gave a presentation reviewing the County's financial position at the close of FY 2017 and requested the Board's approval of budget adjustments and appropriations related to the recommended carryover request list. A draft carryover listing was reviewed by the Finance Committee at its meeting on August 17. A public hearing is not necessary since the total of the budget adjustment for the recommended carryover requests is less than the legal threshold required for a public hearing.

On a motion by Mr. Trampe and passed unanimously, the Board adopted the resolution as follows:

#### **VOTE:**

Ayes:	7	Mr. Benton, Mr. Cebula, Mr. McLaughlin, Mr. Ross Mr. Skinner, Mr. Trampe and Mr. Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

### **RESOLUTION NO. 2017-130**

**BE IT RESOLVED** by the Board of Supervisors of the County of Spotsylvania, Virginia, that the following appropriations be, and the same hereby are, made for the fiscal year beginning July 1, 2017, from the funds and for the functions or purposes indicated.

For the funding of the carryover expenses for various departments in the General, Capital Projects, EDO, Utilities Operating, and Utilities Capital Projects funds, to be expended only by order of the Board Supervisors as follows:



**General Fund:** \$2,094,647  
**Capital Projects Fund:** \$200,000  
**EDO Fund:** \$825,000  
**Utilities Operating Fund:** \$192,970  
**Utilities Capital Projects Fund:** \$70,829

## **BOARD REPORTS**

Mr. Yakabouski asked that the CBRC present prior to the budget process to help guide the budget.

Mr. Cebula announced the MAC was tomorrow night from 6:00-8:00 p.m. at the 718 venue on Caroline Street.

Mr. Skinner asked about community first aid training. He shared there is a high speed rail update consisting of a third rail with a public hearing taking place October 18 at 7:30 p.m. at James Monroe High School.

Mr. Benton would like a joint meeting with the CBRC and a joint meeting with the School Board prior to the start of the budget process.

## **NEW BUSINESS**

None

## **ADJOURNMENT**

On a motion by Mr. Skinner and passed unanimously, the Board adjourned its meeting at 9:25 p.m.

### **VOTE:**

Ayes:	7	Mr. Benton, Mr. Cebula, Mr. McLaughlin, Mr. Ross Mr. Skinner, Mr. Trampe and Mr. Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

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Mark B. Taylor  
Clerk to the Board of Supervisors