



# **Middlesex County**

## **Animal Care and Control Ordinance**

Amended April 3, 2018

Board of Supervisors Voting as Follows:

Kathleen Swinehart	aye
Wayne H. Jessie, Sr.	aye
Peter W. Mansfield	aye
John Koontz	aye
Mark E. Holt, III	aye

**ANIMAL CARE AND CONTROL ORDINANCE**

**ARTICLE I. - IN GENERAL.....4**

Sec. 3-1. - Penalty for violation of Article I.....4

Sec. 3-2. - Definitions. ....4

Sec. 3-3. - Duties and authority of animal control officers. ....11

Sec. 3-4. - Animals and fowl prohibited to be at large upon, or to graze alongside of, any public street or highway.....12

Sec. 3-5. - Property line constitutes lawful fence as to certain animals. ....13

Sec. 3-6. - When unlawful for animals to run at large. ....13

Sec. 3-7. - Maintenance of animals and fowl. ....13

Sec. 3-8. - Infectious or contagious diseases among animals and poultry; duty of owners and custodians; procedure for establishing quarantine. ....13

Sec. 3-9. - Same—Transporting or conveying custody or possession of animal or fowl exposed to disease.....13

Sec. 3-10. - Notification by individuals finding companion animals. ....14

Sec. 3-11. - Cruelty to animals.....14

Sec. 3-11.1 - Animals in Enclosed Vehicle. ....16

Sec. 3-12. - Care of companion animals; penalty.....16

Sec. 3-13 - Care of agricultural animals; penalty.....16

Sec. 3-14 - Abandonment of animals; penalty. ....17

Sec. 3-15 - Seizure and impoundment of animals.....17

Sec. 3-16- Casting carcass in road; disposition of carcasses. ....17

**ARTICLE II. - DOGS .....18**

DIVISION 1. – GENERALLY.....18

Sec. 3-17. - Animal control officers and deputies to enforce article and applicable provisions of state dog laws.....18

Sec. 3-18. - Penalty for violation of Article II.....18

Sec. 3-19. - License required; unlicensed dogs prohibited. ....18

Sec. 3-20. - Amount of license tax, kennel tax; exemptions. ....18

Sec. 3-21. - When license tax due and payable.....19

Sec. 3-22. - Certification of inoculation or vaccination prerequisite for issuance of license.....20

Sec. 3-23. - Issuance and design of license tag; required wearing of tag. ....20

Sec. 3-24. - Payment of license tax subsequent to summons.....21

Sec. 3-25. - Effect of dog not wearing collar bearing metal license tag as evidence. ....21

Sec. 3-26. - Impoundment and redemption of dogs found at large without metal license tag. ....21

Sec. 3-27. – Dangerous Dog.....21

Sec. 3-28. – Vicious Dog.....21

Sec. 3-29. - Nuisance animal definitions. ....21

Sec. 3-29.1. - Nuisance animals.....22

Sec. 3-30. Control of Nuisance Dog(s).....22

**ARTICLE III. - RABIES CONTROL .....22**

Sec. 3-31. - Vaccination or inoculation against rabies required.....22

Sec. 3-32. - Certificate of inoculation or vaccination to be issued.....23

Sec. 3-33. - Emergency ordinance requiring confinement or restraint of dogs and cats when a rabid animal is at large. ....23

Sec. 3-34. - Report of existence of rabid animals.....23

Sec. 3-35. - Reporting of animal bites. ....23

Sec. 3-36. - Confinement or destruction of dogs, cats, or any other animals showing signs of or suspected of having rabies. ....24

Sec. 3-37. - Destruction or confinement of dog, cat, or any other animal bitten by a rabid animal. ....24

Sec. 3-38. - Confinement or destruction of animal which may have exposed a person.....25

Sec. 3-39. - Concealing or harboring an animal to prevent its destruction or confinement under article.25

Sec. 3-40. - Veterinarians to provide treasurer with rabies certificate information; civil penalty. ....25

Sec. 3-41. - Penalty for violation of Article III.....26

**ARTICLE IV. PIANKATANK SHORES DOG CONTROL ORDINANCE .....26**

Sec. 3-42. - Title .....26

Sec. 3-43. - Definitions .....26

Sec. 3-44. - Criteria for the Control of Dogs Running at Large.....27

Sec. 3-45. - Notification of Animal Control Officer.....27

Sec. 3-46. - Apprehension and Disposition of Dogs Running at Large; Fees to be paid .....27

Sec. 3-47. - Animal Control Officer to Enforce Ordinance.....27

Sec. 3-48 - Penalty for Violation of Ordinance .....27

**ARTICLE V. TOWN OF URBANNA .....27**

Sec. 3-49. -Animal control officer and deputies to enforce article and applicable provisions of state and county animal control laws within the Town of Urbanna.....27

**ARTICLE VI. COVES OF WILTON CREEK DOG CONTROL ORDINANCE .....28**

Sec. 3-50. - Title .....28

Sec. 3-51. - Definitions .....28

Sec. 3-52. - Criteria for the Control of Dogs Running at Large. ....28

Sec. 3-53. - Notification of Animal Control Officer.....28

Sec. 3-54. - Apprehension and Disposition of Dogs Running at Large; Fees to be paid.....28

Sec. 3-55. - Animal Control Officer to Enforce Ordinance .....28

Sec. 3-56 - Penalty for Violation of Ordinance .....28

## **ARTICLE I. - IN GENERAL**

### **Sec. 3-1. - Penalty for violation of Article I.**

Unless otherwise specified, a violation of this article shall be deemed a Class 3 misdemeanor and a warrant for the violation may be obtained by an animal control officer or sheriff's deputy.

### **Sec. 3-2. - Definitions.**

The following words as used in this chapter shall have the following meanings:

**Abandon** means to desert, forsake, or absolutely give up an animal without having secured another owner or custodian for the animal or by failing to provide the elements of basic care as set forth in sections [3-12](#) or [3-13](#) for a period of five (5) consecutive days.

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

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

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

**Adequate shelter** means provision of and access to shelter that is suitable for the species, age, condition, size and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; 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:

- (1) Permit the animals' feet to pass through the openings;
- (2) Sag under the animals' weight; or
- (3) 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:

- (1) Easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal; and
- (2) 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 (3) 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.

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

**Agricultural animals** mean all livestock and poultry.

**Ambient temperature** means the temperature surrounding the animal.

**Animal** means any nonhuman vertebrate species except fish. For the purposes of Article III, animal means any species susceptible to rabies. For the purposes of section 3-11, 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.

**Boarding establishment** means a place or establishment other than a public or private animal shelter where companion animals not owned by the proprietor are sheltered, fed, and watered in exchange for a fee.

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

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

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

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

**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:

- (1) 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;
- (2) If both animals are owned by the same person;
- (3) If such attack occurs on the property of the attacking or biting dog's owner or custodian; or
- (4) 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. No dog that has bitten, attacked, or inflicted injury on a person shall be found to be a dangerous dog if the court determines, based on the totality of the evidence before it, that the dog is not dangerous or a threat to the community.

**Dealer** means any person who, in the regular course of business for compensation or profit, buys, sells, transfers, exchanges, or barters companion animals. The following shall not be considered dealers:

- (1) Any person who transports companion animals in the regular course of business as a common carrier; or

- (2) Any person or organization whose primary purpose is to find permanent adoptive homes for companion animals.

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

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

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

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

**Euthanasia** means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death, or by a method that involves anesthesia, produced by an agent that causes painless loss of consciousness and death during such loss of consciousness.

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

**Exotic animal** means any live monkey (nonhuman primate), raccoon, skunk, wolf, wolf-canine hybrid, squirrel, fox, and other nondomesticated porcine, leopard, tiger, lion, panther, or any other similar warm-blooded animal, venomous reptile to include, but not limited to: coral snakes, rattlesnakes, cottonmouth snakes, vipers and cobras, sea snakes, gila monsters, Mexican beaded lizards, or nonvenomous reptiles six (6) feet or longer in length which can normally be found in the wild; all constrictor-type snakes, poisonous arachnids to include, but not limited to: black widow spiders, brown recluse spiders, scorpions, poisonous amphibians to include, but not limited to: poison arrow frogs or any member of the crocodylian family including, but not limited to: alligators, crocodiles, caimans, and gavials; or any other animal that would require a standard of care and control greater than that required for customary household pets sold by commercial pet shops or domestic farm animals. Ferrets and birds which are normally purchased through pet stores, nonpoisonous reptiles less than six (6) feet in length, domestic rabbits, domestic rodents which have been bred in captivity and have not been kept in the wild, shall be excluded from the definitions of wild and exotic animals.

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

**Farming activity** means, consistent with standard animal husbandry practices, the raising, management, and use of agricultural animals to provide food, fiber, or transportation and the

breeding, exhibition, lawful recreational use, marketing, transportation, and slaughter of agricultural animals pursuant to such purposes.

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

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

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

**Health director** means an employee of the Virginia Department of Health with authority to enforce the regulations promulgated by the State Board of Health.

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

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

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

**Incorporated** means organized and maintained as a legal entity in the Commonwealth.

**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; capradae animals; animals of the genus Lama; ratites; fish or shellfish in aquaculture facilities, as defined in section 3.2-2600 of the Code of Virginia; 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.

**Local ordinance** means any law, rule, regulation, or ordinance promulgated by the governing body of the county.

**Locality** or *local government* means a county, city or town, as the context may require.

**New owner** means an individual who is legally competent to enter into a binding agreement pursuant to subdivision B2 of section 3.2-6574 of the Code of Virginia, and who adopts or receives a dog or cat from a releasing agency.

**Owner** means any person who:

- (1) Has a right of property in an animal;
- (2) Keeps or harbors an animal;
- (3) Has an animal in his care; or
- (4) Acts as a custodian of an animal.

**Person** means any individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity.

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

**Poisonous and/or venomous animal** shall mean any animal, fowl, reptile or amphibian that causes injury, illness or death by chemical means.

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

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

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

**Properly cleaned** means:

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

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

**Properly lighted, when referring to a private residential dwelling and its surrounding grounds**, means sufficient illumination to permit routine maintenance and cleaning thereof, and observation of the companion animals; and to provide regular diurnal lighting cycles of either natural or artificial light to promote the well-being of the animals.

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

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

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

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

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

**State veterinarian** means the veterinarian employed by the commissioner of agriculture and consumer services as provided in section 3.2-5901 of the Code of Virginia.

**State veterinarian's representative** means any person who is either: (i) an employee of the department of agriculture and consumer services who is under the direction of the state veterinarian; or (ii) a veterinarian deputized pursuant to section 3.2-5901 of the Code of Virginia.

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

**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.

**Vicious dog** means a canine or canine crossbreed that has:

- (1) Killed a person;
- (2) Inflicted serious injury to a person. 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; or
- (3) 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.

**Weaned** means that an animal is capable of and physiologically accustomed to ingestion of solid food or food customary for the adult of the species, and has ingested such food, without nursing, for a period of at least five (5) days.

**Wild animal** means any warm-blooded animal that can normally be found in the wild state.

### **Sec. 3-3. - Duties and authority of animal control officers.**

(a) By authority of the board of supervisors, the county shall employ an animal control officer and one (1) or more deputy animal control officers who shall have the power to enforce this entire chapter and all state laws enacted for animal control and protection.

(b) The animal control officer and deputy animal control officers shall have a working knowledge of this chapter and of animal control and protection laws of Virginia which they are required to enforce. When in uniform or upon displaying a badge or other credentials of office, the animal control officers and deputy animal control officers shall have the power to issue a summons or obtain a felony warrant as necessary, providing the execution of such warrant shall be carried out by any law enforcement officer as defined in section 9.1-101 of the Code of Virginia, to any person found in the act of violating any such law or any ordinance enacted

pursuant to such law of the county in which the animal control officer or deputy animal control officer is appointed.

(c) Whenever the term "animal control officer" is used in this chapter, it shall mean the animal control officer appointed and employed pursuant to this section or any duly employed deputy animal control officer.

(d) Nothing in this section shall be construed to prevent the issuance of a warrant for any violation of this chapter based upon the complaint of any citizen or any law enforcement officer and upon a finding of probable cause by an officer authorized to issue arrest warrants generally.

(e) Every animal control officer and deputy animal control officers shall complete the training required by section 3.2-6556 of the Code of Virginia. Such training shall include, and be completed within two (2) years after appointment, a basic animal control course that has been approved by the state veterinarian which shall include training in recognizing suspected child abuse and neglect and information on how complaints may be filed. Thereafter, all animal control officers shall complete such additional training as may be required by the Code of Virginia. The county shall submit to the state veterinarian, on a form provided by him, information concerning the employment and training status of the animal control officers employed by the county. The state veterinarian may require that the county notify him of any change in such information.

(f) No individual shall interfere with an animal control officer in the legal performance of his or her duties. This includes, but is not limited to, striking or attempting to strike the animal control officer; providing the animal control officer with false information; taking or attempting to take any animal from an animal control officer in the legal performance of his or her duties; taking or attempting to take any animal from any property owned or controlled by the county without proper authority or taking or damaging any county property used in conjunction with the animal control officers duties.

(g) It shall be unlawful and shall constitute a Class 2 misdemeanor for any person to make a false statement to an animal control officer while in the performance of their duties conducting an investigation.

### **Sec. 3-4. - Animals and fowl prohibited to be at large upon, or to graze alongside of, any public street or highway.**

It shall be unlawful for any person to permit any animal or fowl owned by him or in his custody or under his control to run at large upon, or to graze alongside, any public street or highway, whether such street or highway be enclosed by fence or not.

**Sec. 3-5. - Property line constitutes lawful fence as to certain animals.**

The boundary line of each lot or tract of land in this county is hereby declared to be a lawful fence as to any horse, mule, cattle, hog, sheep, goat, or poultry.

**Sec. 3-6. - When unlawful for animals to run at large.**

It shall be unlawful for the owner or custodian of any animal or type of animal described in section 3-5 to allow said animal to run at large, as to which the boundaries of lots or tracts of land have been or may be constituted a lawful fence, or to allow said animal to run at large beyond the limits of the animal owner's lands within the county, magisterial district or portion of such county wherein such boundaries have been constituted and shall be a lawful fence.

**Sec. 3-7. - Maintenance of animals and fowl.**

(a) 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 and so as not to constitute a nuisance. Solid and liquid waste matter shall be removed there from not less than twice each week, and more frequently if necessary, to eliminate offensive odors or to prevent accumulations constituting a hazard to the health or safety of any person, animal or fowl.

**Sec. 3-8. - Infectious or contagious diseases among animals and poultry; duty of owners and custodians; procedure for establishing quarantine.**

(a) It shall be the duty of any person owning or having the custody of any animal or poultry within the county, upon ascertaining that such animal or fowl may be afflicted with a contagious or infectious disease, to forthwith give notice thereof to the health director.

(b) The health director, upon receipt of such notice, shall then cause an investigation to be made to determine whether quarantine lines should be established within any part of the county, and upon an affirmative finding, the health director shall forthwith give notice to the state veterinarian as to the facts determined by such investigation, for such action as the state veterinarian may deem appropriate under the provisions of sections 3.2-6000 through 3.2-6030 of the Code of Virginia.

**Sec. 3-9. - Same—Transporting or conveying custody or possession of animal or fowl exposed to disease.**

It shall be unlawful for any person to drive, or by any other means, to transport beyond his own property or to sell, give away, or otherwise convey the possession or custody of any animal or fowl, knowing or having reason to know that such animal or fowl has, or has been exposed to, any infectious or contagious disease; provided, that nothing in this subsection shall be construed to prohibit the transportation of any animal or fowl to a veterinarian's office, animal hospital, or other place for care or treatment, or to prohibit the custody of such animal or fowl by a licensed veterinarian or other person qualified to render care or treatment to such animal or fowl.

### **Sec. 3-10. - Notification by individuals finding companion animals.**

(a) Any individual who finds a companion animal and (i) provides care or safekeeping, or (ii) retains the companion animal in such a manner as to control its activities shall, within forty-eight (48) hours:

- (1) Make a reasonable attempt to notify the owner of the companion animal, if the owner can be ascertained from any tag, license, collar, tattoo, microchip, or other form of identification or markings, or if the owner of the animal is otherwise known to the individual; and
- (2) Notify the animal control department and inform them where the companion animal was found and provide contact information, including a name, a contact telephone number, a description of the animal, including information from any tag, license, collar, tattoo, microchip, or other identification or markings, and the location where the companion animal was found.

(b) If any individual finds a companion animal and (i) provides care or safekeeping, or (ii) retains the companion animal in such a manner as to control its activities, the individual shall comply with the provisions of section 3.2-6503 of the Code of Virginia and section 3-12 of this article.

(c) Any individual who violates this section shall be subject to a civil penalty not to exceed fifty dollars (\$50.00) per companion animal.

### **Sec. 3-11. - Cruelty to animals.**

(a) Any person who:

- (1) Overrides, overdrives, overloads, tortures, ill-treats, abandons, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly or unnecessarily beats, maims, mutilates, or kills any animal, whether belonging to himself or another;
- (2) Deprives any animal of necessary food, drink, shelter, or emergency veterinary treatment;
- (3) Sores any equine for any purpose or administers drugs or medications to alter or mask such sores for the purpose of sale, show, or exhibition of any kind, unless such administration of drugs or medications is within the context of a veterinary client-patient relationship and solely for therapeutic purposes;

- (4) Willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal;
- (5) Carries or causes to be carried in or upon any vehicle, vessel, or otherwise any animal in a cruel, brutal, or inhumane manner, so as to produce torture or unnecessary suffering; or
- (6) Causes any of the above things, or being the owner of such animal permits such acts to be done by another, shall be guilty of a Class 1 misdemeanor.

(b) Subsequent violations punishable as a Class 6 felony shall be charged under section 3.2-6570(B) of the Code of Virginia.

(c) Nothing in this section shall be construed to prohibit the dehorning of cattle conducted in a reasonable and customary manner.

(d) For the purposes of this section the word animal shall be construed to include birds and fowl.

(e) This section shall not prohibit authorized wildlife management activities or hunting, fishing, or trapping as regulated under the other titles of the Code of Virginia including, but not limited to, Title 29.1, or to farming activities as provided under Title 3.2 or regulations promulgated there under.

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

(g) It is unlawful for any person to kill a domestic dog or cat for the purpose of obtaining the hide, fur, or pelt of the dog or cat. A violation of this subsection shall constitute a Class 1 misdemeanor. A second or subsequent violation of this subsection shall be charged under section 3.2-6570(E) of the Code of Virginia.

(h) Any person who (i) tortures, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly and unnecessarily beats, maims, or mutilates any dog or cat that is a companion animal whether belonging to him or another and (ii) as a direct result causes the death of such dog or cat that is a companion animal, or the euthanasia of such animal on the recommendation of a licensed veterinarian upon determination that such euthanasia was necessary due to the condition of the animal, punishable as a Class 6 felony, shall be charged under section 3.2-6570(F) of the Code of Virginia. If a dog or cat is attacked on its owner's property by a dog so as to cause injury or death, the owner of the injured dog or cat may use all reasonable and necessary force against the dog at the time of the attack to protect his dog or cat. Such owner may be presumed to have taken necessary and

appropriate action to defend his dog or cat and shall therefore be presumed not to have violated this subsection.

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

### **Sec. 3-11.1 - Animals in Enclosed Vehicle.**

It shall be unlawful to leave a dog or cat in an enclosed vehicle without the benefit of air conditioning when the outside temperature reaches 80 degrees Fahrenheit or greater.

Violation of this section is a class 3 misdemeanor

### **Sec. 3-12. - Care of companion animals; penalty.**

(a) Each owner or custodian shall provide for each of his companion animals all the following as defined in section 3.2-6500 of the Code of Virginia:

- (1) Adequate feed;
- (2) Adequate water;
- (3) Adequate shelter that is properly cleaned;
- (4) Adequate space in the primary enclosure for the particular type of animal depending upon its age, size, species, and weight;
- (5) Adequate exercise;
- (6) Adequate care, treatment and transportation; and
- (7) Veterinary care when needed to prevent suffering or disease transmission.

The provisions of this section shall also apply to every public or private animal shelter, or other releasing agency, and every foster care provider, dealer, pet shop, exhibitor, kennel, groomer, and boarding establishment. This section shall not require that animals used as food for other animals be euthanized.

(b) Game and wildlife species shall be cared for in accordance with current regulations promulgated by the Virginia Department of Games and Inland Fisheries.

(c) Violation of this section is a class 4 misdemeanor. A second or subsequent violation of section 3-12(a)(1), (2), (3) or (7) is a class 2 misdemeanor; and a second or subsequent violation of section 3-12(a)(4), (5) or (6) is a class 3 misdemeanor.

### **Sec. 3-13 - Care of agricultural animals; penalty.**

(a) Each owner or custodian shall provide for each of his agricultural animals:

- (1) Feed to prevent malnourishment;
- (2) Water to prevent dehydration; and

(3) Veterinary treatment as needed to address impairment of health or bodily function when such impairment cannot be otherwise addressed through animal husbandry, including humane destruction.

(b) The provisions of this section shall not require an owner to provide feed or water when such is customarily withheld, restricted, or apportioned pursuant to a farming activity or if otherwise prescribed by a veterinarian.

(c) There shall be a rebuttable presumption that there has been no violation of this section if an owner is unable to provide feed, water, or veterinary treatment due to an act of God.

(d) The provisions of this section shall not apply to agricultural animals used for bona fide medical or scientific experimentation.

(e) A violation of this section is a class 4 misdemeanor.

### **Sec. 3-14 - Abandonment of animals; penalty.**

No person shall abandon or dump any animal. Violation of this section is a Class 3 misdemeanor. Nothing in this section shall be construed to prohibit the release of an animal by its owner to a public or private animal shelter or other releasing agency.

### **Sec. 3-15 - Seizure and impoundment of animals.**

(a) Any humane investigator, law enforcement officer or animal control officer may lawfully seize and impound any animal that has been abandoned, has been cruelly treated, or is suffering from an apparent violation of this article that has rendered the animal in such condition as to constitute a direct and immediate threat to its life, safety, or health. Such seizure and impoundment shall be effected consistent with the provisions of Va. Code § 3.2-6569.

(b) If the owner or custodian of any companion animal which has been impounded can be reasonably ascertained, that person shall be given notice of the impoundment. The owner or custodian shall pay to the county an impoundment fee of twenty dollars (\$20.00), and a boarding fee of ten dollars (\$10.00) per day for each day the animal remains impounded, for each animal impounded. All fees and medical expenses accrued shall be paid to the treasurer's office.

### **Sec. 3-16- Casting carcass in road; disposition of carcasses.**

(a) It shall be unlawful for any person to cast any dead animal or fowl into the road, or knowingly permit any dead animal or fowl to remain unburied upon his property when offensive to the public, or have in custody any maimed, diseased, disabled, or infirm animal or fowl, or to leave it to lie or be in a street, road, or public place.

(b) The owner of any animal or grown fowl which has died, when he knows of such death, shall forthwith have its body cremated, buried, or sanitarily disposed of, and if he fails to do so, after notice to the owner if he can be ascertained, the animal control officer or other officer shall cause any such dead animal or fowl to be cremated or buried, and the officer shall be entitled to

recover from the owner of every such animal or grown fowl so cremated or buried, the actual cost of such cremation or burial to be recovered in the same manner as officers' fees are recovered, free from all exemptions in favor of such owner.

**ARTICLE II. - DOGS**

**DIVISION 1. – GENERALLY**

**Sec. 3-17. - Animal control officers and deputies to enforce article and applicable provisions of state dog laws.**

Pursuant to the provisions of section 3.2-6555 of the Code of Virginia, the animal control officer and his deputies shall enforce the provisions of this article and the applicable provisions of the comprehensive animal laws, Title 3.2, Chapter 65 of the Code of Virginia, within this county, under the general supervision of the assistant county administrator.

**Sec. 3-18. - Penalty for violation of Article II.**

A violation of this article shall be deemed a Class 3 misdemeanor, unless a different class or punishment is provided therefore.

**Sec. 3-19. - License required; unlicensed dogs prohibited.**

It shall be unlawful for any person to own or have in his custody within the county, a dog four (4) months or more of age, unless such dog is licensed as provided in this article.

**Sec. 3-20. - Amount of license tax, kennel tax; exemptions.**

(a) The license tax shall be as follows:

<b>Dog (Male or Female)</b>	<b>Type of Rabies Certificate* (up to three (3) years)</b>	<b>License Tax</b>
Unneutered/unspayed	One (1) year Multiyear	\$10.00 27.00
Neutered/spayed*	One (1) year Multiyear	5.00 12.00

\*Evidence from a licensed veterinarian required.

Abatement of the multiyear license tax will be made only in cases where the rabies certificate expires in less than twelve (12) months. In those cases, the tax applicable to a one-year certificate will be imposed.

(1) The annual tax for dog kennels shall be as follows:

Number of Dogs** Up to:	License Tax
5-20	\$30.00
21-30	\$40.00
More than 30	\$50.00

Duplicate licenses to replace current previously purchased licenses shall be issued by the treasurer's office for one dollar (\$1.00) per tag.

(b) No license tax shall be levied 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 trained and serves as a service dog for a mobility-impaired person or otherwise disabled person. Terms used in this section are defined as follows:

*Hearing dog* means a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond.

*Mobility-impaired person* means any person who has completed training to use a dog for service or support because he is unable to move about without the aid of crutches, a wheelchair, or any other form of support or because of limited functional ability to ambulate, climb, descend, sit, rise, or perform any related function.

*Otherwise disabled person* means any person who has a physical, sensory, intellectual, developmental, or mental disability or a mental illness.

*Service dog* means a dog trained to do work or perform tasks for the benefit of a mobility-impaired or otherwise disabled person. The work or tasks performed by a service dog shall be directly related to the individual's disability or disorder. Examples of work or tasks include providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting an individual to the presence of allergens, retrieving items, carrying items, providing physical support and assistance with balance and stability, and preventing or interrupting impulsive or destructive behaviors. The provision of emotional support, well-being, comfort, or companionship shall not constitute work or tasks for the purposes of this definition.

**Sec. 3-21. - When license tax due and payable.**

(a) The license tax for each dog is due no later than thirty (30) days after a dog has reached the age of four (4) months, or no later than thirty (30) days after an owner acquires a dog four (4) months of age or older. Such license tax shall cover a license period which runs concurrently with the rabies vaccination and shall expire upon expiration of the current rabies vaccination.

- (b) All kennel licenses shall be due on January 1 and not later than January 31 of each year.
- (c) It shall be unlawful for the owner of any dog to fail to pay the license tax when due. Upon conviction of any owner for a violation of this provision, in addition to any penalty imposed, the court may order the confiscation and proper disposition of the dog.

**Sec. 3-22. - Certification of inoculation or vaccination prerequisite for issuance of license.**

(a) No license shall be issued for any dog pursuant to section 3-20, unless at the time of application the applicant presents to the treasurer's office a certificate issued 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. Such certificate shall be valid on the date of application and shall show that such dog has been inoculated or vaccinated against rabies. The license period shall cover the timeframe which runs concurrently with the rabies vaccination and shall expire upon expiration of the current rabies vaccination.

(b) No metal tag shall be issued for any dog subject to a kennel license issued pursuant to section 3-20, unless at the time of application the applicant presents to the treasurer's office a certificate issued 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. Such certificate shall be valid on the date of application and shall show that such dog has been inoculated or vaccinated against rabies. The metal tag shall be valid for the period of the kennel license or until the expiration of the current rabies vaccination, whichever occurs first.

**Sec. 3-23. - Issuance and design of license tag; required wearing of tag.**

(a) Upon receipt of a proper application, current certificate(s) of vaccination, as required by [Section 3-31](#) and prescribed license tax, the treasurer's office shall issue a dog or kennel license.

(b) Each dog license shall consist of a license tax receipt and a metal tag.

(c) Each kennel license shall consist of a license tax receipt and metal tags. Metal kennel tags shall only be issued for the number of dogs that the owner can show satisfactory evidence have been vaccinated against rabies as required in [section 3-31](#). All other unused kennel tags will be held by the treasurer's office to be given to the owner of said kennel license, if they wish to license additional vaccinated dogs.

(d) On such receipt, the treasurer's office shall record the name and address of the owner or custodian, the date of payment, the period for which the license is issued, the serial number of the tag, and whether male, female, unsexed, or kennel. The receipt information shall be retained by the treasurer's office, open to public inspection, during the period for which such license is valid.

(e) The metal license tag shall be stamped or permanently marked to show that it was issued by Middlesex County, Virginia, and to show the serial number.

(f) The metal license tag shall be affixed to the collar of the dog to which it relates, and must be worn by such dog at all times except:

- (1) When the dog is competing in a dog show; or

- (2) When the dog has a skin condition which would be exacerbated by the wearing of a collar.

### **Sec. 3-24. - Payment of license tax subsequent to summons.**

Payment of the license tax subsequent to a summons to appear before a court for failure to do so within the time required, shall not operate to relieve such owner from the penalties or court costs provided under Va. Code §§ 16.1-69.48:1 or 17.1-275.1.

### **Sec. 3-25. - Effect of dog not wearing collar bearing metal license tag as evidence.**

Any dog not wearing a collar bearing a valid metal license tag shall prima facie be deemed to be unlicensed, and in any proceedings under this article the burden of proof of the fact that 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.

### **Sec. 3-26. - Impoundment and redemption of dogs found at large without metal license tag.**

The animal control officer shall seize and impound, at a facility designated for such purpose by the board of supervisors, any dog found running at large without wearing a valid metal license tag, and any other dog requiring impoundment by any provision of this Code or any provision of the Code of Virginia. If the owner or custodian of any dog so impounded can be ascertained, that person shall be given notice of such impoundment. Prior to redemption of the dog, the owner or custodian shall pay an impoundment fee of twenty dollars (\$20.00) for each and every time the same animal is impounded, and a boarding fee of ten dollars (\$10.00) per day for each day that the animal remains impounded in the county's facility. All fees and medical expenses accrued shall be paid to the treasurer's office prior to the release of the dog to the owner.

### **Sec. 3-27. - Dangerous Dog.**

Until further notice all dangerous cases will be prosecuted under the State Law pursuant to Code of Va., §3.2-6540 et seq.

### **Sec. 3-28. - Vicious Dog.**

Until further notice all vicious cases will be prosecuted under the State Law pursuant to Code of Va., §3.2-6540.1 et seq.

### **Sec. 3-29. - Nuisance animal definitions.**

The term "nuisance animal" shall mean and include, but is not limited to, any companion animal or domestic animal, livestock or fowl, that:

- (a) Damages the property of anyone other than its owner;

- (b) Molests or intimidates pedestrians or passersby while off the property of its owner;
- (c) Chases vehicles;
- (d) Habitually attacking but not seriously injuring other domestic animals;
- (e) Trespassing upon school grounds and public parks;
- (f) Owning or having in his/her possession or under his/her control any female dog in estrus (in season) shall exercise proper care and control over such animal to prevent it from becoming a nuisance. Allowing such animal to be at large or to be tied outside of a fenced or other enclosed area so as to attract other animals shall constitute a nuisance.

### **Sec. 3-29.1. - Nuisance animals.**

It shall be unlawful for any owner or custodian of a domestic animal to fail to exercise proper care and control of his/her animal to prevent it from becoming a public nuisance.

### **Sec. 3-30. Control of Nuisance Dog(s)**

It shall be unlawful for any person who owns or is custodian of any dog or dogs that has been found to be a nuisance Animal by the general district court to fail to prevent such dog or dogs to run at large at any time within Middlesex County, Virginia, except when engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event. Any person who permits his dog to run at large, or remain unconfined, unrestricted or not penned up shall be deemed to have violated the provisions of this section and is guilty of a class 3 misdemeanor.

State law reference – Code of Virginia §3.2-6538

## **ARTICLE III. - RABIES CONTROL**

### **Sec. 3-31. - Vaccination or inoculation against rabies required.**

The owner or custodian of all dogs and cats four months of age and older shall have such animal currently vaccinated for rabies by a licensed veterinarian or licensed veterinary technician who is under the immediate and direct supervision of a licensed veterinarian on the premises unless otherwise provided by regulations. The supervising veterinarian on the premises shall provide the owner or custodian of the dog or the cat with a rabies vaccination certificate or herd rabies vaccination certificate and shall keep a copy in his own files. The owner or custodian of the dog or the cat shall furnish within a reasonable period of time, upon the request of an animal control officer, humane investigator, law-enforcement officer, State Veterinarian's representative, or official of the Department of Health, the certificate of vaccination for such dog or cat. The vaccine used shall be licensed by the U.S. Department of Agriculture for use in that species. At the discretion of the local health director, a medical record from a licensed veterinary establishment reflecting a currently vaccinated status may serve as proof of vaccination.

Vaccination subsequent to a summons to appear before a court for failure to do so shall not operate to relieve such owner from the penalties or court costs.

### **Sec. 3-32. - Certificate of inoculation or vaccination to be issued.**

Upon the inoculation or vaccination of a dog or cat by a currently licensed veterinarian or certified animal technician under the provisions of this article, the veterinarian or certified animal technician shall issue to the person procuring such inoculation or vaccination, a certificate bearing the signature of the veterinarian or animal technician and stating that he is a veterinarian currently licensed by the state or animal technician certified pursuant to the Code of Virginia. Pursuant to section 3.2-6529 of the Code of Virginia, the rabies vaccination certificate shall include at a minimum, the signature of the veterinarian, the animal owner's name and address, phone number, the species of the animal, the sex, the age, the color, the primary breed, whether or not the animal is spayed or neutered, the vaccination number, and expiration date. The rabies vaccination certificate shall indicate the locality in which the animal resides. The veterinarian or animal technician shall retain a duplicate or electronic copy of such certificate for so long as the immunity to rabies caused by such inoculation or vaccination is deemed to be effective.

Upon request by the animal control officer, officials of the local health department or other persons charged with enforcing this article, such certificate or other proof of inoculation or vaccination shall be made available for inspection.

### **Sec. 3-33. - Emergency ordinance requiring confinement or restraint of dogs and cats when a rabid animal is at large.**

When there is sufficient reason to believe that the risk of exposure to rabies is elevated, the 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 cats in the county to keep the same confined on their premises, unless leashed under restraint of the owner in such a manner that persons or animals will not be subject to the danger of being bitten by a rabid animal. Any such emergency ordinance enacted pursuant to the provisions of this section shall be operative for a period not to exceed thirty (30) days, unless renewed by the board of supervisors in consultation with the local health director. It shall be unlawful for any person to violate the provisions of any such ordinance.

### **Sec. 3-34. - Report of existence of rabid animals.**

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

### **Sec. 3-35. - Reporting of animal bites.**

(a) All animal bites of human beings shall be reported to the local health department and to the animal control department within twenty-four (24) hours after the occurrence.

(b) Such report shall include the name and address of the person bitten; the location of biting animal; the name and address of the owner of the biting animal, if obtainable; a reasonable description of the animal; the date and time of day of the injury; the part of the body on which the bite was inflicted; and, if possible, whether the biting animal has been vaccinated against rabies.

(c) The responsibility for so reporting is mutually charged to attending medical personnel, veterinarians, owners of the biting animals, persons bitten and any other persons who may have knowledge of the occurrence.

(d) It shall be unlawful for any person to knowingly withhold information from, or knowingly give false information to any animal control officer or other law enforcement officer which would reasonably lead to the discovery or location and capture for any animal reasonably identifiable as one which has bitten a human being. Any person violating the provisions of this subsection shall be guilty of a Class 2 misdemeanor.

### **Sec. 3-36. - Confinement or destruction of dogs, cats, or any other animals showing signs of or suspected of having rabies.**

Any dog or cat showing active signs of rabies or suspected of having rabies that is not known to have exposed a person, companion animal, or livestock to rabies shall be confined under competent observation for such a time as may be necessary to determine a diagnosis. If, in the discretion of the local health director, confinement is impossible or impracticable, such dog or cat shall be euthanized by one of the methods approved by the State Veterinarian as provided in Va. Code § 3.2-6546. The disposition of other animals showing active signs of rabies shall be determined by the local health director and may include euthanasia and testing.

### **Sec. 3-37. - Destruction or confinement of dog, cat, or any other animal bitten by a rabid animal.**

Any dog or cat, for which no proof of current rabies vaccination is available, and that may have been exposed to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, by an animal suspected to be rabid, shall be isolated in a public animal shelter, kennel, or enclosure approved by the local health department for a period not to exceed six months at the expense of the owner or custodian in a manner and by a date certain as determined by the local health director. A rabies vaccination shall be administered by a licensed veterinarian prior to release. Inactivated rabies vaccine may be administered at the beginning of isolation. Any dog or cat so bitten, or exposed to rabies through saliva or central nervous system tissue, in a fresh open wound or mucous membrane with proof of current vaccination, shall be revaccinated by a licensed veterinarian immediately following the exposure and shall be confined to the premises of the owner or custodian, or other site as may be approved by the local health department at the expense of the owner or custodian, for a period of 45 days. If the local health director determines that isolation is not feasible or maintained, such dog or cat shall be euthanized by one of the methods approved by the State Veterinarian as provided in Va. Code § 3.2-6546. The disposition of such dogs or cats not so confined shall be at the discretion of the local health director.

### **Sec. 3-38. - Confinement or destruction of animal which may have exposed a person.**

(a) At the discretion of the local health director, any animal that may have exposed a person shall be confined under competent observation for 10 days at the expense of the owner or custodian, unless the animal develops active signs of rabies, expires, or is euthanized before that time. A seriously injured or sick animal may be euthanized as provided in Va. Code § 3.2-6546.

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

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

### **Sec. 3-39. - Concealing or harboring an animal to prevent its destruction or confinement under article.**

It shall be a violation of this article, and punishable as a Class 3 misdemeanor, for any person to conceal or harbor any dog, cat, or other animal to keep the same from being destroyed or confined in accordance with this article.

### **Sec. 3-40. - Veterinarians to provide treasurer with rabies certificate information; civil penalty.**

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

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

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

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

Any veterinarian that willfully fails to provide the treasurer of any locality with a copy of the rabies vaccination certificate or the information contained in such certificate may be subject to a civil penalty not to exceed \$10 per certificate. Monies raised pursuant to this subsection shall be placed in the locality's general fund for the purpose of animal control activities including spay or neuter programs.

State law reference – Code of Virginia § 3.2-6529

### **Sec. 3-41. - Penalty for violation of Article III.**

A violation of any section of this article shall be deemed a Class 3 misdemeanor unless otherwise prescribed.

## **ARTICLE IV. PIANKATANK SHORES DOG CONTROL ORDINANCE**

### **Sec. 3-42. - Title**

This Ordinance shall be known and may be cited as the Piankatank Shores Dog Control Ordinance

### **Sec. 3-43. - Definitions**

***Piankatank Shores Subdivision:*** All those lots or parcels of land lying along each side and at the end of State Route 690, shown on Tax Map 37A, and recorded within the Deed Books of the Circuit Court Clerk's Office, Middlesex County, at the following pages: Section A - Book 80, page 294; Section B - Book 81, page 290; Section C - Book 81, page 301; Section D - Book 84, page 83; Section E - Book 85, page 442; Section G - Book 86, page 166; Section H -Book 86, page 171

***Running at Large:*** For the purpose of this Ordinance, a dog shall be deemed to run at large while roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control. dogs to run at large at any time within Piankatank Shores Subdivision, Middlesex County, Virginia.

**Sec. 3-44. - Criteria for the Control of Dogs Running at Large.**

It shall be unlawful for any person who owns or is custodian of any dog or dogs to allow such dog or dogs to run at large at any time within the Piankatank Shores Subdivision, Middlesex County, Virginia. Any person who permits his dog to run at large, or remain unconfined, unrestricted or not penned up shall be deemed to have violated the provisions of this section.

**Sec. 3-45. - Notification of Animal Control Officer**

Any citizen who encounters a dog or dogs running at large as defined under this ordinance may notify the County Animal Control Officer.

Such person shall also present themselves upon request of the County Animal control officers before any court. Of competent jurisdiction to testify as to the circumstances known to them, which gave rise to the complaint of the dog(s), running at large.

**Sec. 3-46. - Apprehension and Disposition of Dogs Running at Large; Fees to be paid**

Any dog or dogs running at large as defined under this Ordinance may be apprehended and placed in the County dog shelter by the County Animal Control officer and may be reclaimed by the owner or custodian upon showing satisfactory proof that he is the owner or custodian of said dog(s) and upon payment of an impoundment fee of twenty five (\$25.00) and a board fee of ten dollars (\$10.00) per day, or any portion thereof, which the dog is so confined.

**Sec. 3-47. - Animal Control Officer to Enforce Ordinance**

It shall be the duty of the Animal Control Officer of the County to enforce the provisions of this Ordinance

**Sec. 3-48 - Penalty for Violation of Ordinance**

A violation of this Ordinance shall be punishable as a Class 3 misdemeanor.

(State law reference §3.2-6538)

**ARTICLE V. TOWN OF URBANNA**

**Sec. 3-49. -Animal control officer and deputies to enforce article and applicable provisions of state and county animal control laws within the Town of Urbanna.**

Pursuant to the provisions of Section 3.2-6555 of the Code of Virginia, the animal control officer and his deputies shall enforce the provisions of the Middlesex County Animal Care and Control Ordinance and the applicable provisions of Title 3.2 of the Code of Virginia within the Town of Urbanna, under the general supervision of the assistant county administrator.

## **ARTICLE VI. COVES OF WILTON CREEK DOG CONTROL ORDINANCE**

### **Sec. 3-50. - Title**

This Ordinance shall be known and may be cited as the Coves of Wilton Creek Dog Control Ordinance

### **Sec. 3-51. - Definitions**

*Coves of Wilton Creek Subdivision:* All those lots or parcels of land lying along State Route 3, shown on Tax Map 43C, and recorded within the Deed Books of the Circuit Court Clerk's Office, Middlesex County.

*Running at Large:* For the purpose of this Ordinance, a dog shall be deemed to run at large while roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control. dogs to run at large at any time within the Coves of Wilton Creek Subdivision, Middlesex County, Virginia.

### **Sec. 3-52. - Criteria for the Control of Dogs Running at Large.**

It shall be unlawful for any person who owns or is custodian of any dog or dogs to allow such dog or dogs to run at large at any time within the Coves of Wilton Creek Subdivision, Middlesex County, Virginia. Any person who permits his dog to run at large, or remain unconfined, unrestricted or not penned up shall be deemed to have violated the provisions of this section.

### **Sec. 3-53. - Notification of Animal Control Officer**

Any citizen who encounters a dog or dogs running at large as defined under this ordinance may notify the County Animal Control Officer.

Such person shall also present themselves upon request of the County Animal control officers before any court. Of competent jurisdiction to testify as to the circumstances known to them, which gave rise to the complaint of the dog(s), running at large.

### **Sec. 3-54. - Apprehension and Disposition of Dogs Running at Large; Fees to be paid**

Any dog or dogs running at large as defined under this Ordinance may be apprehended and placed in the County dog shelter by the County Animal Control officer and may be reclaimed by the owner or custodian upon showing satisfactory proof that he is the owner or custodian of said dog(s) and upon payment of an impoundment fee of twenty five (\$25.00) and a board fee of ten dollars (\$10.00) per day, or any portion thereof, which the dog is so confined.

### **Sec. 3-55. - Animal Control Officer to Enforce Ordinance**

It shall be the duty of the Animal Control Officer of the County to enforce the provisions of this Ordinance

### **Sec. 3-56 - Penalty for Violation of Ordinance**

A violation of this Ordinance shall be punishable as a Class 3 misdemeanor.

(State law reference §3.2-6538)