

ORDINANCE NO. 4-27

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 4, ANIMALS AND FOWL OF THE CODE OF THE COUNTY OF SPOTSYLVANIA, VIRGINIA.

BE IT ORDAINED By the Board of Supervisors of the County of Spotsylvania, Virginia, that Chapter 4, Animals and Fowl, is hereby amended and reordained by amending Code Section 4-16, as follows:

Chapter 4

ANIMALS AND FOWL*

Sec. 4-16. Noise from animals.

(a) It shall be unlawful for any person to allow within the county barking or other noises to be made by any animal under his ownership or control, so as to be plainly audible within a residential dwelling of one (1) or more members of the community for more than one cumulative hours during any twenty-four (24) hour period, provided, however, this section shall not apply to the following:

- (1) Those portions of the Berkeley and Livingston Districts which are located both south of the Norton Prong Creek and Po River, except (1) within the Meadowview Estates Subdivision and Taverneer Subdivision within the Berkeley District, (2) subdivisions or developments within the resort residential zoning district and (3) subdivisions or developments of 10 lots or more with an average lot size of one and one-half (1.5) acres or less.

(b) For the purpose of this section, a person shall be deemed to have "allowed" his animal to bark or create noises which are plainly audible within a residential dwelling after two (2) persons who are not members of the same household, one of whom may be a sheriff's department deputy or animal control officer, or one (1) person if there are no more than two (2) households within seven hundred fifty (750) feet of the property line of the noise source, lodge a complaint alleging a violation of § 4-16(a).

(c) Notwithstanding the above provisions of this section, animal noise emanating from any commercial kennel established prior to the development of any residential property upon which such sounds may be audible, shall not be considered noises in violation of this section.

(d) This section shall be effective to the extent that it is not inconsistent with the Right to Farm Act, Section 3.2-300 *et seq.* of the Code of Virginia, as amended, as it relates to noise from agricultural animals, as the term is defined in the Comprehensive Animal Care laws of the Code of Virginia.

Adopted by the Board of Supervisors

(e) A violation of this section shall constitute a Class 3 misdemeanor. Each instance shall constitute a separate offense. Third or subsequent violations shall constitute a Class 2 misdemeanor.