

AN ORDINANCE No. 4-32

To amend Chapter 4, Animals and Fowls, Article VI, Dog Licenses, Sections 4-41, 4-42, 4-43, 4-44, 4-45, 4-48, 4-49, 4-50, and to add Section 4-52, to allow the County to offer and regulate lifetime dog licenses, as well as change “license tax” to “license fee” throughout Article VI, Dog Licenses.

PUBLIC HEARING: September 11, 2018

WHEREAS, staff has reviewed the code amendments and recommends approval as stated in the executive summary dated September 11, 2018; and

WHEREAS, the Spotsylvania Board of Supervisors held a public hearing, duly advertised in a local newspaper for a period of two weeks, on August 24th and August 31st, 2018, and interested citizens were offered an opportunity to be heard; and

WHEREAS, the general welfare is served by approval of the code amendments.

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

§ 1. That Chapter 4, Article IV, Sections 4-41, 4-42, 4-43, 4-44, 4-45, 4-48, 4-49 and 4-50 be and are hereby **amended and re-ordained** as follows:

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

- (a) Any person shall obtain an annual or lifetime dog license by making oral or written application to the treasurer, accompanied by the amount of the applicable license fee and the dog’s rabies vaccination certificate indicating that the vaccination meets the requirements of this article as applicable. 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 or she 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, § 1, 10-10-17; Ord. No. 4-32, 9-11-18)

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

Sec. 4-42. - Fees imposed.

- (a) A license fee is hereby imposed on dogs required to be licensed under this article. The amount of the license fee shall be established by resolution adopted by the board of supervisors.

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Adopted September 11, 2018*

- (b) An 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. An 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), 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) A license, valid for the licensed dog's lifetime provided said dog's rabies vaccination or inoculation is kept current pursuant to section 4-61, shall be available for purchase by all dog owners subject to the number of dogs that may be owned as set forth in this chapter.
- (d) There shall be no refund of any license fee paid pursuant to this article, regardless of any status change, including the death, relocation or future expired vaccination status of the licensed dog.
- (e) 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.
- (f) 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, § 1, 10-10-17; Ord. No 4-32, 9-11-18)

State Law reference— Duty of county to impose dog license fee, limit on the amount thereof and provisions similar to subsection (b) above, Code of Virginia, § 3.2-6528. County authorized to allow lifetime dog licenses, Code of Virginia, § 3.2-6530(B).

Sec. 4-43. - When license fee is due and payable.

- (a) The annual license fee imposed on dogs by section 4-42(b) shall be due and payable as follows:
 - (1) On or before the first day of January and not later than the 31st day of January of each year, the owner of any dog four (4) months old or older, other than those dogs with valid county-issued lifetime licenses, shall pay such fee.
 - (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 31st day of October of any year, the license fee 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 31st day of December of any year, the license fee 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 fee to the end of the succeeding calendar year. (b)

The lifetime license fee imposed on dogs pursuant to Section 4-42(c) is due and payable at the time of application.

(Code 1980, §§ 4-25, 4-26; Ord. of 9-13-88(1); Ord. No. 4-2, 6-1-93; Ord. No. 4-31, § 1, 10-10-17; Ord. No. 4-32, 9-11-18)

State Law reference— Similar provisions, Code of Virginia, § 3.2-6530. County authorized to allow lifetime dog licenses, Code of Virginia, § 3.2-6530(B).

Sec. 4-44. - Failure to pay annual license fee when due.

It shall be unlawful for the owner of any dog to fail to pay the annual license fee imposed by this article before February 1 for the year in which it is due. Payment of the license fee subsequent to a summons to appear before a court for failure to do so within the time required by this article shall not operate to relieve such owner from the penalties provided for such failure.

(Code 1980, §§ 4-27, 4-28; Ord. No. 4-2, 6-1-93; Ord. No. 4-26, 10-13-09; Ord. No. 4-32, 9-11-18)

State Law reference— Similar provisions, Code of Virginia, §§ 3.2-6536, 3.2-6587.

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

- (a) Upon receipt of a proper application and the prescribed license fee, the treasurer shall issue the requested 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. If said application is for an annual license, said certificate of vaccination or inoculation shall be valid for the entire license year. 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 annual dog license shall consist of a license fee receipt and a metal tag. Such receipt shall have recorded thereon the amount of the fee 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 an intact male, intact female, spayed female or neutered male 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 year for which issued, and a serial number.
- (c) Each lifetime dog license shall consist of a license fee receipt and a metal tag. Such receipt shall have recorded thereon the amount of the fee paid, the name and address of the owner or custodian of the dog, the date of payment, that the license is issued for the dog's lifetime, the serial number of the tag and whether the license is for an intact male, intact female,

spayed female or neutered male dog. The metal tag issued hereunder shall be stamped or otherwise permanently marked to show the name of the county, along with the term “Lifetime license”, and a serial number.

(Code 1980, §§ 4-29, 4-33; Ord. No. 4-2, 6-1-93; Ord. No. 4-31, § 1, 10-10-17; Ord No. 4-32, 9-11-18)

State Law reference— Similar provisions, Code of Virginia, §§ 3.2-6526, 3.2-6527, 3.2-6529. County authorized to allow lifetime dog licenses, Code of Virginia, § 3.2-6530(B).

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, § 1, 10-10-17; Ord. No. 4-32, 9-11-18)

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 fee imposed by this article has not been paid or which is otherwise unlicensed.

(Code 1980, § 4-20; Ord. No. 4-2, 6-1-93; Ord. No. 4-31, § 1, 10-10-17; Ord No. 4-32, 9-11-18)

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

Sec. 4-50. - Revocation of kennel license.

If a holder of a multi-dog license is convicted for a violation of section 4-21 of this chapter, the multi-dog license issued under this article may be revoked if it appears to the trial court that such section was violated by reason of the carelessness or negligence of the operation. Upon such revocation, the holder of a multi-dog license shall be required to pay an individual license fee on each dog.

(Ord. No. 4-2, 6-1-93; Ord. No. 4-23, 8-9-05; Ord No. 4-32, 9-11-18)

§ 2. That Chapter 4, Article IV, Section 4-52, be and is hereby **adopted and ordained** as follows:

Sec. 4-52. – Invalidation of lifetime license for failure to keep rabies vaccination or inoculation current; dog deemed unlicensed until rabies vaccination or inoculation brought current.

- (a) The lifetime dog license shall be valid only as long as the licensed dog's owner resides in the county and said dog's rabies vaccination is kept current.
- (b) Should a dog's rabies vaccination or inoculation expire, any lifetime dog license issued for that dog shall become invalid concurrently on the same date the dog's rabies vaccination or inoculation expired, and said license shall not be valid again as a lifetime dog license under this article until said dog's rabies vaccination or inoculation is again current. A dog shall be deemed to be unlicensed for any time during which its lifetime dog license is deemed to be invalid pursuant to this section.

State Law reference— County authorized to allow lifetime dog licenses, which shall be valid only if the licensed dog's rabies vaccination is kept current Code of Virginia, § 3.2-6530(B).

(Ord No. 4-32, 9-11-18)

Secs. 4-53—4-60. - Reserved.

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