

**BOARD OF SUPERVISORS
GOOCHLAND COUNTY, VIRGINIA**

An ordinance to amend Chapter 3 (“Animals”) of the Goochland County Code of Ordinances (i) by amending Sections 3-1 (“Definitions”), 3-5 (“Impoundment and disposition of abandoned, abused, or neglected animals”), 3-59 (“Dangerous and vicious dogs”), 3-81 (“Required”), 3-82 (“Application; issuance”), 3-84 (“Payment of license tax”), 3-85 (“Evidence of rabies inoculation required; rabies clinics; veterinarians to provide treasurer with rabies certificate information”), 3-87 (“Duplicate tags”), 3-100 (“Sterilization of adopted dogs and cats”), 3-101 (“Capturing, confining, and euthanizing companion animals by animal control officers”), 3-102 (“Disposal of dead companion animals”) and 3-103 (“Dogs and cats deemed personal property; rights relating thereto”); (ii) by repealing Sections 3-4 (“Persons prohibited from confining or possessing strays”), 3-6 (“Treatment of persons bitten by rabid animal”), 3-27 (“Penalty for violation of article”), 3-28 (“Inoculation required; tag; certificate”), 3-52 (“Unlawful acts; penalties”), 3-57 (“Drugs used in capture of dogs to be approved by state veterinarian”), 3-58 (“Methods of euthanasia to be approved by state veterinarian”), 3-61 (“Rabies inoculation for dogs”) and 3-63 (“Dogs killing, injuring or chasing livestock or poultry”); and (iii) by adding Sections 3-6 (“Abandonment of animal”), 3-7 (“Unlawful acts; penalties”), 3-27 (“Rabies inoculation for dogs and cats; rabies clinics”), 3-28 (“Treatment of persons bitten by rapid animal”), 3-59.1 (“Vicious Dogs”), 3-106 (“Notification by individuals finding companion animals; penalty”) and 3-129 (“Dogs killing, injuring or chasing agricultural animals”) pursuant to state law

WHEREAS, §§ 15.2-1427 and 15.2-1433 of the Code of Virginia, 1950, as may be amended from time to time, enable a local governing body to adopt, amend and codify ordinances or portions thereof; and

WHEREAS, the Board of Supervisors wishes to amend the various provisions of the County Code related to animals pursuant to state law; and

WHEREAS, this ordinance is required to serve the health, safety and welfare of the citizens of Goochland County; and

WHEREAS, the proper advertisement and public hearing was conducted as required by law and the full text of this proposed ordinance amendment was available for public inspection in the Goochland County Administrator’s Office, County Administration Building, 1800 Sandy Hook Road, Goochland, Virginia 23063.

NOW, THEREFORE, BE IT ORDAINED, that the Goochland County Code is hereby amended and this ordinance is hereby enacted as follows:

1. Chapter 3 (“Animals”) of the Goochland County Code is hereby amended as follows:

ARTICLE I. - IN GENERAL

Sec. 3-1. - Definitions.

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Animal control officer means a person appointed as an animal control officer or deputy animal control officer as provided in Section ~~3.1-796.104~~ 3.2-6555 of the Code of Virginia.

...

Livestock means all domestic or domesticated: bovine animals (e.g., cows, beef cattle); equine animals (e.g., horses, mules); ovine animals (e.g., sheep); porcine animals (e.g., swine, pot-bellied pigs); cervidae animals (e.g., deer, caribou, moose); caprae animals (e.g., goats); animals of the genus *Lama* (e.g., llama); ratites (e.g., ostriches, emu); fish or shellfish in aquaculture facilities, as defined in Section ~~3.1-73.6~~ 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.

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~~Sec. 3-4. -- Persons prohibited from confining or possessing strays.~~

~~It is unlawful for any person to confine or take possession of a stray animal, except as provided below. If a stray animal is on real property owned or leased by any person, that person may confine or keep the animal only on the person's real property and only if such person notifies the Goochland County Animal Control Officer of such confinement or possession within forty-eight (48) hours. Such person shall provide the animal control officer with the following information:~~

~~(1) The date and time when the stray animal was first confined or taken into possession by such person.~~

~~(2) A brief description of the stray animal.~~

~~Any person may notify the Goochland County Animal Control Officer of the existence of stray, abused, or neglected animals regardless of whether such animals are or are not on a person's real property.~~

~~Violation of this section shall constitute a Class 4 misdemeanor.~~

Sec. 3-5. - Impoundment and disposition of abandoned, abused, or neglected animals
Seizure and impoundment of animals; notice and hearing; disposition of animal;
disposition of proceeds upon sale.

- (a) Any 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 the Code of Virginia that has rendered the animal in such a condition as to constitute a direct and immediate threat to its life, safety or health. The seizure or impoundment of an equine resulting from a violation of clause (iii) of subsection A or clause (ii) of subsection B of § 3.2-6570 of the Code of Virginia may be undertaken only by the State Veterinarian or State Veterinarian's representative who has received training in the examination and detection of sore horses as required by 9 C.F.R. Part 11.7. Before seizing or impounding any agricultural animal, such law enforcement officer or animal control officer shall contact the ~~s~~State ~~v~~Veterinarian or a ~~s~~State ~~v~~Veterinarian's representative, who shall recommend to such person the most appropriate action for ~~the disposition of the agricultural animal~~ effecting the seizure and impoundment. The law enforcement officer or animal control officer shall notify the owner of the agricultural animal and the local attorney for the ~~e~~Commonwealth of the recommendation. The law enforcement officer or animal control officer may impound the agricultural animal on the land where the agricultural animal is located if:
- (1) The owner or tenant of the land where the agricultural animal is located gives written permission;
 - (2) The Goochland County General District Court so orders; or
 - (3) The owner or tenant of the land where the agricultural animal is located cannot be immediately located, and it is in the best interest of the agricultural animal to be impounded on the land where it is located until the written permission of the owner or tenant of the land can be obtained.

If there is a direct and immediate threat to an agricultural animal, the law enforcement officer or animal control officer may seize the animal, in which case the law enforcement officer or animal control officer shall file within five (5) business days on a form approved by the ~~s~~State ~~v~~Veterinarian, a report on the condition of the animal at the time of the seizure, the ~~disposition of the animal~~ location of impoundment, and any other information required by the ~~s~~State ~~v~~Veterinarian.

Upon seizing or impounding an animal, the law enforcement officer, or animal control officer shall petition the Goochland County General District Court for a hearing. The hearing shall be not more than ten (10) business days from the date of the seizure of the animal. The hearing shall be to determine whether the animal has been abandoned, has been cruelly treated, or has not been provided adequate care.

- (b) The law enforcement officer, or animal control officer, shall cause to be served upon the person with a right of property in the animal or the custodian of the animal notice of the hearing. If such person or the custodian is known and residing within Goochland County, written notice shall be given at least five (5) days prior to the hearing of the time and place of the hearing. If such person or the custodian is known but residing out of Goochland

County, written notice by any method or service of process as is provided by the Code of Virginia, shall be given. If such person or the custodian is not known, the law enforcement officer, or animal control officer shall cause to be published in a newspaper of general circulation in Goochland County notice of the hearing at least one (1) time prior to the hearing and shall further cause notice of the hearing to be posted at least five (5) days prior to the hearing at the Goochland County Administration Building.

- (c) The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in Article 4 (Section 19.2-260 et seq.) of Chapter 15 of Title 19.2 of the Code of Virginia. The ~~prosecutor~~ Commonwealth shall be required to prove its case beyond a reasonable doubt.
- (d) The law enforcement officer, or animal control officer shall provide for such animal until the court has concluded the hearing. If any animal is to be held for longer than thirty (30) days pursuant to this ~~article~~ section, the owner of the animal must post a bond in surety with Goochland County, for the amount of the cost of boarding the animal ~~for up to~~ not to exceed nine (9) months. The bond shall not be forfeited if the owner is found to be not guilty of the violation.

If the court determines that the animal has been neither abandoned, cruelly treated, nor deprived of adequate care, the animal shall be returned to the owner. If the court determines that the animal has been (i) abandoned, or cruelly treated, or (ii) deprived of adequate care, or (iii) raised as a dog that has been, is, or is intended to be used in dogfighting in violation of Section 3.2-6571 of the Code of Virginia, then the court shall order that the animal may be:

- (1) Sold by Goochland County, if not a companion animal;
 - (2) ~~Humanely destroyed~~ disposed of by Goochland County pursuant to subsection D of 3.2-6546 of the Code of Virginia, whether such animal is a companion animal or an agricultural animal; or
 - (3) ~~Delivered to any local humane society or animal shelter, or to any person who is a resident of Goochland County or a county adjacent to Goochland County and who will pay the required license fee, if any, on such animal; or~~
 - (43) Delivered to the person with a right of property in the animal, as provided in subsection (e) of this section.
- (e) In no case shall the owner be allowed to purchase, adopt, or otherwise obtain the animal if the court determines that the animal has been abandoned, cruelly treated, or deprived of adequate care; ~~however, t~~The court shall direct that the animal be delivered to the person with a right of property in the animal, upon his request, if the court finds that the abandonment, cruel treatment, or deprivation of adequate care is not attributable to the actions or inactions of such person.
 - (f) The court shall order the owner of any animal determined to have been abandoned, cruelly treated, or deprived of adequate care to pay all reasonable expenses incurred in caring and providing for such animal from the time the animal is seized until such time that the animal is disposed of in accordance with the provisions of this section, to the provider of such care.

- (g) The court may prohibit the possession or ownership of other companion animals by the owner of any companion animal found to have been abandoned, cruelly treated, or deprived of adequate care. In making a determination to prohibit the possession or ownership of companion animals, the court may take into consideration the owner's past record of convictions under this chapter or other laws prohibiting cruelty to animals or pertaining to the care or treatment of animals and the owner's mental and physical condition.
- (h) If the court finds that an agricultural animal has been abandoned or cruelly treated, the court may prohibit the possession or ownership of any other agricultural animal by the owner of the agricultural animal; if the owner has exhibited a pattern of abandoning or cruelly treating agricultural animals as evidenced by previous convictions of violating Sections 3.2-6504 or 3.2-6570 of the Code of Virginia. In making a determination to prohibit the possession or ownership of agricultural animals, the court may take into consideration the owner's mental and physical condition.
- (i) Any person who is prohibited from owning or possessing animals pursuant to subsection (g) or (h) of this section, may petition the court to repeal the prohibition after two (2) years have elapsed from the date of entry of the court's order. The court may, in its discretion, repeal the prohibition if the person can prove to the satisfaction of the court that the cause for the prohibition has ceased to exist.
- (j) When a sale occurs, the proceeds shall first be applied to the costs of the sale then next to the unreimbursed expenses for the care and provision of the animal, and the remaining proceeds, if any, shall be paid over to the owner of the animal. If the owner of the animal cannot be found, the proceeds remaining shall be paid into the ~~L~~iterary ~~F~~und of the state treasury.
- (k) Nothing in this section shall be construed to prohibit the humane destruction of a critically injured or ill animal for humane purposes, by the impounding law enforcement officer, animal control officer, or licensed veterinarian.

~~Sec. 3-6.--Treatment of persons bitten by rabid animal.~~

~~Any person bitten by a rabid animal shall be treated by the county health department. If any person shall apply to the director of the health department for treatment and such officer refuses or fails to treat the case, then such applicant shall be paid the cost of necessary treatment, not to exceed five hundred dollars (\$500.00).~~

Sec. 3-6. – Abandonment of animal

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 pound, animal shelter, or other releasing agency.

Sec. 3-7. - Unlawful acts; penalties.

- (a) The following shall be unlawful acts and constitute Class 4 misdemeanors:

- (1) *Falsifying license application.* 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.
 - (2) *Failure to pay license tax.* It shall be unlawful for any dog owner to fail to pay the license tax required by this article before February 1 for the year in which it is due. In addition, the court may order confiscation and the proper disposition of the dog.
 - (3) *Allowing dog to run at large.* It shall be unlawful for any dog owner to allow a dog to run at large in violation of sections 3-53 and 3-54.
 - (4) *Violation of rabies regulations.* It shall be unlawful for any person to fail to obey section 3-27.
 - (5) *Failure to dispose of companion animal.* It shall be unlawful for any owner to fail to dispose of the body of his companion animal in violation of section 3-102.
 - (6) *Failure to secure license.* It shall be unlawful for any person to fail to secure and exhibit the licenses required by this chapter.
 - (7) *Failure to confine diseased dog or cat.* It shall be unlawful for the owner of any dog or cat with a contagious or infectious disease to permit such dog or cat to stray from his premises if such disease is known to the owner.
 - (8) *Removing collar and tag.* It shall be unlawful for any person, except the owner or custodian, to remove a legally acquired license tag from a dog without the permission of the owner or custodian.
 - (9) *Concealing dog or cat.* It shall be unlawful for any person to conceal or harbor any dog on which the license tax has not been paid, or to conceal a mad dog or cat to keep the animal from being killed.
 - (10) *Other violations.* Any other violation of this article for which a specific penalty is not provided.
- (b) The following acts shall be unlawful acts and constitute a Class 3 misdemeanor:
- (1) *Abandonment of animal.* It shall be unlawful for any person to abandon or dump an animal in violation of Section 3-6.
- (c) The following acts shall be unlawful acts and constitute a Class 2 misdemeanor:
- (1) *Livestock.* It shall be unlawful for any person to be in violation of section 3-127.
- (d) The following acts shall be unlawful acts and constitute a Class 1 misdemeanor:
- (1) *False claim.* It shall be unlawful for any person to present a false claim or to receive any money on a false claim under the provisions of section 3-128.
 - (2) *Removing electronic or radio transmitting collar.* It shall be unlawful for any person to remove an electronic or radio transmitting collar without the permission of the owner of the dog and with the intent to prevent or hinder the owner from locating the dog.

ARTICLE II. - RABIES INOCULATION FOR CATS

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Sec. 3-27. -- Penalty for violation of article.

A violation of the provisions of this article shall be deemed a Class 4 misdemeanor.

Sec. 3-28. -- Inoculation required; tag; certificate.

- ~~(a) Any person owning, keeping or harboring any domestic cat shall have such cat inoculated against rabies by a currently licensed veterinarian or by a veterinary technician licensed pursuant to Code of Virginia, Section 54.1-3806.~~
- ~~(b) Upon vaccination or revaccination of a cat as required by this section, a suitable and distinctive rabies tag and a certificate of vaccination, properly executed and signed by the licensed veterinarian or veterinary technician performing the vaccination, shall be issued to the animal's owner by the veterinarian, who shall retain a copy of the certificate for his or her records.~~
- ~~(c) The certificate issued pursuant to subsection (b) of this section, shall be NASPHV Form No. 50, or its equivalent, and shall certify that the cat has been vaccinated in accordance with this article, and shall include the following information:
 - ~~(1) The date of the vaccination;~~
 - ~~(2) The date for required revaccination;~~
 - ~~(3) The rabies tag number;~~
 - ~~(4) A brief description of the cat, or its age, sex and breed;~~
 - ~~(5) The name and address of the animal's owner.~~~~
- ~~(d) The certificate, issued pursuant to subsection (b) of this section, shall be preserved by the owner of a cat and exhibited promptly upon request for inspection by the animal control officer or any law enforcement officer.~~
- ~~(e) Any cat for which no proof of current rabies vaccination is available, that is bitten by an animal believed to be afflicted with rabies, shall be destroyed immediately or 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. If the bitten cat has a valid rabies vaccination, the cat shall be revaccinated and confined to the premises of the owner for forty five (45) days.~~
- ~~(f) Any cat showing active signs of rabies or suspected of having rabies shall be confined under competent observation for such a time as may be necessary to determine a diagnosis. If confinement is impossible or impracticable, such cat shall be euthanized by one (1) of the methods approved by the State Veterinarian as provided in Section 3.1-796.96 of the Code of Virginia.~~

Sec. 3-27. - Rabies inoculation for dogs and cats; rabies clinics.

- (a) The owner or custodian of all dogs and cats four (4) months of age or older shall have such animals 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 cat with a rabies vaccination certificate and shall keep a copy in his own files. The owner or custodian of the dog or cat shall furnish within a reasonable period of time, upon request of an animal control officer, 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 United States 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.
- (b) Dogs or cats 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 by the county's animal control officer for such a time as may be necessary to determine a diagnosis. If confinement is impossible or impracticable, the animal control officer shall have the right to destroy any such dog or cat that he has reasonable cause to believe is rabid. If such dog or cat is diagnosed as being rabid by a licensed veterinary, such dog shall be destroyed as provided in Section 3-101.
- (c) Every person having knowledge of the existence of a dog or cat that is suspected to be rapid 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.
- (d) 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 pound, kennel, or enclosure approved by the local health department for a period not to exceed six (6) 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 forty-five (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 Section 101. The disposition of such dogs or cats not so confined shall be at the discretion of the local health director.
- (e) At the discretion of the local health director, any animal that may have exposed a person shall be confined under competent observation by the local animal control officer for ten

(10) days at the expense of the owner or custodian, unless the animal develops signs of rabies, expires, or is euthanized. A seriously injured or sick animal may be humanely euthanized as provided in Section 3-101 and its head tested as directed by the local health department.

- (f) All rabies clinics require the approval by the appropriate local health department and the board of supervisors. The licensed veterinarian who administers rabies vaccinations at the clinic shall (i) provide the owner or custodian a rabies vaccination certificate for each vaccinated animal and (ii) ensure that a licensed veterinary facility retains a copy of the rabies vaccination certificate. The sponsoring organization of a rabies clinic shall, upon the request of the owner or custodian, an animal control officer, a humane investigator, a law-enforcement officer, a State Veterinarian's representative, a licensed veterinarian, or an official of the Department of Health, provide the name and contact information of the licensed veterinary facility where a copy of the rabies vaccination certificate is retained. However, the board of supervisors shall ensure that a clinic is conducted to serve its jurisdiction at least once every two (2) years.
- (g) 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. 3-28. - Treatment of persons bitten by rabid animal.

Any person bitten by a rabid animal shall be treated by the county health department. If any person shall apply to the director of the health department for treatment and such officer refuses or fails to treat the case, then such applicant shall be reimbursed for the cost of necessary treatment, not to exceed five hundred dollars (\$500.00).

ARTICLE III. – DOGS

DIVISION 1. GENERALLY

Sec. 3-52. — Unlawful acts; penalties.

~~(a) The following shall be unlawful acts and constitute Class 4 misdemeanors:~~

- ~~(1) *Falsifying license application.* 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.~~
- ~~(2) *Failure to pay license tax.* It shall be unlawful for any dog owner to fail to pay the license tax required by this article before February 1 for the year in which it is due. In addition, the court may order confiscation and the proper disposition of the dog.~~
- ~~(3) *Allowing dog to run at large.* It shall be unlawful for any dog owner to allow a dog to run at large in violation of sections 3-53 and 3-54~~

- ~~(4) *Violation of rabies regulations.* It shall be unlawful for any person to fail to obey section 3-64~~
- ~~(5) *Failure to dispose of dead dogs.* It shall be unlawful for any owner to fail to dispose of the body of his dog in violation of section 3-102~~
- ~~(6) *Failure to secure license.* It shall be unlawful for any person to fail to secure and exhibit the licenses required by this article chapter.~~
- ~~(7) *Failure to confine diseased dog.* It shall be unlawful for the owner of any dog or cat with a contagious or infectious disease to permit such dog or cat to stray from his premises if such disease is known to the owner.~~
- ~~(8) *Removing collar and tag.* It shall be unlawful for any person, except the owner or eustodian, to remove a legally acquired license tag from a dog without the permission of the owner or custodian.~~
- ~~(9) *Concealing dog.* It shall be unlawful for any person to conceal or harbor any dog on which the license tax has not been paid, or to conceal a mad dog to keep the dog from being killed.~~
- ~~(10) *Other violations.* Any other violation of this article for which a specific penalty is not provided.~~
- ~~(b) The following acts shall be unlawful acts and constitute a Class 1 misdemeanor:~~
- ~~(1) *False claim.* It shall be unlawful for any person to present a false claim or to receive any money on a false claim under the provisions of section 3-128~~
- ~~(2) *Removing electronic or radio transmitting collar.* It shall be unlawful for any person to remove an electronic or radio transmitting collar without the permission of the owner of the dog and with the intent to prevent or hinder the owner from locating the dog.~~

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~~Sec. 3-57. -- Drugs used in capture of dogs to be approved by state veterinarian.~~

~~All drugs and drug administering equipment used by the animal control officer or other officers to capture dogs pursuant to this article, shall be of a type approved by the state veterinarian.~~

~~Sec. 3-58. -- Methods of euthanasia to be approved by state veterinarian.~~

~~Any dog destroyed by the animal control officer or other officers pursuant to the provisions of this article, shall be euthanized by one (1) of the methods prescribed or approved by the state veterinarian.~~

~~Sec. 3-59. - Dangerous and vicious dogs.~~

- ~~(a) *Definitions.* As used in this ~~article~~ section, "dangerous dog" means a canine or canine crossbreed ~~which~~ 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 other 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 dangerous 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. The defendant shall bear the burden of establishing facts to support the exceptions in the foregoing two (2) sentences. However, 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.

~~As used in this article, "vicious dog" means a canine or canine crossbreed which has:~~

- ~~(1) Killed a person;~~
 - ~~(2) Inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or~~
 - ~~(3) Continued to exhibit the behavior which resulted in a previous finding by a court or, on or before July 1, 2006, by an animal control officer as authorized by Goochland County, that it is a dangerous dog, provided that its owner has been given notice of that finding.~~
- (b) *Regulation of dangerous ~~and vicious~~ dogs.* All dangerous ~~and vicious~~ dogs in Goochland County shall be subject to the following regulations:
- (1) Any ~~sheriff, sheriff's deputy~~ law enforcement officer or animal control officer who has reason to believe that a canine or canine crossbreed within Goochland County is a dangerous dog ~~or vicious dog~~ shall apply to a magistrate of the county for the issuance of a summons requiring the owner or custodian, if known, to appear before the Goochland County General District Court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. If a law enforcement officer successfully makes an application for the issuance of a summons, he shall contact the local animal control officer and inform him of the location of the dog and the relevant facts pertaining to his belief that the dog is dangerous ~~or vicious~~. The animal control officer shall confine the animal until such time as evidence shall be heard and a verdict rendered. If the animal control officer determines that the owner or custodian can confine the animal in a manner that protects the public safety, he may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered. In confining the dog, the owner or custodian shall comply with reasonable conditions to be set by the animal control officer which the animal control officer determines serve the interests of public safety. The court, through its

contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of this section. ~~If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of Section 3.1-796.119 of the Code of Virginia, 1950 (as amended).~~ 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 the animal or whose companion animal was injured or killed by the animal. The court, in its discretion, may also 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 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 Article 4 (Section 19.2-260 et seq.) of Chapter 15 of Title 19.2. ~~The prosecutor~~ Commonwealth shall be required to prove ~~his or her~~ its case beyond a reasonable doubt.

- (2) No canine or canine crossbreed shall be found to be a dangerous dog ~~or vicious dog~~ solely because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed prohibited. No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or damage was sustained by a person who was:
- Committing, at the time, a crime upon the premises occupied by the animal's owner or custodian;
 - Committing, at the time, a willful trespass upon the premises occupied by the animal's owner or custodian; or
 - 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 which was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog ~~or vicious dog~~. No animal that, at the time the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, shall be found to be a dangerous dog ~~or a vicious dog~~.

- (3) 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.
- (4) The owner of any animal found to be a dangerous dog shall, within ~~ten~~ forty-five (40 45) days of such finding, obtain a dangerous dog registration certificate from the Goochland County Animal Control Officer for a fee of ~~forty~~ one hundred and fifty dollars (~~\$50.00~~ 150.00), payable to the Goochland County Treasurer, in addition to other fees that may be authorized by law. The animal control officer shall also provide the owner with a uniformly designed tag which identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained pursuant to this ~~article~~ section, shall be renewed annually for ~~the same fee of eighty-five dollars (\$85.00)~~ and

in the same manner as the initial certificate was obtained. The animal control officer shall ~~provide a copy of the dangerous dog post~~ registration certificate and verification of compliance to the state veterinarian information on the Virginia Dangerous Dog Registry.

- (5) All dangerous dog registration certificates or renewals thereof required to be obtained under this ~~article~~ section shall only be issued to persons eighteen (18) years of age or older who present satisfactory evidence:
- a. Of the animal's current rabies vaccination, if applicable;
 - b. That the animal has been neutered or spayed; and
 - c. 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:

- a. 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
- b. The animal has been permanently identified by means of ~~a tattoo on the inside thigh or by~~ electronic implantation.

All certificates or renewals thereof required to be obtained under this section, shall only be issued to persons who present satisfactory evidence that the owner has liability insurance coverage, to the value of at least one hundred thousand dollars (\$100,000.00), that covers animal bites. The owner may obtain and maintain a bond in surety, lieu of liability insurance, to the value of at least one hundred thousand dollars (\$100,000.00).

- (6) 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 3.2-6503 of the Code of Virginia. ~~The structure shall be designed to provide the animal with shelter from the elements of nature.~~ When off its owner's property, an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.
- (7) ~~The owner of any dog found to be dangerous shall register the animal with the Commonwealth of Virginia Dangerous Dog Registry according to procedures established under Section 3.1-796.93:3 of the Code of Virginia, within forty-five (45) days of such finding by a court of competent jurisdiction.~~ The owner shall also cause the Goochland County Animal Control Officer to be promptly notified of:
- a. The names, addresses, and telephone numbers of all owners and custodians;
 - b. All of the means necessary to locate the owner and the dog at any time;

- c. Any complaints or incidents of attack by the dog upon any person or cat or dog;
- d. Any claims made or lawsuits brought as a result of any attack;
- e. ~~Tattoo or e~~Chip identification ~~or both~~;
- f. Proof of insurance or surety bond; and
- g. The death of the dog.

~~This registration requirement shall be in addition to any other registration requirement in this section.~~

- (8) After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon learning of same, notify Goochland County Animal Control if the animal:
 - a. Is loose or unconfined;
 - b. Bites a person or attacks another animal; or
 - c. 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.

(c) *Penalties.*

- (1) Any owner or custodian of a canine or canine crossbreed or other animal is guilty of a:
 - a. 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;
 - b. 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; or
 - c. Class 6 felony if any owner or custodian whose willful act of omission in the care, control, or containment of a canine, canine crossbreed, or other animal is so gross, wanton, and culpable as to show a reckless disregard for human life, and is the proximate cause of such dog or other animal attacking and causing serious bodily injury to any person.

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.

- (2) The owner of any animal which has been found to be a dangerous dog who fails to comply with the requirements of this section shall be 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 pursuant to Section 3-101 or (ii) grant the owner up to forty-five (45) 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 pursuant to Section 3-101. 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.

- (3) All fees collected pursuant to this section, less the costs incurred by Goochland County in producing and distributing the certificates and tags required by this section and fees due to the State Veterinarian for maintenance of the Virginia Dangerous Dog Registry, shall be paid into a special dedicated fund in the treasury of Goochland County for the purpose of paying the expenses of any training course required under Section ~~3-1-796.105~~ 3.2-6556 of the Code of Virginia 1950 (as amended).

Sec. 3-59.1. – Vicious dogs.

- (a) Definitions. As used in this section, "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, 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 ordinance that it is a dangerous dog, provided that its owner has been given notice of that finding.

- (b) Regulations of vicious dogs. All vicious dogs in Goochland County shall be subject to the following regulations:

- (1) Any law-enforcement officer or animal control officer who has reason to believe that a canine or canine crossbreed within his jurisdiction is a vicious dog shall apply to a magistrate of the county for the issuance of a summons requiring the owner or custodian, if known, to appear before Goochland County General District Court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. If a law-enforcement officer successfully makes an application for the issuance of a summons, he shall contact the local animal control

officer and inform him of the location of the dog and the relevant facts pertaining to his belief that the dog is vicious. The animal control officer shall 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 vicious dog, the court shall order the animal euthanized in accordance with the provisions of Section 3-101. The court, upon finding the animal to be a vicious dog, may order the owner, custodian, or harbinger thereof to pay restitution for actual damages to any person injured by the animal or to the estate of any person killed by the animal. The court, in its discretion, may also order the owner to pay all reasonable expenses incurred in caring and providing for such vicious dog from the time the animal is taken into custody until such time as the animal is disposed of. The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in Article 4 (§ 19.2-260 et seq.) of Chapter 15 of Title 19.2 of the Code of Virginia. The Commonwealth shall be required to prove its case beyond a reasonable doubt.

- (2) No canine or canine crossbreed shall be found to be a vicious dog solely because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed prohibited. No animal shall be found to be a vicious dog if the threat, injury, or damage was sustained by a person who was:
- a. Committing, at the time, a crime upon the premises occupied by the animal's owner or custodian;
 - b. Committing, at the time, a willful trespass upon the premises occupied by the animal's owner or custodian; or
 - c. 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 vicious dog. No animal that, at the time of the acts complained of, was responding to pain or injury or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, shall be found to be a vicious dog.

- (3) Any owner or custodian of a canine or canine crossbreed or other animal whose willful act or omission in the care, control, or containment of a canine, canine crossbreed, or other animal is so gross, wanton, and culpable as to show a reckless disregard for human life and is the proximate cause of such dog or other animal attacking and causing serious injury to any person is guilty of a Class 1 misdemeanor.

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.

...

~~Sec. 3-61. -- Rabies inoculation for dogs.~~

- ~~(a) The owner or custodian of all dogs four (4) months of age or older shall have them currently vaccinated for rabies by a licensed veterinarian, who shall provide the owner or custodian with a certificate of vaccination. The owner or custodian shall furnish within a reasonable period of time, upon request of an animal control officer, the certificate of vaccination for such dog. The vaccine used shall be licensed by the United States Department of Agriculture for use in that species.~~
- ~~(b) Dogs showing active signs of rabies or suspected of having rabies shall be confined by the county's animal control officer for such a time as may be necessary to determine a diagnosis. If confinement is impossible or impracticable, the animal control officer shall have the right to destroy any such dog that he has reasonable cause to believe is rabid. If such dog is diagnosed as being rabid by a licensed veterinary, such dog shall be destroyed as provided in section 3-58.~~
- ~~(c) Every person having knowledge of the existence of a dog apparently afflicted with 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.~~
- ~~(d) Any dog for which no proof of current rabies vaccination is available, that is bitten by an animal believed to be afflicted with rabies, shall be destroyed immediately or 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. If the bitten dog has a valid rabies vaccination, the dog shall be revaccinated and confined to the premises of the owner for forty-five (45) days.~~
- ~~(e) At the discretion of the director of a local health department r, any animal which has bitten a person shall be confined under competent observation by the local animal control officer for ten (10) days, unless the animal develops active symptoms of rabies or expires before that time. A seriously injured or sick animal may be humanely euthanized and its head sent to the health department for evaluation.~~

~~Sec. 3-63. -- Dogs killing, injuring or chasing livestock or poultry.~~

~~It shall be the duty of the Goochland County Animal Control Officer who finds a dog in the act of killing or injuring livestock or poultry to kill such dog forthwith whether such dog bears a tag or not. Any person finding a dog committing any of the depredations mentioned in this section, shall have the right to kill such dog on sight as shall any owner of livestock or poultry, or his agent finding a dog chasing livestock or poultry on land utilized by the livestock or poultry~~

~~when the circumstances show that such chasing is harmful to the livestock or poultry. Any court shall have the power to order the animal control officer to kill any dog known to be a confirmed livestock or poultry killer. The court, through its contempt powers, may compel the owner, custodian, or harbinger of the dog to produce the dog.~~

~~Any animal control officer who has reason to believe that any dog is killing livestock or poultry shall be empowered to seize such dog solely for the purpose of examining such dog in order to determine whether it committed any of the depredations mentioned herein. Any animal control officer or other person who has reason to believe that any dog is killing livestock or poultry, or committing any of the depredations mentioned in this article, shall apply to the Goochland County Magistrate, who shall issue a warrant requiring the owner or custodian, if known, to appear before the Goochland County General District Court at a time and place named therein, at which time evidence shall be heard. If it shall appear that the dog is a livestock or poultry killer, or has committed any of the depredations mentioned in this section, the district court shall order that the dog be:~~

- ~~(1) Killed immediately by the animal control officer or other officer designated by the court; or~~
- ~~(2) Removed to another state which does not border on the commonwealth and prohibited from returning to the commonwealth.~~

DIVISION 2. –LICENSE

Sec. 3-81. - Required.

It shall be unlawful for any person other than a releasing agency that has registered as such annually with animal control to own a dog four (4) months or older within the county unless such dog is licensed as required by the provisions of this division. No license tax shall be levied on any dog that is trained and serves as a guide dog for a blind person, 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. As used in this division, “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 of service or support.

Sec. 3-82. - Application; issuance.

Any resident of the county may obtain a dog license by making oral or written application to the treasurer, accompanied by the amount of license tax and current certificate of vaccination as required by this division or satisfactory evidence that such certificate has been obtained. Upon receipt of proper application and current certificate of vaccination as required by this division or satisfactory evidence that such certificate has been obtained, the treasurer or other officer charged with the duty of issuing dog licenses shall issue a license receipt for the amount of tax due thereon in accordance with this division. The treasurer shall record the name and address of the owner or custodian, the date of payment, the year for which issued, the serial number of the tag, and whether the license is for a male or female, whether spayed or neutered, or whether a kennel, and deliver the metal license tags or plates provided for in this division. The information

thus received shall be retained by the treasurer, open to public inspection, during the period for which such license is valid. The treasurer is hereby authorized to establish substations in convenient locations in the county and to appoint agents for the collection of the license tax and issuance of such licenses.

...

Sec. 3-84. - Payment of license tax.

- (a) On January 1, and not later than January 31 of each year, the owner of any dog four (4) months old or older shall pay a license tax as prescribed in section 3-83
- (b) If a dog shall become four (4) months of age or come into the possession of any person between January 1, and October 31 of any year, the license tax for the current calendar year shall be paid forthwith by the owner.
- (c) If a dog shall become four (4) months of age or come into the possession of any person between November 1, and December 31 of any year, the license tax for the succeeding calendar year shall be paid forthwith by the owner and such license shall protect such dog from the date of purchase.
- (d) Payment of the license tax subsequent to a summons to appear before a court for failure to pay the license tax within the time required shall not operate to relieve such owner from penalties or court costs.

Sec. 3-85. - Evidence of rabies inoculation required; ~~rabies clinics~~; veterinarians to provide treasurer with rabies certificate information.

- (a) No license tag shall be issued for any dog unless there is presented, to the treasurer or other officer of the county, or other agent charged by law with the duty of issuing license tags for dogs, satisfactory evidence that such dog has been inoculated or vaccinated against rabies by a currently licensed veterinarian or currently licensed veterinary technician who was under the immediate and direct supervision of a licensed veterinarian on the premises.
- ~~(b) Rabies clinics approved by the health department and the board of supervisors shall be held at least once per year in the county if the board finds that the number of resident veterinarians is otherwise inadequate to meet the need.~~
- (e) 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 forty-five (45) days a copy of the rabies vaccination certificate or the information contained in such certificate to the Goochland County Treasurer.

The rabies vaccination certificate shall include at a minimum the signature of the veterinarian, the animal owner's name and address, the species of the animal, the sex, the age, the color, the primary breed, ~~the secondary 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.

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. If the treasurer determines, from review of the rabies vaccination information provided by the veterinarians, that the owner of an unlicensed dog has failed to apply for a license within ninety (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 an annual dog tag.

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

Any veterinarian who willfully fails to provide the treasurer of Goochland County 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 ten dollars (\$10.00) per certificate. Monies raised pursuant to this subsection shall be placed in Goochland's County's general fund for the purpose of animal control activities including, but not limited to, spay or neuter programs.

...

Sec. 3-87. - Duplicate tags.

If a dog license tag shall become lost, destroyed or stolen, the owner or custodian shall at once apply to the treasurer or his agent who issued the original license for a duplicate license tag, presenting the original license receipt. Upon affidavit of the owner or custodian before the treasurer or his agent that the original license tag has been lost, destroyed or stolen, the treasurer or his agent shall issue a duplicate license tag which the owner or custodian shall immediately affix to the collar of the dog. The treasurer or his agent 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 for any dog shall be one dollar (\$1.00).

...

ARTICLE IV. - COMPANION ANIMALS

Sec. 3-100. - Sterilization of adopted dogs and cats.

- (a) Every new owner of a dog or cat adopted from a releasing agency shall cause to be sterilized the dog or cat pursuant to the agreement required by subsection (b) of this section.
- (b) A dog or cat shall not be released for adoption from a releasing agency unless:
 - (1) The animal has already been sterilized.

- (2) The individual adopting the animal signs an agreement to have the animal sterilized by a licensed veterinarian within:
 - a. Thirty (30) days of the adoption, if the animal is sexually mature; or
 - b. Thirty (30) days after the animal reaches six (6) months of age, if the animal is not sexually mature at the time of adoption.
- (c) A releasing agency may extend for thirty (30) days, the date by which a dog or cat must be sterilized, on presentation of a written report from a veterinarian stating that the life or health of the adopted animal may be jeopardized by sterilization. In cases involving extenuating circumstances, the veterinarian and the releasing agency may negotiate the terms of an extension of the date by which the animal must be sterilized.
- (d) Nothing in this article shall preclude the sterilization of a sexually immature dog or cat upon the written agreement of the veterinarian, the releasing agency, and the new owner.
- (e) Upon the petition of an animal control officer, the state veterinarian or a state veterinarian's representative, to Goochland County General District Court, the court may order the new owner to take any steps necessary to comply with the requirements of this ~~article~~ section. This remedy shall be exclusive of and in addition to any civil penalty which may be imposed under this ~~article~~ section.
- (f) Any person who violates subsection (a) or (b) of this section, shall be subject to a civil penalty not to exceed ~~forty two hundred and fifty~~ two hundred and fifty dollars (~~\$50.00~~ 250.00).
- ~~(g) The board of supervisors from time to time will set the reasonable charge for the sterilization of adopted companion animals.~~

Sec. 3-101. - Capturing, confining, and euthanizing companion animals by animal control officers.

It shall be the duty of the animal control officer to capture and confine any companion animal of unknown ownership found running at large ~~and to capture and confine any dog~~ on which the license fee has not been paid. Following the expiration of the holding period of not less than five (5) days, the animal control officer may deliver such companion animal to any person in Goochland who will pay the required license fee, if any, on such companion animal. Prior to disposition by euthanasia or otherwise, all the provisions of section 3-54, shall have been complied with. For all companion animals not otherwise disposed of as provided for in this chapter, it shall be the duty of the animal control officer to euthanize such companion animals by one (1) of the methods prescribed or approved by the state veterinarian. All drugs and drug administering equipment used by the animal control officer or other officers to capture companion animals pursuant to this chapter, shall be of a type approved by the state veterinarian. Any person, animal control officer, or other officer euthanizing a companion animal under this article shall cremate, bury, or sanitarily dispose of the same.

Sec. 3-102. - Disposal of dead companion animals.

The owner of any companion animal ~~which has died from disease or other cause~~ shall forthwith cremate, bury, or sanitarily dispose of the ~~same~~ animal upon its death. If, after notice,

any owner fails to do so, the animal control officer or other officer shall bury or cremate the companion animal. The animal control officer or other officer may recover his cost for this service from the owner on behalf of the county.

Sec. 3-103. - Dogs and cats deemed personal property; rights relating thereto.

All dogs and cats shall be deemed personal property and may be the subject of larceny and malicious or unlawful trespass. Owner or owners, as defined by section 3-1 of this chapter, may maintain any action for the killing of any such animals, 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 ~~article~~ 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.

An 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 animal pending action before the Goochland County General District 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 ~~mere~~ 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, and the animal control officer may take such animal ~~in charge~~ and notify its legal owner ~~to remove it~~. The legal owner of the animal shall pay a reasonable charge as the board of supervisors shall establish for the keep of such animal while in the possession of the animal control officer.

...

Sec. 3-106. - Notification by individuals finding companion animals; penalty

- (a) Any individual who finds a companion animal and: (i) provides care or safekeeping; or (ii) retains a companion animal in such a manner as to control its activities shall, within 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, or other form of identification or markings, or if the owner of the animal is otherwise known to the individual; and
 - (2) Notify the pound that serves the locality where the companion animal was found and provide to the pound contact information including at least a name and a contact telephone number, a description of the animal including information from any tag, license, collar, tattoo, or other identification or markings, and the location where the companion animal was found.
- (b) If an individual finds a companion animal and: (i) provides care or safekeeping; or (ii) retains a companion animal in such a manner as to control its activities, the individual shall comply with the provisions of § 3.2-6503 of the Code of Virginia.
- (c) Any individual who violates this section may be subject to a civil penalty not to exceed \$50 per companion animal.

ARTICLE V. LIVESTOCK AGRICULTURAL ANIMALS

...

Sec. 3-129. - Dogs killing, injuring or chasing agricultural animals.

It shall be the duty of the Goochland County Animal Control Officer or other officer who finds a dog in the act of killing or injuring livestock or poultry to kill such dog forthwith whether such dog bears a tag or not. Any person finding a dog committing any of the depredations mentioned in this section, shall have the right to kill such dog on sight as shall any owner of livestock or poultry, or his agent finding a dog chasing livestock or poultry on land utilized by the livestock or poultry when the circumstances show that such chasing is harmful to the livestock or poultry. Any court shall have the power to order the animal control officer or other officer to kill any dog known to be a confirmed livestock or poultry killer, and any dog killing poultry for the third time shall be considered a confirmed poultry killer. The court, through its contempt powers, may compel the owner, custodian, or harbinger of the dog to produce the dog.

Any animal control officer who has reason to believe that any dog is killing livestock or poultry shall be empowered to seize such dog solely for the purpose of examining such dog in order to determine whether it committed any of the depredations mentioned herein. Any animal control officer or other person who has reason to believe that any dog is killing livestock or poultry, or committing any of the depredations mentioned in this section, shall apply to the a magistrate serving the locality wherein the dog may be, who shall issue a warrant requiring the owner or custodian, if known, to appear before the Goochland County General District Court at a time and place named therein, at which time evidence shall be heard. If it shall appear that the dog is a livestock or poultry killer, or has committed any of the depredations mentioned in this section, the district court shall order that the dog be:

- (1) Killed immediately by the animal control officer or other officer designated by the court; or
- (2) Removed to another state which does not border on the Commonwealth and prohibited from returning to the Commonwealth. Any dog ordered removed from the Commonwealth that is later found in the Commonwealth shall be ordered by a court to be killed immediately.

2. Except as amended herein, all chapters, articles, sections, paragraphs and provisions of the Goochland County Code are readopted in their entirety as if set forth herein.
3. This amendment shall take effect immediately upon passage.

Approved this 3rd day of September, 2013.

Roll Call Vote:

	Aye	Nay
Manuel Alvarez, Jr., Vice-Chair	<u>Yes</u>	_____
Ned S. Creasey,	<u>Yes</u>	_____
Susan F. Lascolette,	<u>Yes</u>	_____
Robert H. Minnick,	<u>Yes</u>	_____
Kendall C. Peterson, Chair	<u>Yes</u>	_____

Abstentions: None
Absent: None

BOARD OF SUPERVISORS OF
GOOCHLAND COUNTY, VIRGINIA

A copy teste:



By: _____
Rebecca T. Dickson, Clerk