

**BOARD OF SUPERVISORS
GOOCHLAND COUNTY, VIRGINIA**

An ordinance to amend Chapter 3 (“Animals”), Article IV (“Companion Animals”) of the Goochland County Code of Ordinances by repealing Section 3-104 (“Companion Animals Constituting Public Nuisance”) in its entirety and by adopting a new Section 3-104 (“Companion Animals Constituting Public Nuisance”) to clarify what animal behavior may constitute a public nuisance

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 citizens of Goochland have expressed a need for more stringent control of public nuisances caused by companion animals; and

WHEREAS, public nuisances can be detrimental to the health, welfare, safety and well-being of inhabitants of the county; and

WHEREAS, the Board of Supervisors has reviewed numerous options available to control public nuisances caused by companion animals without imposing regulations that are unduly restrictive; and

WHEREAS, the Board of Supervisors wishes to amend and update the County Code for the foregoing reasons; 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”), Article IV (“Companion Animals”) of the Goochland County Code is hereby amended as follows:

~~Sec. 3-104. Companion animals constituting public nuisance.~~

- ~~(a) No owner shall fail to exercise proper care and control of his or her companion animal to prevent it from becoming a public nuisance. Acts deemed nuisances shall include but are not limited to the following:~~
- ~~(1) Excessive, untimely or disturbing noises or utterances including, but not limited to, continued or repeated howling, barking, whining, meowing, squawking or other such noise;~~
 - ~~(2) Molesting passersby;~~
 - ~~(3) Chasing vehicles;~~
 - ~~(4) Attacking other companion animals so as to cause injury or death;~~
 - ~~(5) Trespassing upon school grounds or private property;~~
 - ~~(6) Habitually running at large; or~~
 - ~~(7) Damaging real or personal property.~~
- ~~(b) Any person owning or having in his or her possession or under his or her control any companion animal suspected of constituting a nuisance may be proceeded against by warrant or summoned before the Goochland County General District Court to show cause why such companion animal should not be confined, euthanized, removed or the nuisance otherwise abated. The animal control officer or owner or custodian shall confine the animal until such time as the court has made a final decision in the case. Upon proof that such companion animal does constitute a public nuisance, the companion animal shall, by order of the judge of the general district court, be confined, euthanized, removed or the nuisance shall be otherwise abated, as such judge shall order. No person shall fail to comply with such an order.~~
- ~~(c) No summons or warrant charging a violation of subsection (a)(1) shall be issued except (i) upon the sworn complaint of two (2) persons, each a resident of a separate household, and each alleging facts within his own personal knowledge, or (ii) upon complaint by a law enforcement official or an animal control officer, or other code enforcement officer.~~
- ~~(d) No person shall be convicted of a violation of subsection (a)(1), unless there shall have been before the court, competent evidence that at least one (1) of the complainants or an animal control officer or a law enforcement official, or other code enforcement officer had, prior to the issuance of any summons or warrant, requested the abatement of the nuisance complained of, and that such nuisance continued in an unlawful level after such request.~~
- ~~(e) Any person violating subsection (a)(1) of this section shall be guilty of a Class 4 misdemeanor for the first violation and a Class 2 for a second or subsequent violations. Any person violating any other provision of this section shall be guilty of a Class 3 misdemeanor.~~

Sec. 3-104. Companion animals constituting public nuisance.

- (a) No owner shall fail to exercise proper care and control of his or her companion animal to prevent it from becoming a public nuisance. Acts deemed nuisances shall include but are not limited to the following:
- (1) Howling, barking, whining, meowing, squawking or other such noises which are plainly audible across a property line or through partitions common to two (2) residences within a building and that takes place continuously or repeatedly (i) during a period of at least sixty (60) minutes in duration between the hours of 6:00 a.m. and 10:00 p.m. or (ii) during a period of at least thirty (30) minutes in duration between the hours of 10:00 p.m. and 6:00 a.m.;
 - (2) Interfering with a pedestrian's use of the public right of way;
 - (3) Chasing vehicles;
 - (4) Attacking other companion animals so as to cause injury or death; or
 - (5) Entering upon public or private property and causing damage to real or personal property.

However, the provisions in subsection (a)(1) shall not apply to any animal that is engaged with its owner or owner's designee between the hours of 6:00 a.m. and 10:00 p.m. for feeding, turnout, exercise, training, hunting and/or field trials.

- (b) Any person owning or having in his or her possession or under his or her control any companion animal suspected of constituting a nuisance may be proceeded against by warrant or summons before the Goochland County General District Court.
- (c) A summons or warrant charging a violation of this section shall only be issued when the complainant appears before a magistrate and requests a summons to be issued, or upon complaint by a law enforcement official, animal control officer, or other code enforcement officer.
- (d) No person shall be found in violation of subsection (a)(1), unless there has been presented before the court, competent evidence that the complainant or an animal control officer, law enforcement official, or other code enforcement officer had, prior to the issuance of any summons or warrant, requested the abatement of the nuisance complained of, and that such nuisance continued after such request for abatement.
- (e) Any person found by a court to be in violation of any provisions of this section shall be subject to a civil penalty not to exceed \$100.00. A civil penalty of \$300.00 per violation shall be imposed for each subsequent violation.

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 ordinance shall be effective immediately.

Approved this 7th day of January, 2014.

Roll Call Vote:

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

Abstentions: None

Absent: None

BOARD OF SUPERVISORS OF
GOOCHLAND COUNTY, VIRGINIA

A copy teste:

By: _____
Rebecca T. Dickson, Clerk