

ORDINANCE NO. 20-4(2)

AN ORDINANCE TO AMEND ARTICLE 2, DOGS, OF CHAPTER 4, ANIMALS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Article 2, Dogs, of Chapter 4, Animals, is hereby amended as follows:

By Amending and Renaming:

Sec. 4-225 Dog running at large is prohibited; when a dog is required to be leashed.

Chapter 4. Animals

Article 2. Dogs

Division 4. Dogs Running at Large and Dogs Damaging Livestock or Poultry

Sec. 4-225 Dog running at large is prohibited; when a dog is required to be leashed.

An owner shall not allow his dog to run at large in the County, subject to the following:

- A. *When a dog is deemed to run at large.* For the purposes of this section, a dog is deemed to "run at large" while roaming, running, or self-hunting off the property of its owner or custodian and the dog is not firmly secured by a physical leash or lead attached to a collar or harness and under the control of a responsible person capable of physically restraining the dog; an electronic collar or other similar electronic device does not qualify as a leash or lead. A "dog that is off the property of its owner or custodian" includes, but is not limited to, any dog that is on a public right-of-way, public road, public sidewalk, or public trail that is under the control of the County, the State, or another public entity, pursuant to an easement on the property of the dog's owner or custodian. The owner or custodian of a dog may assert as an affirmative defense that the owner or the occupant of other property gave written permission to the owner or custodian of the dog to be on the property, and the dog is under the owner's or custodian's immediate control while it is on the property for which the permission has been given.
- B. *When a dog is not considered to be running at large.* A dog is not considered to "run at large" in the following circumstances:
 1. *Hunting.* If, during the applicable hunting season, it is on a bona fide hunt in the company of a licensed hunter or the dog is participating in an organized fox or other game hunt.
 2. *Field trials or training.* During field trials or formal obedience, agility, or similar training periods when the dog is accompanied by its owner or custodian.
 3. *Fenced dog park or exercise area.* When the dog is in a securely fenced, specifically designated dog park or dog exercise area established by the County or another governmental entity, a homeowner's association, or a community organization, where the fencing is designed to prevent a dog from escaping.

4. *Service dog; when leashing is not required.* When the dog is a service animal whose handler, because of a disability, is unable to use a harness, leash, or other tether, or the use of such a device would interfere with the service dog's safe and effective performance of work or tasks, provided that the service dog is otherwise under the handler's control through voice control, signals, or other effective means.
5. *Off-season hunting dogs.* When the dog is a hunting dog and is being exercised during the non-hunting season and is under the immediate control of one or more dog handlers capable of maintaining control of the dogs, provided the handler has the express permission of the owner or occupant of the property on which the dogs are being exercised.
6. *Public service training.* During search and rescue and similar public service training when the dog is accompanied by its owner or custodian, or by a qualified handler, provided the owner, custodian, or handler has the express permission of the owner or occupant of the property on which the dogs are being trained.
7. *Farm dogs.* When the dog is a working farm dog that is either guarding or herding cows, fowl, goats, sheep, swine, or other domestic animals normally raised on a farm.

C. *Seizure, impoundment, and disposition.* Any dog observed or captured while unlawfully running at large and not in the presence of its owner or custodian shall be seized, impounded, and disposed pursuant to Virginia Code § 3.2-6546(B), (C), and (D).

(§ 4-225: (§ 4-200: 7-19-73; 8-22-73; 9-26-73; 11-15-73; 12-19-73; 1-3-74; 1-23-74; 3-24-77; 5-22-74; 10-9-74, 1-22-75; 3-10-76; 4-21-76; 12-7-77; 5-22-78; 6-21-78; 10-7-81; 5-21-86; 5-13-87; 9-16-87; 11-4-87; 12-16-87; 9-8-88; Ord of 1-17-90; Ord. of 8-8-90; Ord. No. 94-4(2), 8-17-94; Ord. No. 94-4(3), 12-7-94; Ord. No. 95-4(1), 1-4-95; Ord. No. 95-4(2), 9-6-95; Code 1988, § 4-19; Ord. 98-A(1), 8-5-98; Ord. 98-4(1), 12-2-98; Ord. 00-4(1), 5-3-00; Ord. 03-4(2), 3-5-03; Ord. 04-4(1), 5-12-04; Ord. 05-4(1), 12-7-05; Ord. 06-4(1), 12-6-06, § 4-213; Ord. 09-4(1), 7-8-09; Ord. 09-4(2), 10-7-09; Ord. 12-4(1), 4-11-12)(§ 4-213: Code 1967, § 4-26; 4-13-88; Code 1988, § 4-29; Ord. 98-A(1), 8-5-98, § 4-309; Code 1967, § 4-31; 4-13-88; Code 1988, § 4-34; Ord. 98-A(1), 8-5-98, § 4-314; Code 1967, § 4-32; 4-13-88; Code 1988, § 4-35; Ord. 98-A(1), 8-5-98; Ord. 05-4(1), 12-7-05, § 4-315; Ord. 08-4(2), 9-3-08, § 4-308; Ord. 09-4(1), 7-8-09); § 4-225, Ord. 18-4(1), 10-3-18; Ord. 20-4(2), 2-19-20)

State law reference - Va. Code §§ 3.2-6538, 3.2-6539, 3.2-6544(B)

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true, correct copy of an Ordinance duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of six to zero, as recorded below, at a regular meeting held on February 19, 2020.


Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Gallaway	<u>Y</u>	_____
Ms. LaPisto-Kirtley	<u>Y</u>	_____
Ms. Mallek	<u>Y</u>	_____
Ms. McKeel	<u>Y</u>	_____
Ms. Palmer	<u>Y</u>	_____
Ms. Price	<u>Y</u>	_____