

**ORDINANCE #O-2023-01**

**AN ORDINANCE AMENDING THE PROVISIONS SET FORTH IN COUNTY  
ORDINANCE CHAPTER 10 ANIMALS, ARTICLE II ANIMAL CONTROL, DIVISION  
4 ANIMALS RUNNING AT LARGE, SECTIONS 10-116 DOGS**

**WHEREAS**, Sections 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**, this amendment of the Powhatan County Code is required to serve the public necessity, convenience and general welfare; and

**WHEREAS**, this amendment would bring running at large regulations into compliance with updated State Code definitions related to service animals and penalties, as well as better clarify interpretations of exemptions, when an animal is or is not considered to be running at large, provide a provision for a citizen to file a complaint and make violation a class 4 misdemeanor in addition to the current civil penalty available; and

**WHEREAS**, this ordinance amendment was initiated by the Board of Supervisors at its meeting on January 23, 2023; and

**WHEREAS**, the proper advertisement and public hearing was conducted as required by law; and

**NOW THEREFORE**, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF POWHATAN that several sections of the Code of the County of Powhatan are amended and reenacted as follows:

**CODE OF THE COUNTY OF POWHATAN, VIRGINIA  
CHAPTER 10 ANIMALS, ARTICLE II ANIMAL CONTROL, DIVISION 4 ANIMALS  
RUNNING AT LARGE, SECTIONS 10-116 DOGS**

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

(a) When a dog is deemed to run at large.

(1) For the purposes of this section, a dog is deemed to "run at large" while roaming or running off the property of its owner or custodian and is not under its owner's or custodian's immediate control. Under "immediate control" shall mean (i) secured by leash or lead, or (ii) under control of a responsible person and obedient to that person's commands, or (iii) within the real property limits of its owner or other person consenting to its presence.

(2) "Off the property of its owner or custodian" includes, but is not limited to, an easement burdening the property of the dog's owner or custodian, or other person consenting to the dog's presence, for a public right-of-way, public road, public sidewalk, or public trail.

(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:

**Dogs Used for Hunting.** Dogs used for hunting are exempted from the prohibitions of this ordinance and shall not be deemed to be running at large provided any such dog is wearing a collar with a tag showing the name and telephone number of the owner of the dog.

**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.

**Service dog; when leashing is not required.** When the dog is a service animal as defined by Virginia Code 51.5-40.1 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.

**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.

**Farm dogs.** When the dog is a working farm dog that is either guarding or herding cattle, fowl, goats, sheep, swine, or other domestic animals normally raised on a farm.

(c) Civil Penalty for a dog reported to be running at large.

(1) Except as provided in subsection 2 below, upon receipt of a complaint, an Animal Control Officer or Deputy Sheriff shall investigate and, if satisfied of the truth of the complaint, may issue a summons to the owner or custodian of the dog imposing a \$150.00 civil penalty. Any person summoned or issued a ticket for a violation may make an appearance in person or in writing by mail to the Treasurer prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty of \$150.00. Imposition of civil penalties shall not preclude an action for injunctive, declaratory, or other equitable relief.

(2) The owner or custodian of a dog found running at large in a pack shall be subject to a civil penalty of \$100.00 per dog so found. Any person summoned or issued a ticket for a violation may make an appearance in person or in writing by mail to the Treasurer prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty.

(3) Proceedings pursuant to this section may only be initiated by an Animal Control Officer or other law enforcement officer.

(d) Class 4 Misdemeanor

In lieu of issuing a Civil Penalty, an Animal Control Officer, other law enforcement officer, magistrate or other judicial officer of proper authority may issue a summons for a violation of this section, which summons shall charge the violation as a Class 4 Misdemeanor. A citizen may also file a complaint with sworn statements, in writing, under oath in the presence of a judicial officer with the authority to issue arrest warrants, after which a summons may be issued in accordance with this section.

(e) Seizure, Impoundment and Disposition.

Any dog observed or captured while unlawfully running at large may be seized, impounded and disposed of by an Animal Control Officer or other law enforcement officer pursuant to Virginia Code §3.2-6546.

(f) This section may be enforced on private property upon receipt of a verbal or written complaint by the property owner.

(Va. Code §§ 3.2-6538, 3.2-6543, and 3.2-6546)  
(Ord. No. O-2014-18, 7-7-14)

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In all other respects said Code of the County of Powhatan shall remain unchanged and be in full force and effect.

This amendment shall take effect immediately upon passage.

**ATTEST:**

  
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Bret Schardein, Clerk

  
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Michael W. Byerly, Chair  
Powhatan County Board of Supervisors

**Recorded Vote:**

David T. Williams          Aye      
Steve W. McClung          Aye      
Michael W. Byerly          Aye      
Bill L. Cox                  Aye      
Karin M. Carmack          Aye    

ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON FEBRUARY 27, 2023