



# THE COMMON COUNCIL

Rouss City Hall  
15 North Cameron Street  
Winchester, VA 22601  
540-667-1815  
TDD 540-722-0782  
[www.winchesterva.gov](http://www.winchesterva.gov)

*I, Kerri A. Mellott, Deputy Clerk of the Common Council, hereby certify on this 27 day of March 2025 that the following Ordinance is a true and exact copy of one and the same adopted by the Common Council of the City of Winchester, assembled in regular session on the 25 day of March 2025.*

## **ORDINANCE AMENDING CHAPTER 5, ARTICLE II OF THE WINCHESTER CITY CODE LICENSE TAX RELATING TO DOGS**

**BE IT ORDAINED**, by the Common Council for the City of Winchester, Virginia, that:

1. Chapter 5, Animals and Fowl, Article II, Dogs, of the Winchester City Code is hereby amended and re-enacted in its entirety as follows:

### **CHAPTER 5. – ANIMALS AND FOWL**

#### **ARTICLE II - DOGS**

##### **Sec. 5-21. License tax.**

- (a) A license tax is hereby imposed on dogs required to be licensed under Code of Virginia § 3.2-6528, in the following annual amounts:
  - (1) Males and females \$10.00
  - (2) Neutered males and spayed females \$5.00
  - (3) Replacement tag for lost tag \$1.00
- (b) The owner of any dog not paying the license tax herein imposed by April 30th of any year or as otherwise provided in subsection (c) or in section 5-23, shall pay \$2.00 per dog in addition to the rate prescribed by subsection (a) above. (Ord. No. 008-97, 4-8-97)
- (c) The additional license tax after April 30th of any year imposed by paragraph (b) of this section shall be waived upon presentation to the City Treasurer of a statement, signed by the owner of the dog under penalty of perjury, certifying that the dog was not owned by him or her in the Commonwealth of Virginia prior to May 1st of the license year; or that the dog was obtained after April 30th of the license year, but not earlier than 30 days prior to making application for license; or that the dog was not four months old or older prior to May 1st of the license year.

- (d) A lifetime license may be purchased for \$10 for neutered males or spayed females or \$15 for unneutered or unsplayed dogs. The lifetime license shall be valid only as long as the dog's owner resides in the City and the dog's rabies vaccination is kept current.
- (e) No license tax shall be imposed on any dog that is trained and serves as (i) a guide dog for a blind person, (ii) a hearing dog for a person who is deaf or hard of hearing, or (iii) a service dog for a mobility-impaired or otherwise disabled person. The definitions of Virginia Code § 51.5-40.1, as may be amended, are incorporated by reference.

State law reference(s)— Code of Virginia, § 3.2-6528.

(Ord. No. 026-79; Code 1978, § 4-21; Ord. No. 003-85, 3-12-85; Ord. No. 007-89, 2-14-89; Ord. No. 038-90, 11-13-90; Ord. No. 025-91, 5-14-91; Ord. No. 009-96, 5-14-96; Ord. No. 2011-21, 10-11-11)

#### **Sec. 5-22. Rabies vaccination—Required.**

- (a) It shall be unlawful for any person to own, keep, hold or harbor any dog over the age of four months within the City, unless such dog shall have been vaccinated with a type of rabies vaccine which is approved by the state department of health. Dogs vaccinated under the age of four months must be revaccinated within 12 months. Vaccinations may be given for 12 to 36 months. (Ord. No. 008-97, 4-8-97)
- (b) Any person transporting a dog into this City from some other jurisdiction shall conform with the requirements of this section within 30 days. (Code 1959, § 4-10; Ord. of 7-11-78; Ord. No. 003-85, 3-12-85; Ord. No. 007-89, 2-14-89)

State law reference(s)—Control of Rabies, Code of Virginia, § 32.1-48.1, et seq.; Similar provision as to licensing, § 3.2-6521 et seq.

#### **Sec. 5-23. Same—Certificate and tag.**

- (a) At the time of vaccination of a dog pursuant to Section 5-22, a suitable and distinctive collar tag and certificate of vaccination shall be issued to the dog owner. The collar tag shall be affixed to the dog's collar and must be worn at all times when the dog is not on the owner's property or in the immediate control of a responsible person.
- (b) The certificate of vaccination issued under this section shall be signed by a licensed veterinarian and shall certify that the dog has been vaccinated in accordance with the provisions of Section 5-22 of this chapter. In accordance with Virginia Code § 3.2-6529, the 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, whether or not the animal is spayed or neutered, the vaccination number, and expiration date. The rabies vaccination certificate shall indicate the locality where the animal resides.
- (c) Upon presentation to the Treasurer of a current vaccination certificate and payment of the license tax, the Treasurer shall issue a dog license. Except for lifetime licenses pursuant to Section 5-21(d) of this chapter, the license shall be for a period of 12 months, beginning April 1 of the year of application. When the dog license has been

issued, the certificate of vaccination shall be so marked and returned to the dog owner. (Ord. No. 008-97, 4-8-97)

- (d) It shall be unlawful for any person to present a certificate of vaccination pursuant to subsection (c) above for a dog other than the dog for which it was issued. (Code 1959, §§ 4-11, 4-14, 4-15; Code 1978, § 4-23; Ord. No. 003-85, 3-12-85; Ord. No. 025-91, 5-14-91)

Note(s)—Ordinance No. 008-97 effective May 1, 1997.

State law reference(s)— Code of Virginia § 3.2-6521 et seq.

#### **Sec. 5-24. Running at large.**

- (a) It shall be unlawful for any person to permit his or her dog to run at large as hereinafter defined. For the purpose of this section, a dog shall be deemed to run at large while roaming, running, or self-hunting off the property of its owner or custodian and not under its owner's or custodian's physical control. Physical control shall mean that the animal is controlled by a physical restraint including but not limited to a fence, leash, or other restraining device.
- (b) It shall be the duty of every law enforcement officer to apprehend any dog found running at large contrary to the provisions of this section and to impound such dog in the City pound or other suitable place. The law enforcement officer upon receiving any dog shall make complete registry, entering the breed, color, and sex of such dog and whether licensed. If the dog is licensed, the law enforcement officer shall enter the name and address of the owner and the number of the license tag.  
(Ord. of 2-11-75; Code 1978, § 4-24; Ord. No. 026-79, 11-13-79; Ord. No. 003-85, 3-12-85; Ord. No. 2011-21, 10-11-11)

State law reference(s)—Authority, Code of Virginia, § 3.2-6538 et seq.

#### **Sec. 5-24.1. Duration of impoundment; disposition of unclaimed dogs.**

It shall be the duty of the animal control officer or other designated law enforcement officer to keep all dogs impounded in accordance with Section 5-24 of this chapter until redeemed or for a period of seven days. If at the expiration of seven days from the date of notice to the owner or the posting of notice as provided by Section 5-24.1 such dog shall not have been redeemed, it may be disposed of in a humane manner, given into the possession of the Society for the Prevention of Cruelty to Animals (S.P.C.A.), or any of the methods provided by Virginia Code § 3.2-6546. (Ord. No. 003-85, 3-12-85; Ord. No. 043-95, 9-12-95)

#### **Sec. 5-24.2. Notice to owner of impounded dog; redemption.**

The operator or custodian of the pound shall make a reasonable effort to ascertain if the animal has a tag, license, is tattooed or has other means of identification. If such identification is found on the animal, a reasonable effort shall be made to return the animal to its owner. If the owner cannot be found, the operator or custodian shall attempt to place the animal for adoption before humanely destroying the animal. Such identified animal shall be held for a minimum of five additional days beyond the period set out in Section 5-24.1. If the rightful

owner of any animal confined may be readily identified, the operator or custodian of the pound shall make a reasonable effort to notify the owner of the animal's confinement within the next 48 hours following its confinement. If the owner cannot be reasonably located, written notice shall be posted for two days at two or more conspicuous locations in the City describing the dog and the time and the place the dog was apprehended. In the event any animal confined pursuant to Section 5-24 is claimed by its rightful owner, the owner shall be charged as follows:

For impounding any dog \$10.00

For keeping any dog, per day \$5.00

For posting notice \$3.00

(Ord. No. 043-95, 9-12-95; Ord. No. 049-95, 10-17-95; Ord. No. 2011-21, 10-11-11)

#### **Sec. 5-25. Quarantine in case of emergency.**

When in the judgment of the health director an emergency shall be deemed to exist in the City or any section thereof due to a widespread rabies epizootic, for the protection of the public health the health director may declare a quarantine in the City or section thereof as may be affected, and restrict all animals to the owners' premises or to the immediate custody of a responsible person for the duration of such emergency as it is set forth. (Code 1959, § 4-16; Code 1978, § 4-25; Ord. No. 003-85, 3-12-85; Ord. No. 2011-21, 10-11-11)

#### **Sec. 5-26. Barking or howling dogs.**

- (a) The harboring or keeping of any dog which, by loud, frequent, habitual barking or howling, causes annoyance and disturbs the peace and quiet of any person or neighborhood shall be unlawful.
- (b) Any person annoyed by such loud, frequent, or habitual barking or howling may enter his own written complaint by summons returnable to the general district court. (Code 1959, § 4-22; Code 1978, § 4-26; Ord. No. 026-79, 11-13-79; Ord. No. 003-85, 3-12-85; Ord. No. 2011-21, 10-11-11)

**Cross Reference**—Noise Control, § 17.1 et seq.

#### **Sec. 5-27. Dangerous or vicious dogs.**

- (a) The provisions of Sections 3.2-6540 through 3.2-6540.1 of the Code of Virginia are hereby incorporated mutatis mutandis as though each and every word of said Section is set forth fully herein. (Ord. No. 020-99, 7-13-99; Ord. No. 034-2006, 11-14-06; Ord. No. 2011-21, 10-11-11)

- 2. This Ordinance will take effect immediately upon passage.

**Ordinance No. O-2025-5**

**ADOPTED** by the Common Council of the City of Winchester on this 25 day of March 2025.

*Witness my hand and the seal of the City of Winchester, Virginia.*



A handwritten signature in black ink that reads "Kerri A. Mellott".

**Kerri A. Mellott**  
**Deputy Clerk of the Common Council**