

ORDINANCE TO AMEND “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA”, BY AMENDING § 4-2-2 AND § 4-2-5 TO CLARIFY THE DEFINITION OF A VIOLATION UNDER BOTH THE DOG RUNNING AT LARGE ORDINANCE AND THE UNRESTRICTED DOG ORDINANCE

BE IT ORDAINED by the Board of Supervisors of Fluvanna County:

(1) *That The Code of the County of Fluvanna, Virginia is amended by amending § 4-2-2 and § 4-2-5, as follows:*

Chapter 4. – IN GENERAL

ARTICLE 2. – DOGS

Sec. 4-2-2. – Dogs running at large

(A) **Definition. For purposes of this section, the following term shall have the meaning indicated:**

Violation means a violation of this section documented through an incident report filed by a sworn law enforcement officer.

(B) The running at large of all dogs at any time is hereby prohibited within the confines of the County.

(C) ~~It shall be the duty of a~~ **Only** sworn law enforcement officers **shall** ~~to~~ enforce the provisions of this section.

(D) For the purposes of this section a dog shall be deemed to run at large while roaming or running off the property of its owner or custodian and not under its owner's or custodian's immediate control; provided, however, that no dog shall be deemed to be running at large in violation hereof if it shall be engaged in lawful hunting or training for hunting under the direction of its owner or custodian and shall thereafter stray from lawful hunting or training for hunting; or if the dog shall be engaged to assist farming activity, which is defined as raising, managing and using agricultural animals to provide food, fiber, or transportation; provided, that such owner or custodian shall place such dog under his immediate control within a reasonable time.

(E) Any person who permits his dog to run at large within the confines of Lake Monticello subdivision may be subject to a civil penalty of not more than \$100.00.

(F) A **Violation** ~~violation~~ of this section by an offender in the County but outside the confines of Lake Monticello subdivision may result in such dog being taken into possession by **a** ~~the~~ sworn law enforcement officer and returned to the owner or custodian with a warning.

- (G) If the owner or custodian of the dog cannot be located to take custody of the dog in a reasonable amount of time, the dog may be transported to the Fluvanna County SPCA for impoundment, and the dog's owner shall be liable for all costs of impoundment.
- (H) **A third or subsequent Violation of this section within two years in the County but outside the confines of the Lake Monticello subdivision may result in a \$100.00 civil penalty.** ~~A violation of this section by a habitual offender in the County but outside the confines of Lake Monticello subdivision, defined as an owner or custodian having three or more violations of this section within two years, may result in a \$100.00 civil penalty.~~
- (I) A dog shall be deemed to be "running at large in a pack" if it is running at large in the company of one or more other dogs that are also running at large. The owner or custodian of a dog found while running at large in a pack shall be subject to civil penalty in the amount of \$100.00 per dog so found.

(Comp. 1974, ch. 4; Ord. 8-4-86; Ord. 11-18-15; Ord. of 09-20-2023)

State Law reference— Authority of County to prohibit dogs running at large, see Code of Va., § 3.2-6538.

Sec. 4-2-5. - Unrestricted dogs prohibited.
new

- (A) Definition. For purposes of this section, the following **terms** ~~term~~ shall have the meaning indicated:

Unrestricted means not under the control of the owner or his agent either by leash, cord, chain, or primary enclosure when off the property or premises of the owner or custodian. An electronic device does not qualify as a leash, cord or chain.

Violation means a violation of this section documented through an incident report filed by a sworn law enforcement officer.

- (B) Prohibition. No dog shall run unrestricted within the boundaries of any property owned, leased, controlled or operated by the County.
- (C) Enforcement. The provisions of this section shall be enforced only by sworn law enforcement officers.
- (D) Exceptions. This section shall not apply to any person who uses a dog as follows:
 - (1) Dogs within areas designated by a resolution approved by the Fluvanna County Board of Supervisors as off-leash trails, dog parks and dog exercise areas.

- (2) Service dogs whose handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe effective performance of work or tasks.
 - (3) Dogs under the control of law enforcement.
 - (4) Dogs involved in county approved events including obedience training classes or shows, agility training or field trials, or similar activities where dogs are under the control of the owner or custodian.
- (E) Impoundment. Any dog found unrestricted shall be impounded, except that if the rightful owner of the dog can be immediately ascertained and located, then that owner shall be allowed to have custody of the animal, but may be subject to issuance of a civil penalty for **Violation** ~~violation~~ of this section.
- (F) Penalty. ~~A violation of this section by a habitual offender, defined as an owner or custodian having three or more violations~~ **A third or subsequent Violation of this section** within two years; may result in a civil penalty of \$50.00.

(Ord. of 01-17-2024)

(G) *That the Ordinance shall be effective upon adoption.*