

DATE PRESENTED July 8, 1924

SUPERVISORS RECORD BOOK #2

DATE ADOPTED July 8, 1924

SUPERVISORS PAGE #210

Whereupon, and after mature consideration, an ordinance was proposed, and the same was thereupon passed and adopted by the affirmative vote of each and every member of the board, in words and figures following, to wit;

AN ORDINANCE

To prevent animals from trespassing and running at large upon certain of the public highways in Giles County, and to prescribe fines and other punishment for the violation thereof.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF GILES COUNTY

Sec. 1. That from and after the first day of August, 1924, it shall be unlawful for the owner of any animals, or any person having control of animals, such as cattle, hogs, horses, mules, sheep or goats, to knowingly or negligently allow any of such animals to trespass and run at large upon any of the public highways as are known as gate ways, and such public roads running exclusively through uncleared and unenclosed mountain territory.

Sec. 2. Any person who shall violate the provisions of Sec. 1 of this ORDINANCE shall be punished by a fine not exceeding fifty dollars, or confinement in the county jail not exceeding thirty days, or both.

Sec. 3. The Clerk of this board is hereby directed to have this ORDINANCE published in full in the Pearisburg Virginian, in the two issues of July 17th, and July 24th, 1924, and that a copy be sent to each Justice of the Peace of Giles County.

Mr. Neely moved that the Board adopt an ordinance creating and defining a lawful fence. Mr. Farrier seconded. Motion carried with Mr. Farrier and Mr. Neely voting for.

WHEREAS, the rule of the common law which requires the owner of animals to keep them on his own land or within enclosures is not in force within the Commonwealth, except in those counties where the "no fence" law has been adopted, and

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WHEREAS, the owner of the animals, being under no obligation to restrain them, is not liable for damage done in consequence of their straying onto the unenclosed lands of another, unless he drives them there, and

WHEREAS, Section 8-880 authorizes the Board of Supervisors of any county after posting notice of the time and place of meeting thirty (30) days at the front door of the Courthouse, and at each voting place in the county, and by publishing the same once a week for four (4) successive weeks in some newspaper of such county, all of which have been done, pursuant to direction of the Board of Supervisors meeting held on February 1, 1977, 10:00 a.m.

WHEREAS, it is the intention of the Board of Supervisors of Giles County to define a lawful fence for the protection of property owners, or leaseholders, in regards to actual damage sustained where animals as defined by Section 8-874 have strayed onto their property, and

WHEREAS, this ordinance is to have no basis upon proof by owner or manager for damages should a gate be left open by some person other than the owner or manager who are not their employees or agents nor does this ordinance apply as a basis for possible civil damages should a portion of fence be destroyed either by accident or by an "act of God" unless the manager or owner of such animals does not within a reasonable time repair the fencing involved, provided however that accident or damage was not the direct result of negligence of the owner or manager of such animals,

NOW, THEREFORE, be it and it is hereby ordained by the Board of Supervisors of Giles County, Virginia, as follows:

Section 1. It is the intention of this ordinance to hold liable the owner or manager of any horse, mule, cattle, hogs, sheep or goats for the actual damages sustained, if the amount of such damage shall be one dollar or more, by such animals straying onto the premises of others and destroying crops or other property.

Section 2. That it is now declared pursuant to the provisions and the authority contained in Section 8-880, Code of Virginia 1950, that the following designated items shall be considered a lawful fence within the County of Giles but not to include any area within an incorporated town which may or may not have a local "no fence" law:

A. A lawful fence is any barrier that is sufficient to contain on any property, any horse, mule, cattle, hogs, sheep or goats, from straying be it stream, river, gorge, wire, rail, plank, or any other barrier or combination of barriers.

B. By consent in writing from adjoining land owners there need be no lawful fence, however, this consent does not override the liability of an owner of animals defined by Section 8-874, Code of Virginia, 1950.

Section 3. Should any portion of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of this ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

Section 4. All ordinances or portions of ordinances in conflict with this ordinance are hereby repealed to the extent of their conflict.

Section 5. This ordinance shall be effective on and after 12 noon March 9, 1977.


Martin P. Farrier, Chairman of the Board

**ANIMAL CONTROL ORDINANCE
ORDINANCE #2-3
DATED: 8-21-2003**

An Ordinance establishing various animal control requirements and restricting dogs and cats from running at large in Giles County.

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

This Ordinance shall be known and cited as the Giles County Animal Control Ordinance. The following definitions shall apply in this ordinance.

"Treasurer" includes the Treasurer and his assistants or other officer designated by law to collect taxes in Giles County.

"Animal" means domestic animals, including both agriculture and companion animals if not specified otherwise.

"Animal Warden" means any person employed, contracted or appointed by Giles County for the purpose of aiding in the enforcement of this ordinance relating to the licensing of dogs, control of dogs and cats, cruelty to animals, or seizure and impoundment of dogs and cats and includes any state or municipal police officer, animal control officer, sheriff or other employees whose duties in whole or in part include assignments which involve seizure or taking into custody of any dog or other animal.

"Livestock" includes cattle, horses, sheep, goats, swine, and enclosed domesticated rabbits or hares.

"Poultry" includes all domestic fowl and game birds raised in captivity.

"Owner" means any person who (1) has a right of property in an animal (2) keeps or harbors an animal (3) has an animal in his care or (4) acts as a custodian of an animal. Any person who knowingly permits a dog to remain on or about any premises occupied by him shall be considered the owner of the animal.

"Kennel" means an enclosure constructed to house and restrain animals without the use of a leash in a limited amount of space.

"Vaccinate" means the immunization of a dog against rabies, which by inoculation vaccination or any method of treatment approved by the county health officer.

"Run at Large" A dog or cat shall be deemed to "run at large" while self-hunting, running or roaming off the property of its owner or custodian and not under the immediate control of its owner or custodian.

SECTION 1: Animal Warden and Deputy Wardens

- (A) The animal warden and deputy animal wardens shall be appointed by the Board of Supervisors pursuant to Section 3.1-796.104 of the Code of Virginia. Such officers shall be paid such compensation as the Board of Supervisors may prescribe. The animal warden and deputies shall be subject to the supervision of the Giles County Administrator.
- (B) The powers of enforcement of this chapter and all laws for the protection of domestic animals and such other duties as may be required by the Board of Supervisors shall be vested in the animal warden and such deputy animal wardens as may be appointed. Deputy animal wardens shall have all the powers and duties of an animal warden.
- (C) The animal warden pursuant to Section 3.1-796.105 of the Code of Virginia shall not give or sell or negotiate for the gift or sale to a pet shop dealer or research facility of any animal which may come into his possession.
- (D) An animal warden or the custodian of any pound, upon taking custody of any animal in the course of his official duties, shall immediately make a record of the matter. The record shall include a description of the animal including color, breed and sex, approximate weight, reason for seizure, location of seizure, the owner's name and address if known and all license or other identification numbers and the disposition of the animal.
- (E) Any animal warden or custodian of any pound who violates any provision of this chapter which relates to the seizure, impoundment and custody of animals by an animal warden may be subject to suspension or dismissal from his position.
- (F) Animal wardens, custodians or animal control officers engaged in the operation of a pound shall be required to have a knowledge of the laws of Virginia governing animals, as well as basic animal care. They may avail themselves of any training course offered by the Commonwealth for law enforcement officers or any animal warden, with the approval of the County Administrator.

SECTION 2: LICENSES

- (A) **Unlicensed Dogs Prohibited**
It shall be unlawful for any person to own a dog six months old or older unless such dog is licensed, as required by the provisions of this ordinance.
- (B) **How to Obtain License**
Any person residing in the county may obtain a dog license by making oral or written application to the Treasurer, accompanied by the amount of license tax and certificate of vaccination as required by this division. The Treasurer or other officer charged with the duty of issuing dog licenses shall only have the authority to license dogs of resident owners or custodians who reside within the boundary limits of the county and

may require information to this effect from any applicant. Upon receipt of proper application and certificate of vaccination as required by this division, the Treasurer or other officer charged with the duty of issuing dog licenses shall issue a license receipt for the amount of which he shall record the name and address of the owner or custodian, the date of payment, the year for which issued, the serial number of the tag, whether individual or kennel, and deliver the metal license tags or plates provided for herein. The information thus received shall be retained by the Treasurer, open to public inspection, during the period for which such license is valid. The Treasurer may establish substations in convenient locations in the county and appoint agents for the collection of the license tax and issuance of such license.

(C) Evidence Showing Inoculation for Rabies Prerequisite to Obtaining Dog License

No license tag shall be issued for any dog unless there is presented to the Treasurer or other officer of the county charged by law with the duty of issuing license tags for dogs at the time application for license is made, evidence satisfactory to him showing that such dog has been inoculated or vaccinated against rabies by a currently licensed veterinarian.

(D) Licenses Taxes – Amounts

License taxes shall be as follows:

(Tax amounts changed June 6, 1996)

MALE-for a male dog, seven dollars and fifty cents (\$7.50).

UNSEXED FEMALE-for an unsexed male/female dog, three dollars and fifty cents (\$3.50).

FEMALE-for a female dog, seven dollars and fifty cents (\$7.50).

KENNELS – Twenty-five dollars (\$25).

No kennel license will be issued without proof that applicant maintains a bona fide kennel and all of applicant's dogs are actually housed in this kennel. Evidence must be presented showing that each dog owned by the applicant has been inoculated or vaccinated against rabies by a currently licensed veterinarian.

No license tax shall be levied on any dog that is trained and serves as a guide dog for a blind person or that is trained and serves as a hearing dog for a deaf or hearing impaired person. As used in this Section, "hearing dog" shall mean a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond.

(E) Same – When Payable

(1) On January 1 and not later than January 31 of each year, the owner of any dog six months old or older shall pay a license tax as prescribed in sub-section B of this Section.

(2) If a dog shall become six months of age or come into the possession of any person between January 1 and November 1 of any year, the license tax for the current calendar year shall be paid forthwith by the owner.

- (3) If a dog shall become six months of age or come into the possession of any person between October 31 and December 31 of any year, the license tax for the succeeding calendar year shall be paid forthwith by the owner and such license shall protect such dog from the date of purchase.
- (4) *Added on March 15, 2001.* Notwithstanding any other provision of this ordinance, a dog license valid for a period of three years may be obtained upon payment of a Twenty Dollar (\$20.00) license fee together with presentation of a rabies certificate which expires no sooner than October 30th of the last valid year of the three year license. A three year license shall be available only for an individual dog. Such license is not transferable and no portion of the license fee shall be refundable.

- (F) Same – Payment Subsequent to Summons
Payment of the license tax subsequent to a summons to appear before a court for failure to do so within the time required shall not operate to relieve such owner from the penalties provided.
- (G) Effect of Dog Not Wearing Collar as Evidence
Any dog not wearing a collar bearing a license tag of the proper calendar year shall prima facie be deemed to be unlicensed and in any proceedings under this article the burden of proof of the fact that such dog has been licensed, or is otherwise not required to bear a tag at the time, shall be on the owner of the dog.

SECTION 3: RUNNING AT LARGE – GENERALLY

Dogs and cats shall not be permitted to run at large in Giles County at any time; however, a dog shall not be considered running at large if during the hunting season it is on a bona fide hunt in the company of a licensed hunter or during field trials or training periods when accompanied by its owner or custodian.

SECTION 4: VICIOUS OR DESTRUCTIVE DOGS

A) Definitions:

As used in this section, "*dangerous dog*" means a canine or canine crossbreed which has bitten, attacked, or inflicted injury on a person or companion animal, other than a dog, or killed a companion animal, and "*vicious dog*" means a canine or canine crossbreed which has (i) killed a person; (ii) inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or (iii) continued to exhibit the behavior which resulted in a previous finding by a court that it is a dangerous dog, provided that its owner has been given notice of that finding.

1. Any animal control officer who has reason to believe that a canine or canine crossbreed within his jurisdiction is a dangerous dog or vicious dog shall apply to a magistrate of the jurisdiction for the issuance of a summons requiring the owner or custodian, if known, to appear before the general

district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. The animal control officer shall confine the animal until such time as evidence shall be heard and a verdict rendered. If the animal control officer determines that the owner or custodian can confine the animal in a manner that protects the public safety, he may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of the ordinance. If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of Virginia Code § 3.1-796.119.

2. No canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed. No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian, (ii) committing, at the time, a willful trespass or other tort upon the premises occupied by the animal's owner or custodian, or (iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog which was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog or a vicious dog. No animal which, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, or its owner or owner's property, shall be found to be a dangerous dog or a vicious dog.
3. The owner of any animal found to be a dangerous dog shall, within ten days of such finding, obtain a dangerous dog registration certificate from the local animal control officer for a fee of fifty dollars in addition to other fees that may be authorized by law. The local animal control officer shall also provide the owner with a uniformly designed tag which identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained pursuant to this subdivision shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained.
4. All certificates or renewals thereof required to be obtained under this section shall only be issued to persons eighteen years of age or older who present satisfactory evidence (i) of the animal's current rabies vaccination, if applicable, and (ii) that the animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed. In addition, owners who apply for certificates or renewals thereof under this section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence that (i) their residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property

- and (ii) the animal has been permanently identified by means of a tattoo on the inside thigh or by electronic implantation.
5. While on the property of its owner, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. The structure shall be designed to provide the animal with shelter from the elements of nature. When off its owner's property, an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.
 6. If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.
 7. After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon learning of same, notify the local animal control authority if the animal (i) is loose or unconfined; (ii) bites a person or attacks another animal; (iii) is sold, given away, or dies; or (iv) has been moved to a different address.
 8. The owner of any animal which has been found to be a dangerous dog who willfully fails to comply with the requirements of the ordinance shall be guilty of a Class 1 misdemeanor.
 9. All fees collected pursuant to the ordinance, less the costs incurred by the County in producing and distributing the certificates and tags required by the ordinance, shall be paid into a special dedicated fund in the treasury of County for the purpose of paying the expenses of any training course required under Virginia Code § 3.1-796.104:1.
 10. All certificates or renewals thereof required to be obtained under this section shall only be issued to persons eighteen years of age or older who present satisfactory evidence that the animal has been neutered or spayed.
 11. All certificates or renewals thereof required to be obtained under this section shall only be issued to persons who present satisfactory evidence that the owner has liability insurance coverage, to the value of at least \$50,000, that covers animal bites.
 12. Notwithstanding the provisions of subdivision A 1, the animal control officer may determine, after investigation, whether a dog is a dangerous dog. If the animal control officer determines that a dog is a dangerous dog, he may order the animal's owner to comply with the provisions of the ordinance. If the animal's owner disagrees with the animal control officer's determination, he may appeal the determination to the General District Court for a trial on the merits.

SECTION 5: DOGS KILLING OR INJURING LIVESTOCK OR POULTRY

It shall be the duty of any animal warden who may find a dog in the act of killing or injuring livestock or poultry to kill such dog forthwith whether such dog bears a tag or not, and any person finding a dog committing any of the depredations mention in this Section shall have the right to kill such dog on sight as shall any owner of livestock or his agent finding a dog chasing livestock on land utilized by the livestock when the circumstances show that such chasing is harmful to the livestock. Any court shall have the power to order the animal warden or other officer to kill any dog known to be a confirmed livestock or poultry killer, and any dog killing poultry to the third time shall be considered a confirmed killer. Any animal warden who has reason to believe that any dog is killing livestock or poultry shall be empowered to seize such dog solely for the purpose of examining such dog in order to determine whether it committed any of the depredations mentioned herein. Any animal warden or other person who has reason to believe that any dog is killing livestock or committing any of the depredations mentioned in this Section, shall apply to a magistrate of the county who shall issue a warrant requiring the owner or custodian, if known, to appear before a district court at a time and place named herein, at which time evidence shall be heard, and if it shall appear that such a dog is a livestock or poultry killer, or has committed any of the depredations mentioned in this Section, the dog shall be ordered killed immediately, which the animal warden or other officer designated by the judge of the district court to act shall do.

SECTION 6: COMPENSATION FOR LIVESTOCK/POULTRY KILLED BY DOGS

Any person who has any livestock or poultry killed or injured by any dog not his own shall be entitled to receive as compensation the fair market value of such livestock or poultry; provided, that (1) the claimant has furnished evidence within sixty (60) days of discovery of the quantity and value of the dead or injured livestock and the reasons the claimant believes that death or injury was caused by a dog; (2) the animal warden or other officer shall have been notified of the incident within 72 hours of its discovery; (3) the claimant first has exhausted his legal remedies against the owner if known of the dog doing the damage for which compensation under this section is sought. Exhaustion shall mean a judgment against the owner of the dog upon which an execution has been returned unsatisfied. The procedure for determination of fair market value shall be established by the Board of Supervisors by resolution.

The animal warden shall conduct an investigation and if his investigation supports the claim, such claim shall be paid. Upon payment under this Section, the Board of Supervisors shall be subrogated to the extent of compensation paid to the right of action to the owner of the livestock or poultry against the owner of the dog and may enforce the same in an appropriate action at law.

SECTION 7: DISPOSAL OF DEAD DOGS

The owner of any dog which has died from disease or other cause shall forthwith cremate or bury the same. If, after notice, any owner fails to do so, the animal warden shall bury or cremate the dog or he may recover on behalf of the county from the owner his cost for this service.

SECTION 8: UNLAWFUL ACTS; PENALTIES

- (A) The following shall be unlawful acts and constitute Class 4 misdemeanors and shall be punishable in accordance with 18.2-11 of the Code of Virginia.
- (1) **License Application:** For any person to make a false statement in order to secure a dog license to which he is not entitled.
 - (2) **License Tax:** For any dog owner to fail to pay the license tax required by this chapter before February 1 for the year in which it is due. In addition, the Court may order confiscation and proper disposition of the unlicensed dog. For violations of this section, there shall be a minimum, mandatory fine of \$35 for a first offense, and a minimum, mandatory fine of \$50 for a second or subsequent offense.
 - (3) **Running at Large:** For any dog or cat owner to allow a dog or cat to run at large in violation of Sections 3 and 4.
 - (4) **Dead Dogs:** For any owner to fail to dispose of the body of his dog in violation of Section 7.
 - (5) **Diseased Dogs:** For any owner of any dog with a contagious or infectious disease to permit such dog to stray from his premises if such disease is known to the owner.
 - (6) **Removing Collar and Tag:** For any person, except the owner or custodian, to remove a legally acquired license tag from a dog.
 - (7) **Concealing a Dog:** For any person to conceal or harbor any dog on which the license tax has not been paid, or to conceal a mad dog to keep the same from being killed.
 - (8) **Other Violations:** Any other violation of this article for which specific penalty is not provided.
- (B) If any person presents a false claim or receives any money on a false claim under the provisions of Section 6, he shall be guilty of a Class I misdemeanor and punished in accordance with Section 18.2-11 of the Code of Virginia.
- (C) *Added October 4, 1994.* It shall be unlawful to own, keep, possess or harbor any animal which frequently or habitually howls, barks, meows, squawks or makes such other noise as is plainly audible across property boundaries or through partitions. The creation of such noise by an animal for a period of five minutes or more at any time shall constitute a prima facie violation of this section, subject however to rebuttal by competent evidence. Any animal used for law enforcement or search and/or rescue operations shall be exempt from the provisions of this section while in the performance of its official duties. A violation of this section shall be a misdemeanor punishable by a fine in an amount not to exceed \$100. A second or subsequent offense within a period of one year shall be punishable by a fine in an amount not to exceed \$500.

This subsection shall not apply to noise created by cows, poultry, pigs or other farm animals commonly referred to as livestock.

This subsection shall also not be deemed to apply to the barking of, or noise created by hunting dogs while actually engaged in hunting activities and while such hunting dogs are under the control of their owner.

SECTION 9: DOGS DEEMED PERSONAL PROPERTY

All dogs shall be deemed personal property and may be the subject of larceny and malicious or unlawful trespass, and the owners thereof may maintain any action for the killing of any such dogs, or injury thereto, or unlawful detention or use thereof as in the case of other personal property. The owner of any dog which is injured or killed contrary to the provisions of this chapter by any person shall be entitled to recover the value thereof or the damage done thereto in an appropriate action at law from such person. An animal warden or other officer finding a stolen dog, or a dog held or detained contrary to law, shall have authority to seize and hold such dog pending action before a general district court or other court. If no such action is instituted within seven days, the animal warden or other officer shall deliver the dog to its owner. The presence of a dog on the premises of a person other than its legal owner shall raise no presumption of theft against the owner and the animal warden shall take such dog in charge and notify its legal owner to remove him. The legal owner of the dog shall pay a charge as specified by the Board of Supervisors for the keep of such dog while in the possession of the animal warden.

SECTION 10: ABANDONMENT OF ANIMALS

No person shall abandon any animal. Abandonment for the purpose of this ordinance is defined as deserting, forsaking or intending to absolutely give up an animal without securing another owner or without providing necessities set out in Section 3.1-796.68 of the Code of Virginia.

SECTION 11: CONFINEMENT

Any dog or cat seized pursuant to the provisions of this ordinance and not otherwise determined shall be kept for a period of not less than five days, such period to commence on the day immediately following the day the dog or cat is initially confined unless sooner claimed by the owner thereof.

Either a custodian of a dog or cat or an individual who has found a dog or cat may qualify as owner and may claim the dog or cat by expressing his desire in writing to claim the dog at the expiration of the five day period set out herein after payment of the required license fee. In the event that any dog or cat confined pursuant to this section is claimed by its rightful owner, the owner shall only be charged with the actual expenses incurred in keeping the dog or cat impounded. In the event the rightful owner shall claim the dog or cat at any time, the custodian or finder shall relinquish possession of the dog or cat to the rightful owner. If the animal has not been claimed, it may be humanely destroyed or disposed of by sale or gift to a federal agency, or state-supported institution, agency of the Commonwealth, agency of another state, or a licensed federal dealer having its principal place of business located within the Commonwealth, or by delivery to any local humane society, shelter, or to any person who is a resident of the county or city for which the pound is operated and who will pay the required license fee, if any, on such animal. If the rightful owner of any dog or cat

confined may be readily identified, the operator or custodian of the pound shall make a reasonable effort to notify the owner of the dog or cat of the dog's or cat's confinement within forty-eight hours next following its confinement. The animal may also be delivered to any person who proposes to adopt it as a pet and who will pay the required license fee, if any, on the animal; however, no more than two animals or a family of animals shall be delivered during any thirty-day period to any one such person.

Any person proposing to adopt an unclaimed dog or cat must have the animal spayed or neutered.

No provision herein shall prohibit the destruction of a critically injured or critically ill animal for humane purposes. Any animal destroyed pursuant to the provisions of this chapter shall be euthanized by one of the methods prescribed or approved by the State Veterinarian.

SECTION 12: TREATMENT OF PERSONS BITTEN BY OR EXPOSED TO RABID ANIMAL

Any person bitten by a rabid animal in the county shall be paid the costs of necessary treatment by the county, no to exceed five hundred dollars (\$500); provided, that the county health officer shall first treat any such case of rabies, and no person shall be entitled to recover the cost of necessary treatment herein provided unless he first applies to such officer for treatment and such officer refuses or fails to treat the case.

SECTION 13: WHEN EFFECTIVE

This Ordinance shall replace completely all previously dated ordinances concerning Dog Control or Animal Control, and shall be in full force and effect upon its adoption and enactment by the Board of Supervisors of Giles County.

Public Hearings Held: (1) August 21, 2003

Adopted On: August 21, 2003


Chairman


Clerk

86-1a

AN ORDINANCE TO AMEND SECTION VIII OF ORDINANCE NUMBER 86-1 BY
ADDING MINIMUM MANDATORY FINES FOR CERTAIN VIOLATIONS AND
REDUCING THE LICENSE FEE FOR CERTAIN DOGS

After public hearing on June 6, 1996, pursuant to notice published in the Virginian Leader on May 22, 1996, and May 29, 1996,

BE IT ORDAINED by the Board of Supervisors of Giles County, Virginia that Sections II and VIII of the Giles County Dog Control Ordinance, (Ordinance number 86-1) be amended as follows:

SECTION II. Licenses.

(A-C) Unchanged

(D) License taxes shall be as follows:

Male. For a male dog, seven dollars and fifty cents (\$7.50).

Unsexed male or female. For a neutered male dog or spayed female dog, three dollars and fifty cents (\$3.50).

Female. For a female dog, seven dollars and fifty cents (\$7.50).

Kennels. (unchanged).

(E-J) Unchanged.

Section VIII. Unlawful acts, Penalties.

(A) The following shall be unlawful acts and shall be punished by a fine of not less than \$35.00 nor more than \$100.00 for each offense. Each day in which an offense occurs shall constitute a separate offense.

(1) Unchanged.

(2) For any dog owner to fail to pay the license tax required by this chapter before February 1 for the year in which it is due. In addition, the Court may order confiscation and proper disposition of the unlicensed dog. For violations of this section, there shall be a minimum, mandatory fine of \$35.00 for a first offense, and a minimum, mandatory fine of \$50.00 for a second or subsequent offense.

(3-8) Unchanged.

(B) Unchanged.

Adopted at a meeting of the Board of Supervisors of Giles
County, Virginia, held on June 6, 1996.

	voting for	voting against	abstain	absent
Freeman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hobbs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
L. J. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Blankenship	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
R. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attest: *Roger C. Mullins*
Roger Mullins, Clerk

AN ORDINANCE TO REGULATE THE POSSESSION AND OWNERSHIP OF CANINE
HYBRID ANIMALS IN GILES COUNTY BY ADDING A NEW SECTION II (I) TO
THE GILES COUNTY ANIMAL CONTROL ORDINANCE

After public hearing held on July 18, 1996, pursuant to notice duly published in the Virginian Leader on July 10 and July 17, 1996, be it ordained that the Giles County Animal Control Ordinance shall be amended by adding a new Section numbered II (I) as follows:

Section II

(I) Canine hybrids

(1) No person shall import into the County of Giles, or liberate herein, or possess herein, any animal which is classified as predatory, including but not limited to canine and hybrid canines for which there is no United States Department of Agriculture approved vaccine against rabies, or which may pose a danger to human life or property, except under a special permit issued by the Board of Supervisors. A threat of danger to human life or property shall be based upon the customary habits or natural disposition of the animal, its size or strength, or its carnivorous appetite. Dogs that can be vaccinated against rabies, farm animals and animals utilized for research at public universities are specifically excluded from the coverage of this section. A hybrid canine shall specifically include the offspring resulting from the mating of a domesticated dog and a wolf or coyote or their subsequent offspring or any animal which at any time has been or is permitted, registered, licensed, advertised or otherwise described or represented as a hybrid canine by its owner or former owner.

(2) The special permit shall be issued by the Board of Supervisors only after a public hearing upon due public notice published once prior to such meeting, publication to occur at least six (6) days prior to said meeting. The decision to issue such a permit shall be based upon the following criteria:

(a) The number and type of animals, including information as to habits or dispositions, size, strength, carnivorous appetites, predatory nature;

(b) The type, quality and extent of the cage or enclosure intended to keep or restrain the animals; this enclosure shall prevent any escape by the animals enclosed therein to the greatest extent possible, protect neighboring landowners or residents from harm, injury or disturbance, and provide a safe, secure and healthy environment for the animals therein;

(c) Coverage of the owner by a general liability insurance policy protecting the general public from any and all damages or injuries caused by the animals in their charge in an

amount not less than two hundred fifty thousand dollars (\$250,000.00);

(d) The type, quality and extent of the cage or enclosure intended to keep or restrain the animals; this enclosure shall prevent any escape by the animals enclosed therein to the greatest extent possible, protect neighboring landowners or residents from harm, injury or disturbance, and provide a safe, secure and healthy environment for the animals therein;

(e) Coverage of the owner by a general liability insurance policy protecting the general public from any and all damages or injuries caused by the animals in their charge in an amount not less than two hundred fifty thousand dollars (\$250,000.00);

(f) The payment of fees set from time to time by resolution of the Board;

(g) The background, knowledge and experience of the owner/applicant to adequately care for, keep and handle such animals;

(h) Proximity to residences, centers of population and livestock;

(i) The applicant shall provide a list of persons owning property adjoining the property upon which the animal is to be maintained or kept, the current mailing addresses of such adjoining property owners.

(3) The special permit may be revoked by the Board of Supervisors at any time upon written notice to the owner/applicant and after an opportunity to be heard. Grounds for revocation shall include escape of the animals from the cage or enclosure, or any death, damage or injury caused by the animals.

(4) All hybrid canines shall be sterilized prior to the issuance of a permit. The applicant for such permit shall produce evidence of such sterilization as a part of the application.

(5) The owner of a hybrid canine shall immediately notify the local animal warden or other local law enforcement agency if the animal warden cannot be located if the hybrid canine is loose or not confined; bites or attacks a person or other animal; dies; or has been moved to a different location other than that specified on the permit.

(6) Any person whether as principal, agent, employee or otherwise violating, causing or permitting the violation of this section shall be guilty of a class 3 misdemeanor and punished by

a fine not to exceed one thousand dollars (\$1000.00). Each day any violation shall constitute a separate offense. In addition, the county may bring legal action to ensure compliance with this section, including injunction, abatement or other appropriate action or proceeding. In addition, anyone found guilty of such violation shall surrender the animal to the animal warden to be disposed of in accordance with Section 3.1-796.96 of the Code of Virginia, 1950 as amended.

(7) This section shall apply to all animals which are kept in Giles County on the date of the adoption of this ordinance. The owners of all such animals must obtain a permit for any existing animal on or before October 1, 1996. Only persons who owned a hybrid canine prior to the adoption of this ordinance may obtain a permit to keep a hybrid canine. Traveling circuses or carnivals remaining within the county for seven (7) days or less are exempted from the provisions of this section, provided however that any animals maintained by such circus or carnival must be securely confined at all times.

Adopted at a meeting of the Board of Supervisors of Giles County, Virginia, held on July 18, 1996.

	voting for	voting against	abstain	absent
Freeman	<u>✓</u>	_____	_____	_____
Hobbs	<u>✓</u>	_____	_____	_____
L. J. Williams	<u>✓</u>	_____	_____	_____
Blankenship	<u>✓</u>	_____	_____	_____
R. Williams	<u>✓</u>	_____	_____	_____

Attest: *Roger Mullins*
Roger Mullins, Clerk

COYOTE BOUNTY ORDINANCE
ORDINANCE NUMBER 2000- 4

"AN ORDINANCE TO ESTABLISH PAYMENT OF A BOUNTY FOR COYOTES IN ACCORDANCE WITH SECTION 15.2-926.1 OF THE CODE OF VIRGINIA (1950), AS AMENDED."

Section 1 Killing of Coyotes Permitted, Bounty Established: Procedures for Claims

A. The killing of coyotes within the boundaries of Giles County, Virginia, is hereby permitted. Upon proper proof with claim filed under oath, a bounty of fifty dollars \$50.00 shall be paid by the County of Giles, from available funds, for each coyote killed within the boundaries of Giles County, Virginia. The entire coyote carcass shall be presented before a Giles County Animal Control officer for certification and surrendered to the Animal Control Officer.

B. All bounty payment(s) shall be contingent upon the furnishing of such identifying information as requested by the County's designated agent and the Board of Supervisors shall be the approving authority for payment of all claims presented.

Section 2 Available Funds Not to Exceed \$2,500.00

The total dollar amount of bounties to be paid under this ordinance shall not exceed the sum of Two Thousand Five Hundred dollars \$2,500.00, provided that the Board in its discretion may but is not required to appropriate additional funds in any fiscal year for the payment of bounties.

Section 3 Unlawful acts: Penalties:

It shall be unlawful for any person to present a false claim or to receive any money on a false claim under this ordinance which act shall constitute a Class One Misdemeanor, punishable by a fine not to exceed \$2,500.00 and/or confinement in jail for a period not to exceed one year.

This Ordinance shall become effective immediately upon its adoption. This Ordinance is adopted pursuant to the authority vested in the board of supervisors by Section 15.2-926.1 Code of Virginia, 1950, as amended.

This ordinance is adopted on an affirmative vote of Supervisors Hobbs, Baker, Williams, Morris and Spencer voting in favor and none voting against on this the 2nd day of November, 2000.

ATTEST:


John Talbott, Clerk

AN ORDINANCE TO AMEND THE GILES COUNTY DOG CONTROL ORDINANCE

After public hearing on March 15, 2001, pursuant to notice published in the Virginian Leader on March 7 and March 14, 2001,

BE IT ORDAINED by the Board of Supervisors of Giles County, Virginia that Section II of the Giles County Dog Control Ordinance is hereby amended by adding a new Section (E) (4) as follows:

Section II

(E)

(4) Notwithstanding any other provision of this ordinance, a dog license valid for a period of three years may be obtained upon payment of a Twenty Dollar (\$20.00) license fee together with presentation of a rabies certificate which expires no sooner than October 30th of the last valid year of the three year license. A three year license shall be available only for an individual dog. Such license is not transferable and no portion of the license fee shall be refundable.

Adopted at a meeting of the Board of Supervisors of Giles County, Virginia, held on March 15, 2001.

	voting for	voting against	abstain	absent
Hobbs	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Morris	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Baker	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Spencer	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Williams	<u> x </u>	<u> </u>	<u> </u>	<u> </u>

Attest: John Talbott
John Talbott, Clerk

ORDINANCE CONTROLLING DANGEROUS ANIMAL .

Section 1. (Definitions) For purposes of this article, "dangerous animal" means and includes any wild mammal, reptile or fowl which is not naturally tame or gentle but is of a wild nature or disposition and which, because of its size, vicious nature or other characteristics would constitute a danger to human life or property if it is not kept or maintained in a safe manner or in secure quarters. The term "dangerous animal" also means and includes any domestic mammal, reptile or fowl which, because of its size or vicious propensity or other characteristic, would constitute a danger to human life or property if it is not kept or maintained in a safe manner or in secure quarters.

Section 2. (Permit Required) It shall be unlawful for any person to keep or maintain within any area of the county wherein there are situated more than three occupied residential structures (including legally designated house trailers) within three hundred feet of each other any dangerous animal unless a special annual permit therefor is first obtained from the animal warden.

Section 3. (Issuance of Permit) The animal warden shall issue a special permit for the keeping or maintenance of a dangerous animal if he finds:

- (a) That the animal is at all times kept or maintained in a safe manner and that it is at all times confined securely so that the keeping of such animal will not constitute a danger to human life or the property of others.
- (b) That adequate safeguards are made to prevent unauthorized access to such animal by members of the public.
- (c) That the health or well being of the animal is not in any way endangered by the manner of keeping or confinement.
- (d) That the keeping of such animal does not constitute a nuisance and will not harm the surrounding neighborhood or disturb the peace and quiet of the surrounding neighborhood.
- (e) That the keeping of such animal will not create or cause offensive odors or constitute a danger to public health.
- (f) That the quarters in which such animal is kept or confined are adequately lighted and ventilated and are so constructed that they may be kept in a clean and sanitary condition.

(g) That the applicant for such special permit prove his ability to respond in damages to and including the amount of one hundred thousand dollars for bodily injury to or death of any person or persons or for damage to property owned by any other person which may result from the ownership, keeping or maintenance of such animal. Proof of liability to respond in damages may be given by filing with the animal warden or certificate of insurance stating that applicant is, at the time of his application, and will be during the period of such special permit, insured against liability to respond in such damages, or by posting with the director of public health a surety bond conditioned upon the payment of such damages during the period of such special permit. Such certificate of insurance or bond shall provide that no cancellation of the insurance or bond will be made unless the days written notice is first given to the animal warden.

Section 4. (Investigations) The director of public health, in investigating any applicant for a permit under this section or in the enforcement of this section, is authorized to consult with and seek the advice of the society for prevention of cruelty to animals, the humane society, any representative of the animal control center of the county, or any other individual, agency, organization or society which may be able to provide information and advice concerning the keeping of dangerous animals.

Renumbered October 18, 2001

Section 5. (Inspections) Prior to the annual renewal of any special permit issued hereunder and at least once not more than six months after the issuance of any such special permit or often its renewal, the director of public health shall inspect the premises subject to such special permit to determine whether the person to whom it has been issued is continuing to comply with all of the conditions specified in this article. If the animal warden determines during any such inspection that any of the conditions therein specified are being violated, he shall refuse to renew any such special permit, or he shall revoke such special permit in the event that such violation is not corrected within such period of time as he shall direct. A fee of ten dollars shall be charged for each such semiannual inspection.

Section 6. (Limit or number of dangerous animals) In no event shall a permit be issued for the keeping of more than two dangerous animals at any single location.

Section 7. (Fees) No permit shall be issued for the keeping of dangerous animals unless provisions of this article are complied with and a fee of twenty-five dollars is paid to the animal warden. Permit fees shall be paid annually or before the start of the license year.

Section 8. (Rooming at Large) No person shall suffer or permit any dangerous animal belonging to him or under his control to go at large within the county. If the owner or such person having control, upon notice that such animal is at large, fails to take

it into custody forthwith the animal shall be killed forthwith by order of the animal warden when deemed necessary for public safety by the animal warden. All liability incurred under this section shall be born by the owner or person having control of such dangerous animal.

Section 9. (Exceptions to all provisions except Section 8) The provisions of this section shall not apply to the keeping of dangerous animals in the following cases:

- (a) The keeping of such animals for exhibition to the public of such animals by a circus, carnival or other exhibit or show.
- (b) The keeping of such animals in a bona fide, licensed veterinary hospital for treatment.

AN ORDINANCE TO ESTABLISH REQUIREMENTS FOR THE ADOPTION OF AN
ANIMAL FROM THE GILES COUNTY POUND.

After public hearing held on April 3, 2008, pursuant to advertisement in the Virginian Leader, a newspaper of general circulation in Giles County, on, March 12th and March 19th, 2008,

BE IT ORDAINED AS FOLLOWS:

Pursuant to the authority granted by Chapter 27.4 of Title 3.1 of the Code of Virginia, 1950, as amended, the County of Giles hereby imposes the following requirements for the adoption of animals from the Giles County Pound.

1. No person shall be permitted to adopt more than two animals or one family of animals in any thirty (30) day period.

2. No person who has been convicted of animal cruelty, neglect or abandonment shall be permitted to adopt an animal. The person desiring to adopt an animal shall sign a sworn statement certifying that he or she has not been convicted of any such violation.

3. No person who has surrendered an animal to the pound within the past two (2) years shall be permitted to adopt an animal, unless the surrender is for good cause as the result of a failed adoption.

4. No person who resides in a county or city other than Giles County or a county or city in the Commonwealth of Virginia which adjoins Giles County may adopt an animal until such animal has been sterilized as required by Virginia Code Section 3.1-796 (C) (4).

5. A. Every new owner of a dog or cat adopted from a releasing agency shall cause to be sterilized the dog or cat pursuant to the agreement required by subdivision 2 of subsection B of this section.

B. A dog or cat shall not be released for adoption unless:

1. The animal has already been sterilized; or

2. The individual adopting the animal signs an agreement to have the animal sterilized by a licensed veterinarian (i) within thirty days of the adoption, if the animal is sexually mature, or (ii) within thirty days after the animal reaches six months of age, if the animal is not sexually mature at the time of adoption.

C. The time for sterilization may extend for thirty days the date by which a dog or cat must be sterilized on presentation of a written report from a veterinarian stating that the life or health of the adopted animal may be jeopardized by sterilization. In cases involving extenuating circumstances, the veterinarian and the releasing agency may negotiate the terms of an extension of the date by which the animal must be sterilized.

D. Nothing in this section shall preclude the sterilization of a sexually immature dog or cat upon the written agreement of the veterinarian, the animal control officer or his designee, and the new owner.

E. Upon the petition of an animal control officer to the Giles County General District Court, the court may order the new owner to take any steps necessary to comply with the requirements of this article. This remedy shall be exclusive of and in addition to any civil penalty which may be imposed under this article.

F. Any person who violates subsection A or B of this section shall be subject to a civil penalty not to exceed fifty dollars.

6. Each new owner who signs a sterilization agreement shall, within seven days of the sterilization, cause to be delivered or mailed to the Animal Control Officer written confirmation signed by the veterinarian who performed the sterilization. The confirmation shall briefly describe the dog or cat; include the new owner's name and address; certify that the sterilization was performed; and specify the date of the procedure. Any person who violates this section shall be subject to a civil penalty not to exceed \$ 150.

7. There is hereby imposed an adoption fee of Twenty Dollars (\$20.00) for each animal adopted from the pound. In addition to the adoption fee, the person adopting an unsterilized animal shall present at the time of an adoption a receipt from a licensed veterinarian verifying that payment has been made for the sterilization of the animal to be adopted. In lieu of a receipt from a veterinarian the payment of an additional fee in the amount One Hundred Fifty Dollars (\$150.00) may be made. Upon presentation of written confirmation of the adopted animal being sterilized as set forth in Section 6 above, the additional adoption fee will be refunded. Payment of the additional adoption fee does not eliminate the responsibility for having the animal sterilized.

This Ordinance was adopted upon proper motion, at a regular meeting of the Board of Supervisors of Giles County, Virginia, held on April 3, 2008, and shall become effective immediately.

References: Va. Code Section 3.1-796.96, 3.1-796.124.1 through 3.1-796.124.7

	voting for	voting against	abstain	absent
Spencer	✓	_____	_____	_____
Gentry	✓	_____	_____	_____
Baker	✓	_____	_____	_____
McCoy	✓	_____	_____	_____
Hobbs	✓	_____	_____	_____

Attest: 
Christopher P. McKlarney, Clerk

Approved as to form: 
County Attorney