

SCOTT

VIRGINIA

At a meeting of the Scott County Board of Supervisors, begun and held in the Supervisors' Meeting Room of the County Office Building in Gate City, Virginia on Wednesday, the seventh day of January, 2009, at 8:30 a.m.:

PRESENT: David S. Redwine
 Chad E. Hood
 Danny S. Parks
 Randall S. "Buck" Kinkead
 Joe W. Herron
 D. Joe Horton
 Paul S. Fields

ABSENT: None

On a motion by Danny S. Parks, duly seconded by Joe W. Herron, this Board hereby adopts the following ordinance:

ORDINANCE 2009-1

ORDINANCE TO AMEND AND RE-ENACT THE SCOTT COUNTY ANIMAL AND RABIES CONTROL ORDINANCE TO REFLECT THE REPEAL OF TITLE 3.1 OF THE CODE OF VIRGINIA, AGRICULTURE, HORTICULTURE AND FOOD, AND ENACTMENT OF TITLE 3.2 AGRICULTURE, ANIMAL CARE AND FOOD

Be it ordained by the Board of Supervisors of Scott County that the Scott County Animal and Rabies Control Ordinance is hereby amended at Sections 1, 3, and 8, to reflect the repeal of Title 3.1 of the Code of Virginia, Agriculture, Horticulture, and Food, and enactment of Title 3.2, Agriculture, Animal Care, and Food, and the entire ordinance as thus amended is reenacted and shall read as follows:

Section 1. Definitions:

The words and phrases used in this ordinance shall have the meanings respectively ascribed to them in Code of Virginia, Title 3.2, Chapter 65 "Comprehensive Animal Care," unless otherwise defined in this ordinance.

Section 2. Rabies inoculation; vaccination of dogs and domesticated cats against rabies required.

The owner or custodian of any dog or domesticated cat in Scott County four months of age or older shall have such animal vaccinated for rabies by a currently licensed veterinarian or licensed veterinary technician who is under the immediate and direct supervision of a licensed veterinarian on the premises. The supervising veterinarian on the premises shall provide the owner of the dog or domesticated cat with a certificate of vaccination. The vaccine used shall be licensed by the United States Department of Agriculture for use in that species. The owner or custodian of the dog or domesticated cat shall furnish within a reasonable period of time, upon request of the animal control officer, law enforcement officer, State Veterinarian's representative, or official of the State Department of Health, the certificate of vaccination for such dog or cat.

Section 3. Dog license required; license tax on dogs.

(a) It shall be unlawful for any person other than a releasing agency that has registered as such annually with the county animal control to own a dog four (4) months old or older in Scott County unless such dog is currently licensed, as required by the provisions of this ordinance. Any dog not wearing a collar bearing a license tag of the proper calendar year shall prima facie be deemed to be an unlicensed dog, and in any proceedings under this ordinance the burden of proof of the fact that the dog is licensed, or is otherwise not required to bear a license tag at the time, shall be on the owner of the dog. The Treasurer is authorized to appoint as agents for the sale of dog licenses, veterinarians in Scott County, pursuant to Virginia Code Section 3.2-6527 who may issue dog licenses as provided in this Ordinance under agreement with the Treasurer. The agents shall be compensated the sum of one dollar from each dog license tax for such service. All kennel licenses must be purchased in the Treasurer's Office.

No license tag shall be issued for any dog unless there is presented to the Treasurer or appointed agent at the time application is made for such license, the amount of the license tax, unless such dog is a guide dog, hearing dog or service dog as herein defined, and the current certificate of rabies vaccination required by section four of this ordinance for each dog for which a license is sought to be issued.

(b) There is hereby provided and levied an annual license tax upon dogs in Scott County, four (4) months old or older, of Five Dollars (\$5.00) per dog for a one year tag and Ten Dollars (\$10.00) per dog for a three year tag and One Hundred Dollars (\$100.00) for an annual kennel license of 20 to 50 dogs and an annual kennel license for more than 50 dogs Two Hundred Dollars (\$200.00), provided that no license tax shall be levied on any dog that is trained and serves as a guide dog for a blind person, that is trained and serves as a hearing dog for a deaf or hearing impaired person or that is trained and serves as a service dog for a mobility-impaired person. As used in this section, "hearing dog" means a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond and "service dog" means a dog trained to accompany its owner for the purpose of carrying items, retrieving objects, pulling a wheelchair or other activities of service or support. Such dogs shall however be currently licensed and vaccinated against rabies although no license tax is imposed. The applicant shall present satisfactory evidence to the Treasurer or appointed agent at the time of application for the license that the dog is, in fact, a guide dog, hearing dog or service dog and is and will be utilized as such.

The license year shall be the calendar year, January 1 through December 31.

(c) When license tax payable:

(1) On January 1 and not later than January 31 of each year, the owner of any dog four months old or older shall pay a license tax as prescribed in section 3 (b). The license tax may be paid for a one-year or three-year period but the period of the license tax may not exceed the period of years that the rabies inoculation is effective as shown on a rabies certificate of vaccination issued by a state licensed veterinarian for the particular canine vaccinated and licensed.

(2) The license tax prescribed in section 3 (b) must be purchased not later than 30 days after a dog has reached the age of four months or not later than 30 days after an owner acquires a dog four months of age or older and each year thereafter.

(3) If a dog becomes four months of age or is at least four months of age and comes into the possession of any person between January 1 and October 31 of any year, the license tax for the current calendar year shall be paid by the owner.

(4) If a dog becomes four months of age or is at least four months of age and comes into the possession of any person between November 1 and December 31 of any year, the license tax for the succeeding calendar year shall be paid by the owner, and this license shall be valid from the date the license is purchased.

(d) The owner of a kennel shall securely fasten the license tag to the kennel enclosure in full view and keep one of the identification plates provided therewith attached to the collar of each dog authorized to be kept enclosed in the kennel. Any identification plates not so in use must be kept by the owner or custodian and promptly shown to the animal control officer or other officer upon request. A kennel dog shall not be permitted to stray beyond the limits of the kennel enclosure; but this restriction shall not operate to prohibit dogs being temporarily removed from the kennel while under the control of the owner or custodian to exercise, hunt, breed, show or engage in field trials. A kennel shall not be operated in any manner to defraud the county of the license tax payable on dogs which cannot be legally considered as kennel dogs or in any manner to violate other provisions of this division. If a kennel dog is found to be running at large, meaning roaming, running or self-hunting off the property of owner or custodian and not under the owner's or custodian's immediate control, in addition to other penalties provided by this ordinance, the kennel license of the owner of such dog may be revoked if it appears to the court that the provisions of this section have been violated by reason of carelessness or negligence on the part of such owner, and such owner thereupon shall be required to pay an individual license tax on each dog.

(e) Upon application and payment of any required license tax to the Treasurer or appointed agent, accompanied by the current certificate of vaccination against rabies, the Treasurer or appointed agent shall issue a dog license tag, which tag shall bear the words "Scott County, Virginia Dog Tag," an assigned number, and the current license year, and a license receipt for the amount paid on which receipt shall be recorded the name and address of the dog owner or custodian, the date of payment, the year for which issued, the assigned number of the tag and sex of the dog, and the expiration date of the inoculation against rabies. The tag and the receipt shall together constitute the dog license. The license tag for a kennel shall show the number of dogs authorized to be kept under such license and shall have attached thereto a metal identification plate for each of such dogs numbered to correspond with the serial number of the license tag.

The Treasurer or appointed agent shall only have authority to license dogs of resident owners or custodians who reside within the boundary limits of Scott County and may obtain information to this effect from any applicant.

(f) Duplicate license tag. If a dog license tag becomes lost, destroyed or stolen, the dog owner or custodian shall at once apply to the Treasurer for a duplicate license tag, presenting the original license receipt. Upon affidavit of the owner or custodian before the Treasurer that the original license tag has been lost, destroyed or stolen, the Treasurer shall issue a duplicate license tag which the owner or custodian shall immediately affix to the collar of the dog. The Treasurer shall endorse the number of the duplicate and the date issued on the face of the original license receipt. The fee for a duplicate tag for any dog shall be One Dollar (\$1.00).

(g) The Treasurer and appointed agents shall keep a list of all tags issued annually together with a separate account of funds received from such tax. An annual report shall be made to the Board of Supervisors on the number of license tags issued and the receipts from such tax. All unissued license tags for the current license year shall be destroyed at the end of such year.

(h) Displaying receipts; dogs to wear tags. Dog license receipts, issued by the Treasurer or appointed agent at the time of purchase of dog license tags, shall be carefully preserved by the dog owner or custodian and exhibited promptly upon request for inspection by the animal control officer or other law enforcement officer. Dog license tags shall be securely fastened to a substantial collar by the owner and worn by such dog. It shall be unlawful for the owner to permit any licensed dog four (4) months old or older, to run or roam at large at any time without a license tag. The owner of the dog may remove the collar and license tag required by this ordinance when:

- (1) The dog is engaged in lawful hunting while accompanied by the owner;
- (2) The dog is competing in a dog show;
- (3) The dog has a skin condition verified by a veterinarian which would be exacerbated by the wearing of a collar;
- (4) The dog is confined;
- (5) While engaged in a supervised formal obedience training class;
- (6) During formally sanctioned field trials; or
- (7) When the dog is under the immediate control (leash) of its owner

Section 4. Certificate of vaccination prerequisite to issuance of dog licenses.

(a) No license tag shall be issued for any dog by the Treasurer or appointed agent unless there is presented to the Treasurer or appointed agent at the time application is made for the license, a current certificate of rabies vaccination or inoculation signed by a currently licensed veterinarian or currently licensed veterinarian technician who was under the immediate and direct supervision of a licensed veterinarian on the premises and certifying that the dog for which the license is to be issued has been vaccinated or inoculated by such veterinarian with a rabies vaccine licensed by the United States Department of Agriculture for dogs, and that the vaccination is still valid.

(b) The certificate presented shall show the date of inoculation, the type of vaccine used, the rabies tag number, the expiration date of the inoculation, the sex and breed of the dog and the name of the owner.

(c) No certificate or affidavit other than the above-described certificate or a duplicate issued by a currently licensed veterinarian shall be accepted by the Treasurer or appointed agent. The Treasurer or appointed agent shall note on the certificate the date of issuance of the license tag and the number of the license tag, and return the certificate to the applicant.

Section 5. Impoundment of unlicensed or unvaccinated dogs, redemption and disposition of such dogs.

(a) Any dog found running at large by the Scott County animal control officer without the license tag as required by section three of this ordinance, or any dog which has not been vaccinated against rabies as required by section two of this ordinance may be seized and impounded in the Scott County Animal Shelter, provided that if the owner of the dog can be immediately ascertained and located, a summons may be issued and the dog, in lieu of impoundment, may be released to its owner upon presentation of a valid rabies certificate for such dog and the current license receipt or tag for the dog. The dog shall be held in the Animal Shelter for a period of not less than five (5) days, such period to commence on the day immediately following the day the dog is initially confined in the shelter, unless sooner claimed by the owner thereof, or unless the dog is rabid or suspected of being rabid, in which case the dog shall be held for further observation or disposed of in accordance with State law.

(b) The operator of the Animal Shelter shall make a reasonable effort to ascertain whether the dog has a collar, tag, license, tattoo or other form of identification. If such identification is found on the dog, the dog shall be held for an additional five (5) days, unless sooner claimed by the rightful owner. If the rightful owner can be readily identified, the operator shall make a reasonable effort to notify the owner of the animal's confinement at the Animal Shelter.

(c) Any dog impounded and not rabid nor suspected of being rabid may be redeemed by its owner at any time within the five (5) day period set forth above upon:

- (1) Payment of a boarding fee of Three Dollars (\$3.00) per day, beginning with the date of confinement;
- (2) Purchase and presentation of a license tag, if unlicensed; and
- (3) Presentation of a valid rabies vaccination certificate pursuant to this ordinance.

(d) At the expiration of the five day or ten day period as applicable, provided above, the dog may be euthanized by one of the methods prescribed or approved by the State Veterinarian as provided by State law, or adopted after purchase and presentation of a license tag and rabies certificate and written application for adoption in accordance with State law, or otherwise disposed of in accordance with State law.

(e) No provision herein shall prohibit the immediate euthanization of a critically injured or critically ill dog or unowned dog for humane purposes in accordance with State law.

(f) The Animal Shelter shall be operated in accordance with the requirements of State Law and the regulations of the Virginia Board of Agriculture and Conservation Services.

Section 6. Destructive dogs; keeping prohibited; exception.

(a) It shall be unlawful for any person to keep any dog within Scott County which is known by such person to be destructive of property or which has a tendency or propensity to attack

other dogs without provocation; provided that such dog may be kept where there have been made adequate provisions to protect other dogs and property from attack, injury or destruction by such dog.

(b) An actual attack by such dog upon any other dog or destruction of property which occurs off the property of the owner of such dog shall be deemed prima facia evidence that there were not such provisions made, in any prosecution under this section.

Section 7. Destructive dogs, impoundment and control.

(a) In the event any person is charged with a violation of section six of this ordinance, the dog allegedly kept in violation thereof may be impounded by the Scott County Animal Control Officer in the Scott County Animal Shelter until such time as the owner thereof shall redeem such dog by providing evidence of the adequate provisions to be made to protect other dogs and/or property from such dog, which provision may include securing of the dog on the premises of the owners, with defined limitation of access, or muzzling, or both; any dog released under such conditions shall be kept under such secured provisions, and any person failing to so keep such dog secured shall be guilty of a separate violation of section seven of this ordinance.

(b) The owner of such dog redeeming the dog from impoundment as provided above shall also pay a boarding fee of Three Dollars (\$3.00) per day and shall furnish a proper dog license and rabies inoculation certificate for such dog.

(c) Any such dog not redeemed from impoundment within five (5) days of the disposition of the original charge of a violation of section seven of this ordinance by the court shall be destroyed in a humane manner. Provided, however, that any disposition of the original charge of a violation of section seven other than a finding of guilty shall nullify the effect of this section.

Section 8. Compliance With State Comprehensive Animal Laws.

The provisions of this ordinance are intended to compliment, not supercede, the State Comprehensive Animal Care Laws, Virginia Code Sections 3.2-6500 et seq., including but not limited to Sections 3.2-6540 and 3.2-6542, Control of Dangerous or Vicious Dogs and the State Dangerous Dog Registry, respectively.

Section 9. Unlawful acts; penalties.

The following shall be unlawful acts and shall constitute Class Four Misdemeanors punishable by a fine of not more than Two Hundred Fifty Dollars (\$250.00) for each violation:

(a) License application - For any person to make a false statement in order to secure a dog license to which he/she is not entitled.

(b) License tax - For any dog owner to fail to pay the license tax required by this ordinance and for the year in which it is due. In addition, the court may order confiscation and the proper disposition of the dog.

(c) Removing collar and tag - For any person to remove a legally acquired license tag from a dog without the permission of the owner or for any owner to remove such collar and license tag other than as provided in this ordinance.

- (d) Concealing a dog or a cat - For any person to conceal or harbor any dog on which the license tag has not been paid or rabies vaccination obtained.
- (e) Diseased dogs and cats - For the owner of any dog or cat with a contagious or infectious disease to permit such dog or cat to stray from the owner's premises if such disease is known to the owner.
- (f) Any other violation of this ordinance for which specific penalty is not provided.
- (g) All fines collected under the terms of this ordinance shall be paid over to the Treasurer and shall be credited to the Scott County General Fund.

Section 10. Payment of license tax 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.

Section 11. Severability Intent.

Should any article, section, subsection, or provision 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 12. Enforcement.

The provisions of this ordinance shall be enforced by the Scott County Animal Warden (dog warden).

Section 13. Conflicting Ordinances.

All conflicting ordinances or parts thereof, which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 14. Effective Date.

This ordinance shall be in force and effect in Scott County on and after its date of adoption by the Board of Supervisors.

Voting aye: Randall S. "Buck" Kinkead, Joe W. Herron, Danny S. Parks, D. Joe Horton, Paul S. Fields, Chad E. Hood, and David S. Redwine

Voting nay: None

A TESTE: _____
CLERK

C: Rick Barger, Animal Control Officer
 Jake Dougherty, Litter Control Officer
 Sheriff John Puckett
 The Honorable John Kilgore, Circuit Court Judge
 Mark "Bo" Taylor, Circuit Court Clerk

The Honorable Larry Lewis, District Court Judge
Lynda Dishner, District Court Clerk
Sally Little, County Attorney