

## Chapter 3 Animals and Fowl

### TABLE OF CONTENTS

Sec. 3.1	Keeping Livestock or Swine in Town
Sec. 3.2	Livestock Running at Large
Sec. 3.3	Fowl Running at Large
Sec. 3.4	Reserved
Sec. 3.5	Bitches in Heat (Female in Season)
Sec. 3.6	Dangerous Animals
Sec. 3.7	Cruelty to Animals
Sec. 3.8	Keeping Diseased Animal
Sec. 3.9	Disposition of Dead Animals
Sec. 3.10	Animals in Home
Sec. 3.11	Reserved
Sec. 3.12	Animal and Rabies Control
Sec. 3.13	Severability
Sec. 3.14	Effective Date

#### **Sec. 3.1 ..... Keeping Livestock or Swine in Town**

It shall be unlawful for any person to keep livestock or swine stabled or penned in the town except in areas zoned for agricultural use.

#### **Sec. 3.2 ..... Livestock Running at Large**

No person shall permit his livestock to run at large in the town. Livestock going to or from pasture shall not be deemed to be running at large if attended by the owner thereof or the person furnishing pasture or the employee of either. (*Code 1950, Sec. 3-2*)

#### **Sec. 3.3 ..... Fowl Running at Large**

No fowl shall be permitted to run at large in the town. (*Code 1950, Section 3-3*)  
(*Code of Virginia, Sec. 3.2-6544*)

#### **Sec. 3.4 ..... Repealed**

#### **Sec. 3.5 ..... Bitches in Heat (Female in Season)**

It shall be unlawful for any person who owns or is in possession of a bitch to allow the same to run at large in the town while in heat.

#### **Sec. 3.6 ..... Dangerous Animals**

The provisions of Code of Virginia Section 3.2-6540 as currently set forth and as may be amended in the future by the General Assembly are hereby adopted by reference with the same force and effect as if fully set forth herein, except those provisions pertaining to felonies. A copy of the code

shall be kept on file in the office of the Town Clerk and shall be available for inspection during regular working hours.

### **Sec. 3.7 ..... Cruelty to Animals**

Any person who: (i) overrides, overdrives, overloads, tortures, ill-treats, abandons, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly or unnecessarily beats, maims, mutilates, or kills any animal, whether belonging to himself or another; (ii) deprives any animal of necessary food, drink, shelter or emergency veterinary treatment; (iii) sores any equine for any purpose or administers drugs or medications to alter or mask such soring for the purpose of sale, show, or exhibition of any kind, unless such administration of drugs or medications is within the context of a veterinary client-patient relationship and solely for therapeutic purposes; (iv) willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal; (v) carries or causes to be carried by any vehicle, vessel or otherwise any animal in a cruel, brutal, or inhumane manner, so as to produce torture or unnecessary suffering; or (vi) causes any of the above things, or being the owner of such animal permits such acts to be done by another is guilty of a Class 1 misdemeanor. In addition to the penalties provided in this subsection, the court may, in its discretion, require any person convicted of a violation of this subsection to attend an anger management or other appropriate treatment program or obtain psychiatric or psychological counseling. The court may impose the costs of such a program or counseling upon the person convicted.

*(Code of Virginia Sec. 3.2-6570)*

### **Sec. 3.8 ..... Keeping Diseased Animal**

It shall be unlawful for any person to own, keep or harbor within the town any animal suffering or afflicted with any infectious or contagious disease after knowledge of the condition of such animal. Each owner shall provide for each of his companion animals Veterinary care when needed or to prevent suffering or disease transmission. Violation of this section is a Class 4 misdemeanor.

*(Code 1950, Sec. 3-8) (Code of Virginia, Sec. 3.2-6503)*

### **Sec. 3.9 ..... Disposition of Dead Animals**

The owner of any companion animal shall forthwith cremate, bury, or sanitarly dispose of the animal upon its death. If, after notice, any owner fails to do so, the animal control officer or other officer shall bury or cremate the companion animal, and he may recover on behalf of the local jurisdiction from the owner his cost for this service.

*(Code of Virginia Section 3.2-6544)*

When the owner or person in charge of a dead animal is unknown, the dead animal shall be disposed of at the expense of the town by the town.

*(Code 1950, Sec. 3-9)*

Violation of this section shall be considered a Class 4 misdemeanor.

*(Code of Virginia Sec. 18.2-403.3)*

### **Sec. 3.10 ..... Animals in the Home**

Animals kept in the home shall be regulated by the state health code concerning animals and enforced by the county health department.

**Sec. 3.11 ..... Repealed**

**Sec. 3.12 ..... Animal and Rabies Control**

- 3.12.1 Chapter 3.4 and 14.12 are hereby repealed. Such repeal shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, notices given, or any cause or causes of action acquired or existing, nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this section. Notice under 3.4 and 14.12 shall be notice under section 3.12.
- 3.12.2 Pursuant to Code of Virginia 3.2-6543, The Scott County Animal and Rabies Control Ordinance is hereby adopted by reference as if fully set forth herein to be applied within the limits of the Town of Gate City. A copy of the ordinance shall be kept on file with the Town Clerk.
- 3.12.3 The Animal Control Officer or Animal Warden of the County of Scott is recognized and authorized as the animal control officer for the enforcement of this section and any provisions of Virginia State Code including, by way of illustration and not limitation, Section 3.2-6540.

**3.13 ..... Animal Waste**

It shall be unlawful for any owner or person in control of a dog to knowingly or willfully allow his/her dog to urinate or defecate on the private property of other persons without their consent, or urinate or defecate on public property, except that defecation by a dog on public property shall not constitute a violation of this section if the owner of the dog immediately removes the material defected and disposes of it in a safe and sanitary manner.

**Sec. 3.14 ..... Penalties**

Unless otherwise specified, a violation of this chapter shall constitute a Class 4 Misdemeanor.

**Sec. 3.15 ..... Severability**

Should any provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining provisions shall retain their full force and effect.

**Sec. 3.16 ..... Effective Date**

Effective date for Sec. 3.11 is October 3, 1960. The provisions of this ordinance shall be effective on and after 11:59 p.m. of January 12, 2010.

Mayor \_\_\_\_\_ Date \_\_\_\_\_

Clerk \_\_\_\_\_ Date \_\_\_\_\_

Seal