

MIDDLESEX  
COUNTY

ANIMAL CONTROL  
ORDINANCE

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## **Article I. TITLE**

### **Section 1.01 Short Title.**

(a) *Ordinance Title:*

This ordinance shall be known and may be cited as the “Middlesex County Animal Control Ordinance.”

(b) *Repeal of Existing Ordinances:*

The Ordinances known as the Middlesex County Animal Control Ordinance and the Piankatank Shores Dog Control Ordinance, both adopted on November 19, 2002 are hereby repealed in their entirety.

(c) *Effective Date:*

This ordinance shall be in full force and effect upon adoption.

## **Article II. OFFICE OF ANIMAL CONTROL**

### **Section 2.01 Office Created.**

(a) *Office Established*

The office of Animal Control of the County of Middlesex is hereby established.

(b) *Appointment and term of office:*

The Animal Control Officer shall be appointed in the manner and for the term provided by law, pursuant to Section 3.2-6555 of the Code of Virginia, 1950, as amended.

(c) *Compensation:*

The Animal Control Officer shall receive such compensation and allowance for the expenses of his office as the Board of Supervisors shall authorize from time to time by annual appropriation ordinance, or other action in regard thereto, at such periods as may be prescribed by the Board.

### **Section 2.02 Powers and duties generally.**

(a) *General Duties:*

The Animal Control Officer shall have the powers and perform the duties prescribed by law for county Animal Control Officers and deputy Animal Control Officers. He shall exercise such other authority and perform such other duties as provided herein and as the Board of Supervisors may from time to time direct.

(b) *Reports:*

The Animal Control Officer shall report to the Assistant County Administrator on a monthly basis, and more often, if directed to do so, concerning inspection activities and animal law enforcement in the County of Middlesex, and shall communicate such suggestions and recommendations as he deems necessary for the efficient enforcement of the animal laws.

(c) *Investigations:*

The Animal Control Officer shall investigate all complaints made against dogs in Middlesex County, and shall investigate all claims for compensation filed with the Board of Supervisors by owners of livestock or poultry killed or injured by dogs.

(d) *Pound to be maintained:*

The Animal Control Officer shall maintain at the expense of the County of Middlesex at such place as the Board of Supervisors may direct, a dog pound or enclosure of a type approved by the Department of Agriculture and Consumer Services.

(e) *When Dogs to be Confined:*

Any dog found by the Animal Control Officer to be kept or running at large in violation of law, or of any ordinance or regulation heretofore or hereafter enacted or promulgated by the Board of Supervisors, or of any regulation duly promulgated by any State or County agency, shall be confined by the Animal Control Officer in the County dog pound for maintenance and disposition according to law.

(f) *Owners to be notified:*

Upon the confinement in the County dog pound of any licensed dog, or any other dog whose ownership is known to the Animal Control Officer, the Animal Control Officer shall give to the owner of such dog, by such means as to him seems most effective, notice of said dog's confinement and the reason for such confinement.

(g) *Disposition of Unclaimed Dogs:*

Any dog confined in the County dog pound and not held for other disposition as provided by law shall, unless reclaimed by the owner of such dog within a period of five days after such confinement, be humanely destroyed or otherwise disposed of by the Animal Control Officer.

(h) *Disposal of Disabled Dogs:*

The Animal Control Officer shall humanely destroy any disabled or infirm dog found by him or reported to him to have been left maimed, diseased, disabled or infirm in any street, road or public place, and shall destroy any other maimed, diseased, disabled or infirm dog at the request of the owner thereof at the expense of the owner.

(i) *Disposal of Dead Dogs:*

The owner of any companion animal, which has died from disease or other cause, shall forthwith cremate, bury, or sanitarilly dispose of the same. If, after notice, any owner fails to do so, the Animal Control Officer shall, at the request of the owner thereof, or of any officer or other person in the County of Middlesex entitled to make such request by law, cremate, bury, or sanitarilly dispose of such animal. The Animal Control Officer shall cremate, bury, or sanitarilly dispose of any dog required to be destroyed by him at the expense of the owner.

**Section 2.03 Charges for Services.**

(a) *Charges for Services of Animal Control Officer:*

The owner of any dog confined in the County dog pound who is entitled to reclaim such dog shall, before such dog is delivered to him by the Animal Control Officer, pay such charge as established by the Board of Supervisors for daily maintenance of dogs in said pound; provided, that no charge shall be made for the detention of any dog held under any law, ordinance or regulation to prevent the spread of rabies, unless required by such law, ordinance or regulation. The owner of any dog that is destroyed, cremated, buried or sanitarilly disposed of at the request of such owner shall pay for such service such charge as the Board of Supervisors may from time to time establish.

(b) *Collection and Disposition of Charges:*

All sums received for the maintenance, destruction and cremation, burial, or sanitary disposal of dogs under the provisions of this ordinance shall be collected and reported by the Animal Control Officer to the Assistant County Administrator.

**Article III. COUNTY ANIMAL FACILITY**

**Section 3.01 Maintenance and Operation.**

(a) *Animal facility to be maintained:*

An animal facility shall be maintained in the County in accordance with guidelines issued by the Department of Agriculture and Consumer Services. The Animal Control Officer shall be charged with supervision of the animal facility.

(b) *Boarding Charge:*

A boarding charge of ten dollars (\$10.00) per diem shall be paid by the owner or other person claiming any animal, which has been confined in the County animal facility.

(c) *Confinement and Disposition of Animals:*

All unlicensed, unvaccinated, or stray dogs shall be impounded in the County animal facility for not less than five (5) days, such period to commence on the day immediately

following the day the dog is initially confined. At the end of such period, any unclaimed animal may be destroyed or otherwise disposed of as provided in Section 3.2-6546 of the Code of Virginia, 1950, as amended.

## **Article IV. DOGS**

### ***Section 4.01 Animal control officer and deputies to enforce article and applicable provisions of state dog laws.***

Pursuant to the provisions of Section 3.2-6555 of the Code of Virginia, the animal control officer and his deputies shall enforce the provisions of this article and the applicable provisions of Chapter 27.4, Title 3.2 of the Code of Virginia within this county, under the general supervision of the assistant county administrator.

#### ***Section 4.01(1) Nuisance animals.***

(a) It shall be unlawful for any owner or custodian of an animal to fail to exercise proper care and control of his/her animal to prevent it from becoming a public nuisance, such as, but not limited to: molesting of a passerby, chasing vehicles, attacking other domestic animals; or trespassing upon school grounds and public parks.

(b) Any person owning or having in his possession or under his control any female dog in estrus (in season) shall exercise proper care and control over such animal to prevent it from becoming a nuisance. Allowing said animal to be at large or to be tied outside of a fenced or other enclosed area so as to attract other animals shall constitute a nuisance.

#### ***Section 4.02 Penalty for violation of Article IV.***

Any person convicted of a violation of this article, unless a penalty is otherwise specified, shall be punished by a fine of not more than two hundred fifty dollars (\$250.00).

#### ***Section 4.03 Licensing.***

##### ***(a) Licensing of Dogs Required:***

It shall be unlawful for any person to own a dog four months of age or older in Middlesex County, unless such dog is licensed, pursuant to Section 3.2-6524 of the Code of Virginia, 1950, as amended. Any person may obtain a dog license by making application to the County Treasurer, accompanied by the amount of the license tax and the certificate of vaccination required by this ordinance.

##### ***(b) License Tax Imposed:***

An annual license tax is hereby imposed on the ownership of dogs and the operation of kennels within Middlesex County. 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 or that is trained and serves as a service dog for a mobility-impaired person; however, any such dog shall be required to

wear a license tag as required by Section 4.01 (e) herein, which such tag may be obtained from the Treasurer at no cost upon presentation of a valid rabies vaccination certificate. The term “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, and “service dog” means a dog trained to accompany its owner for the purpose of carrying items, retrieving objects, pulling a wheelchair or other such activities of service or support.

(c) *Amount of License Tax:*

Individual dog licenses can be issued for one year or three years in amounts as follows:

One Year	Male/Female	\$10.00	Unsexed	\$5.00
Three-Year	Male/Female	\$27.00	Unsexed	\$12.00

The three year license is not available if the rabies certificate expires prior to the end of the three year period.

**Kennel Tags**

5-20 Dogs: \$30.00

21-30 Dogs: \$40.00

More than 30 Dogs: \$50.00

(d) *When License Tax Payable:*

On January first and not later than January thirty-first of each year, the owner of any dog four months old and older shall pay the license tax prescribed by Sections 3.01 (b) and (c) of this ordinance. If a dog shall become four months of age or come into the possession of any person between January first and October thirty-first of any year, the license tax for the current calendar year shall be paid forthwith by the owner. If a dog shall become four months of age or come into the possession of any person between November first and December thirty-first 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.

(e) *Dog License:*

A dog license shall consist of a license receipt and a metal tag. The tag shall be stamped or otherwise permanently marked to show the jurisdiction issuing the license and the calendar year for which issued and bear a serial number. The tag may be stamped or otherwise marked to show the sex of the dog. Dog license receipts shall be carefully preserved by the licensees and exhibited promptly on request for inspection by the County Animal Control Officer or by any other County officer. Dog license tags shall be securely fastened to a substantial collar by the owner or custodian, and worn by such dog,

and it shall be unlawful for the owner to permit any licensed dog four months old or over to run or roam at large at any time without a license tag.

The owner of the dog may remove the license tag required by this section: (a) when the dog is engaged in lawful hunting, (b) when the dog is competing in a dog show, (c) when the dog has a skin condition which would be exacerbated by the wearing of a collar, (d) when the dog is confined, or (e) when the dog is under the immediate control of its owner. 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 ordinance 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.

*(f) Duplicate License Tags:*

If a dog license shall become lost, destroyed, or stolen, the owner or custodian shall at once apply to the Treasurer who issued the same 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, a duplicate license tag shall be issued which the owner or custodian shall immediately affix to the collar of the dog. The fee for a duplicate tag for any dog shall be one dollar (\$1.00).

**Section 4.04. Penalties for false statement in procuring license.**

It shall be unlawful and shall constitute a Class 4 misdemeanor for any person to make a false statement in order to secure a dog license to which he is not entitled.

State law reference—State law basis of above section, Code of Va., § 3.2-6587, 18.2-403.3

**Section 4.05. 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.

State law reference—Similar state law, Code of Va., §3.2-6536

**Section 4.06 Impoundment and redemption of dogs found at large without license tag.**

The Animal Control Officer shall take up and impound, at a facility designated for such purpose by the board of supervisors, any dog found running at large without wearing a license tag for the current year, and any other dog requiring impoundment by any provision of this Code or any provision of the Code of Virginia. If the owner or custodian of any dog so impounded can be ascertained, that person shall be given notice of such impoundment. Upon redemption of the dog, the owner or custodian shall pay an impoundment fee of fifteen dollars (\$15.00) for each and every time the same animal is

impounded, and a boarding fee of ten dollars (\$10.00) per day for each day that the animal remains impounded in the county's animal facility.

**Section 4.07 Funds Collected from License Tax.**

*(a) Disposition of Funds:*

Funds collected from the issuance of dog licenses shall be used for the following purposes:

(a) The salary and expenses of the Animal Control Officer;

*(b) The care and maintenance of a dog pound;*

(c) The maintenance of a rabies control program; and

(d) Payments for compensation as provided in Section 6.08(b) of this ordinance.

**Section 4.08. Licensed dogs deemed personal property.**

All dogs in the county which are licensed, and all dogs under four months of age, whether licensed or not, 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. It shall be unlawful for any person except the owner or his authorized agent to administer poison to any such dog or to expose poison where it may be taken by any such dog, or to injure, disfigure, disable or kill any dog except as otherwise provided in this article. The owner of any dog which is injured or killed contrary to the provisions of this section 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 control officer 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 the county or other court. If no such action is instituted within five days the animal control officer 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 of such premises, but it shall be his duty to notify the animal warden and the animal control officer shall take such dog in charge and notify its legal owner to remove him. The legal owner of the dog shall pay a reasonable charge for the keep of such dog while in the possession of the animal control officer.

State law reference—Similar state law, Code of Va., § 3.2-6585.

**Section 4.09. Regulation of kennel dogs.**

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 herewith 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 any Animal Control

Officer or other officer upon request. A kennel dog shall not be permitted to stray beyond the limits of the enclosure but this shall not prohibit removing dogs there from temporarily while under the control of the owner or custodian for the purpose of exercising, hunting, breeding, trial or show. A kennel shall be operated in such manner as not to defraud the county of the license tax applying to the dog that cannot be legally covered there under or to in any manner violate other provisions of this article.

**Section 4.10. Dogs killing or injuring sheep, other livestock, poultry.**

It shall be the duty of any animal control officer who may find a dog in the act of killing, injuring, worrying or chasing sheep, or killing or injuring other livestock, to kill such dog forthwith whether the dog bears a tag or not; and any person finding a dog committing any of the depredations mentioned in this section shall have the right to kill such dog on sight. The board of supervisors, the county court or any other court shall have the power to order the animal control officer or other officer to kill any dog known to be a confirmed poultry killer, and any dog killing fowls for the third time shall be considered a confirmed poultry killer. Any animal control officer 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 justice of the peace of the county, who shall issue a warrant requiring the owner or custodian, if known, to appear before the judge of the county court at the time and place named therein, at which time evidence shall be heard, and if it shall appear that such a dog is a livestock killer, or has committed any of the depredations mentioned in this section, the dog shall be ordered killed immediately, which the animal control officer, or other officer designated by the judge of the county court to act, shall do.

State law reference(s) - Similar provisions, Code of Virginia, Sec. 3.2-6552

**Section 4.11. Reciprocity for Killing or Injuring Livestock or Poultry.**

*(a) Dogs Killing or Injuring Livestock or Poultry:*

Any dog caught, or suspected of, killing or injuring livestock or poultry shall be dealt with as provided in Section 3.2-6552 of the Code of Virginia, 1950, as amended.

*(b) Compensation for Livestock and 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 not to exceed \$400 per animal or \$10 per fowl, provided that: (a) 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; (b) the Animal Control Officer or other officer shall have been notified of the incident within seventy-two (72) hours of its discovery; and (c) the claimant has first exhausted his legal remedies against the owner, if known, of the dog doing the damage for which compensation is sought. Exhaustion shall mean a judgment against the owner of the dog upon which an execution has been returned unsatisfied. The

requirements of (b) and (c) shall be waived provided that the Animal Control Officer has conducted an investigation which supports the claim.

## **Article V. RABIES CONTROL**

### ***Section 5.01 Reporting and Treatment.***

*(a) Reporting Animal with Rabies:*

Every person having knowledge of the existence of an animal apparently afflicted with rabies shall report immediately to the Middlesex County Health Department the existence of such animal, the place where seen, the owner's name if known, and the symptoms suggesting rabies.

*(b) Confinement and Destruction of Dogs:*

Dogs showing active signs of rabies or suspected of having rabies shall be confined in the County animal facility for such a time as may be necessary to determine a diagnosis. If confinement is impossible or impracticable, such dog shall be destroyed.

Any dog or cat bitten, by an animal believed to be afflicted with rabies shall be destroyed immediately or confined in the County animal facility for a period not to exceed six (6) months at the expense of the owner; provided that if the bitten dog or cat has been vaccinated against rabies within one year, the dog or cat shall be re-vaccinated and confined to the premises of the owner for forty-five (45) days.

At the discretion of the Director of the Middlesex County Health Department, any animal that has bitten a person shall be confined under competent observation for ten (10) days, unless the animal develops active symptoms of rabies or expires before that time.

### ***Section 5.02 Rabies Control.***

*(a) Rabies Inoculation Required:*

It shall be unlawful for any person to possess any dog or cat, over the age of four months, in the County of Middlesex that has not been inoculated for rabies and for which a valid and current certificate for said inoculation cannot be produced. No license tag shall be issued for any dog unless there is presented to the Treasurer at the time application for license is made, evidence satisfactory to him/her showing that such dog has been inoculated or vaccinated against rabies by a currently licensed veterinarian. The expense of vaccinating dogs shall be borne by their owners.

*(b) Rabies Clinics:*

A rabies clinic shall be held at least once per year in the County in order to provide dog owners adequate opportunity to obtain required inoculations for their dogs. Fees to be

charged for inoculations at such clinic shall be set by resolution of the Board of Supervisors.

**Section 5.03 Emergency ordinance requiring confinement or restraint of dogs and cats when rabid animal at large.**

When there is sufficient reason to believe that a rabid animal is at large, the board of supervisors shall have the power to pass an emergency ordinance, which shall become effective immediately upon passage, requiring owners of all dogs and cats in the county to keep the same confined on their premises, unless leashed under restraint of the owner in such a manner that persons or animals will not be subject to the danger of being bitten thereby. Any such emergency ordinance enacted pursuant to the provisions of this section shall be operative for a period not to exceed thirty (30) days, unless renewed by the board of supervisors. It shall be unlawful for any person to violate the provisions of any such ordinance.

State law reference—Similar provisions, Code of Va., §3.2-6525.

**Section 5.04. Penalty for violation of Article V.**

Any person convicted of a violation of this article shall be punished by a fine not more than two hundred fifty dollars (\$250.00).

**Article VI. VICIOUS OR DANGEROUS DOGS**

Until further notice all dangerous or vicious dog cases will be prosecuted under the State Law pursuant to Code of Va., §3.2-6540 et seq.

*Reserved*

**Article VII. AGGRESSIVE AND DESTRUCTIVE DOGS**

*Reserved*

**Article VIII. PENALTIES**

**Section 8.01 Penalty for Violation of Ordinance.**

(a) *Penalties:*

The following acts shall be deemed violations of this ordinance, shall constitute Class 4 misdemeanors:

1. For any dog owner to fail to pay the license tax required by Sections 4.03. (b) and (c) of this ordinance before February first for the first year in which it is due. In addition, the court may order confiscation and the proper disposition of the dog.
2. For any person to fail to obey parts of this ordinance pertaining to rabies inoculations and reporting of rabid animals.

3. For the 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.
4. For any person, except the owner or custodian, to remove a legally acquired license tag from a dog.
5. For any person to conceal or harbor any dog on which the license tax has not been paid, or to conceal a rabid animal to keep the same from being killed.
6. Any other violation of this ordinance not specifically listed in (1) through (5) above.

The following act shall constitute a Class 1 misdemeanor:

For any person to present a false claim or to receive any money on a false claim under the provisions of Section 4.11 of this ordinance.

## **ARTICLE IX. IN GENERAL**

### ***Section 9.01. Penalty for Violation of Article IX.***

Any person convicted of a violation of this article, unless a penalty is otherwise specified, shall be punished by a fine of not more than two hundred fifty dollars (\$250.00).

### ***Section 9.02. Livestock and fowl prohibited to be at large upon, or to graze alongside of, any public street or highway.***

It shall be unlawful for any person to permit any livestock or fowl owned by him or in his custody or under his control to run at large upon, or to graze alongside, any public street or highway, whether such street or highway be enclosed by fence or not.

Any person who does not restrain his/her livestock or fowl in accordance with this section shall be guilty of a Class 4 misdemeanor. The animal control officer or sheriff's deputy shall have the duty to enforce the provisions of this section.

State law references—Authority of county to prohibit animals and fowl from running at large on highways, Code of Va., § 15.2-1218; see also 3.2-6544 of Code of Va.

### ***Section 9.03. Property line constitutes lawful fence as to certain animals.***

The boundary line of each lot or tract of land in this county is hereby declared to be a lawful fence as to any horse, mule, cattle, hog, sheep or goat.

State law references—Authority of county to enact above section, Code of Va., § 55-310; no fence law, Code of Va., § 55-310 et. seq.

**Section 9.04. Maintenance of animals and fowl.**

Each stable, pen, coop or other place where any animal or fowl is kept shall be maintained at all times in a safe and sanitary condition and so as not to constitute an nuisance. Solid and liquid waste matter shall be removed there from not less than twice each week, and more frequently if necessary to eliminate offensive odors or to prevent accumulations constituting a hazard to the health or safety of any person, animal or fowl.

**Section 9.05. Prohibition of keeping or exhibiting of wild, exotic, venomous or poisonous animals within the County of Middlesex.**

For the purpose of this article the definition of an exotic animal shall mean any live monkey (non-human primate), raccoon, skunk, wolf, wolf-canine hybrid, squirrel, fox, non-domesticated porcine, leopard, tiger, lion, panther, or any other warm blooded animal, venomous reptile, to include, but not limited to coral snakes, rattle snakes, cottonmouth snakes, vipers and cobras, sea snakes, gila monsters, Mexican beaded lizards, or non-venomous reptiles six (6) feet or longer in length which can normally be found in the wild, all constrictor type snakes, poisonous arachnids to include, but not limited to: Black Widow spiders, Brown Recluse spiders, scorpions, poisonous amphibians to include but not limited to poison arrow frogs, or any member of the crocodilian family, including, but not limited to alligators, crocodiles, caimans, and gavials, or any other animal that would require a standard of care and control greater than that required for customary household pets sold by commercial pet shops, or domestic farm animals. Ferrets and birds which are normally purchased through pet stores, non-poisonous reptiles less than six (6) feet in length, domestic rabbits, domestic rodents and which have been bred in captivity and which never have known the wild shall be excluded from the definitions of wild and exotic animals.

The term wild animal means any warm-blooded animal that can normally be found in the wild state.

The term poisonous and/or venomous animal shall mean any animal, fowl, reptile or amphibian that causes injury, illness death by chemical means.

(a) It shall be unlawful for any person to keep or exhibit or permit to be kept or exhibited upon any property within the county limits any wild, exotic, venomous or poisonous animal without a permit from the animal control officer. In no case, however, shall any such wild, exotic, venomous or poisonous animal(s) be exhibited, displayed, or kept in such a manner so as to permit said animal(s) to escape, be at large, or to otherwise come in direct physical contact with any person unless under the direct care and control of the handler.

The provisions of this section shall not apply to:

1. Institutions accredited by the American Zoo and Aquarium Association (AZA).
2. Registered non-profit humane societies.

3. Animal control officers or law enforcement officers acting under the authority of this act.
4. Veterinary hospitals or clinics.
5. Any wildlife rehabilitator licensed by the state.
6. Any wildlife sanctuary as defined under this act.
7. Any licensed or accredited research or medical institution.
8. Any licensed or accredited educational institution.
9. Any circus, rodeo, or trade-show.
10. A person temporarily transporting an exotic animal through the County if the transit time is not more than 96 hours and the animal is at all times maintained within a confinement sufficient to prevent the exotic animal from escaping.

(b) The owner of any wild, exotic, venomous or poisonous animal shall apply to the animal control officer within ten (10) working days the change of address within the County, or in the case of an exhibition ten (10) working days prior to the exhibition, for a permit authorizing the keeping of said animal within the county limits. Each applicant for a wild, exotic, venomous or poisonous animal permit shall by affidavit and/or supporting written documentation provide the following:

1. Name and street address of each owner(s)/custodian(s), eighteen (18) years of age or older;
2. Location of animal(s) storage facility;
3. The common and scientific name of the subject animal(s);
4. The date of acquisition of each animal;
5. The source of acquisition of each animal;
6. The sex, age, height and/or length of each animal;
7. Any identifying marks or numbers unique to each animal;
8. A statement of understanding signed by the owner(s)/custodian(s) concerning human exposures in relation to the current state and local laws involving rabies control;
9. Verifiable documentation the animal was brought into the country legally. Proof the animal was purchased from a reputable dealer or pet store may constitute sufficient proof. The animal control officer has final authority in determining what constitutes sufficient proof.
10. A current veterinarian's certificate the animal is disease free.

11. The current phone number and street address of owner(s)/custodians(s) and animal(s), if storage location differs from residence of owner(s)/custodian(s).
12. At least one emergency phone number where owner(s)/custodian(s) can be contacted in case of emergency.
13. Proof the owner has a secure pen, cage or enclosure of sufficient size and strength to provide adequate shelter for the animal and to reasonably protect the public.

Where required by Section 29.1-542 of the Code of Virginia, 1950, as amended a copy of the special permit from the Virginia Department of Game and Inland Fisheries.

(c) The permit shall not be transferable and shall be valid through December thirty-first of the year of issue and shall be renewed by January thirty-first of each subsequent year. Permits for temporary exhibit shall be valid for the time period specified in the permit. One permit per address will be required within the County of Middlesex. On the permit shall be listed each animal held within the county limits as identified in subsection (b). The County of Middlesex's wild, exotic, venomous or poisonous animal permit shall be required in addition to any required federal or state permits.

Information supplied on such permit shall be provided to relevant county departments as notification for public health and safety purposes.

No permit for an exotic animal will be issued by the Middlesex Department of Animal Control unless all required special permits from the Virginia Department of Game and Inland Fisheries for wolves, coyotes or birds or animals otherwise classified by the Commission as predatory or undesirable have been obtained by the owner or custodian of the exotic animal. It shall be the responsibility of the owner or custodian of the exotic animal to provide a valid copy of the special permit to the Animal Control Department at the time the request for local exotic animal permit is made.

(d) It shall be unlawful to release, or permit to be released, any wild, exotic, venomous or poisonous animal(s) into the wild.

(e) The initial fee to cover the cost of the permit issuance shall be twenty-five (\$25.00) per address. A charge of fifteen dollars (\$15.00) will be collected for annual permit renewal, the adding of additional animals to an existing permit, or the duplication of an existing permit.

(f) It shall be unlawful for any person to furnish false information for the purpose of obtaining a permit pursuant to subsection (b). Any permit obtained under fraudulent pretenses shall be null and void with any animals named thereon subject to impoundment by an animal control officer pending a determination by a court of competent jurisdiction as to the appropriate disposition of said animal(s). Upon redemption of the animal, the owner shall pay impoundment fees of twenty-five (\$25.00), boarding fees of ten dollars (\$10.00) per day, plus any additional cost for medical care or treatment.

(g) Any person applying for a wild, exotic, venomous or poisonous animal permit shall provide evidence of surety bond or liability insurance or bond in the amount of fifty thousand dollars (\$50,000.00) which covers incidences or occurrences involving the wild, exotic, venomous or poisonous animals.

(h) The animal control officer or his designee may reject an application for a wild, exotic, venomous or poisonous animal permit, renewal of a permit, or the addition of an animal to an existing permit for any of the following reasons:

1. Failure to comply with or supply any information required in subsection (b); or
2. Falsification of any information required in subsection (b); or
3. Previous or current violations of any provisions of this section; or
4. Previous or current violations of any local, state, or federal law relating to animals; or
5. The history or demonstration of a vicious or dangerous nature of an animal.

(i) The animal control officer or his designee may revoke a wild, exotic, venomous or poisonous animal permit and impound the animals for any of the following reasons:

1. Failure to comply with the terms of this section; or
2. Falsification of any information required in subsection (b); or
3. Violation of any local, state or federal law applicable to animals.

(j) The permittee shall post a placard provided by the animal control officer in an area of public view on any premises, building or structure where the wild, exotic, venomous or poisonous animal is kept or housed. Failure to pose the placard shall be a violation of this section.

**Section 9.06. *Infectious or contagious diseases among animals and poultry—Duty of owners and custodians; procedure for establishing quarantine.***

(a) It shall be the duty of any person owning or having the custody of any animal or poultry within the county, upon ascertaining that such animal or fowl may be afflicted with a contagious or infectious disease, to forthwith give notice thereof to the health director.

(b) The health director, upon receipt of such notice, shall then cause an investigation to be made to determine whether quarantine lines should be established within any part of the county, and upon an affirmative finding, the health director shall forthwith give notice to the state veterinarian as to the facts determined by such investigation, for such action as the state veterinarian may deem appropriate under the provisions of the Code of Virginia, sections 3.2-6003 through 3.2-6018.

State law references—Listing of certain contagious and infectious diseases among domestic animals and poultry, Code of Va., § 3.2-6002; fine for violation of similar state provisions, Code of Va., § 3.2-6018.

**Section 9.07. Same—Transporting or conveying custody or possession of animal or fowl exposed to disease.**

It shall be unlawful for any person to drive or by any other means to transport beyond his own property or to sell, give away or otherwise convey the possession or custody of any animal or fowl, knowing or having reason to know that such animal or fowl has, or has been exposed to, any infectious or contagious disease; provided, that nothing in this subsection shall be construed to prohibit the transportation of any animal or fowl to a veterinarian's office, animal hospital or other place for care or treatment or to prohibit the custody of such animal or fowl by a licensed veterinarian or other person qualified to render care or treatment to such animal or fowl.

**Section 9.08. Cruelty to animals.**

Any person who:

(a) 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, or deprives any animal of necessary sustenance, food, drink, veterinary care or shelter; or

(b) Deprives any animal of necessary food, drink, shelter or emergency veterinary treatment.

(c) Sores any equine for any purpose or administers drugs or medications to alter or make 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

(d) Willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal.

(e) 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.

(f) Causes any of the above things or being the owner of such animal permits such acts to be done by another.

A violation of this section shall be a Class I misdemeanor. In addition, to the foregoing penalty, a 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.

Nothing in this section shall be construed to prohibit the dehorning of cattle conducted in a reasonable and customary manner.

For purposes of this section, the word animal shall include birds, fowl and reptiles.

State law references—Code of Va., §3.2-6570; Code of Va., §3.2-6543.

**Section 9.08.(1) *Power of search for violations of statutes against cruelty to animals.***

When a sworn complaint is made to any proper authority by any animal control officer, humane investigator, law-enforcement officer or State Veterinarian's representative that the complainant believes and has reasonable cause to believe that the laws in relation to cruelty to animals have been, are being, or are about to be violated in any particular building or place, such authority, if satisfied that there is reasonable cause for such belief, shall issue a warrant authorizing any sheriff, deputy sheriff or police officer, to search the building or place. No search shall be made after sunset unless specially authorized by the authority upon satisfactory cause shown.

State law references— Code of Va., §3.2-6568

**Section 9.09 (1) *Failure to perform duties of ownership.***

The provisions of this section shall apply to an owner or custodian of any companion animal, as the term is defined in Section 3.2-6500 of the Code of Virginia, including every private owner, animal shelter, pound, dealer, pet shop, exhibitor, kennel, groomer, and boarding establishment. This section shall not require that animals used as food for other animals be euthanized.

(a) An owner or custodian of an animal shall provide for each of his companion animals the following as defined in Section 3.2-6500 of the Code of Virginia, 1950, as amended:

1. Adequate feed; means access to and the provision of food that is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.
2. Adequate water; means provision of and access to clean, fresh, potable water of a drinkable temperature that is provided in a suitable manner, in sufficient volume, and at suitable intervals appropriate for the weather and temperature to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable

- receptacles that are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.
3. Adequate shelter that is properly cleaned and sanitized; means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and, for dogs and cats, provides a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors (i) permit the animals' feet to pass through the openings, (ii) sag under the animals' weight, or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter.
  4. Adequate space means sufficient space to allow each animal to (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal and (ii) interact safely with other animals in the enclosure. When an animal is tethered, "adequate space" means a tether that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least three times the length of the animal, as measured from the tip of its nose to the base of its tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space
  5. Adequate exercise; means the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal.
  6. Adequate care means the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health.
  7. Veterinary care when needed for disease control or to prevent suffering or disease transmission.

(b) Game and wildlife species shall be cared for in accordance with regulations promulgated by the Virginia Department of Games and Inland Fisheries, January 1, 1994.

State law reference—Similar state law, Code of Va., §3.2-6503.

**Section 9.09 (2) Abandonment of animal; penalty.**

No person shall abandon or dump any animal including, but not limited to dogs, cats, fowls, and reptiles on any public right-of-way or public place or on the property of another. Violation of this section is a Class 3 misdemeanor. Nothing in this section shall be construed to prohibit the release of an animal by its owner to a pound, animal shelter, or other releasing agency.

State law reference—Similar state law, Code of Va., §3.2-6504.

**Section 9.09 (3). Animals in Enclosed Vehicle.**

It shall be unlawful to leave a dog or cat in an enclosed vehicle without the benefit of air conditioning when the outside temperature reaches 80 degrees Fahrenheit or greater.

**Section 9.09 (4). Seizure and impoundment of animals.**

Any law-enforcement official or animal control officer may lawfully seize and impound any animal, fowl or reptile that has been abandoned, cruelly treated or is suffering from an apparent violation of this Ordinance that has rendered the animal in such a condition as to constitute a direct and immediate threat to its live, safety or health. A seizure or impoundment of an agricultural animal, as the same defined in Section 3.2-6500 of the Code of Virginia, shall be handled as set out in Section 3.2-6569 of the Code of Virginia.

The owner of any animal, fowl or reptile impounded pursuant to this article shall be required to pay an impound fee of twenty-five dollars (\$25.00), boarding fees of ten dollars (\$10.00) per day and costs of any necessary medical care or treatment.

The owner of any animal held pursuant to this Article for more than thirty days is required to post a bond in surety with Middlesex County for the amount of the cost of boarding the animal until the appropriate hearing can be concluded in the General District Court, but in no case, such time shall not exceed nine (9) months.

(State law reference §3.2-6569)

**ARTICLE X. PIANKATANK SHORES DOG CONTROL ORDINANCE**

**Section 10-01 - Title**

This Ordinance shall be known and may be cited as the Piankatank Shores Dog Control Ordinance

**Section 10-02 - Definitions**

**Piankatank Shores Subdivision:** All those lots or parcels of land lying along each side and at the end of State Route 690, shown on Tax Map 37A, and recorded within the Deed Books of the Circuit Court Clerk's Office, Middlesex County, at the following pages: Section A - Book 80, page 294; Section B - Book 81, page 290; Section C - Book 81, page 301; Section D - Book 84, page 83; Section E - Book 85, page 442; Section G - Book 86, page 166; Section H - Book 86, page 171

**Running at Large:** For the purpose of this Ordinance, 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 immediate control. dogs to run at large at any time within Piankatank Shores Subdivision, Middlesex County, Virginia.

**Section 10-3 - Criteria for the Control of Dogs Running at Large.**

It shall be unlawful for any person who owns or is custodian of any dog or dogs to allow such dog or dogs to run at large at any time within the Piankatank Shores Subdivision, Middlesex County, Virginia. Any person who permits his dog to run at large, or remain unconfined, unrestricted or not penned up shall be deemed to have violated the provisions of this section.

**Section 10-04 - Notification of Animal Control Officer**

Any citizen who encounters a dog or dogs running at large as defined under this ordinance may notify the County Animal Control Officer.

Such person shall also present themselves upon request of the County Animal control officers before any court. Of competent jurisdiction to testify as to the circumstances known to them, which gave rise to the complaint of the dog(s), running at large.

**Section 10-05 - Apprehension and Disposition of Dogs Running at Large; Fees to be paid**

Any dog or dogs running at large as defined under this Ordinance may be apprehended and placed in the County dog shelter by the County Animal Control officer and may be reclaimed by the owner or custodian upon showing satisfactory proof that he is the owner or custodian of said dog(s) and upon payment of an impoundment fee of fifteen dollars (\$15.00) and a board fee of ten dollars (\$10.00) per day, or any portion thereof, which the dog is so confined.

**Section 10-06 - Animal Control Officer to Enforce Ordinance**

It shall be the duty of the Animal Control Officer of the County to enforce the provisions of this Ordinance

**Section 10-07 - Penalty for Violation of Ordinance**

A violation of this Ordinance shall be punishable as a Class 3 misdemeanor.

(State law reference §3.2-6538)

## **ARTICLE XI. TOWN OF URBANNA**

### ***Section 11.01 Animal control officer and deputies to enforce article and applicable provisions of state and county animal control laws within the Town of Urbanna.***

Pursuant to the provisions of Section 3.2-6555 of the Code of Virginia, the animal control officer and his deputies shall enforce the provisions of the Middlesex County Animal Control Ordinance and the applicable provisions of Title 3.2 of the Code of Virginia within the Town of Urbanna, under the general supervision of the asst. county administrator

### ***Section 11.02. Animal control officer may assist town officers in enforcement of town codes pertaining to animals.***

## **Article XII. CONSTITUTIONALITY**

### ***Section 12.01 Constitutionality.***

*(a) Constitutionality:*

Should any article, section, subsection, paragraph, clause, or other provision of this ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so held to be unconstitutional or invalid.

Adopted at a regular meeting of the Middlesex County Board of Supervisors held on June 15, 2010. All members present and voting in favor: Fred Crittenden, John D. Miller, Jr., Carlton S. Revere, Wayne H. Jessie, Sr., Peter W. Mansfield.

A Copy Teste:

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Charles M. Culley, Jr.  
Clerk