

Town of Jarratt Administrative – Keeping of Dogs in Town limits			
SECTION: Health and Safety		Ordinance #: 2021-0713	
POLICY: Keeping of Dogs			
DATE ADOPTED:	REVISED DATE:	COVERAGE: All Dogs	PAGE #: Page _1_ of _8_

WHEREAS, the Town of Jarratt already has an Ordinance on the books regarding the keeping of dogs in the town limits; and

WHEREAS, the existing laws on the books has been reviewed after the attack of a young child by a pack of dogs; and

WHEREAS, it has been decided the Town of Jarratt Ordinance on the keeping of dogs in the town limits is in need of being updated; and

WHEREAS, the Jarratt Town Council take the safety of the Jarratt residents very seriously.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Town Council of the Town of Jarratt of Greensville and Sussex County, Virginia, that:

Section 1. Dangerous or vicious animals.

It shall be unlawful for any person to keep on his premises any animal known to him/her individually or by repute to be dangerous or vicious, unless suitable precautions are taken to prevent harm therefrom to children, or to unsuspecting persons who might lawfully be on the premises, or to persons on adjacent public or private property.

Section 2. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning;

Animal Control Officer means any person employed, contracted, or appointed by the commonwealth or any political subdivision for the purpose of aiding in the enforcement of Code of Virginia, 3.1-796.66, or any other law or ordinance relating to the licensing of dogs, control of dogs and cats, cruelty to animals, or seizure and impoundment of companion animals and includes any state or municipal police officer, animal control officer, sheriff, constable, or other employee whose duties in whole or in part include assignments which involve seizure or taking into custody of any dog or other animal.

To run at large or running at large or go at large or going at large or roaming at large means to run, loiter, roam, walk or be let off the real property limits of the owner or keeper without being caged, physically carried or held by a leash or led by a person thoroughly capable of both physically and mentally controlling the dog.

Dangerous Dog means a dog that, without provocation, has caused injury to a person, or has seriously injured or killed a dog or cat.

Vicious Dog means a dog that, without provocation, has killed or seriously injured a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or 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.

Nuisance Dog means a dog that, without provocation, has chased or approached a person in a menacing fashion or in an apparent attitude of attack, or has attempted to bite or otherwise endanger any person.

Section 3. Penalties for violation of Ordinance

Any person who shall make a false statement in order to secure a dog license to which he/she is not entitled shall be guilty of a class 4 misdemeanor. Any person convicted of failure to pay the license tax prior to February 1 of any year, or as otherwise provided in this Ordinance, on any dog owner by him/her, shall be guilty of a class 4 misdemeanor, shall be fined not less than the amount of the license tax required by law to be paid on such dog, and shall be required to obtain a proper license forthwith. Unless the fine and license tax are immediately paid, the trial court shall order the dog killed by the animal control officer or some other officer, but the killing of such dog shall not relieve the owner of the payment of the fine and the license tax already due. If a dog is found running and roaming at large at any time of the year in violation of the provisions of section 4, its owner shall be guilty of a class 4 misdemeanor.

Section 4. Running at Large

It shall be unlawful for the owner or keeper of any dog to allow such dog to run at large within the town regardless of whether such dog is licensed or unlicensed. **3.1-796.93**

Section 4.1. Civil penalty

Any person who permits his dog to run at large or remain unconfined, unrestricted, or not penned up shall be deemed to have violated section 4 of this Ordinance. The owner of any dog found running at large in a pack shall be subject to a civil penalty of \$100.00 per dog so found. A dog shall be deemed to be running at large in a pack if it is running at large in the company of one or more dogs that are also running at large. Any civil penalty collected in section 4.1 shall be deposited by the treasurer of the town pursuant to the provisions of **3.2-6534**

Section 5. Number of dogs permitted

It shall be unlawful for any person to keep on his property within the town more than three (3) dogs without a valid kennel license. A property is defined by parcel boundaries as set forth by the town tax map. For example, if a property contains two (2) or more adjoining parcels, then it would be considered as two or more separate properties. Any person keeping more than three (3) dogs on his property must obtain a valid kennel license for such dogs, pay the appropriate fees as set forth in section 6 of this Ordinance and meet the proper zoning conditions as set forth in the Jarratt Zoning Code.

Section 6. Required; issuance; fee

- a. It shall be unlawful for any person to keep a dog four months or older within the town limits unless the dog has a current County and Town license. Such license shall be issued by the County & Town Treasurer. The fee for the Town of Jarratt license shall be \$2.00, the county fee is set by

the county. 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.

- b. As used in this section, the term “hearing dog” means a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond. The term “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 or service or support. **3.1-796.85**

Section 7. Due date of license tax

License tax on dogs shall be due and payable as follows;

- a. On or before 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 6.
- b. If a dog shall become four months of age or come into 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.
- c. If a dog shall become four 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 be valid from the date purchased. **3.1-796.88**

Section 8. Procedure for obtaining

Any person may obtain a dog license by making oral or written application to the treasurer of the county in which they live, accompanied by the amount of the license tax and current certificate of vaccination for rabies. Upon receipt of proper application and current certificate of vaccination, the treasurer shall issue a license receipt for the amount, on which will be recorded 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 male, or female and deliver the metal license tags or plates provided for in this Ordinance. After receiving the tags from the county, you will need to bring that license tax information to the Town of Jarratt clerk’s office to obtain a Town of Jarratt tag. The information thus received shall be retained by the treasurer, open to public inspection, during the period for which such license is valid. **3.1-796.86**

Section 8.1. Veterinarians to provide treasurer with rabies certificate information; civil penalty

- A. Each veterinarian who vaccinates a dog against rabies or directs a veterinary technician in his employ to vaccinate a dog against rabies shall provide the owner a copy of the rabies vaccination certificate. The veterinarian shall forward within 45 days a copy of the rabies vaccination certificate or the relevant information contained in such certificate to the treasurer of the locality where the vaccination occurs. The rabies vaccination certificate shall include at a minimum; the signature of the veterinarian, the animal owner’s name and address, the species of the animal, the sex, the age, the color, the primary breed, whether or not the animal is spayed or neutered, the vaccination number, and expiration date. The rabies vaccination certificate shall indicate the locality where the animal resides. **3.2-6529**

- B. It shall be the responsibility of the owner of each vaccinated animal that is not already licensed to apply for a license for the vaccinated dog. If the treasurer determines, from review of the rabies vaccination information provided by veterinarians, that the owner of an unlicensed dog has failed to apply for a license within 90 days of the date of vaccination, the treasurer shall transmit an application to the owner and request the owner to submit a completed application and pay the appropriate fee. Upon receipt of the completed application and payment of the license fee, the treasurer or other agent charged with the duty of issuing the dog licenses shall issue a license receipt and a permanent tag. The treasurer shall retain only the information that is required to be collected and open to public inspection. Any veterinarian that willfully fails to provide the treasurer of any locality with a copy of the rabies vaccination certificate or the information contained in such certificate may be subject to a civil penalty not to exceed \$10.00 per certificate. Monies raised pursuant to this subsection shall be placed in the locality's general fund for the purpose of animal control activities including spay or neuter programs. **3.2-6529**

Section 9. Components of license

A dog license shall consist of a license receipt and a metal tag of a style and design adopted by the council. The tag shall be stamped or otherwise permanently marked to show the jurisdiction issuing the license, the sex of the dog, the calendar year for which issued and bear a serial number. **3.1-796.90**

Section 10. Duplicate license tag

If a dog license shall become lost, destroyed or stolen, the owner or custodian shall at once apply to the treasurer or his agent who issued the original license for a duplicate license tag, presenting the original license receipt. Upon affidavit of the owner or custodian before the treasurer or his agent that the original license tag has been lost, destroyed or stolen, he shall issue a duplicate license tag which the owner or custodian shall immediately affix to the collar of the dog. The treasurer or his agent 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 shall be \$1.00 which shall be paid into the dog fund and reported in the gross dog license collections. **3.1-796.91**

Section 11. Displaying receipts; dogs to wear tags

Dog license receipts shall be carefully preserved by the licensees and exhibited promptly on request for inspection by any animal control officer, Zoning Administrator, or other officer. Dog license tags shall be securely fastened to a substantial collar by the owner or custodian and worn by such dog. It shall be unlawful for the owner to permit any licensed dog four months old or over to be without their tag. 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.

Section 12. Numbers and order of tags; sale to begin November 1

Dog tags for each calendar year shall be sold in serial and numerical order, beginning November 1 of the prior year and shall remain on sale until December 31 of the calendar year covered by such tags.

Section 13. Illegal killing of licensed dog

It shall be unlawful for any person, without legal justification and necessity, to kill a licensed dog.

3.1-796.127

Section 14. Summons; determination

Any animal control officer who has reason to believe that a dog 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 a 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 or owner shall confine the animal(s) 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 the 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 this division. 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 state law. **3.1-796.119**

Section 14.1 Exemptions

No dog shall be found to be a dangerous dog or vicious dog solely because it is a particular breed, nor shall the council prohibit the ownership of a particular breed of dog. 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 committing, at the time, a crime upon the premises occupied by the animal's owner or custodian; committing, at the time, a willful trespass or other tort upon the premises occupied by the animal's owner or custodian; or 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 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's property, shall be found to be a dangerous dog or a vicious dog.

Section 14.2. Registration; certificate; fee; tag

The owner of any animal found by a court to be a dangerous dog shall, within ten days of such finding, obtain a dangerous dog registration certificate from the animal control officer for a fee of \$150.00, 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 division shall be renewed annually for \$85.00 and in the same manner as the initial certificate was obtained. **3.2-6540**

Section 14.3. Conditions for issuance of certificate or certificate renewal

All certificates or renewals required to be obtained under this division shall only be issued to persons 18 years of age or older who present satisfactory evidence of the animal's current rabies vaccination, if applicable, and 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 under this division shall not be issued a certificate or renewal unless they present satisfactory evidence that 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 the animal has been permanently identified by means of a tattoo on the inside thigh or by electronic implantation. 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 \$100,000.00 that covers animal bites. **3.2-6540**

Section 14.4. Confinement and control

While on the property of its owner, an animal found by a court 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 by a court 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.

Section 14.5. Owner responsibilities and liabilities

- a. If the owner of an animal found by a court 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.
- b. After an animal has been found by a court to be a dangerous dog, the animal's owner shall immediately, upon learning of same, notify the local animal control officer if the animal is loose or unconfined; bites a person or attacks another animal; is sold, given away, or dies; or has been moved to a different address.
- c. The owner shall display 2 signs on his property stating: "Dangerous Dog on Premises." At least 1 sign shall be posted at the front of the property, and the 2nd sign shall be posted at the rear of the property. Each sign shall be capable of being read from a distance of 50 feet.
- d. The owner shall cause the local animal control officer to be promptly notified of (i) the names, addresses, and telephone numbers of all owners; (ii) all of the means necessary to locate the owner(s) and the dog at all times; (iii) any complaints or incidents of attack; (v) chip identification information; (vi) proof of insurance; (vii) death of the dog.
- e. The owner of any animal which has been found by a court to be a dangerous dog who willfully fails to comply with the requirements of this division shall be guilty of a class 1 misdemeanor.

Section 14.6. Disposition of fees

All fees collected pursuant to this division, less the costs incurred by the animal control officers in producing and distributing the certificates and required by this division, shall be paid into a special dedicated fund in the treasury of the County/Town for the purpose of paying the expenses of any training course required under Code of Virginia **3.1-796.105**

Section 15. Unattended tethering is prohibited

- a. It shall be unlawful to tether a dog in the Town of Jarratt if unattended. For the purpose of this section, a dog is attended only if the owner or custodian is both outdoors and within sight of the dog.
- b. Violations of this section shall constitute a Class 3 misdemeanor.

Section 16. Care of companion animals by owner; penalty

- A. Each owner shall provide for each of his companion animals;
 - 1. Adequate feed;
 - 2. Adequate water;
 - 3. Adequate shelter that is properly cleaned;
 - 4. Adequate space in the primary enclosure for the particular type of animal depending upon its age, size, species, and weight;
 - 5. Adequate exercise;
 - 6. Adequate care, treatment, and transportation; and
 - 7. Veterinary care when needed to prevent suffering or disease transmission. The provisions of this section shall also apply to every public or private animal shelter, or other releasing agency, and every foster care provider, dealer, pet shop, exhibitor, kennel, groomer, and boarding establishment. This section shall not require that animals used as food for other animals be euthanized.
- B. Violation of this section is a Class 4 misdemeanor. A second or subsequent violation of subdivision A 1, 2, 3, or 7 is a Class 2 misdemeanor and a second or subsequent violation of subdivision A 4, 5, or 6 is a Class 3 misdemeanor. **3.2-6503**

Section 17. Authority to enforce

The Jarratt Town Council hereby gives the authority to both Greenville County and Sussex County Animal Control Officers to enforce this ordinance. Animal Control Officers are given the authority to enforce this ordinance no matter which county the violation occurs.

Section 18. Severability

If any of the provisions or terms of this Ordinance shall be held invalid for any reason whatsoever, then, unless such provision or term is material to this Ordinance as to render this Ordinance impracticable to perform, such provision or term shall be deemed severable from the remaining provisions or terms of this Ordinance and shall in no way affect the validity or enforceability of any other provisions hereof.

Section 19. Repealed

All prior ordinances pertaining to keeping of dogs in the Town of Jarratt are hereby repealed in whole.

ORDAINED AND ENACTED into law, this _____ day of _____, 2021.

Melanie Wilson, Mayor

ATTEST:

Judy Houchins, Clerk

COUNCIL MEMBER	YEA	NAY
Annie Peavy		
Anne Brown		
Brian Harrison		
Dana Kinsley		
Omar Smith		
Ray Young		