

ORDINANCE NUMBER 2023-



**AN ORDINANCE AMENDING CHAPTER 14, ANIMALS,
ARTICLE II, DOGS AND CATS,
OF THE CITY CODE OF THE CITY OF WAYNESBORO, VIRGINIA**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF WAYNESBORO, VIRGINIA THAT:**

1. Chapter 14, Animals, Article II, Dogs and Cats, of the City Code of the City of Waynesboro, Virginia is deleted in its entirety and readopted and reenacted as follows:

ARTICLE II. - DOGS AND CATS

Sec. 14-41. - 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:

Hearing dog means a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond.

Service dog means a dog trained to do work or perform tasks for the benefit of a mobility-impaired or otherwise disabled person. The work or tasks performed by a service dog shall be directly related to the individual's disability or disorder. Examples of work or tasks include providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting an individual to the presence of allergens, retrieving items, carrying items, providing physical support and assistance with balance and stability, and preventing or interrupting impulsive or destructive behaviors. The provision of emotional support, well-being, comfort, or companionship shall not constitute work or tasks for the purposes of this definition.

Sec. 14-42. - Penalty for violation.

Except as otherwise provided in this Article, any person who violates this Article shall be guilty of a Class 4 misdemeanor.

Sec. 14-43. - Enforcement; impoundment.

- (a) An ~~animal~~ ~~Animal warden~~ ~~Control Officer~~ shall be appointed by the City Manager and assigned to the police department for supervision. It shall be his or her duty to enforce the provisions of this Article, notify dog owners of his or her actions, where possible, and to investigate complaints connected with this Article.

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- (b) On the complaint of any person that there has been a violation of any provision of Section 14-46, or upon witnessing any such violation himself or herself, the Animal ~~warden~~ Control Officer or other officer, after investigation, as may be necessary, shall notify the person that his or her dog is in violation thereof and must be thereafter confined to the person's premises or otherwise kept on a leash. ~~If the person permits his dog to repeat or to continue such violation, the person shall be guilty of a misdemeanor and punished by a fine of not less than \$5.00 nor more than \$200.00 for each violation.~~
- (c) When in uniform or upon displaying a badge or other credentials of office, the Animal Control Officer or other police officer shall have the power to issue a summons to any person found in the act of violating any provision of this Chapter.

State law reference - Virginia Code §§ 3.2-6543 and 3.2-6555.

- (d) Whenever any person is found violating any provision of this Chapter punishable as a Class 3 or Class 4 misdemeanor or any other misdemeanor for which he cannot receive a jail sentence, the Animal Control Officer or other police officer shall take the name and address of such person and issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons or notice.
- (e) Upon the giving by such person of his or her written promise to appear at such time and place, the Animal Control Officer or other police officer shall forthwith release him or her from custody.
- (f) ~~The court before whom a case involving a second or third violation of section 14-46 is heard may order the humane disposal or destruction of the dog involved.~~ (d) ——— When the court before whom a case involving a violation of Section 14-46 is heard finds as a matter of fact that the person alleged to have violated Section 14-46 had taken every reasonable precaution to prevent such violation from occurring, it shall not order that the dog be disposed of or destroyed²⁵; and it may suspend the fine.
- (eg) Any dog running at large in the City ~~and any cat not vaccinated as required~~ shall be impounded and confined in the City's animal shelter by any ~~impounding officer, animal~~ Animal ~~warden~~ Control Officer or police officer ~~if the dog is not immediately restrained by the owner as provided in Section 14-46. Any such dog not licensed or any and such dog or cat not vaccinated as required shall be impounded by any Animal Control Officer or police officer and held for a period of five days. The owner, if ownership can be established, shall be notified of the impoundment and the violation within 24 hours. The dog or cat may be released to the owner upon proof of ownership, proof of licensing, and/or vaccination and payment of cost of impoundment.~~ confined in the City's animal shelter.
- (h) A confined dog or cat shall be kept for a period of not less than five days, such stray hold period to commence on the day immediately following the day the animal is initially confined, unless sooner claimed by the rightful owner. The

operator or custodian of the animal shelter shall make a reasonable effort to ascertain whether the animal has a collar, tag, license, tattoo, or other form of identification, including microchip. If such identification is found on the animal, the animal shall be held for an additional five-day stray hold period, unless sooner claimed by the rightful owner. If the rightful owner of the animal can be readily identified, the operator or custodian of the shelter shall make a reasonable effort to notify the owner of the animal's confinement within the next 48 hours following its confinement. At the expiration of the five-day period, any dog or cat not so claimed by its owner may be disposed of by giving it into the possession of any person willing to pay the cost of impounding, vaccination and license. If no person is willing to redeem the dog or cat, it will be disposed of in a humane manner.

During the stray hold period, the operator or custodian of the animal shelter may vaccinate the animal in accordance with the provisions of Virginia Code § 3.2-6546(C), as may be amended. During the stray hold period, the operator or custodian shall provide the animal with adequate care, including reasonable access to outdoor areas to ensure that the animal has adequate exercise and adequate space.

- (1) If the confined animal is claimed by its rightful owner, such owner shall be charged with an impoundment fee in accordance with Virginia Code § 3.2-6546(C) in the amount of \$ ___ and the actual expenses incurred by the animal shelter in keeping the animal impounded. The animal shelter shall not require that such fees and expenses be paid by the owner in order to claim the confined animal.
 - (2) If the confined animal has not been claimed upon expiration of the applicable stray hold period, it shall be deemed abandoned and become the property of the animal shelter, which shelter shall proceed in accordance with applicable law, including Va. Code § 3.2-6546.
- (i) Pursuant to Va. Code § 3.2-6546(G), if a feral dog or feral cat (1) bears no collar, tag, tattoo, or other form of identification and (2) a disinterested person provides a written statement that the dog or cat exhibits behavior that poses a risk of physical injury to any person confining the animal, the animal may be euthanized after being kept for a period of not less than five days, at least one of which shall be a full business day, such period to commence on the day the animal is initially confined in the facility, unless sooner claimed by the rightful owner. For purposes of this subparagraph, a disinterested person shall not include a person releasing or reporting the animal.
 - (j) Nothing in this Article shall be deemed to prohibit an animal shelter or other authorized individual or entity from carrying out euthanasia as prescribed by Virginia Code Title 3.2, Agriculture Animal Care, and Food, Chapter 65, Comprehensive Animal Care.

Sec. 14-44. - Dog licenses; taxes.

- (a) It shall be unlawful for any person to own a dog four months or older unless such dog is licensed as required by the provisions of Code of Virginia, § 3.2-6524, and this ~~article~~Article. Dogs shall be licensed as provided by Code of Virginia, § 3.2-6527, ~~which section is adopted and made a part of this chapter by reference as fully as though set forth at length in this section.~~ Pursuant to the authority of Code of Virginia, § 3.2-6528, any person licensing a dog in the ~~city~~City shall pay an annual license tax of ~~\$7.50~~_____ on the ownership of the dog. Any person who shall fail to pay a license tax prior to February 1 of any year on any dog owned by himself ~~or herself~~ shall ~~be fined~~incur a civil penalty of \$ _____ ~~not less than the amount of the license tax required by law to be paid on such dog, nor more than \$10.00~~ and be required to obtain a proper license forthwith. ~~If a dog is found running and roaming at large at any time of the year with or without dog license tags, its owner shall pay a fine of not less than \$10.00 for the first offense. The court shall determine the fine for each offense thereafter. The animal may also be impounded for any second or subsequent offense committed within a 12-month period.~~
- (b) No license tax shall be levied on any dog that is trained and serves as (i) a guide dog for a blind person, ~~(ii) or that is trained and serves as~~ a hearing dog for ~~a person who is deaf or hard of hearing, ora deaf or hearing impaired person~~(iii) ~~a service dog for a mobility-impaired or otherwise disabled person.~~
- (c) Any person making application for a dog license shall be required to present to the City Treasurer a certificate of rabies vaccination properly executed and signed by a licensed veterinarian verifying that the dog has been vaccinated. The certificate must show the date of the vaccination, the date for required revaccination, a brief description of the dog, sex, and breed and the owner thereof. When the dog license has been issued, the number will be entered upon the certificate of vaccination along with the date of issue and the certificate returned to the owner. ~~The Treasurer shall only have authority to license dogs of resident owners or custodians who reside within the boundary limits of the City, and may require information to this effect from any applicant.~~
- ~~(d) 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 tag was issued by the City of Waynesboro and bear a serial number or other identifying information. 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 run or roam at large at any time without a license tag. The owner of the dog may remove the collar and license tag when: (i) the dog is engaged in lawful hunting, (ii) the dog is competing in a dog show, (iii) the dog has a skin condition that would be exacerbated by the wearing of a collar, (iv) the dog is confined, or (v) the dog is under the immediate control of its owner.~~

(e) If a license tag is lost, destroyed, or stolen, the owner or custodian shall at once apply to the Treasurer, or designee, who issued the original license for a duplicate tag, presenting the original license receipt. Upon affidavit of the owner or custodian before the Treasurer, or designee, that the original license tag has been lost, destroyed, or stolen, the Treasurer, or designee, shall issue a duplicate license tag that the owner or custodian shall immediately affix to the collar of the dog. The Treasurer, or designee, 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.

(f) The Treasurer may notify a dog owner by mail at his or her last known address, that the dog owner may pay the dog license fee within the time specified by the notice together with the added cost of the mailing and, if such fee is not paid within the time so prescribed, the Treasurer will notify the Animal Control Officer or other police officer that the dog owner has failed to pay such fee within the time so prescribed.

Sec. 14-45. - Vaccination; ~~wearing of tags.~~

(a) No person shall own, keep, hold, or harbor any dog or cat over the age of four months, within the City, unless such dog or cat shall have been currently vaccinated, by a currently licensed veterinarian, with a species-appropriate vaccine licensed by the U.S. Department of Agriculture (USDA) ~~and or~~ as recommended in the compendium of animal rabies vaccines, prepared by the National Association of State Public Health Veterinarians.

(b) Any person transporting a dog or cat into the City from some other jurisdiction shall be required to conform with this subsection within 30 days after arrival in the City.

~~(c) At the time of the vaccination or revaccination of a dog or cat for rabies, a suitable and distinctive rabies collar tag and a certificate of inoculation shall be issued to the dog or cat owner, and shall be securely fastened to a substantial collar by the owner or custodian and worn by such dog or cat. It shall be unlawful for the owner to permit any such licensed or vaccination tagged cat four months old or over to run or roam at large at any time without a license tag or vaccination tag. When engaged in lawful hunting in the open season and accompanied by the owner or custodian, the collar, license tag and vaccination tag may be temporarily removed from dogs.~~

Sec. 14-46. - Control, restraint of dogs.

(a) No person shall permit any dog owned, kept, harbored, or possessed by him to cause damage or annoyance to another person while such dog is roaming ~~at will~~ off the person's premises.

(b) No person shall permit any dog owned, kept, harbored, or possessed by him to enter, be or remain in, any cemetery or publicly owned building in the City, whether or not such dog is muzzled, leashed, or otherwise under the control of some responsible person. This provision shall not apply to any dog that is trained and serves as (i) a guide dog for a blind person, (ii) a hearing dog for a person

~~who is deaf or hard of hearing, or (iii) a service dog for a mobility-impaired or otherwise disabled person. guide dogs and hearing dogs properly trained and actually being used by a blind, deaf, or hearing impaired person.~~

~~Cross reference(s) — Cemeteries, ch. 26.~~

- (c) No person shall permit any dog owned, kept, harbored, or possessed by him to go, be or remain on any property of the public school system, or on any City park or playground, unless such dog is on a leash and under the full control of some responsible person. ~~This prohibition in city parks shall not apply to dog exercise areas as defined in section 14-52 of this Code.~~
- (d) No person shall permit any dog owned, kept, harbored, or possessed by him to be off such person's premises or run at large, unless such dog is on a leash and under the full control of some responsible person. The owner of any dog found running at large in a pack shall be subject to a civil penalty in the amount of \$100 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 other dogs that are also running at large.
- (e) No person shall permit any dog owned, kept, harbored, or possessed by him to enter, be or remain in, any store or business while it is open to the public, except guide dogs, ~~and~~ hearing dogs, and service dogs as described in subsection (b). A store owner or manager may allow dogs owned by him or his employees to be in such store to the extent that they present no violation of the public peace.
- (f) Dogs used and controlled by officers of the law in connection with law enforcement shall not be subject to the provisions of this Section. Show dogs properly controlled and vaccinated may perform inside public buildings but must not be allowed to become a nuisance to the neighborhood of the building.
- ~~(g) The prohibition set forth in subparagraph (d) shall not apply to dogs being used at the time for hunting.~~
- ~~(h) The prohibitions set forth in subparagraphs (c) and (d) of this Section shall not apply to dogs in dog exercise areas as provided in section 14-52 of this Code.~~

Sec. 14-47. - ~~Dogs wounded on public property~~ Wounded abandoned dogs.

~~(a) If a dog is wounded or suffering on public property and is not attended by the owner or his or her representative when the ~~animal~~ Animal ~~warden~~ Control Officer or police officer arrives, the ~~warden~~ Officer may in his or her discretion:~~

- (1) Convey the dog to the owner for treatment; ~~or~~
- (2) ~~Remove the dog from the street and dispose of it in a humane manner, returning the collar to the owner.~~ Impound the dog, following the procedure described in Sec. 14-44 for a dog running at large, as well as the provisions of Va. Code § 3.2-6569, as may be amended, which is incorporated herein by reference.

~~(b) The owner, by allowing the dog off his premises, gives his consent to the above action.~~

Sec. 14-48. – Wrongful removal or misuse of tags.

- (a) It shall be unlawful for any person except the owner or custodian to remove any collar or harness from any dog or cat, or to remove from such collar or harness any legally acquired license tag ~~and/or vaccination tag~~ worn by such dog ~~or cat~~, without the permission of the owner of the dog or cat.
- (b) It shall be unlawful to attach to the collar or harness of any dog ~~or cat~~ any license tag ~~or vaccination tag~~ required by this Article, or to attach to the neck of any dog ~~or cat~~ any collar or harness containing any such license tag ~~or vaccination tag~~, unless such tag has been lawfully issued to the owner of such dog ~~or cat~~ pursuant to the ~~vaccination of or~~ payment of the license tax for that dog ~~or cat~~.

Sec. 14-49. ~~Female dogs in heat.~~ – Owner or custodian of a dog to clean up after dog.

~~A female dog known to be in heat shall be confined and protected to prevent same from becoming a nuisance. No person shall permit any female dog in heat to go at large in the street, or allow her to remain on his premises to the annoyance of the neighborhood. Such female dog shall be taken into custody by the animal warden or other officer; and, if not redeemed by the payment of the fine within five days, the female dog shall be killed. The killing of the female dog shall not exempt its owner from any penalty for violation of this section. If an owner, custodian, or any other person in charge of a dog has knowledge that the dog has evacuated its bowels on property other than that of the owner, custodian, or person in charge, such person shall immediately clean up such feces and dispose of the same in some sanitary manner. If such evacuation occurs while the dog is under the control of the owner, custodian, or other person in charge, it shall be presumed that such knowledge exists.~~

Sec. 14-50. - Quarantine of dogs and cats.

When, in the judgment of the City Manager or the City Health Department, an emergency shall be deemed to exist in the City, or any section thereof, due to a widespread rabies epizootic and for the protection of public health, the City Health Department shall immediately report such emergency to the Council. Pursuant to Va. Code § 3.2-6522, ¶the Council may, in its discretion, declare a quarantine in the City or section thereof as may be affected and restrict all dogs and cats to the owner's premises or to the immediate custody of a responsible person for the duration of such emergency as it is set forth.

Sec. 14-51. - Sanitation of dog pens.

Any person keeping a dog within the City must ~~not allow accumulation of manure to become evident either through sight or smell~~keep the dog's primary enclosure properly cleaned, as that term is defined in Va. Code § 3.2-6500.

Sec. 14-52. - Dog exercise areas; designation by City Manager; prohibited conduct.

- (a) As used in this Section:
 - (1) *Commercial dog handler* shall mean any person who boards, keeps, handles, or walks dogs owned by another person for compensation.

- (2) *Dog exercise area* shall mean an area of open space, owned or controlled by the city and fenced or unfenced, which has been designated and posted as a dog exercise area by the city manager, pursuant to this section.
- (3) *Owner* shall mean any person having a right of property in a dog, and any person who keeps or harbors a dog or has it in his care or control, or who acts as its custodian, including, but not limited to, a commercial dog handler, and any person who permits a dog to remain on or about any premises occupied by him.
- (b) The ~~city~~ City manager, Manager, or designee, may designate and post dog exercise areas in the City, in accordance with the provisions of this Section and of the "Dog Exercise Areas Master Plan," adopted by City Council on August 13, 2007, as such provisions may be amended by the Council from time to time.
- (c) Within a dog exercise area, dogs under the care, custody, and control of an owner are permitted to run free, without a leash, lead or other restraint, but subject to the provisions of this Section, and to any rules or regulations promulgated by the City Manager pursuant to this Section and applicable within such dog exercise area.
- (d) No such owner shall have in a dog exercise area:
 - (1) More than two dogs;
 - (2) A dog that is not in such owner's view and under his or her voice control;
 - (3) A dog determined to be a dangerous dog as defined in pursuant to Code of Virginia Code; § 3.21-6540796.93.1(A);
 - (4) A vicious dog as defined in Code of Virginia Code; § 3.1-796.93.1(A)2-6540.1(A);
 - (5) A female dog in season;
 - (6) A dog that is less than four months old;
 - (7) If such owner is a resident of the city, a dog that is not inoculated and licensed in accordance with sections 14-44 and 14-45 of this Code;
 - (8) If such owner is not a resident of the City, a dog that is not inoculated with an anti-rabic vaccine that is in accordance with the current latest edition of the "Compendium of Animal Rabies Control" issued by the National Association of State Public Health Veterinarian's Compendium of Animal Rabies Prevention and Control, Inc. or licensed by the U.S. Department of Agriculture, and without evidence that such dog has been inoculated and otherwise duly licensed within its home municipality.
- (e) No child less than 18 years of age shall be permitted in a dog exercise area unless accompanied by an adult.
- (f) The City Manager, the Director of Parks and Recreation, or the designee of either, may promulgate such additional rules and regulations, not inconsistent with the provisions of this section and of the "Dog Exercise Areas Master Plan," as he

deems necessary and appropriate to implement or enforce the provisions of this Section.

- (g) The Director of Parks and Recreation shall cause four or more signs to be posted in a visible location in any dog exercise area. Such signs shall inform the public of the existence of the dog exercise area, the geographic limits of the area, the limitations imposed by subsections (c), ~~subsection (d)~~, ~~and subsection (e) if applicable~~, and such other rules and regulations promulgated ~~by the city manager~~ under subparagraph (f) as may be applicable.
- (h) Owners shall promptly clean up any feces deposited by their dog(s) and place ~~said~~ the feces in a waste receptacle.
- (i) Any person who violates any provision of this Section shall be liable for a class four misdemeanor, as prescribed in section 14-42 of this Code.

Sec. 14-53. - Endangered animals and dangerous pets prohibited.

- (a) No person shall keep or permit or to be kept on his or her premises any endangered or threatened animals or live wild or poisonous animal that may endanger the health, safety, or welfare of any person. This Section shall not be construed to apply to zoological parks, performing animal exhibitions, circuses, or veterinary clinics which are properly licensed by the Federal government or the Commonwealth of Virginia or kept pursuant to an exemption or permit provided for in 16 USC 35, or any regulation under that chapter. In no case, however, shall such wild or exotic animals be exhibited or displayed in such a manner that persons other than their handlers can pet, fondle, or otherwise come in a direct physical contact with such animals.
- (b) Any person who keeps an endangered, wild, or exotic animal in contravention of this Article shall dispose of the animal by removal of the animal from the City by giving or selling the animal to a zoological park or by releasing the animal to the Animal Control Officer or other authorized agency. The Animal Control Officer is authorized to release the animal to a zoological park or an appropriate agency, or dispose of the animal in some humane manner. The Animal Control Officer is not authorized to release the animal to any person who intends to use the animal for research purposes.

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2. The City Manager is hereby authorized to take all actions reasonably necessary, including executing such documents as are reasonably necessary, to effectuate and carry out the purpose of this ordinance.

3. This Ordinance shall take effect immediately upon adoption by the City Council.

CERTIFICATE

The undersigned Mayor and Clerk of the City Council of the City of Waynesboro, Virginia hereby certify that the foregoing constitutes a true and correct copy of an ordinance entitled An Ordinance Amending Chapter 14, Animals, Article II, Dogs and Cats, of the City Code of the City of Waynesboro, Virginia, adopted by the City Council at a meeting held on _____, 2023.

Introduced: _____, 2023

Adopted: _____, 2023

Effective: _____, 2023

[SEAL]

ATTEST: _____
Clerk, City Council
City of Waynesboro, Virginia

Mayor, City Council
City of Waynesboro, Virginia