Chapter 3

ANIMALS

Article I. Dogs

§ Sec. 3-1. Definitions.
§ Sec. 3-2. Noisy dogs.
§ Sec. 3-3. Proud female dogs.
§ Sec. 3-4. Disposition of untagged dogs.
§ Sec. 3-5. Vicious dogs.

Article II. Birds

§ Sec. 3-6. Bird sanctuary.

Article III. Livestock

§ Sec. 3-7. Keeping of hogs, livestock, and other animals.

Sec. 3-1. Definitions

For purposes of this section:

Dog means a canine or canine crossbreed.

Owner means every person having a property right in a dog or who keeps or harbors a dog, or has a dog in his care, or who acts as custodian of a dog, whether for hire or gratis.

Mischief means destroying or damaging private or public property, excessive barking or barking that disturbs the peace and tranquility of citizens or the town in general or has exhibited behavior that can be construed as a public nuisance.

Unrestrained dog means any canine or canine crossbreed which has or is causing mischief in the town.

Dangerous dog means a canine or canine crossbreed which has bitten attacked, or inflicted injury on a person or companion animal, other than a dog, or has attacked, caused injury to, or killed poultry or livestock.

Vicious dog means a canine or canine crossbreed which has (i) killed a person; (ii) inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or (iii) continued to exhibit the behavior which resulted in a previous finding by a court that it is a dangerous dog, provide that its owner has been given notice of that finding.

Sec. 3-2. Noisy dogs.

No person shall keep within the corporate limits of the town a dog which, by barking or howling, disturbs the quiet of any person. Upon complaint being made to any police officer that the provisions of this section are being violated, the police officer shall give notice to such owner of such complaint and shall further order the discontinuance of the disturbance.

It shall be unlawful for the owner of such dog to fail, after the expiration of twenty-four hours from the receipt of such notice to cause the discontinuance of the disturbance. Any person violating this section shall be punished by fine of not less than ten dollars nor more than one hundred dollars.

Sec. 3-3. Proud female dogs.

Any person who shall own or have in his possession any proud female dog and shall suffer the same to run at large within the town during such a period or who shall allow such dog to remain on his premises to the annoyance of others after notice by the officers of the town shall be subject to a fine of not less than ten dollars nor more than one hundred dollars.

Sec. 3-4. Disposition of untagged dogs.

Dogs without tags will be turned over to the game warden.

Sec. 3-5. Vicious dogs.

Any person who has reason to believe that a canine or canine crossbreed within the Town of Keysville is an unrestrained dog as defined in this article shall apply to the Town Council for a hearing before the Town Council at a specified time. The owner or custodian, if known, shall be given notice of the hearing. The notice shall be sent by both registered and regular mail and shall advise the owner or custodian of the nature of the proceeding and the matters at issue. The owner of the animal shall confine it until such time as a hearing is held and a decision is made by the Town Council. Upon the finding of Town Council by majority vote of the members present constituting a quorum that the animal is an unrestrained dog shall cause the owner of the dog to forthwith confine the dog to the property of the owner or custodian. Failure of the owner or custodian to confine the animal shall be considered as a violation of this article and the Town Council shall have the right to petition the General District Court of Charlotte County to order the confining of the animal. A finding by such Court of a violation of this section of the article shall be construed as a civil offense and shall subject the owner to the payment of all attorneys' fees and costs incurred by the Town as well as a civil penalty of one hundred fifty dollars. Any second or subsequent violation of this section of the article shall, in addition to the civil penalties set forth shall subject the animal to be euthanized if so ordered by the court.

Any animal warden who has reason to believe that a canine or canine crossbreed within the limits of the Town of Keysville is a dangerous dog or vicious dog shall apply to a magistrate of Charlotte County for the issuance of a summons requiring the owner or custodian, if known, to appear before the General District Court of Charlotte County as a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. The animal warden shall confine the animal until such time as evidence shall be heard and verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harborer of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner, custodian or harborer to comply with the provisions of the article. 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 Va. Code § 3.2-6563, as amended.

No canine or canine crossbreed shall be found to be a dangerous or a vicious dog solely because it is a particular breed, nor shall the Town Council prohibit the ownership of a particular breed of canine or canine crossbreed. No animal shall be found to be a dangerous dog or a vicious dog if the threat, injury or danger was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal's owner, custodian or harborer (ii) committing, at the time, a willful trespass or other tort upon the premises occupied by the animal's owner, custodian or harborer or (iii) 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 the act complained of shall be found to be a dangerous dog or a vicious dog. No animal which, at the time

of the act or acts complained of was responding to pain or injury, or was protecting itself, its kennel, its offspring or its owner or owner's property shall be found to be a dangerous dog or a vicious dog.

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 warden for a fee of fifty dollars in addition to other fees that may be authorized by law. The local animal warden 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 the subsection shall be renewed annually for the same fee and in the manner as the initial certificate was obtained.

All certificates or renewals thereof required to be obtained under the section shall only be issued to persons eighteen years of age or older who present satisfactory evidence (i) of the animal's current rabies vaccination, if applicable, and (ii) 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 thereof under this section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence that (i) 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 (ii) the animal has been permanently identified by means of a tattoo on the inside thigh or by electronic implantation.

While on the property of its owner, an animal found by a court to be confined indoors or in a securely closed 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 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 lease 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.

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 article.

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 authority if the animal (i) is loose or unconfined; (ii) bites a person or attacks another animal; (iii) is sold, given away, or dies; or (iv) has been moved to a different address.

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 the article shall be guilty of a Class I misdemeanor.

All fees collected pursuant to the article, less the costs incurred by the animal control authority producing and distributing the certificates and tags required by the article, shall be paid into a

specially dedicated fund in the treasury of Charlotte County for the purpose of paying the expenses of any training course required under Va. Code § 3.2-6556.

Any civil penalty for a particular violation of this article shall be in lieu of criminal sanctions and preclude prosecution of such violation as a criminal misdemeanor.

Any civil funds collected pursuant to the enforcement of this article shall become a part of the general fund of the Town of Keysville or the County of Charlotte as their rights may appear.

ARTICLE II. BIRDS

Sec. 3-6. Bird sanctuary.

The entire area embraced within the town limits of Keysville, plus other town owned property, specifically the town lake property, is hereby designated a "Bird Sanctuary".

It shall be unlawful to trap, hunt, shoot or attempt to shoot or molest in any manner any bird or to rob bird nests. However, if starlings or similar birds are found to be congregating in such numbers in a particular location that constitutes a nuisance, then the town council shall meet with a representative of the Keysville Garden Club to discuss a resolution. The Garden Club will be given at least three (3) days' notice of the time and place of said meeting. If no satisfactory alternative is found to abate such nuisance, then said birds may be destroyed in such numbers and in such manner as deemed advisable by town council.

Anyone violating the provisions of this article shall be punished by a fine of not more than $100.00 or imprisonment not to exceed thirty (30) days.

ARTICLE III. LIVESTOCK

Sec. 3-7. Livestock.

a. Other than domesticated dogs and cats, it is unlawful for any person to keep any animal, including hogs, pigs, livestock, cattle, horses, sheep, llamas, peacocks, roosters, and goats within town limits.

b. Other than domesticated dogs and cats which are governed by other provisions of the Code, it shall be unlawful for animals to run at large or graze on any property within town limits.

c. This ordinance prohibiting any livestock or other animals in the town immediately becomes effective when property holding a “grandfather clause” allowing the keeping of livestock is sold or changed hands within the family.

d. Residents may keep up to six (6) hens on their property within the confines of a pen. No roosters may be kept in Town limits pursuant to subsection A of this chapter. The pen must follow setback regulations as set forth in the Keysville Zoning Ordinances. The pen must be kept in a clean and sanitary condition for the protection of public health.

e. This emergency ordinance becomes effective immediately on September 11th, 2017.