

Chapter 5

ANIMALS*

***Charter reference(s)**--Regulation of keeping of animals, § 6.04.

Cross reference(s)--Health and sanitation, Ch. 14; vermin and rodent control in food establishments, § 14-74; licenses generally, Ch. 15; licensing of repair, personnel, business and other services, § 15-61; nuisances, Ch. 16; solid waste, weeds, tree trimmings, leaves, Ch. 24; keeping animals out of garbage containers, § 24-32; unlawful disposal of manure from animals, § 24-53 et seq.; traffic and motor vehicles, Ch. 28; zoning, Ch. 30; permitted uses in agricultural district A zoning district, § 30-15.

State law reference(s)--Livestock and poultry, Code of Virginia, § 3.1-723 et seq.; comprehensive animal laws, Code of Virginia, § 3.1-796.66 et seq.; cruelty to animals, Code of Virginia, § 3.1-796.122 et seq.; dogs and cats deemed personal property, rights relating thereto, Code of Virginia, § 3.1-796.127; penalties for offenses involving animals, Code of Virginia, §§ 3.1-796.128, 18.2-403.1 et seq.; ordinances prohibiting cruelty to animals, Code of Virginia, § 15.1-29.1:1; municipal regulation of animals and fowl generally, Code of Virginia, § 15.1-870; offenses relating to disabled or dead animals, Code of Virginia, § 18.2-323; game, inland fisheries and boating, Code of Virginia, tit. 29.1; estrays, Code of Virginia, § 55-202 et seq.

Article I. In General

- Sec. 5-1. Livestock running at large, etc.
- Sec. 5-2. Impoundment, redemption and sale of livestock.
- Sec. 5-3. Fowl straying on streets or sidewalks.
- Sec. 5-4. Fowl, horses, etc., on lands of another.
- Sec. 5-5. Keeping goats and swine.
- Sec. 5-6. Vicious and wild animals.
- Sec. 5-7. Diseased animals.
- Sec. 5-8. Stables, cow barns, chicken houses, etc.
- Sec. 5-9. Cruelty to animals; penalty.
- Sec. 5-10. Butchering and skinning.
- Sec. 5-11. Slaughterhouses.
- Sec. 5-12. Slaughter of poultry.
- Sec. 5-13. Disposition of dead animals.
- Sec. 5-14. Transportation of dead animals.
- Secs. 5-15--5-35. Reserved.

Article II. Dogs

- Sec. 5-36. Running at large.
- Sec. 5-37. Bitches in heat.
- Sec. 5-38. Impounding.
- Sec. 5-39. Disturbance of persons.
- Sec. 5-40. Penalty.

ARTICLE I. IN GENERAL

Sec. 5-1. Livestock running at large, etc.

It shall be unlawful for any person to permit any livestock to run at large in the Town or to graze in the streets or to obstruct the streets in any manner.

(Code 1972, § 4-1)

State law reference(s)--Estrays, Code of Virginia, § 55-202 et seq.

Sec. 5-2. Impoundment, redemption and sale of livestock.

Any livestock found at large in the Town, grazing in the streets or obstructing the streets in violation of Section 5-1 may be impounded until redeemed, and if not redeemed within five days may be advertised and sold, and the proceeds, after deducting the fine and costs for capturing and keeping, shall be held by the Treasurer for the benefit of the owner.

(Code 1972, § 4-2)

Sec. 5-3. Fowl straying on streets or sidewalks.

It shall be unlawful for any person in the Town to permit fowl kept by him or under his control to stray on the streets or sidewalks of the Town.

(Code 1972, § 4-3)

Sec. 5-4. Fowl, horses, etc., on lands of another.

It shall be unlawful for the owner of chickens or other fowl, horses or cows to permit or allow them to range or run on the lands or property of another person, without such person's consent or permission. The owner of such fowl or animals shall be liable for any damage done by such fowl or animals while on the property of another.

(Code 1972, § 4-4)

State law reference(s)--Trespass by animals in crossing lawful fence, Code of Virginia, § 55-306 et seq.

Sec. 5-5. Keeping goats and swine.

(a) No person shall keep or maintain goats or swine within the corporate limits of the Town, except this prohibition shall not be applicable where any person has conducted agricultural operations or any of its appurtenances within the corporate limits of the Town for a period of one year prior to April 19, 1988. Pygmy goats as domestic pets are allowed with a Conditional Use Permit.

(b) For the purposes of this section, "agricultural operation" means any operation devoted to the bona fide production for sale of crops, animals, or fowl, including but not limited to the production for sale of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery and floral products; and trees in such quantity and so spaced and maintained as to constitute a forest area.

(c) The provisions of subsection (a) shall not affect or defeat the right of any person to recover damages for any injuries or damages sustained by him on account of any pollution of, or change in condition of, the waters of any stream or on the account of any overflow of lands of any such person.

(d) The exception provided for in subsection (a) shall not apply whenever a nuisance results from the negligent or improper operation of any such agricultural operation or any of its appurtenances or when there has been a significant change in the operation itself.

(Ord. of 4-19-88, § 4-5; Ord. 2003-6 of 8-5-03)

Cross reference(s)--Zoning, Ch. 30.

Sec. 5-6. Vicious and wild animals.

It shall be unlawful for any person in the Town to keep any vicious animal, or any wild nondomestic animal, unless such vicious or wild nondomestic animal is confined.

(Code 1972, § 4-6)

Sec. 5-7. Diseased animals.

It shall be unlawful for any person to own, keep or harbor in the Town any animal suffering or afflicted with any infectious or contagious disease, after knowledge of the condition of such animal.

(Code 1972, § 4-7)

Cross reference(s)--Health and sanitation, Ch. 14.

Sec. 5-8. Stables, cow barns, chicken houses, etc.

All stables, cow barns, chicken houses, doghouses, kennels or other facilities for keeping horses, cows, dogs, rabbits, fowl, poultry, birds and all other animals or fowl kept or maintained within the Town, where permitted by the underlying zoning regulations, shall be expressly under the supervision and regulations of the Health Department. Stables, cow barns, chicken houses, doghouses, kennels or other facilities for housing animals or fowl shall be kept in a clean and sanitary condition for the protection of health and shall be so kept as not to give rise to objectionable odors upon any public highway or upon any premises owned or occupied by any person other than the person maintaining such stables, cow barns, chicken houses, doghouses or kennels.

(Ord. of 8-1-89, § (4-8))

Cross reference(s)--Zoning, Ch. 30.

Sec. 5-9. Cruelty to animals; penalty.

(a) Any person who:

- (1) 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;

- (2) Deprives any animal of necessary sustenance, food, drink or shelter;
- (3) Willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal;
- (4) Carries or causes to be carried in or upon any vehicle, vessel or otherwise any animal in a cruel, brutal, or inhumane manner, so as to produce torture or unnecessary suffering; or
- (5) Causes any of the above things, or being the owner of such animal permits such acts to be done by another;

shall be guilty of a class 1 misdemeanor.

(b) Any person who abandons any dog, cat or other domesticated animal in any public place including the right-of-way of any public highway, road or street or on the property of another shall be guilty of a class 3 misdemeanor.

(c) Nothing in this section shall be construed to prohibit the dehorning of cattle.

(d) For the purposes of this section the word "animal" shall be construed to include birds and fowl.

(Code 1972, § 4-9)

Cross reference(s)--Offenses--Miscellaneous, Ch. 17.

State law reference(s)--Similar provisions, Code of Virginia, § 3.1-796.122.

Sec. 5-10. Butchering and skinning.

It shall be unlawful for any person to butcher or cause to be butchered or skin or cause to be skinned any animal within the Town, except as otherwise authorized under provisions of the zoning regulations of the Town.

(Code 1972, § 4-10)

Cross reference(s)--Zoning, Ch. 30.

Sec. 5-11. Slaughterhouses.

Except as provided in Section 5-12 and in the zoning regulations, it shall be unlawful for any person to erect, operate or maintain any slaughterhouse within the Town.

(Code 1972, § 4-11)

Charter reference(s)--Powers of Council as to slaughterhouses, § 6.04.

Cross reference(s)--Zoning, Ch. 30.

Sec. 5-12. Slaughter of poultry.

(a) Except as otherwise provided in the zoning regulations, it shall be unlawful for any person to kill or dress poultry within the Town without complying with the following regulations:

- (1) All slaughtering shall be done in a building or room provided for the purpose, and such building or room shall be provided with a concrete or metal floor, the floor and walls of which shall be kept clean at all times.
- (2) Buildings or rooms used for the purpose of slaughtering fowl or poultry shall be screened for protection against flies.
- (3) All blood, feathers and offal shall be deposited in metal containers with a suitable top, and such containers shall be kept closed at all times except when being filled or discharged.

(b) All places coming under this section shall be subject to inspection by the Health Department at all reasonable hours.

(c) This section shall not apply to those who kill or dress poultry for their own or family use, and not for sale or resale, either cooked or uncooked, in stores or public eating places, restaurants or hotels.

(Code 1972, § 4-12)

Cross reference(s)--Zoning, Ch. 30.

State law reference(s)--Livestock and poultry, Code of Virginia, § 3.1-723 et seq.

Sec. 5-13. Disposition of dead animals.

If any animal dies in the Town the owner or person in charge of such animal shall at once dispose of the same in a manner satisfactory to the Health Officer. It shall be unlawful for the owner or person in charge of a dead animal to fail to dispose of the same within five hours after notice so to do. When the owner or person in charge of a dead animal is unknown, the dead animal shall be disposed of at the expense of the Town by the Town. Any person who violates this section shall be guilty of a class 4 misdemeanor.

(Code 1972, § 4-13)

Cross reference(s)--Solid waste, weeds, tree trimmings, leaves, Ch. 24.

State law reference(s)--Burial or cremation of dead animals or fowl, Code of Virginia, § 18.2-510.

Sec. 5-14. Transportation of dead animals.

It shall be unlawful for any person engaged in the business of using or disposing of or rendering dead animals, to transport or cause to be transported any dead animal, regardless of whether the same has been cut or ground into small pieces or particles, along any public street within the Town without the same being fully covered. For the purposes of this section, "fully covered" means completely obscured from view, hauled in a closed-type vehicle, or if hauled in an open-type vehicle, fully covered with heavy canvas. Should any portion of the animal extend beyond the tailgate or outside the rear portion of a vehicle, the canvas shall be wrapped around the extended portion so as to completely hide the same from view.

(Code 1972, § 4-14)

Cross reference(s)--Traffic and motor vehicles, Ch. 28.

Secs. 5-15--5-35. Reserved.

ARTICLE II. DOGS*

*State law reference(s)--Comprehensive animal laws, Code of Virginia, § 3.1-796.66 et seq.

Sec. 5-36. Running at large.

(a) No person shall cause or permit any dog owned or kept by him to run at large on any street, alley or other public place or in any public hall, store, restaurant or theatre during the time that such place is open for public business, unless such dog is in the presence of and under the control of the owner, keeper or custodian of such dog.

(b) For the purpose of this section, 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.

(c) 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.
(Code 1972, § 4-15)

State law reference(s)--Governing body may prohibit dogs from running at large, Code of Virginia, § 3.1-796.93.

Sec. 5-37. Bitches in heat.

No person shall permit any bitch in heat to go at large in the street, or allow her to remain on his premises to the annoyance of the neighborhood.
(Code 1972, § 4-16)

Sec. 5-38. Impounding.

The County Animal Warden is hereby authorized and it shall be the duty of any police officer to seize and impound for five days, as provided in Code of Virginia, § 3.1-796.96, any and every dog found running at large in the Town in violation of any provision of this article or of any State law relating to dogs. If any dog impounded is not claimed within such five-day period, the County Animal Warden is authorized to dispose of the dog according to law. The required license fee and the costs of feeding and caring for such dog while impounded shall be charged against the owner and the collection of such fee and costs shall be enforced against the owner in the same manner as fines are collected according to law.

(Code 1972, § 4-17)

Sec. 5-39. Disturbance of persons.

It shall be unlawful for any person to allow any dog of which he is the owner or custodian to disturb the quiet of any person by barking, biting, howling or in any other manner.
(Code 1972, § 4-18)

Cross reference(s)--Offenses--Miscellaneous, Ch. 17.

Sec. 5-40. Penalty.

Except where otherwise provided herein, any person who violates this article shall be guilty of a class 4 misdemeanor.