

SUPERVISORS ORDER BOOK NO. 16
(Adopted October 15, 1997)

The following ordinance proposed at the regular meeting of the Board of Supervisors of Patrick County held at the Patrick County Administration Building, on the 8th day of September, 1997, having been duly advertised for adoption as provided by law, after a hearing thereon, on motion by Barry W. Shelor, seconded by James E. Walker and carried, it is hereby adopted:

AN ORDINANCE PURSUANT TO SECTION 15.1-870 AND SECTION 3.1-796.126:8 OF THE 1950 CODE OF VIRGINIA, AS AMENDED ENTITLED "REGULATION OF HYBRID CANINES."

BE IT ORDAINED by the Board of Supervisors as follows:

(a) Pursuant to Section 15.1-870 and section 3.1-796.126:8 et seq of the 1950 Code of Virginia as amended; the county hereby prohibits the possession, breeding, selling, trading, transferring, purchase, importation, or release of hybrid canines except as provided for in this ordinance.

1. Owners may possess hybrid canines if they meet the criteria as required by the ordinance and obtain a permit. Hybrid canines may only be disposed of as provided in this ordinance.

2. Hybrid canine means any animal which at any time has been or is permitted, registered, licensed or otherwise described or represented as a hybrid canine, wolf, or coyote by its owner to a licensed veterinarian, law enforcement officer, animal warden, human investigator, official of the Department of Health, or compliance officer who is under the direction of the State Veterinarian.

3. Adequate confinement means that while on the property of its owner, and not under the direct supervision of the owner or custodian, a canine shall be confined in a humane manner, in a securely enclosed and locked structure of sufficient height and design to: a. prevent the animals escape, or if the hybrid canine is determined to be a dangerous dog pursuant to section 3.1-796.93:1 of the 1950 Code of Virginia as amended, the structure shall prevent

direct contact with any person or animal not authorized by the owner to be in direct contact with the hybrid canine . The minimum requirements of said enclosure shall consist of a fence of at least 11 gauge chain link fence at a height of 8 feet with a 3 foot chain link overhang extending into the enclosure. The fence shall be imbedded in a concrete pad or in concrete footers of at least 18 inches in depth and 12 inches wide and; b. provide a minimum of 100 square feet of floor space for each adult animal. Tethering of a hybrid canine not under the direct supervision and control of the owner or custodian shall not be considered adequate confinement.

4. Responsible ownership means the ownership and humane care of a hybrid canine in such a manner as to comply with all laws and ordinances regarding hybrid canines and prevent endangerment by the animal to public health and safety. Owner means any person who: a. has a right of property in an animal b. keeps or harbors an animal c. has an animal in his care, or d. acts as a custodian of an animal.

5. No person shall own a hybrid canine without obtaining a permit. Only persons residing within the boundary limits of the county shall be eligible to receive a permit for a hybrid canine except as otherwise provided in this section. Permits shall be granted for a period of twelve months and shall be renewed annually. The owner shall apply for a separate permit for each hybrid canine, except as provided for litters of hybrid canines in sub-section 8. Annual permits shall not be issued for more than 2 hybrid canines six months of age or older to any one person or residence.

6. A non-refundable annual permit fee in the amount of fifty (\$50.00) for each hybrid canine will be collected from the owner by the Treasurer or other officer charged with issuing the permits. A non-refundable fee of twenty (\$20.00) dollars will be collected for issuance of each temporary permit. A fee of ten (\$10.00) dollars will be collected for duplication of an existing permit.

7. The Treasurer or her agent shall issue an identification tag for the hybrid canine which shall be stamped or otherwise permanently marked to identify the animal as a hybrid canine, show the jurisdiction issuing the tag, the

calendar year for which issued, and bear a serial number. The serial number shall be listed on the permit issued for the hybrid canine. The identification tag shall be securely fastened to a substantial collar by the owner or custodian and worn by such hybrid canine at all times. Upon affidavit of the owner or custodian before the Treasurer, or her agent, that the original identification tag has been lost, destroyed, or stolen, she shall issue a duplicate identification tag which the owner or custodian shall immediately affix to the collar of the hybrid canine. The treasurer or her agent shall endorse the number of the duplicate and the date issued on the face of the original license receipt.

8. Any person possessing a hybrid canine under the age of six months as of August 13, 1997, shall be required to obtain a temporary permit for each such hybrid canine or litter. The permit shall include the information required in sub section 16 and shall be in effect until thirty days after the animal reaches six months of age, at which time an annual permit shall be required for each animal that remains in the county in accordance with this section.

9. The hybrid canine permit shall be carefully preserved by the owner and exhibited promptly upon the request for inspection by any animal warden, law enforcement officer, official of the Department of Health, humane investigator, or a State Veterinarian's representative.

10. It shall be unlawful for any person to furnish false information for the purpose of obtaining a permit pursuant to this section.

11. As a condition of maintaining a permit under this ordinance, the permit holder shall agree to allow the animal warden, or his agent, to inspect at any reasonable time, any premises where the hybrid canine is kept to ensure compliance with this ordinance.

12. If the owner cannot keep the hybrid canine, he shall; a. transfer it to another hybrid canine permittee, residing within the county, providing that the owner so notifies the county prior to transfer of ownership and the transfer is approved by the county after said notification that the new owner is in compliance with this ordinance and records maintained by the county for the hybrid canine are amended to indicate the new owner and

location of the hybrid; b. transfer the hybrid canine to a person who resides outside the jurisdiction of the county, where the ownership of hybrid canines is legal or c; cause the hybrid canine to be humanly euthanised by a veterinarian. If the hybrid canine is transferred outside of the county, or euthanised, the original owner of the hybrid canine must notify the county within ten days.

13. The hybrid canine shall be adequately confined as that term is defined herein above.

14. Hybrid canines when not on the owners property shall be; a. securely kept on a leash; b. properly identified with the tag issued pursuant to subsection 7; and c. under the direct supervision and control of the owner.

15. The owner of a hybrid canine shall immediately notify the animal warden if the hybrid canine is; a. loose or not confined; b. bites or attacks a person or another animal; c. dies or; d. has been moved to a different location.

16. Prior to approval of an application for a hybrid canine permit, the animal warden shall inspect the facility where the hybrid canine will be confined to determine compliance with this ordinance and state law. A hybrid canine permit or temporary permit shall be attached and shall include but not be limited to: a. date of permit and date of expiration; b. name, address, age, and phone number of the owner of the hybrid or litter of hybrids; c. description, sex, age, color, height, length, and any identifying marks or numbers unique to the hybrid canine; d. location where the hybrid canine or hybrid canine litter will be kept; e. proof that the owner has coverage by a general liability insurance policy protecting the general public from any and all damages or injuries caused by the hybrid canine in their charge in an amount not less than two hundred and fifty thousand (\$250,000.00) dollars per incident; f. A statement of all vaccinations administered to the hybrid canine and the name and the address of the licensed veterinarian administering or administering the vaccinations; g. the number of the individual hybrid canines owned by the permittee and the signature of the owner.

17. The county may deny, suspend, or revoke a permit if the

applicant or permittee fails or refuses to obtain or renew any required permit for any hybrid canine or violates the provision of the ordinance or any other law pertaining to the responsible ownership of the hybrid canine. In addition, the violator may be required by the county to surrender the hybrid canine for euthanasia in accordance with this ordinance.

18. The animal control officer shall inspect annually each hybrid canine pen to ensure that the hybrid canine cannot escape and that the pen meets the definition of adequate confinement as defined herein.

19. A violation of this ordinance shall be a class III misdemeanor for the first violation and a class I misdemeanor for a second or subsequent violation. The county may require a violator to surrender the hybrid canine for euthanasia.

Voting Aye: Clements, Walker, East, Hopkins and Shelor

Voting Nay: None