

AMHERST TOWN CODE

CHAPTER 3.1

ANIMALS

**Chapter 3.1 ANIMALS**

**ARTICLE I. IN GENERAL**

**Sec. 3.1-1. Where animals kept generally.**

(a) Pursuant to Code of Virginia, § 3.1-796-94:1, it shall be unlawful in the Town of Amherst, Virginia, to keep or maintain any stable, hog pen, chicken house or other animal shelter, except for dogs and cats unless such stable, pen or shelter is kept or maintained at least two hundred (200) feet from any well, spring, or structure used for human habitation, occupancy or assembly. This section shall not apply to any resident of this town who keeps a stable, hog pen or animal shelter on his own premises when not within one hundred (100) feet of any well, spring or other structure located on his premises and used for human habitation, occupancy or assembly.

(b) Any violation of this section shall be a class 1 misdemeanor.

**Sec. 3.1-2. Prevention of animals running at large and trespassing.**

(a) *Definitions.*

*Willful* is a legal term, which means deliberate or intentional.

*Negligence* is the failure to do what a reasonable and prudent person would ordinarily have done under the circumstances of the situation, or doing what such person under the existing circumstances would not have done.

(b) *Prohibited.* It shall be unlawful for any person to willfully or negligently allow any fowl, poultry or livestock under their control to stray or remain on to any public highway or public or private property of another.

(c) *Penalty.* For each violation the offender shall be subject to a fine of not more than one hundred dollars (\$100.00) for the first offense and two hundred fifty dollars (\$250.00) for subsequent violations.

**Sec. 3.1-3. through Sec. 3.1-15. Reserved**

**ARTICLE II. DOGS**

**DIVISION 1. GENERALLY**

**Sec. 3.1-16. 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:

*Adequate feed* means the provision, at suitable intervals, at least once daily, of quantities of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each dog.

*Adequate shelter* means shelter that may reasonably be expected to protect the animal from physical suffering or impairment of health due to exposure to the elements or adverse weather.

*Adequate water* means constant access to a supply of clear fresh potable water provided in a sanitary manner or provided at suitable intervals, and in a suitable manner for the species at least once daily at any interval.

*Animal Control Officer* means that county official charged with enforcing the animal control laws of Amherst County.

*Board of Supervisors* means the governing board of Amherst County.

*Certificate of compliance* means a certificate that is issued after it has been demonstrated that adequate food, water and shelter can, will be or has been provided.

*Confinement* means the placing of a dog in a pen or cage or on a chain or in a fully enclosed yard, lot or other enclosure that would restrict the dog to the property of the owner.

*Confinement period* means a period of time set by resolution of the board of supervisors in which all dogs shall be confined.

*Dangerous dog* means any dog, canine, canine crossbreed or canine hybrid which has bitten, attacked, or inflicted injury on a person or companion animal, or killed a companion animal; however, when a dog attacks or bites another dog, the attacking or biting dog shall not be deemed dangerous (i) if no serious physical injury as determined by a licensed veterinarian has occurred to the other dog as a result of the attack or bite or (ii) both dogs are owned by the same person. No dog shall be found to be a dangerous dog as a result of biting, attacking or inflicting injury on another dog while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event.

*(Amended April 11, 2007)*

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*Dog* means for license purposes, every dog or canine, canine crossbreed or canine hybrid, regardless of age.

*Dog license* shall consist of a metal tag and a license receipt. The tag shall be stamped with the license number, the sex of the dog, the calendar year for which issued and bear a serial number.

*Dog-pet dealer* means any person engaging in the ordinary course of business in the sale to the public or other pet dealers any type of dog.

*Hybrid canine* means any animal or its offspring which at any time has been or is permitted, registered, licensed, advertised or otherwise described or represented as a hybrid canine, wolf or coyote by its owner to a licensed veterinarian, law-enforcement officer, animal control officer, official of the department of health or the compliance officer who is under the direction of the state veterinarian.

*Kennel* means a primary enclosure where raising, grooming, caring for or boarding of dogs is carried on. This excludes veterinary hospitals operated by doctors of veterinary medicine.

*Necessities of life* means:

- (1) Adequate feed and water;
- (2) Adequate shelter;
- (3) Adequate space in the primary enclosure for the particular type of animal depending upon its age and weight;
- (4) Veterinary care when needed and to prevent suffering;
- (5) Humane care and treatment.

*Other officer* means that person charged with enforcing the laws of the town or county or any person employed or elected by the people of the Town of Amherst or Amherst County whose duty it is to insure the peace, to make arrests or enforce the law.

*Primary enclosure* means any structure used to immediately restrict a dog to a limited amount of space such as a room, pen, cage, compartment or lot.

*Run at large* means to roam, or run or self hunt off the property of its owner or custodian not under its owner's or custodian's immediate control.

*Treasurer* means the treasurer and his assistants or other officers designated by law to collect taxes in Amherst County.

*Vicious dog* means any dog, canine, canine crossbreed or canine hybrid which has (1) killed a person; (2) inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or (3) continued to

exhibit the behavior which resulted in a previous finding by a court or animal control officer that it is a dangerous dog, provided that its owner has been given notice of that finding; or (4) which has been found vicious by any general district court or circuit court of this Commonwealth.

**Sec. 3.1-17. Dogs deemed personal property.**

All dogs shall be deemed personal property and may be the subject of larceny and malicious or unlawful trespass.

**Sec. 3.1-18. Abandonment of animals.**

No person shall abandon any animal. Abandonment for the purpose of this section is defined as deserting, forsaking or intending to absolutely give up an animal without securing another owner, or without providing the necessities of life. Violation of this shall be punishable as a class 1 misdemeanor.

**Sec. 3.1-19. Penalty for violation.**

Unless otherwise stated herein, the penalty for violations of Sections 3.1-17 through 3.1-19, and Sections 3.1-21 through 3.1-26 shall be a Class 1 Misdemeanor. It is the express intent of the Town Council hereby to adopt animal control ordinances that are more stringent than comparable State Code Sections, as permitted by Virginia Code Section 3.1-796.94(A). It is the express desire of the Town Council that the Judge, in fixing punishment, consider all mitigating and aggravating circumstances, including but not limited to the defendant's record, if any, for prior violations of the animal control provisions of the Town of Amherst, Amherst County or Virginia Codes; whether or not any injury or property damage resulted from the violation; and whether the violation appears to have occurred as a result of inadvertence and oversight, or the willful and deliberate actions or failure to act of the defendant.

**Sec. 3.1-19.1. Civil penalty for certain violations.**

Effective June 1, 2005 except for the proposed amendments to §3-26(5) (Dogs running at large in certain areas and at certain time), which are to become effective July 1, 2005, unless otherwise stated herein, a violation of any section of this ordinance (§§3.1-17 – 3.1-19, 3.1-22 – 3.1-25, 3.1-26 and 3.1-36, et seq) may be punishable by a Civil Penalty in the amount of One Hundred Fifty and 00/100 Dollars (\$150.00). The animal control or law enforcement officer's designation of a particular violation for a civil penalty shall be in lieu of criminal sanctions and preclude prosecution of such violation as a criminal Misdemeanor. Imposition of a Civil Penalty shall not preclude an action for injunctive, declaratory or other equitable relieve. Monies raised pursuant to this subsection shall be placed in the County's general fund. An animal control officer or law enforcement officer may issue a summons for a violation. Any person summoned or issued a ticket for a violation may make an appearance in person or in writing by mail to the County Treasurer prior to the date fixed for trial in Court. Any person so appearing may enter a Waiver of Trial, admit liability, and pay the Civil Penalty established for the offense charge.

**Sec. 3.1-20. License taxes.**

A dog license tax may be imposed upon the owner or custodian of each dog housed or principally kept within the Town of Amherst by the County of Amherst. Such tax shall be at a rate as determined by the Amherst County Board of Supervisors and shall be payable at the office of the Treasurer of Amherst County each year.

**Sec. 3.1-21. License; when due.**

On January 1 and not later than January 31 of each year the owner or custodian of any dog four (4) months or older shall pay a license tax as prescribed herein.

**Sec. 3.1-22. Penalty for failure to obtain a license.**

Any person convicted of failure to pay the dog license tax imposed by the Amherst County code as required for all dogs over the age of four (4) months and owned by him shall be guilty of a class 1 misdemeanor and be required to obtain a license for such dog forthwith. Unless such fine and license tax is immediately paid, the trial court shall order the dog impounded and/or disposed of as is customarily done with stray dogs but the confinement or disposal of such dog shall not relieve the owner of such dog of the payment of the fine and license tax already due.

**Sec. 3.1-23. Effect of dog not wearing collar with license as evidence.**

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 proceeding under this Code 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.

**Sec. 3.1-24. Dogs to wear tags.**

Dog license tags shall be securely attached to a substantial collar by the owner or custodian and be worn by such dog. It shall be unlawful for the owner to permit any dog over the age of four (4) months 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 required by this section when:

- (1) The dog is engaged in lawful hunting.
- (2) When competing in a dog show.
- (3) When the dog has a skin condition, which would be aggravated by the wearing of a collar.
- (4) When the dog is confined.
- (5) When the dog is in the immediate control of the owner.

*State Law Reference- Similar provisions, Code of Virginia, §3-796.92*

**Sec. 3.1-25. Unauthorized removal of collars or tags.**

It shall be unlawful for any person except the owner or his custodian to remove a collar or a legally acquired license tag for a dog. Violation of this section shall be a class 1 misdemeanor.

*State Law Reference- Similar Provisions, Code of Virginia §3.1-796.128.*

**Sec. 3.1-26. Dogs running at large in certain areas and at certain times.**

It shall be unlawful for the owner of any dog to permit such dog to run at large at any time, unless lawfully hunting or in the immediate control of the owner or custodian within the following guidelines or at certain times.

(1) Female Dogs running at large at certain times.

- a. Pursuant to the Code of Virginia § 3.1-796.94 it shall be unlawful for the owner or custodian of any female dog, during the time period when such dog is in a period of estrus, to allow such dog to run at large, or remain unconfined, unrestricted or not penned up so that other dogs may have access to such female dog during the period of time such female dog is in estrus.
- b. Upon receipt of a complaint of a violation of this section, the county animal control officer shall proceed to investigate the complaint, and if he be satisfied of the truth of the complaint, shall issue a warning, in writing to the owner or custodian of the above-defined female dog that any future violation of this section, or the failure of the owner or custodian, to immediately take into custody the above-defined female dog and to confine, restrict or pen up such female dog so that other dogs may not have access to it shall be punished as set forth in this section.
- c. Any violation of this section by any owner or custodian of the above-defined female dog after having received a warning from the animal control officer, or any town police officer, shall be punished as a class 1 misdemeanor. For the purposes of this section, the owner or custodian of the above-described female dog may be the recipient of the warning, and only one (1) warning will be granted to such owner or custodian of a female dog or the dog then under complaint and for any other dogs which the owner or custodian may have in his custody. Further, such owner or custodian of the above-described type of female dog shall be entitled to only one (1) warning of violation; the failure to confine, restrain, or pen up the offending female dog during that period in which it is in estrus after receiving the complaint and the failure to confine any female dog which the owner or custodian of such female dog has in its custody during such time periods as above defined without a subsequent warning as above said shall be a violation of this section.

- (2) *Confinement period.* It shall be unlawful for the owner of any dog in the geographical boundaries of the Town of Amherst to allow such dog to run at large unless lawfully hunting or in the immediate control of the owner or his custodian during the period of April 1 to May 30 each year. Violation of this section shall be a class 1 misdemeanor.

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- (3) *Certain breeds prohibited from running at large.* Within the geographical boundaries of the Town of Amherst, it shall be unlawful to permit the following breeds of dogs to run at large unless lawfully hunting or under the immediate control of the owner or custodian:
- a. Pit bulls;
  - b. Rottweilers;
  - c. Dobermans;
  - d. German Shepherds;
  - e. Hybrid canines.

Violation of this section shall be a class 1 misdemeanor.

- (4) *Diseased dogs.* It shall be unlawful for the owner of any dog with a contagious or infectious disease to permit such dog to stray from his premises if such disease is known to the owner.
- (5) It shall be unlawful to allow dogs to run at large on school property during school hours and during school sponsored events.
- (6) For the purposes of this section, a dog shall be deemed to be running 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.

*State law reference-Similar provisions, Code of Virginia, § 3.1-796.100.*

**Sec. 3.1-27. Dogs killing or injuring livestock or poultry.**

It shall be the duty of the animal control officer or other officer who may find a dog in the act of killing or injuring livestock or poultry to kill such dog forthwith whether such dog bears a tag or not. Any person finding a dog committing any of the depredations mentioned in this section shall have the right to kill such a dog on sight as shall any owner of livestock or his agent finding a dog chasing livestock on land utilized by the livestock when the circumstances show that the chasing is harmful to the livestock. Any court shall have the power to order the animal control officer or other officer to kill any dog known to be a confirmed poultry killer, and any dog killing livestock or poultry for the third time shall be considered a confirmed poultry killer. The court, through its contempt powers, may compel the owner, custodian or harbinger of the dog to produce the dog.

Any animal control officer, police officer, or other person who has reason to believe that any dog is killing livestock or poultry shall be empowered to seize such dog solely for the purpose of examining such dog in order to determine whether it committed any of the depredations mentioned herein. Any

animal control officer, police officer, or other person who has reason to believe that any dog is killing livestock, or committing any of the depredations mentioned in this section, shall apply to a magistrate of the county who shall issue a warrant requiring the owner or custodian, if known, to appear before a district court at a time and place named therein, at which time evidence shall be heard, and if it shall appear that such a dog is a livestock or poultry killer, or has committed any of the depredations mentioned in this section, the dog shall be ordered killed immediately, which the animal control officer, or other officer designated by the judge of the district court to act, shall do, or shall be removed to another state which does not border the commonwealth and prohibited from returning to the commonwealth and any dog ordered removed from the commonwealth which is later found in the commonwealth shall be ordered by a court to be killed immediately.

**Sec. 3.1-28. Dangerous dogs; vicious dogs; penalties; procedures.**

- (a) *Dangerous dog.* It shall be unlawful and a class 1 misdemeanor to own, keep, harbor, act as custodian of or permit to remain on or about any premises any dog that the owner knew or reasonably should have known to be a dangerous dog, as defined by section 3.1-16, except in strict compliance with sections 3.1-26. and 3.1-29. (if applicable) of this Code. If after hearing evidence, the court finds any dog to be a dangerous dog, the court shall, in addition to any other penalties imposed, order the dog's owner to comply with the provisions of section 3.1-26. and/or 3.1-29. (if applicable). If any owner knew or reasonably should have known any dog to be a dangerous dog and such dog thereafter causes a wound to any person, such owner shall be guilty of a class 1 misdemeanor.
  
- (b) *Vicious dog.* It shall be unlawful and a class 1 misdemeanor to own, keep, harbor, act as custodian of or permit to remain on or about any premises any dog that the owner knew or reasonably should have known to be a vicious dog, as defined by section 3.1-16. If, after hearing evidence, the court finds any dog to be a vicious dog, the court shall, in addition to any other penalties imposed, order the animal control officer to euthanize the dog. If any owner knew or reasonably should have known any dog to be a vicious dog and such dog thereafter causes a wound to any person, such owner shall be guilty of a class 1 misdemeanor.
  
- (d) *Procedures.*
  - (1) Any police officer, or animal control officer who has reason to believe that a canine or canine crossbreed within the town is a dangerous dog, or vicious dog, shall apply to a magistrate within the county for the issuance of a summons or warrant requiring the owner or custodian, if known, to appear before the county general district court at a specified time. The summons or warrant shall advise the owner or custodian of the nature of the proceeding and the matters at issue. When a warrant has been obtained or a summons issued pursuant to this section, the animal control officer and/or police officer may, in his/her discretion, confine the dog until such time as evidence shall be heard and a verdict rendered. Otherwise, the owner or custodian shall confine the dog until the evidence shall be heard and a verdict rendered. The court may, through its contempt power, compel the owner, custodian or harbinger of any dog to produce it for the police officer, animal control officer. In the event any dog is found to be a

dangerous dog or a vicious dog, the owner or custodian of such dog shall be responsible for payment to the county of any expenses of impounding and keeping the dog pending disposition of the case at the rate prescribed by the county board of supervisors.

(2) In the alternative, any police officer, or animal control officer, after due investigation and written notice to the owner or custodian of a dog, may determine whether a dog is a dangerous dog or vicious dog. If the police officer, or animal control officer so determines a dog to be a dangerous dog, he/she shall order the animal's owner or custodian to comply with the provisions of section 3.1-26. and/or 3.1-29. (if applicable) of this Code. If the animal's owner or custodian disagrees with the police officer, or animal control officer's determination, he may appeal the determination to the county general district court for a trial on the merits.

- (e) If the owner or custodian of an animal found to be a dangerous dog or vicious dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this chapter.
- (f) All fees collected pursuant to this section, less the costs incurred by the county in producing and distributing the licenses and tags required by ordinance, shall be paid - into the treasury of Amherst County to be used as prescribed by Amherst County Ordinance.

**Sec. 3.1-29. Hybrid canines.**

- (a) As used in this section:

*Adequate confinement* means that, while on the property of its owner and not under the direct supervision and control of the owner or custodian, a hybrid canine shall be confined in a humane manner in a securely enclosed and locked structure of sufficient height and design to (i) prevent the animal's escape; or if the hybrid is determined to be a dangerous dog pursuant to section 3.1-28. of the Town Code, 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 and (ii) provide a minimum of one hundred (100) square feet of floor space for each adult animal. Tethering a hybrid canine not under the direct supervision and control of the owner or custodian shall not be considered adequate confinement.

*Hybrid canine* means any animal which at any time has been or is permitted, registered, licensed, advertised or otherwise described or represented as a hybrid canine, wolf or coyote by its owner to a licensed veterinarian, law-enforcement officer, animal control officer, humane investigator, official of the department of health, or state veterinarian's representative.

*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.

- (b) It shall be unlawful for any person to own or possess a hybrid canine four (4) months or older

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in the county unless the hybrid canine is licensed as required by the provisions of this section.

- (1) Any person owning or possessing a hybrid canine four (4) months or older in the county shall obtain an annual permit from the county animal control officer no later than January 31 of each year. The permit shall not be transferable, shall expire on December 31 of each year and must be renewed by January 31 of each succeeding year. The cost of the permit shall be of an amount set forth by the Amherst County Board of Supervisors.
  - (2) No person other than the operator of a pet store or dealer in companion animals shall own or possess more than two (2) hybrid canines.
  - (3) Each hybrid canine shall be permanently identified by means of a tattoo on the inside thigh or by electronic implantation. The animal control officer shall provide the owner or custodian with a uniformly designed tag which identifies the animal as a hybrid canine and the owner or custodian shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times.
  - (4) The application for a permit shall include the sex, color, height, age, vaccination records, length, identifying marks, the location where the hybrid canine will normally be kept and such additional information as the county animal control officer determines is necessary.
  - (5) A hybrid canine shall at all times be confined in a proper enclosure or structure of such sufficient height and design to prevent its escape or direct contact with or entry by minors, adults or other animals. The owner's or custodian's property shall be posted with clearly visible signs warning both minors and adults of the presence of a hybrid canine.
  - (6) When off of its owner's or custodian's property a hybrid canine 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.
- (c) A first violation of this section shall be punished as a class 3 misdemeanor and any subsequent violation shall be punished as a class 1 misdemeanor. In addition any owner or custodian of a hybrid canine that fails or refuses to comply with the terms of this section may be ordered by a court of competent jurisdiction to dispose of their animal. The court may order the owner or custodian of a hybrid canine to surrender the animal for euthanasia in accordance with the provisions of Code of Virginia § 3.1-796.119.
- (d) It shall be the duty of every veterinarian that practices in the county to notify the county animal control officer of the existence of a hybrid canine within the county.

**Sec. 3.1-30. Dogs constituting public nuisance.**

- a. No owner or custodian shall fail to exercise proper care and control of his or her dog to prevent it from becoming a public nuisance. Acts deemed nuisances shall include but are not limited to the following:
  - i. Biting a person;
  - ii. Chasing vehicles or menacing a person upon premises other than that occupied exclusively by the owner or custodian of the dog;

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- iii. Damaging or destroying property belonging to persons other than the owner or custodian of the dog; or
  - iv. Scattering or causing to be scattered, garbage upon premises other than that occupied exclusively by the owner or custodian of the dog; or
  - v. Injuring or killing a companion animal as defined in Code of Virginia, § 3.1-796.66.
- b. Any person violating this section shall be subject to a fine of not more than one hundred fifty dollars (\$150.00) for a first offense, and shall be guilty of a class 1 misdemeanor for a second or subsequent offense.
- c. This section shall not apply to any person while engaged in law enforcement or search and rescue activity; in a supervised formal obedience training class or show; during formally sanctioned field trials; while engaged in lawful hunting with a dog or dogs during open season; during bona fide hunting or field trial dog training; while controlling or protecting livestock or engaged in other agricultural activities; or when the dog in question is contained within a vehicle.
- d. As used in this section:

**Menacing** means lunging, growling, snarling, or otherwise behaving in a manner that would cause a reasonable person to fear for his or her safety.

**Owner** shall mean any person who has a right of property in the dog in question; keeps or harbors the dog in question; has the dog in question in his/her care; or acts as custodian of the dog in question.

*(Section added on April 11, 2007)*

**Secs. 3.1-31 through 3.1-35 Reserved.**

**DIVISION 2. RABIES VACCINATIONS**

**Sec. 3.1-36. Vaccination required.**

It shall be unlawful for any person to own, keep, hold or harbor any dog, over the age of four (4) months, within the town unless the dog shall have been vaccinated with a modified chick embryo live virus (Flurry strain) rabies vaccine, approved by the state department of health, within a period of thirty-five (35) months.

**Sec. 3.1-37. Time to conform.**

Any person transporting a dog into the county from another jurisdiction shall be required to conform to this division within thirty (30) days.

**Sec. 3.1-38. Proof of vaccination; impoundment; disposition.**

- (a) At the time of vaccination, a suitable and distinctive collar tag and a certificate of inoculation

setting forth the type of vaccine used shall be issued to the dog owner. The collar tag shall be affixed to the dog's collar and must be worn at all times when the dog is not on the owner's property or in the immediate control of a responsible person. A copy of the vaccination certificate shall be retained by the vaccinating veterinarian and a copy shall be sent at once to the county health department and kept on file where duplicate copies may be obtained by the dog owner upon payment of a fee as prescribed by the Board of Supervisors.

- (b) Any dog found in the county not vaccinated and identified as described in the above provisions shall be impounded by the animal control officer and his/her deputies and such dog shall be held for a period of five (5) days. The dog may be returned to its owner upon proof of ownership, vaccination of the dog, and payment of the cost of impounding the dog.
- (c) At the expiration of the five-day period, any dog 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, or, if not so disposed of, it shall be killed in a humane manner by the impounding officer or other designated official.

*State law reference-Similar provisions, Code of Virginia, §3.1-796.100.*

**Sec. 3.1-39. Vaccination certificate.**

In order to effectuate this division, any person making application for a dog license shall be required to present to the official who issues such licenses a certificate of rabies vaccination properly executed and signed by a licensed veterinarian certifying that the dog has been vaccinated in accordance with the provisions set forth in section 3.1-36. The certificate must show the date of inoculation, rabies collar tag number, a brief description of the dog, sex and breed and the owner thereof. The certificate must be presented before the license is issued and must certify that the dog has been properly vaccinated within thirty-six (36) months of the modified live virus chick embryo (Flurry strain) rabies vaccine has been used.

*State law reference-Evidence showing inoculation for rabies prerequisite to obtaining dog license, Code of Virginia, § 3.1-796.97.*

**Sec. 3.1-40. Quarantine.**

When in the judgment of the county health officer an emergency shall be deemed to exist in the town or any section hereof, due to a widespread rabies epidemic, for the protection of the public health, on the direction of the county board of supervisors, the health officer may declare a quarantine in the town or such section thereof as may be affected, and restrict all dogs to the owner's premises and/or to the immediate custody of a responsible person for the duration of such emergency as it is set forth.

**Sec. 3.1-41. Enforcement.**

The provisions of this division shall be enforced by the animal warden and his deputies, all police officers of the town and county, the sheriff and his deputies and the county sanitarian. The Amherst County Animal Warden shall discharge the duties and responsibilities of the position of Animal Warden as set forth in 3.1-796.104 and 3.1-796.105 of the Code of Virginia, and shall have full authority to enforce the provisions of this ordinance within the corporate limits of the Town of Amherst.

**Sec. 3.1-42. Violations.**

Violation of any of the provisions of this division or presentation of a certificate of vaccination for a dog other than that for which it was issued shall be punishable as a Class 2 misdemeanor.

**Secs. 3.1-43. through 3.1-55. Reserved.**

**DIVISION 3. KENNELS**

**Sec. 3.1-56 Title.**

This division shall be known as the Kennel Control Ordinance.

**Sec. 3.1-57. Purpose.**

In order to protect the public health, safety and welfare and to assure the humane treatment of animals within the town limits, it is necessary and proper to provide for the licensing of kennels and for establishing requirements for governing the operation thereof.

**Sec. 3.1-58. Enforcement.**

- (a) This division shall be the primary enforcement responsibility of the dog warden and the general responsibility of all the law enforcement personnel who have authority to enforce such laws under the law of Virginia.
- (b) Should the dog warden determine that a kennel is operating without a license or has failed to comply with the requirements of section 3.1-59., he shall make a written report of these findings and then, should he deem it advisable, issue such summons or warrant setting forth the charges constituting a violation of this division.
- (c) Any person found violating any provision of this division shall be guilty of a class 4 misdemeanor.

**Sec. 3.1-59. Licenses for kennels.**

In order for a person to obtain a kennel license, the following requirements must be met:

- (1) Submit a site plan showing layout of the kennel to the animal control officer. The animal control officer shall then inspect the facilities and issue a certificate of compliance. If as a result of the inspection, the animal control officer is unable to issue a certificate of compliance, the applicant will be notified in writing of the reasons for denial. If the reasons for denial are corrected then the applicant may reapply.
- (2) Agree to allow the animal control officer to inspect at any time and if it is found that the kennel is not being operated in a humane way and in violation of the certificate of compliance then he shall have the authority to revoke the kennel license;
- (3) Provide at any time to the animal control officer proof that each dog in the kennel has a valid rabies certificate and its own individual license;
- (4) Obtain a kennel license from the Treasurer of Amherst County by presenting an approved certificate of compliance issued by the animal control officer;

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- (5) The fee shall be at a rate as periodically determined by the Amherst County Board of Supervisors.
- (6) Shall not allow dogs without a collar with license and rabies certificate to run loose unless the dogs are legally hunting or being exercised under the strict supervision of their owner.

*State law references- Sale of dogs and cats by dealers, Code of Virginia, § 3.1-796.78 et seq.; permits and licenses, Code of Virginia, § 3.1-796.84 et seq.*

**Secs. 3.1-60. through 3.1-75. Reserved.**

**ARTICLE III. HUNTING AND FISHING**

**Sec. 3.1-76. Hunting near highways.**

- (a) Pursuant to the Code of Virginia, § 29.1-526, it is prohibited to hunt or attempt to hunt with a firearm, any game bird or game animal while the hunting or attempting to hunt is on or within one hundred (100) yards of any primary or secondary highway in the Town of Amherst Virginia.
- (b) The term "hunt" or "attempt to hunt" as used in this section shall not include the necessary crossing of such highways for the bona fide purpose of going into or leaving a lawful hunting area.

*(Amended May 25, 2005 and April 11, 2007)*