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Adopted by the Town Council of the Town of Front Royal 3-11-85. (*Chapter 4 of the 1965 Code including following amendments: Amended 11-13-72 "Noisy Dogs"; Amended 12-11-72 "Vicious or Destructive Dogs"; Amended 5-1-75 "Dogs Running at Large"; Ord. No. 6-84 Amended 6-11-84 "Dogs Running at Large"; Ord. No. 11-84 Added 9-24-84 "Keeping of Certain Animals within the Limits of the Town of Front Royal"; Ord. No. 12-84 Amended on 9-24-84 "Livestock Running at Large", "Maintenance of Pens and Kennels, and "Slaughtering Prohibited"; Sections 66-8 and 66-9 amended at time of adoption of Code*). Other amendments noted where applicable.

ANIMALS GENERALLY

66-1 LIVESTOCK RUNNING AT LARGE

It shall be unlawful for an owner or custodian to permit cows, horses or other livestock to run at large within the Town.

66-2 IMPOUNDMENT; REDEMPTION; SALE

It shall be the duty of the Town Police, upon finding an animal running at large in violation of Section 66-1, immediately to stable or pen such animal and forthwith to post at the courthouse in the Town, notice of having taken possession of such animal, with a reasonable description of the same. It shall furthermore be the duty of the Police, in the event that no pound or pen is provided by the Town, to arrange with a private person for the care, keep and protection of such animal so taken up and report his action to the Town Manager or, in his absence, to the Mayor, who will forthwith notify the owner of such animal, if known, and issue a summons to be served upon him thereby bringing the case before the County Court for trial. If the owner of such animal is unknown, the Town Manager shall, after ten (10) days' notice given by written notices posted in the courthouse and post office in the Town, offer such animal for sale, at public auction, to the highest bidder before the courthouse door, and out of the proceeds coming into his hands, he shall first pay the cost of keep of such animal from time it has been taken up until the day of sale, all court costs and fees, cost of sale and such fine as shall have been imposed. Any balance remaining in his hands shall be deposited in the treasury, and if the person properly entitled to the same upon a hearing before the County Court establishes his ownership of such animal, then the remainder of the proceeds of such sale shall be paid over to him.

66-3 MAINTENANCE OF PENS AND KENNELS

Pens, stables, coops, kennels and yards for any animals or fowl located in the Town shall be kept in a sanitary condition at all times by the owner or person in charge thereof and shall be subject to inspection by the Health Officer, who shall be authorized to go upon the property in question to inspect facilities in plain view.

66-4 CRUELTY TO ANIMALS

A. Any person who overrides, overdrives, overloads, tortures, ill-treats or cruelly or unnecessarily beats, maims, mutilates or kills any animal, whether belonging to himself or

another, or deprives any animal of necessary sustenance, food or drink or causes any of the above things or, being the owner of such animal, permits such acts to be done by another or willfully sets on foot, instigates, engages in, or in any way furthers an act of cruelty to any animal or shall carry or cause to be carried in or upon any vehicle or vessel or otherwise any animal in cruel, brutal or inhuman manner so as to produce torture or unnecessary suffering shall be guilty of a misdemeanor, but nothing in this section shall be construed to prohibit the dehorning of cattle.

B. The word "animal" as used in this section, shall be construed to include birds and fowls.

66-5 SLAUGHTERING PROHIBITED

It shall be unlawful for any butcher or vendor of meats or any other person to slaughter animals or fowl within the Town limits.

DOGS

66-6 DOGS RUNNING AT LARGE

It shall be unlawful for any person to permit his dog to run at large as hereinafter defined. 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. Any person who permits said dog to run at large shall be fined not more than two hundred dollars (\$200.). Any dog found running at large may be subject to seizure and impoundment by the Dog Warden.

(Ord. No. 3-92 Amended Fine 3-23-92-Effective Upon Passage)

(Ord. No. 2-97 Amended 9-22-97-Effective 6-1-98)

66-6-1 TETHERING RESTRICTIONS FOR DOGS AND OTHER CANINES

This ordinance is passed pursuant to Va. Code § 3.2-6543 *et. seq.* which authorizes localities to pass ordinances preventing cruelty to animals.

- A. Tether means, when used as a noun, any device, including but not limited to a chain, leash, cable, tie down, or tie out, attached to a stationary point or object, trolley or run used to contain or restrain a dog or other canine (as used in this ordinance, "canine" shall mean a hybrid of the domestic dog and any other species of the Canidae family). When used as a verb, tether shall mean to attach a dog or other canine to such a device.
- B. No person shall tether or cause to be tethered any dog or other canine except when the tether meets the following conditions:

1. Appropriate to the age and size of the dog or other canine, the tether shall weigh no more than 10 percent of the animal's weight;
 2. Attached to the dog or other canine by a properly applied collar, halter, or harness configured so as to protect the dog or other canine from injury and prevent the dog or other canine or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the dog or other canine; and
 3. At least three times the length of the dog or other canine, as measured from the tip of its nose to the base of its tail, except when the dog or other canine is being walked on a leash or is attached by a tether to a lead line.
- C. It shall be unlawful for a person to tether any dog or other canine:
1. When the dog or other canine is four months old or younger;
 2. When the dog or other canine is a female in estrus;
 3. When the temperature is less than thirty-two degrees Fahrenheit or greater than ninety degrees Fahrenheit unless the dog or other canine is provided adequate shelter under Virginia Code § 3.2-6500;
 4. If the tether weighs more than ten percent of the dog's or other canine's body weight;
 5. On the same tether concurrently with another dog or other canine; or
 6. For longer than twelve hours per twenty-four-hour period on a cable run or four hours on a fixed tether per twenty-four-hour period.
- D. Any person found guilty of violating this section shall be punished by a Class 3 misdemeanor with a fine not to exceed \$500. Any animal control officer or other law enforcement officer may seize the unlawfully tethered dog or other canine pursuant to his or her authority under Virginia Code § 3.2-6569.

(Entire Section Added 11-27-17-Effective Upon Passage)

66-7 NOISY DOGS

- A. It shall be unlawful and a nuisance for any person to keep, harbor or confine within the town any dog which shall habitually, continuously or intermittently make or emit sounds or noises of such volume and nature as to interfere unreasonably with or disturb the peace, quiet, comfort or repose of persons of ordinary sensibilities within the neighborhood in the reasonable use and enjoyment of their property.

- B. 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 (24) hours from the receipt of such notice, to cause the discontinuance of the disturbance.

66-8 VICIOUS OR DESTRUCTIVE DOGS

A. Definitions:

1. A “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 killed a companion animal.
2. A “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 is a dangerous dog, provided that its owner has been given notice of that finding.
3. Notwithstanding the definitions above, no canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed, nor shall the local governing body prohibit the ownership of a particular breed of canine or canine crossbreed. No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal’s owner or custodian, (ii) committing, at the time, a willful trespass or other tort upon the premises occupied by the animal’s owner or custodian 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 of the acts complained of shall be found to be a dangerous dog or a vicious dog. No animal which, at the time of the 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.

B. Procedures for Determining a Dog to be Dangerous or Vicious

1. Any Animal Control Officer who has reason to believe that a canine or canine crossbreed within his jurisdiction is a dangerous dog or vicious dog shall apply to a magistrate of the jurisdiction for the issuance of a summons requiring the owner or custodian, if known, to appear before a General District Court at a specified time. The summons shall advise the owner of the nature of the proceedings and the matters at issue. The Animal Control Officer or owner shall securely confine the animal in a humane manner until such time as evidence shall be heard and a verdict rendered. The

court, through its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal.

2. In addition to Paragraph 1, Subsection B of this Section 66-8, an Animal Control Officer may determine, after investigation, whether a dog is a dangerous dog. If the Animal Control Officer determines that a dog is a dangerous dog, he may order the animal's owner to comply with the provisions of the ordinance. If the animal's owner disagrees with the Animal Control Officer's determination, he may appeal the determination to the General District Court for a trial on the merits.

C. Disposition of Dangerous or Vicious Dogs

1. Vicious Dog – 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 Section 3.1-796.119

2. Dangerous Dog –

- a. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of the ordinance.
- b. The owner of any animal found to be a dangerous dog shall, within ten days of such finding, obtain a dangerous dog registration certificate from the local Animal Control Officer for a fee of fifty dollars in addition to other fees that may be authorized by law.
 - (i) All certificates or renewals thereof required to be obtained under this section shall only be issued to persons eighteen years of age or older who present satisfactory evidence that the animal has been neutered or spayed.
 - (ii) All certificates or renewals thereof required to be obtained under this section shall only be issued to persons who present satisfactory evidence that the owner has liability insurance coverage, to the value of a least \$50,000.00 that covers animal bites. The insurance policy shall contain a provision requiring that the Town be named as an additional insured party and that the Town shall be notified by the insurance company of any cancellation, termination, or expiration of the policy. The local Animal Control Officer 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 this paragraph shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained.
- c. All certificates or renewals thereof required to be obtained under this section shall only be issued to person 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.

- d. While on the property of its owner, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed 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 with shelter from the elements of nature. When off its owner's property, an animal found to be a dangerous dog 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.
- e. If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.
- f. After an animal has been found 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. If the dangerous dog is sold, given away, or has been moved to a different address, the previous owner will provide local Animal Control Authorities with the name, address, and telephone number of the new owner, who must also comply with the requirements of this ordinance.
- g. The owner of any animal which has been found to be a dangerous dog who willfully fails to comply with the requirements of the ordinance shall be guilty of a Class I misdemeanor.

D. Fees; Training

All fees collected pursuant to the ordinance, less the costs incurred by the Animal Control Authority in producing and distributing the certificates and tags required by the ordinance, shall be paid into a special dedicated fund in the treasury of the locality for the purpose of paying the expense of any training course required under Section 3.1-796.105.

(Ord. No. 15-99 Amended Entire Section 8-23-99-Effective Upon Passage)

66-9 PROUD FEMALE DOGS

It shall be unlawful for any person who shall own or have in his possession any proud female dog to suffer the same to run at large during such a period to allow such dog to remain on his premises to the annoyance of others after notice by the officers of the Town.

66-10 DISPOSITION OF UNTAGGED DOGS

Dogs without tags will be turned over to the Dog Warden.

66-11 RABIES

Any dog which is known to be suffering from rabies, or which is suspected of suffering from such disease, shall be at once confined by the owner until it is definitely known whether the animal is so infected. If it is found to have such disease, the owner shall at once cause such animal to be killed and the body to be burned or buried. In the event of the failure of the owner to obey the terms of this section, the police may cause such animal to be killed or confined under order of the Chief of Police.

KEEPING CERTAIN ANIMALS PROHIBITED WITHIN TOWN LIMITS**66-12 DEFINITIONS**

As used in this Article, the following terms shall have the meaning indicated:

DOMESTICATED HOUSEHOLD PETS - Animals kept for companionship, rather than as consumable commodity or producer thereof, which are tame, non-venomous or non-predatory, and shall include but, not be limited to dogs, house cats, caged birds, rabbits, hamsters and gerbils.

EXOTIC ANIMALS - Those animals, other than dogs, house cats, caged birds and other domesticated household pets, which because of a predatory nature, venomous bite or sting, size or disposition present a potential danger to town residents, including but not limited to lions and tigers, mountain lions and other large cats, bears, poisonous snakes and lizards, elephants, monkeys and apes, foxes, wolves, coyotes, alligators and crocodiles.

FOWL - Those birds raised for the purpose of meat, egg or feather production, and shall include but not be limited to, chickens, ducks, geese, turkeys, peacocks, guinea hens and pigeons, including homing pigeons.

LIVESTOCK - Those animals raised for the purpose of meat and dairy production, hide or fur production or as draft animals, and shall include but not be limited to cows, horses, donkeys, mules, pigs, sheep.

(Amended 11-23-15-Effective Upon Passage)

66-13 PROHIBITION

Except for duly authorized parades, processions, zoos, circuses, rides, fairs and exhibitions, licensed pet shops, animal shelters and veterinary offices and hospitals, it shall be unlawful to raise, house, or otherwise keep exotic animals within the limits of the Town of Front Royal.

(Amended to remove “livestock, fowl or” 11-23-15-Effective Upon Passage)

66-14 EXEMPTIONS

A. This Article shall not apply to domesticated household pets, as defined herein, nor to livestock, fowl and exotic animals in transit through the Town of Front Royal by a carrier.

B. This Article shall not apply to livestock or fowl on any operating farm of one (1) acre in size or more located within the town limits.

C. Animals authorized as Urban Agriculture under Chapter 175 shall be exempt of the restrictions of this Article.

(Added “C” 11-23-15-Effective Upon Passage)

ASSAULT AND INTIMIDATION WITH ANIMALS

(Added 5-13-96 by Ord. 5-96)

66-15 FINDINGS AND POLICY OF ARTICLE IV

The Town Council finds that the Town's citizens have been subject to fear, intimidation and apprehension of physical harm by the appearance and handling of certain animals. That this fear is reasonable and has had the effect of restricting the citizens use and enjoyment of public properties, places and ways. At times, certain animals are being used to threaten and intimidate the Town's citizens much as persons may be threatened or intimidated with a pointed or brandished firearm or other weapon. The average citizen not having specific knowledge about particular animals, the fear, intimidation and apprehension caused by these animals is reasonable as perceived even where the animal may pose no actual danger and may in fact be docile; much as a pointed but unloaded firearm will cause fear, intimidation and apprehension.

The Council finds that fear, intimidation and apprehension can be as debilitating and harmful to the Town's citizens as actual danger. The Council, finding it necessary to the health, welfare and peace of mind of its citizens, enacts this Article, pursuant to the Town of Front Royal Charter Section 18 (12),(13) and (25), to prevent and control the intimidation of the Town's citizens by certain animals which are intimidating in their appearance or in the manner in which they are handled.

66-16 DEFINITIONS

For purposes of this Article "intimidating animal" includes and means the following:

1. Any snake.
2. Any dangerous or vicious dog as defined in this Chapter.
3. Any animal that attacks, charges or approaches or attempts to attack, charge or approach a person or animal while barking, growling, with raised hackles, or in any other threatening manner and under circumstances that would cause a reasonable person to be startled, afraid or in fear of harm. This shall not include such behavior if displayed under circumstances in which the owner or custodian could lawfully use force to defend person or property or where the animal is injured.
4. Any animal that has previously been used to assault, intimidate or frighten any person.
5. Any snake or canine owned or in the custody of any person previously convicted of allowing, permitting or encouraging an animal to attack, assault, intimidate, or frighten any person or animal if such canine is of a size or appearance as to be reasonably perceived capable of causing harm to any person or companion animal if provoked.
6. Any animal that pursuant to the procedure set forth in Section 66-20 below has been declared an intimidating animal.

66-17 ANIMALS USED TO INTIMIDATE

It shall be unlawful for the owner or custodian of any animal:

1. To allow, permit, urge, or encourage such animal to attack, charge or approach any person or animal while growling, barking, with raised hackles or in any other threatening manner, or;
2. To allow, permit, urge, or encourage such animal to attempt to attack, attempt to approach, any person or animal while such animal is growling, barking, with raised hackles or in any other threatening manner, any person, or;
3. To threaten to sic, urge or command any animal to attack or charge any person or animal; or threaten to cause such animal to approach any person or animal while such animal is growling, barking, with raised hackles or in any other threatening manner, any person or animal.

However, this section shall not apply to any person engaged in excusable or justifiable self-defense.

66-18 CONTAINMENT OR MUZZLING OF CERTAIN ANIMALS HAVING AN INTIMIDATING OR FRIGHTENING APPEARANCE; REQUIREMENT ANIMAL BE CONFINED OR PENNED

An intimidating animal as described in Section 66-16 must be locked inside a secure container or enclosure, or in the case of a dog or other canine securely muzzled, at any time such animal is in a public place or a private place open to the public. A secure container or enclosure is one from which the animal cannot escape. A secure muzzle is one which prevents the animal from biting a person or other animal and one which the animal cannot remove. No owner or custodian shall permit an intimidating animal to be brought into a public place or other place open to the public unless he has determined with certainty that the intimidating animal cannot escape containment or is muzzled with a muzzle that prevents the canine from biting and which the canine cannot remove.

Any person who permits an intimidating animal to run at large, or remain unconfined, unrestricted or not penned up shall be deemed to have violated the provisions of this Article. Any intimidating animal found running at large shall be subject to seizure and impoundment by an animal warden or any other law enforcement officer.

66-19 UNEXPECTED EXPOSURE TO FRIGHTENING DISPLAY

No owner or custodian of an intimidating animal, whether or not such animal is contained or muzzled, shall leave such animal in, on or along a public place or way or place open to the public, when not under its owner's or custodian's immediate control, where it may attack, charge or approach or attempt to attack, charge or approach a person or animal while barking, growling, with raised hackles, or in any other threatening manner and under circumstances that would cause a reasonable person to be startled, afraid or in fear of harm.

66-20 PROCEDURE TO DECLARE AN ANIMAL INTIMIDATING

In addition to the animals described in Section 66-16, any specific animal may be declared an intimidating animal for purposed of this Article upon notice and hearing.

Any animal warden or any other law enforcement officer who has reason to believe that an animal within his jurisdiction is an intimidating animal shall apply to a magistrate of the jurisdiction for the issuance of a summons requiring the owner or custodian to appear before a general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. The court, though its contempt powers, may compel the owner or custodian of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal has been engaged in the behavior described in Section 66-17, the court shall declare the animal an intimidating animal for purposed of this Article and order the animal's owner to comply with the provisions of Sections 66-18, 19 & 21 of this Article.

66-21 DUTY OF OWNER OR CUSTODIAN TO NOTIFY AUTHORITIES

The owner or custodian of any intimidating animal, vicious or dangerous dog must immediately notify the Front Royal Police Department in the event such animal escapes from confinement or the control of the owner or custodian. Further, the failure of the owner or custodian to immediately make such notification may be used to show the willfulness in allowing such animal to run at large. Such immediate notification by an owner or custodian charged with such offense may be introduced in defense to show lack of willfulness if the person can specify the manner of notification, the identity of the police official notified and the time of notification. Such notification or failure to notify shall not be dispositive of willfulness and may be rebutted by other competent evidence.

66-22 EXCEPTIONS

This Article shall not apply to a dog owned or in the service of any government law enforcement agency. Nor shall it apply to any snake being displayed as part of an educational event when the event has been previously planned and scheduled with the permission of the person or authority having ownership or control of the location where the event will be held and persons present are given notice of the nature of the educational event.

66-23 PENALTY

Any violation of this Article or commission of an act declared unlawful by this Article shall be punished as a misdemeanor pursuant to Town of Front Royal Code Section 1-15.

It shall not be a defense to a charge placed under this Article that any animal is in fact not dangerous or is in fact docile. However, this Article is not intended to apply to an animal that is of such a size or appearance that reasonable persons would not be startled, afraid or placed in fear of harm to themselves, another person or a companion animal under the circumstances present at the time of any offense charged.

66-24 SEVERABILITY

It is hereby declared to be the intention of the Council that the sections, paragraphs, sentences, and words of the Chapter are severable, and if any word, sentence, paragraph or section of this Chapter shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining words, sentences, paragraphs and sections of this Chapter, because the same would have been enacted by the Council without the incorporation in this Chapter of any such unconstitutional or invalid word, clause, sentence, paragraph or section.