

AMENDMENT NO. 1 TO ORDINANCE NO. 2007-5
Animal and Fowl Ordinance
of
Wythe County, Virginia

A public hearing was held on the 13th of April, 2010 at 7:20 p.m., in the Board Room of the Wythe County Administration Building, 340 South Sixth Street, Wytheville, Virginia to consider amending Ordinance No. 2007-5 entitled, “Animal and Fowl Ordinance of Wythe County, Virginia.”

Delete:

Article III—Definitions

The words and phrases used in this Ordinance shall have the meanings respectively ascribed to them in the Code of Virginia, title 3.1, unless otherwise defined in this Ordinance.

Section 9.3 (1) Any person may obtain a dog license by making oral or written application to the treasurer of the county accompanied by the amount of license tax and current certificate of vaccination as required by this Ordinance. The treasurer shall only have authority to license dogs of resident owners or custodians who reside within the boundary limits of the county and may require information to this effect from any applicant. Upon receipt of proper application and current certificate of vaccination as required by this section, the treasurer shall issue a license receipt for the amount on which he shall record the name and address of the owner or custodian, the date of payment, the year for which issued, the serial number of the tag, whether male, unsexed male, female, unsexed female or kennel, and deliver the metal license tags or plates provided for in this section. The information thus received shall be retained by the treasurer, open to public inspection, during the period for which such license is valid.

Section 9.5(2)—The license tag for a kennel shall be for up to twenty (20) dogs to be kept under such license and shall have attached thereto a metal identification plate for each of such dogs with the serial number of the license tag. Only two kennel license tags can be sold to any one residence.

Add:

Article III—Definitions

3.1 The words and phrases used in this Ordinance shall have the meanings respectively ascribed to them in the Code of Virginia, title 3.2-6500 et al, as amended, unless otherwise defined in this Ordinance.

3.2 Definitions for this Ordinance.

(1) residence—a parcel of real estate consisting of one or more lots or tax parcels that share a common boundary line owned by the same individual or entity.

Section 7.3 Limit on dog ownership.

It shall be unlawful for more than twenty (20) dogs (four months or older) to be owned or harbored by one residence. This section will be effective as of July 1, 2010.

Section 9.3 (1)

- (A) Any person may obtain a dog license or licenses, for fewer than ten (10) dogs, by making written application to the treasurer of the county accompanied by the amount of license tax and current certificate of vaccination as required by this Ordinance.
- (B) Any person may obtain dog licenses, ten (10) or more, but not more than twenty (20), by making a written application to the treasurer of the county accompanied by the amount of license tax and current certificate of vaccination as required by this Ordinance. The written application shall consist of the following:
 - i) Name, address, phone number of the applicant.
 - ii) Location of where the dogs are to be kept.
 - iii) List of the breeds of dogs and the purpose of the dogs, i.e. breeding, hunting, training, renting, buying, boarding, selling or showing.
 - iv) Consent for the chief animal control officer or his designee to inspect the premises where the dogs are to be kept.
- (C) Any person may obtain a kennel license, for twenty (20) dogs, by making a written application to the treasurer of the county accompanied by the amount of license tax, certification of the application by animal control officer and current certificate of vaccination as required by this Ordinance. The written application shall consist of the following:
 - (i) Name, address, phone number of the applicant.
 - (ii) Location of where the dogs are to be kept.
 - (iii) List of the breeds of dogs and the purpose of the dogs, i.e. breeding, hunting, training, renting, buying, boarding, selling or showing.
 - (iv) Consent for the chief animal control officer or his designee to inspect the premises where the dogs are to be kept.
- (D) The treasurer shall only have authority to license dogs of resident owners or custodians who reside within the boundary limits of the county and may require information to this effect from any applicant. Upon receipt of proper application and current certificate of vaccination as required by this section, the treasurer shall issue a license receipt for the amount on which he shall record the name and address of the owner or custodian, the date of payment, the year for which issued, the serial number of the tag, whether male, unsexed male, female, unsexed female or kennel, and deliver the metal license tags or plates provided for in this section. The information thus received shall be retained by the treasurer, open to public inspection, during the period for which such license is valid.

Section 9.5(2)—The license tag for a kennel shall be for up to twenty (20) dogs to be kept under such license and shall have attached thereto a metal identification plate for each of such dogs with the serial number of the license tag. Only one kennel license tag can be sold to any one residence.

CIVIL PENALTIES—Any animal control officer shall be entitled to bring a civil action for violation of this ordinance, in lieu of criminal charges. No civil penalty can be assessed or charged for a violation of Virginia Code 3.2-6570, animal cruelty.

Uniform schedule of civil penalties (No more than \$150.00)

Supervisor Horney made a motion to approve this amendment. The motion was seconded by Supervisor Poole and the roll call vote is as follows:

<u>NAME</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSENT</u>
Wythe B. Sharitz	X		
Coy L. McRoberts	X		
Gary M. Housman			X
B. Gene Horney, Jr.	X		
Danny C. McDaniel	X		
Margaret O. Poole	X		
Martha P. Umberger	X		

This amendment shall be effective on and after 12:01 a.m. on the 14th day April, 2010.

I certify that this is a true and correct copy taken from the April 13, 2010 minutes of the Wythe County Board of Supervisors meeting.


R. Cellel Dalton, Clerk