

**BUCKINGHAM COUNTY, VIRGINIA
ANIMAL CONTROL ORDINANCE**

**ADOPTED OCTOBER 18, 1993 BY THE
BUCKINGHAM COUNTY, VIRGINIA
BOARD OF SUPERVISORS**

**ATTEST: /S/ DAVID V. MOORMAN
CLERK**

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ARTICLE 1.

GENERAL PROVISIONS.

1.1 Definitions.

The following words as used in this ordinance shall have the following meanings:

"Abandon" means to desert, forsake, or absolutely give up an animal without having secured another owner or custodian for the animal or by failing to provide the elements of basic care as set forth in Section 2.1 for a period of five consecutive days.

"Adequate care" or "care" means the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health.

"Adequate exercise" or "exercise" means the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal.

"Adequate feed" means access to and the provision of food which is of sufficient quality and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

"Adequate shelter" means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and, for dogs and cats, provides a solid surface, resting platform, pad, floor mat, or ".similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Shelters whose wire, grid, or slat floors (i) permit the animal's feet to pass through the openings, (ii) sag under the animal's weight, or (iii) otherwise do not protect the animal's feet or toes from injury are not adequate shelter.

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"Adequate space" means sufficient space to allow each animal to (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal and (ii) interact safely with other animals in the enclosure. When an animal is tethered, "adequate space" means a tether that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal 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 animal; and is at least three times the length of the animal, as measured from the tip of its nose to the base of its tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space.

"Adequate water" means provision of and access to clean, fresh, potable water of a drinkable temperature which is provided in a suitable manner, in sufficient volume, and at suitable intervals, but at least once every twelve hours, to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles which are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.

"Adoption" means the transfer of ownership of a dog or cat. from a releasing agency to an individual.

"Animal warden" means any person employed, contracted, or appointed by the Board for the purpose of aiding in the enforcement of this ordinance or any other law or ordinance relating to the licensing of dogs, control of dogs and cats, cruelty to animals, or seizure and impoundment of companion animals and includes any animal control officer or other employee whose duties in whole or in part include assignments which involve seizure or taking into custody of any dog or other animal.

"Board" means the Board of Supervisors of the County.

"Companion Animal" means any domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal which is bought, sold, traded, or bartered by any person. Livestock and poultry, game species, or any animals regulated under federal law as research animals shall not be considered companion animals.

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"County" means the County of Buckingham, Virginia.

"Livestock" includes all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; capradae animals; animals of the genus Lama; ratites; enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.

"New Owner" means an individual who is legally competent to enter into a binding agreement pursuant to subdivision 2 of subsection B of Section 6.1, and who adopts or receives a dog or cat from a releasing agency.

"Owner" means any person who: (i) has a right of property in an animal, (ii) keeps or harbors an animal, (iii) has an animal in his care, or (iv) acts as a custodian of an animal.

"Person" means any individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity.

"Poultry" includes all domestic fowl and game birds raised in captivity.

"Primary enclosure" means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, cage, compartment, or hutch. For tethered animals, the term includes the shelter and the area within reach of the tether.

"Properly cleaned" means that carcasses, debris, food waste and excrement are removed from the primary enclosure with sufficient frequency to minimize the animal's contact with any such contaminants; the primary enclosure is sanitized with sufficient frequency to minimize odors and the hazards of disease; and the primary enclosure is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with the stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants.

"Properly lighted" means sufficient illumination to permit routine inspections, maintenance, cleaning, and housekeeping of the shelter, and observation of the animal; to provide regular diurnal lighting cycles of either natural or artificial light, uniformly diffused throughout the animal facilities; and to promote the well-being of the animals.

"Releasing agency" means a pound, animal shelter, humane society, animal welfare society, society for the prevention of cruelty for animals, or other similar entity that releases a dog or cat for adoption pursuant to Article 6 of this ordinance.

"Sterilize" or "sterilization" means a surgical or chemical procedure performed by a licensed veterinarian that renders a dog or cat permanently incapable of reproducing.

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"Treasurer" includes the treasurer and his assistants of the County.

"Treatment" or "adequate treatment" means the responsible handling or transportation of animals in the person's ownership, custody or charge, appropriate for the age, species, condition, size and type of the animal.

1.2 Rules, policies and procedures.

The Board may promulgate rules, policies and procedures consistent with the objectives and intent of this ordinance concerning the implementation and administration of its provisions.

1.3 Authority, purpose and title.

This ordinance is enacted pursuant to the 1950 Code of Virginia, as amended, to provide for the licensing and control of dogs and for livestock protection and the general welfare and protection of the citizens of the County. This ordinance shall be entitled: Animal Control Ordinance.

1.4 Effective date.

This ordinance shall become effective immediately upon its adoption by the Board.

1.5 Severability.

Should a court of competent jurisdiction find any portion of this ordinance to be unconstitutional, such finding shall not render other portions unconstitutional. For such purpose, the portions of this ordinance shall be deemed severable.

1.6 Recision of preexisting ordinances.

The Dog License and Control Ordinance adopted October 11, 1988, as amended, and the Cat Rabies Ordinance adopted effective December 1, 1984, shall be rescinded immediately, void, and of no effect upon adoption of this ordinance.

ARTICLE 2. ANIMAL WELFARE.

2.1 Care of animals by owner; penalty

Each owner shall provide for each of his companion animals:

1. Adequate feed;
2. Adequate water;
3. Adequate shelter that is properly cleaned;
4. Adequate space in the primary enclosure for the particular type of animal depending upon its age, size, species, and weight;
5. Adequate exercise;
6. Adequate care, treatment, and transportation; and
7. Veterinary care when needed and to prevent suffering or disease transmission.

Violation of this section is a Class 4 misdemeanor.

2.2 Abandonment of animal; penalty

No person shall abandon any animal. Violation of this section is a Class 3 misdemeanor. Nothing in this section shall be construed to prohibit the release of an animal by its owner to an animal shelter, pound, or humane society establishment.

ARTICLE 3 LICENSING OF DOGS; RABIES INOCULATION

3.1 Unlicensed dogs prohibited

It shall be unlawful for any person to own a dog four months old or older in this County unless such dog is licensed, as required by the provisions of this article and the 1950 Code of Virginia, as amended.

3.2 How to obtain license

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 article.

3.3 Evidence showing inoculation for rabies prerequisite to obtaining dog license

No license shall be issued for any dog unless there is presented to the treasurer evidence satisfactory to him showing that such dog had been inoculated or vaccinated against rabies by a currently licensed veterinarian.

3.4 Rabies inoculation of dogs and domesticated cats

The owner or custodian of all dogs and domesticated cats four months of age and older shall have them currently vaccinated for rabies by a licensed veterinarian.

3.5 Effect of failure to produce evidence of rabies inoculation

The owner or custodian of any dog or domesticated cat shall, upon request by the animal warden, a law enforcement officer, or a health officer, promptly produce a certificate of vaccination or inoculation for rabies for such dog or cat. Failure of the owner or custodian of any dog or domesticated cat to produce a current certificate of vaccination or inoculation for rabies signed by a licensed veterinarian shall create a rebuttable presumption that such animal has not been currently vaccinated or inoculated as required in section 3.4.

3.6 Amount of license tax

An annual license tax shall be imposed on the ownership of dogs within the County as follows:

1. Male and unsexed dogs - \$3.00;
2. Female dogs - \$3.00;
3. Kennel of up to twenty dogs - \$20.00; and 4. Kennel of up to fifty dogs - \$30.00

No license tax shall be levied on any dog that is trained and serves as a guide dog for a blind person or that is trained and serves as a hearing dog for a deaf or hearing impaired person.

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As used in this section, "hearing dog" means a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond.

3.7 When license tax payable.

A. On January 1 and not than January 31 of each year, the owner of any dog four months old or older shall pay a license tax as prescribed in Sec. 3.5.

B. If a dog becomes four months of age or comes into the possession of any person between January 1 and November 1 of any year, the license tax for the current calendar year shall be paid by the owner.

C. If a dog becomes four months of age or comes into the possession of any person between October 31 and December 31 of any year, the license tax for the succeeding calendar year shall be paid by the owner and this license shall be valid from the date the license is purchased.

3.8 Effect of dog not wearing collar 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 proceedings under this ordinance 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.

3.9 Duplicate license tags

If a dog license tag shall become lost, destroyed or stolen, the owner or custodian shall at once apply to the treasurer who issued the original license for a duplicate license tag, presenting the original license receipt. The fee for a duplicate tag for any dog shall be one dollar.

3.10 Displaying receipts; dogs to wear tags

Dog license receipts shall be carefully preserved by the licensees and exhibited promptly on request for inspection by any animal warden or other officer. Dog license tags shall be securely fastened to a substantial collar by the owner or custodian and worn by such dog. It shall be unlawful for the owner to permit any licensed dog four months old or older to run or roam at large at any time without a license tag. The owner may remove the collar and license tag required by this section when (i) the dog is engaged in lawful hunting, (ii) the dog is competing in a dog show, (iii) the dog has a skin condition which would be exacerbated by the wearing of a collar, (iv) the dog is confined, or (v) the dog is under the immediate control of its owner.

3.11 Payment of license tax subsequent to summons

Payment of the license tax subsequent to a summons to appear before a court for failure to pay the license tax within the time required shall not operate to relieve such owner from the penalties provided.

ARTICLE 4 DOG CONFINEMENT REQUIREMENTS

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4.1 Dogs prohibited from running at large

All dogs shall be prohibited from running at large during the months of April, May, and June. All female dogs in season shall be confined from other dogs or under the immediate control of the owner or custodian. 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 his dog to run at large, or remain unconfined, unrestricted or not penned up during the months designated in this section shall be deemed to have violated the provisions of this section.

4.2 Rabid animals

A. All dogs and cats within the County which have not been inoculated or vaccinated against rabies shall be prohibited from running at large, as defined in Sec. 4.1. Any owner or custodian who permits such dog or cat to run at large, or remain unconfined, unrestricted or not penned up shall be deemed to have violated the provisions of this subsection. Violation of the provisions of this subsection shall constitute a Class 1 misdemeanor.

B. Every person having knowledge of the existence of an animal apparently afflicted with rabies shall report immediately to the County health department the existence of such animal, the place where seen, the owner's name, if known, and the symptoms suggesting rabies.

4.3 Control of dangerous or vicious dogs

A. As used in this section, "dangerous dogs" 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, and "vicious" means a canine or canine crossbreed which has (i) killed a person; (ii) inflicted serious injury to a person, including multiple bite, 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 it is a dangerous dog, provided that its owner has been given notice of that finding.

B. Any animal warden who has reason to believe that a canine or canine crossbreed within the County is a dangerous dog or a vicious dog shall apply to a magistrate of the County for the issuance of a summons requiring the owner or custodian, if known, to appear before the 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 animal warden or owner shall confine the animal 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. 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 this section. 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 the Code of Virginia, 1950, as amended.

C. 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 governing body of the County prohibit the ownership of a particular

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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.

D. The owner of any animal found by a court to be a dangerous dog shall, within ten days of such finding, obtain a dangerous dog registration certificate from the animal warden for a fee of fifty dollars in addition to other fees that may be authorized by law. The animal warden 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 subsection shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained.

E. 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 (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 of 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.

F. While on the property of its owner, an animal found by a court 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 by a court 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.

G. If the owner of an animal found by a court 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.

H. After an animal has been found by a court to be a dangerous dog, the animal's owner shall immediately, upon learning of same,

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notify the animal warden 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.

I. The owner of any animal which has been found by a court to be a dangerous dog who willfully fails to comply with the requirements of this section shall be guilty of a Class 1 misdemeanor.

J. All fees collected pursuant to this section, less the costs incurred by the County in producing and distributing the certificates and tags required by this section, shall be paid into a special dedicated fund in the treasury of the County for the purpose of paying the expenses of any training course required under Section 3.1-796.105 of the Virginia Code, 1950, as amended.

4.4 Impoundment charges; release from impoundment

In the event that any animal confined pursuant to Section 3.1-796.96 of the Code of Virginia 1950, as amended, is claimed by its rightful owner, the owner shall be charged with the actual expenses incurred in keeping the animal impounded. The owner shall be provided an itemized receipt of such expenses. No dog shall be released from impoundment unless and until license tax has been paid as required by law.

4.5 Disposal of dead companion animals

The owner of any companion animal which has died from disease or other cause shall forthwith cremate, bury, or sanitarily dispose of the same. If, after notice, any owner fails to do so, the animal warden shall bury or cremate the companion animal, and shall recover on behalf of the County from the owner his cost for this service. The owner shall be provided an itemized receipt of such cost.

ARTICLE 5 DOGS KILLING, INJURING OR CHASING LIVESTOCK OR POULTRY

5.1 Generally

It shall be the duty of the animal warden 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 deprivations mentioned in this section shall have the right to kill such dog on sight as shall the owner of livestock or his agent finding a dog chasing livestock on land utilized by the livestock when the circumstances show that such chasing is harmful to the livestock.

5.2 Compensation for livestock and poultry killed by dogs

Any person who has any livestock or poultry killed or injured by any dog not his own shall be entitled to receive as compensation the fair market value of such livestock or poultry not to exceed \$400 per animal or \$10 per fowl, provided that: (i) the claimant has furnished evidence within sixty days of discovery of the quantity and value of the dead or injured livestock and the reasons the claimant believes that death or injury was caused by a dog; (ii) the animal warden or other officer shall have been notified of the incident within

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seventy-two hours of its discovery; and (iii) the claimant first has exhausted his legal remedies against the owner, if known, of the dog doing the damage for which compensation under this section is sought. Exhaustion shall mean a judgment against the owner of the dog upon which execution had been returned unsatisfied.

5.3 Presentation of false claim

For any person to present a false claim or to receive any money on a false claim under the provisions of this section shall constitute a Class 1 misdemeanor.

ARTICLE 6 MANDATORY STERILIZATION OF ADOPTED DOGS AND CATS

6.1 Sterilization of adopted dogs and cats; enforcement; civil penalty

A. Every new owner of a dog or cat adopted from a releasing agency shall cause to be sterilized the dog or cat pursuant to the agreement required by subdivision 2 or subsection B of this section.

B. A dog or cat shall not be released for adoption from a releasing agency unless:

1. The animal has already been sterilized; or
2. the individual adopting the animal signs an agreement to have the animal sterilized by a licensed veterinarian (i) within thirty days of the adoption, if the animal is sexually mature, or (ii) within thirty days after the animal reaches six months of age, if the animal is not sexually mature at the time of adoption.

C. Nothing in this section shall preclude the sterilization of a sexually immature dog or cat upon the written agreement of the veterinarian, the releasing agency, and the new owner.

D. Upon the petition of an animal warden to the district court, the court may order the new owner to take any steps necessary to comply with the requirements of this article.

E. Any person who violates subsection A or B of this section shall be subject to a civil penalty not to exceed fifty dollars.

6.2 Sterilization confirmation; civil penalty

Each new owner who signs a sterilization agreement shall, within seven days of the sterilization, cause to be delivered or mailed to the releasing agency written confirmation signed by the veterinarian who performed the sterilization. The confirmation shall briefly describe the dog or cat; include the new owner's name and address; certify that the sterilization was performed; and specify the date of the procedure. Any person who violates this section shall be subject to a civil penalty not to exceed fifty dollars.

6.3 Notification concerning lost, stolen or dead dogs or cats; civil penalty

If an adopted dog or cat is lost or stolen or dies before the animal is sterilized and before the date by which the dog or cat is required to be sterilized, the new owner shall, within seven days of the animal's disappearance or death, notify the releasing agency of the

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animal's disappearance or death. Any person who violates this section shall be subject to a civil penalty not to exceed twenty-five dollars.

6.4 Exemptions.

This article shall not apply to an owner reclaiming his dog or cat from a releasing agency.

6.5 Buckingham County Pound; fees and deposits

Before releasing a dog or cat for adoption, the Buckingham County Pound shall charge from the new owner a deposit of thirty-five dollars to ensure sterilization. Upon receipt of written confirmation of sterilization pursuant to section 3 of this article, such deposit shall be refunded the new owner.

ARTICLE 7 PENALTIES

7.1 Other violations

Any other violation of this ordinance for which specific penalty is not provided shall constitute punishable by a fine of not more ordinance for which specific penalty a Class 4 misdemeanor and shall be \$250. Each day of violation shall constitute a separate offense.