THREATENING DOGS

Be it ordained by the Board of Supervisors of Northumberland County, Virginia, pursuant to and under the authority conferred by § 15.2-1200 and § 3.2-6538 through § 3.2-6554 of the Code of Virginia, 1950, as amended, as follows:

THREATENING DOG-A canine or canine crossbreed whose actions and/or behaviors places a person in reasonable apprehension of bodily injury.

A. Determination of threatening.

1. Notwithstanding the provisions of this section, an Animal Control Officer, or county law enforcement officer, may determine, after investigation, when a dog is a threatening dog. Factors to be used to make this determination shall include, but not be limited, to the following: (1) proximity of the dog to the person at the time of the actions and/or behaviors; (2) barking; (3) snarling; (4) growling; (5) raised hackles (6) the bearing of teeth and/or snapping of the teeth (7) attempting to bite and/or the grabbing of the clothes of the person without skin contact and (8) chasing the person.

2. If the animal's owner disagrees with the Animal Control Officer's determination, he may appeal the determination for a trial on the merits.

3. Any Animal Control Officer, or county law enforcement officer, who has reason to believe that a canine or canine crossbreed within his jurisdiction is a threatening 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 proceeding and the matters at issue. The Animal Control Officer, or county law enforcement officer, shall confine the animal until such time as evidence shall be heard and a verdict rendered. If the Animal Control Officer, or county law enforcement officer, determines that the owner of custodian can confine the animal in a manner that protects the public safety, he may permit the owner or custodian to 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 harborer of the animal to produce the animal. If, after hearing the evidence, the court finds the animal is a threatening animal, the court shall order the animal's owner to comply with the provisions of this article.

B. Exceptions to being determined threatening.

No canine or canine crossbreed shall be found to be threatening 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 threatening if the threat sustained by a person who was committing, at the time, a crime upon the premises occupied by the animal's owner or custodian; committing, at the time, a willful trespass or other tort upon the premises occupied by the animal's owner or custodian; or 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 that was engaged in the performance of its duties as such at

the time of the acts complained of shall be found to be a threatening 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's or owner's property, shall be found to be threatening dog.

C. Threatening dog registration certificate; fee; identification tag required.

The owner of an animal found to be a threatening dog shall, within 10 days of such finding, obtain a threatening dog registration certificate from Treasurer's Office for a fee of $50.00 in addition to other fees that may be authorized by law. The local Animal Control Officer shall also provide the owner with a uniformly designed tag that identifies the animal as a threatening 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 subdivision shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained.

D. Control of threatening dogs.

While on the property of its owner, an animal found to be a threatening 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 the owner's property, an animal found to be a threatening dog, shall be kept on a leash.

E. When the owner is a minor.

If the owner of an animal found to be threatening is a minor, the custodial parent or legal guardian shall be responsible for complying with all the requirements of the article.

F. Notification of animal control authority.

After an animal has been found to be a threatening dog, the animal's owner shall immediately, upon learning the same, notify the Sheriff's Office if the animal is loose or unconfined; threatens a person, bites a person or attacks another animal; is sold, given away, or dies; or has been moved to a different address.

G. Violations and penalties.

Violation of this article shall be punishable as a Class 3 misdemeanor for the first offense and any subsequent violation shall be punishable as a Class 1 misdemeanor.