

Chapter 3

ANIMALS

I. In General, Sections 3-1—3-6.

State Law References: Comprehensive Animal Laws and Definitions: Section 3.1-796.66 *et. Seq.* See also the Town Charter Section 17 which provides for the powers to enact all of the following ordinances.

(Ord 12-2-08 Repeal, Revise, Re-Enact)

STEPHENS CITY CODE

Article I. Animals in General

Section 3-1 County ordinances in effect.

All regulations concerning animals, which shall include licenses, are under the jurisdiction of Frederick County, unless otherwise restricted here.

The provisions of this chapter shall be administered and enforced by the County animal warden, with the assistance of the Town police.

State Law Reference: 3.1-796.104

Section 3-2 Animals running at large.

(a) No person shall permit any animal owned or harbored by him to run at large within the Town.

(b) If an animal is found running at large, its owner shall receive one written notification, either from the affected landowner, the County animal control officer, or any other officer or Town policeman, of the offense. For each subsequent offense, the owner shall pay a fine of \$25.00, in addition to any expenses incurred due to the seizure or penning.

State Law Reference: § 3.1-796.93; 3.1-796.94; 3.1-796.94:1, 3.1-796-100.

Section 3-3 Animals causing disturbances.

(a) No person shall keep or harbor within the Town any animal which causes, emits or gives to vent incessant noises or odors of such a kind or character as to disturb any inhabitant of the Town in the reasonable use and enjoyment of his property, or cause any person of ordinary sensibilities any actual physical discomfort.

(b) If a complaint is lodged with the Town police regarding a violation of subsection (a) above, the animal's owner shall receive one written notification of the offense. For each subsequent offense, the owner shall pay a fine of not more than \$25.00 for the second offense, and no more than \$50.00 for each subsequent offense. Each occurrence after written notice shall constitute a separate offense.

State Law Reference: 15.2-1115; 3.1-796.94

Section 3-4 No hoofed animals.

It shall be unlawful for any person to own or keep any hoofed animal, such as burro, cow, goat, horse, llama, mule, sheep, or any other bovine or equine animal within the corporate limits of the Town on parcels of less than three acres. Such animals may be maintained on parcels of three acres or more provided that the number of such animals does not

STEPHENS CITY CODE

exceed a total of two adult animals per acre (not including juvenile animals being nursed by permitted animals). This restriction shall not apply to the temporary maintenance or keeping of animals and fowl by a licensed veterinarian in connection with that veterinarian's business, or the transportation of animals or fowl through the Town when the length of stay in the Town is less than 24 hours.

State Law Reference, Section 3.1-796.94; 3.2-6544

Section 3-5 Requirement for coops, pens, etc.

- (b) Each person owning or having custody or control of an animal within the Town shall provide a suitable pen, coop or other enclosure. It shall be his duty to maintain such place at all times in a safe, clean and sanitary condition, free from excrement and other unsanitary or offensive substances, liquids or odors so as not to violate Section 3-3 above.

(b) If a complaint is lodged with the Town police regarding a violation of subsection (a) above, the animal's owner shall receive one written notification of the offense. For each subsequent offense, the owner shall pay a fine of not more than \$25.00 for the second offense, and no more than \$50.00 for each subsequent offense. Each occurrence after written notice shall constitute a separate offense.

State Law Reference 3.2-6544; 15.2-1115; 3.1-796.94

Section 3-5 Slaughterhouses prohibited.

It shall be unlawful and a class 1 misdemeanor for any person to maintain or operate a slaughterhouse within the Town.

State Law References: 3.1-796.104

Section 3-6 Animal waste.

It shall be unlawful for any owner or person in control of any animal to:

- (b) Allow any animal to defecate or urinate on the property of another person without their consent.

(b) Allow any animal to defecate or urinate on public property, except that the defecation of any animal shall not constitute a violation of this section if the person in control of the animal immediately removes the waste and disposes of it in a safe and sanitary manner.

(c) Any person convicted of a violation of this section shall be guilty of a class 4 misdemeanor for the first offense and a class 3 misdemeanor for the second and subsequent offenses.

State Law Reference: 15.2-1115; 3.1-796.94