

TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: ANIMALS AND FOWL

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Charter reference:

Regulation of animals generally, see Char. Art. IX, § 1(7)

Cross-reference:

Applicability of traffic regulations to persons riding or driving animals, see § 70.08

Hunting generally, see § 130.005

GENERAL PROVISIONS

§ 90.001 RABIES INOCULATION REQUIRED.

(A) No dog or cat over four months of age shall be permitted within the town unless such dog or cat has been inoculated or vaccinated within a period of three years by a currently listed veterinarian or certified animal technician against rabies with a vaccination or inoculation approved by the State Department of Health. The owner of a dog or cat so vaccinated shall be presented a tag or certificate furnished by such veterinarian on which shall appear the date on which the dog or cat was last vaccinated, a description of the dog or cat, the name and address of the owner, the type of vaccination used and the signature of the veterinarian who vaccinated the dog or cat.

(B) It shall be unlawful for any person to own or have custody of any dog or cat over the age of four months within the town unless such dog or cat shall have a current rabies vaccination administered by a currently licensed veterinarian or certified animal technician. **OWN** or **OWNER** includes any person having a right of property in a dog or cat, and any person who keeps or harbors a dog or cat has it in his or her care, or who acts as its custodian, and any person who permits a dog or cat to remain on or about any premises occupied by him or her.

(C) All provisions of the ordinances of the town, insofar as they relate to rabies and the control thereof, shall apply also, and equally, to cats and other animals susceptible to rabies.
(Ord. passed - -) Penalty, see § 90.999

§ 90.002 UNCLAIMED COMPANION ANIMALS.

Any unclaimed or unadopted animal held for the statutory period shall be humanely euthanized and shall not be delivered by sale or gift to a federal agency, state supported institution, agency of the state, agency of another state or licensed federal dealer.
(Ord. passed - -)

§ 90.003 ANIMALS RUNNING AT LARGE ON HIGHWAYS.

It shall be a violation of law for the owner or keeper of any domestic or domesticated: bovine animals and any sub-family of bovine animals (cattle, bison); equine animals (horses, mules, donkeys); ovine animals (sheep); porcine animals (swine); capradae animals (goats); animals of the genus Lama (llamas, alpacas), except companion animals as defined by VA Code § 3.2-6500, to allow or fail to prevent such animal to run at large upon the public highways located in the town whether such highways are enclosed by a fence or not (VA Code § 15.2-1218). Violation of this section shall be punished as a Class 3 misdemeanor.
(Ord. passed - -) Penalty, see § 90.999

ANIMALS AND FOWL

§ 90.015 ANIMAL DEFINED.

The word **ANIMAL**, as used in this chapter, shall be construed to include birds and fowl.
(1961 Code, § 3-1)

Statutory reference:

For similar state law, see VA Code § 3.2-6500

§ 90.016 CRUELTY TO ANIMALS.

(A) Any person who:

(1) Overrides, overdrives, overloads, tortures, ill-treats or cruelly or unnecessarily beats, maims mutilates, or kills any animal, whether belonging to himself, herself or another, or deprives any

animal of necessary 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;

(2) Willfully sets on foot, instigates, engages in or in any way furthers any act of cruelty to any animal; or

(3) Shall carry or cause to be carried in or upon any vehicle or vessel or otherwise any animal, in a cruel, brutal or inhuman manner, so as to produce torture or unnecessary suffering, shall be guilty of misdemeanor.

(B) Nothing in this section shall be construed to prohibit the dehorning of cattle.

(1961 Code, § 3-2) Penalty, see § 90.999

Statutory reference:

Cruelty to animals, see VA Code § 3.2-6570

§ 90.017 POISONING, MAIMING AND THE LIKE HORSES, DOGS, FOWL AND THE LIKE.

If any person unlawfully shoots, stabs, cuts or wounds any horse, mule or cattle of any person, or unlawfully and maliciously shoots, stabs, cuts or otherwise wounds or poisons any fowl of another or any dog of another if such dog is over four months old and has been licensed as required by law, with intent to maim, disfigure, disable or kill the same, he or she shall be guilty of a misdemeanor.

(1961 Code, § 3-3) Penalty, see § 90.999

Statutory reference:

Poisoning, maiming and the like of horses, dogs and the like, see VA Code § 18.2-144

§ 90.018 SHOOTING AND THE LIKE SONG BIRDS.

It shall be unlawful for any person to shoot, cripple or injure in any way any song bird within the corporate limits of the town.

(1961 Code, § 3-4) Penalty, see § 90.999

§ 90.019 STABLES, KENNELS, CHICKEN HOUSES AND THE LIKE.

All cow stables, pigpens, chicken houses, dog houses or kennels, or other facilities for keeping livestock, fowl, poultry and dogs, kept or maintained within the town shall be kept in a clean and sanitary condition for the protection of health, and shall be so kept as not to give rise to objectionable odors upon any public highway or upon any premises owned or occupied by any person other than the person maintaining such cow stable and the like.

(1961 Code, § 3-5) Penalty, see § 90.999

Charter reference:

Power to regulate stables and the like, see Char. Art. IX, § 1(1)

§ 90.020 SLAUGHTERHOUSES.

No slaughterhouse shall be established, maintained or operated within the jurisdiction of the town.
(1961 Code, § 3-6) Penalty, see § 90.999

Charter reference:

Slaughterhouses, see Char. Art. IX, § 2(11)

§ 90.021 FEMALE DOGS IN HEAT.

It shall be unlawful for any person to allow any female dog owned or kept by him or her to run at large in the town when in heat.

(1961 Code, § 3-7) Penalty, see § 90.999

§ 90.022 KEEPING FOWL, LIVESTOCK AND THE LIKE.

It shall be unlawful for any person to allow or permit any fowl or poultry, or livestock of any description, to stray to public property or private premises of another, and all poultry, fowl or livestock shall be sufficiently housed or fenced up by the owner or person exercising control over such poultry, and the like so as to prevent the same from trespassing or straying.

(1961 Code, § 3-8) Penalty, see § 90.999

Statutory reference:

Powers of municipal corporation as to keeping of animals, see VA Code § 3.2-6544

§ 90.023 DANGEROUS ANIMALS.

It shall be unlawful for any person to permit any animal belonging to him or her, or under his or her control and known to him or her, personally or by repute, to be dangerous, mischievous or vicious, to go at large in the town.

(1961 Code, § 3-9) Penalty, see § 90.999

§ 90.024 TRESPASSING BY ANIMALS AND FOWL.

(A) It shall be a violation of law for the owner or keeper of any animal or fowl to allow or fail to prevent such animal or fowl from trespassing or straying from the real estate upon which such animal or fowl is kept or to allow or fail to prevent any animal to run at large in the town.

(B) This section shall not be applicable to canines or felines.

(C) Upon notification that his or her animals or fowls are trespassing on the lands of another or running at large, such owner or keeper shall immediately capture such animals or fowls and return them to his or her possession and control and secure the same.

(D) Any police officer having jurisdiction to make arrests within the town, may, should he or she find any animal running at large within the town, capture and impound the same and/or require the owner or keeper of such animal to immediately capture such animal.

(Ord. passed - -) Penalty, see § 90.999

DOGS

§ 90.035 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL CONTROL OFFICER. Any animal control officer (and any deputy animal control officers, if provided) appointed under this subchapter and in accordance with VA Code § 3.2-6555, by the town or by the county.

KENNEL. An enclosure wherein dogs are kept and from which they cannot escape.

LIVESTOCK. Includes cattle, sheep, goats, swine and enclosed domesticated rabbits or hares.

POULTRY. All domestic fowl and game birds raised in captivity.

OTHER OFFICER. Includes all other persons employed or elected by the people of the state or by any municipality, county or incorporated town thereof whose duty it is to preserve the peace, to make arrests or to enforce the law.

OWN or OWNER. Includes any person having a right of property in a dog; any person who keeps or harbors a dog or has it in his or her care, or who acts as its custodian; and any person who permits a dog to remain on or about any premises occupied by him or her.

TREASURER. The Treasurer of Lancaster County or other officer designated by law to collect taxes in the county.

(Ord. passed - -)

§ 90.036 POSITION OF ANIMAL CONTROL OFFICER WARDEN CREATED.

In accordance with VA Code § 3.2-6555 there is hereby created the position of animal control officer (and deputy animal control officers, if desired) and provisions made for the licensing and regulation of dogs in this town. The duties of the animal control officer shall be those provided for in VA Code § 3.2-6557 and such other duties as may be provided for by the Town Council. In event that

the town does not appoint an animal control officer, then the duly appointed animal control officer for the county is hereby designated as such for the town.

(Ord. passed - -)

§ 90.037 LICENSE REQUIRED; FEE.

(A) It shall be unlawful for any person to own a dog four months old or over in the town unless such dog is licensed as required by the provisions of this subchapter. Dog licenses shall run by the calendar, from January 1 to December 31, inclusive, and the license tax shall be payable at the office of the Treasurer of the county and shall be as follows:

Kennel of 20 dogs	Amount set by Council from time to time
Neutered single dog	Amount set by Council from time to time
Single dog	Amount set by Council from time to time
Spayed single dog	Amount set by Council from time to time

(B) All applications for neutered or spayed dog licenses must be accompanied by a written statement from a licensed veterinarian to be effect that the dog for which application is made has been neutered or spayed.

(Ord. passed - -) Penalty, see § 90.999

Statutory reference:

Duty to impose dog license tax, limit on the amount thereof, see VA Code § 3.2-6528

§ 90.038 WHEN LICENSE TAX PAYABLE.

The license tax on dogs shall be due and payable as follows.

(A) On or before January 1 and not later than January 31 of each year, the owner of any dog four months old or older shall pay a license tax as prescribed hereinabove.

(B) If a dog shall become four months or age or if a dog over four months of age unlicensed by the county shall come into the possession of any person in the town between January 1 and October 31 of any year, a license tax for the current calendar year shall be paid forthwith by the owner.

(C) If a dog shall become four months of age or if a dog over four months of age unlicensed by the county shall come into the possession of any person in the town between November 1 and December 31 of any year, the license tax for the succeeding calendar year shall be paid forthwith by the owner and such license shall protect the dog from the date of payment of the license tax.

(Ord. passed - -) Penalty, see § 90.999

Statutory reference:

For similar state law, see VA Code § 3.2-6530

§ 90.039 PAYMENT OF LICENSE TAX SUBSEQUENT TO SUMMONS.

Payment of the dog license tax subsequent to a summons to appear before the Judge of the County Court or other court for failure to do so within the time required shall not operate to relieve such owner from the penalties provided.

(Ord. passed - -)

§ 90.040 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 subchapter the burden of proof of the fact that the dog has been licensed, or is otherwise not required to bear a tag at the time, shall be on the owner of the dog.

(Ord. passed - -)

Statutory reference:

For similar state law, see VA Code § 3.2-6533

§ 90.041 HOW TO OBTAIN LICENSE.

(A) Any resident of the town may obtain a dog license by making oral or written application to the Treasurer of the county, accompanied by the amount of the license tax and certification of vaccination. The Treasurer shall have authority to license only dogs of resident owners or custodians who reside within the boundary limits of the town and may require information to this effect of any application.

(B) Upon receipt of proper application and certificate of vaccination, 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 tax, whether male, unsexed female or kennel and deliver the metal license tags or plates herein provided for.

(Ord. passed - -)

§ 90.042 ISSUANCE OF LICENSE; METAL TAG.

A dog license shall consist of a license receipt and a metal tag in the style and design adopted by the State Commission of Game and Inland Fisheries. The tag shall be stamped or otherwise permanently marked to show the sex of the dog, the calendar year for which issued and bear a serial number. The license tag for a kennel shall show the number of dogs authorized to be kept under such license and have attached thereto a metal identification plate for each of such dogs, numbered to correspond with the serial number of the license tag.

(Ord. passed - -)

Statutory reference:

For similar state law, see VA Code § 3.2-6526

§ 90.043 DUPLICATE LICENSE TAGS.

If the dog license shall become lost, destroyed or stolen, the owner or custodian shall at once apply to the Treasurer who issued the same for a duplicate license tag, presenting the original license receipt. Upon affidavit of the owner or custodian before the Treasurer that the original license tag has been lost, destroyed or stolen, he or she shall issue a duplicate license tag which the owner or custodian shall immediately affix to the collar of the dog. The Treasurer shall endorse the number of the duplicate and the date issued on the face of the original license receipt. The fee for a duplicate tag shall be an amount set by Council from time to time.

(Ord. passed - -) Penalty, see § 90.999

Statutory reference:

For similar state law, see VA Code § 3.2-6532

§ 90.044 DISPLAY OF RECEIPTS; DOGS TO WEAR TAGS.

(A) Dog license receipts shall be carefully preserved by the licensees and exhibited promptly on request for inspection by any animal control officer. Dog license tags shall be securely fastened to a substantial collar by the owner or custodian and worn by such dog, and it shall be unlawful for the owner to permit any licensed dog four months old or over old or over to run or roam at large at any time without a license tag.

(B) The owner may remove the collar and license tag required by this section when:

- (1) The dog is engaged in lawful hunting;
- (2) The dog is competing in a dog show;
- (3) The dog has a skin condition which would be exacerbated by the wearing of a collar;
- (4) The dog is confined; or

(5) The dog is under the immediate control of its owner.

(Ord. passed - -) Penalty, see § 90.999

Statutory reference:

For similar state law, see VA Code § 3.2-6531

§ 90.045 REGULATION OF KENNEL DOGS.

(A) The owner of a kennel shall securely fasten the license tag to the kennel enclosure in full view and keep one of the identification plates provided herewith attached to the collar of each dog authorized to be kept enclosed in the kennel. Any identification plates not so in use must be kept by the owner or custodian and promptly shown to any animal control officer upon request.

(B) A kennel dog shall not be permitted to stray beyond the limits of the enclosure but this shall not prohibit removing dogs therefrom temporarily while under the control of the owner or custodian for the purpose of exercising, hunting, breeding, trial or show.

(C) A kennel shall be operated in such manner as to defraud the county of the license tax applying to the dog which cannot be legally covered thereunder or to in any manner violate other provisions of this subchapter.

(Ord. passed - -) Penalty, see § 90.999

§ 90.046 LICENSED DOGS DEEMED PERSONAL PROPERTY.

(A) All dogs in town which are licensed, and all dogs under four months of age, whether licensed or not, shall be deemed personal property and may be the subject of larceny and malicious or unlawful trespass and the owners thereof may maintain any action for the killing of any such dogs, or injury thereto, or unlawful detention or use thereof as in the case of other personal property. It shall be unlawful for any person except the owner or his or her authorized agent to administer poison to any such dog or to expose poison where it may be taken by any such dog, or to injure, disfigure, disable or kill any except as otherwise provided in this subchapter. The owner of any dog which is injured or killed contrary to the provisions of this section by any person shall be entitled to recover the value thereof or the damage done thereto in an appropriate action at law from such person. An animal control officer or other finding a stolen dog, or a dog held or detained contrary to law, shall have authority to seize and hold such dog pending action before the county or other court. If no such action is instituted within five days, the animal control officer or other officer shall deliver the dog to its owner.

(B) The presence of a dog on the premises of a person other than its legal owner shall raise no presumption of theft against the owner of such premises, but it shall be his or her duty to notify the animal control officer and the animal control officer shall take such dog in charge and notify its legal owner to remove him or her. The legal owner of the dog shall pay a reasonable charge for the keep of such dog while in the possession of the animal control officer.

(Ord. passed - -) Penalty, see § 90.999

§ 90.047 DOGS KILLING OR INJURING SHEEP, OTHER LIVESTOCK, POULTRY.

It shall be the duty of any animal control officer who may find a dog in the act of killing, injuring, worrying or chasing sheep, or killing or injuring other livestock, to kill such dog forthwith whether the dog bears a tag or not; and any person finding a dog committing any of the depredations mentioned in this section shall have the right to kill such dog on sight. The Town Council, the County Court or any other court shall have the power to order the animal control officer or other officer to kill any dog known to be confirmed poultry killer, and any dog killing fowls for the third time shall be considered a confirmed poultry killer. Any animal control officer or other person who has reason to believe that any dog is killing livestock or committing any of the depredations mentioned in this section shall apply to a justice of the peace of the county, who shall issue a warrant requiring the owner or custodian, if known, to appear before the judge of the County Court at the time any place named therein, at which time evidence shall be heard, and if it shall appear that such a dog is a livestock killer, or has committed any of the depredations mentioned in this section, the dog shall be ordered killed immediately, which the animal control officer, or other officer designated by the judge of the county to act, shall do.

(Ord. passed - -)

Statutory reference:

For similar state law, see VA Code § 3.2-6552

§ 90.048 KILLING, OTHERWISE DISPOSING OF UNLICENSED DOGS.

It shall be the duty of the animal control officer to kill any dog of unknown ownership found running at large on which license has not been paid; provided, that the animal control officer may deliver such dog to any person in the town who will pay the required license fee on such dog, with the understanding that should the legal owner thereafter claim the dog and prove his or her ownership, he or she may recover such dog by paying to the person to whom it was delivered by the animal control officer the amount of the license fee paid by him or her and a reasonable charge for the keep of the dog while in his or her possession. Any person, animal control officer or other officer killing a dog under this subchapter shall burn or bury the same.

(Ord. passed - -)

§ 90.049 DISPOSAL OF DEAD DOGS.

The owner of any dog which has died from disease or other cause shall forthwith cremate or bury the same. If, after notice, any owner fails to do so, the animal control officer or other officer shall bury or cremate the dog, and he or she may recover on behalf of the town from the owner his or her cost for his or her service.

(Ord. passed - -)

Statutory reference:

For similar state law, see VA Code § 3.2-6554

§ 90.050 VIOLATIONS, UNLAWFUL ACTS ENUMERATED; DEPOSIT OF COLLECTED FINES.

(A) The following shall be deemed unlawful acts and constitute Class 4 misdemeanors and shall be enforced by proceedings before a judge of the County Court:

(1) *Diseased dog.* For the owner of any dog with a contagious or infectious disease to permit such dog to stray from his or her premises, if such disease is known to the owner;

(2) *Female dog in season.* For the owner of any female dog to permit such dog to stray from his or her premises while such dog is known to such owner to be in season;

(3) *Concealing a dog.* For any person to conceal or harbor any dog on which the license tax has not been paid, or to conceal a rabid dog to keep the same from being killed;

(4) *False license application.* For any person to make a false statement in order to secure a dog license to which he or she is not entitled;

(5) *License tax.* For any dog owner to fail to pay the license tax required by this subchapter before February 1 for the year in which it is due. In addition, the Court may order confiscation and the proper disposition of the dog;

(6) *Removing collar and tag.* For any person, except the owner or custodian, to remove a legally acquired license tag from a dog without the permission of the owner or custodian; and

(7) *Other violations.* Any other violation of this subchapter for which a specific penalty is not provided.

(B) All fines collected from any person for violating any provision of this chapter, upon conviction thereof, shall be credited to the General Fund of the county and deposited by the County Treasurer in the same manner as that prescribed for other county monies.

(Ord. passed - -) Penalty, see § 90.999

Statutory reference:

For similar state law, see VA Code § 3.2-6587

DANGEROUS OR VICIOUS DOGS**§ 90.065 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DANGEROUS DOG.

(1) A canine or canine crossbreed that has bitten, attacked or inflicted injury on a person or companion animal, or killed a companion animal, and however, when a dog attacks or bites another dog, the attacking or biting dog shall not be deemed ***DANGEROUS***:

(a) If no serious physical injury as determined by a licensed veterinarian has occurred to the other dog as a result of the attack or bite; or

(b) Both dogs are owned by the same person.

(2) No dog shall be found to be a ***DANGEROUS DOG*** as a result of biting, attacking or inflicting injury on another dog while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event.

VICIOUS DOG. A canine or canine crossbreed that has:

(1) Killed a person;

(2) Inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health or serious impairment of a bodily function; or

(3) 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.

(Ord. passed - -)

§ 90.066 PROVISIONS.

The county 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 or she may order the animal's owner to comply with the provisions of this subchapter. If the animal's owner disagrees with the animal control officer's determination, he or she may appeal the determination to the General District Court for a trial on the merits. The animal control officer 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 subchapter. 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 VA Code § 3.2-6562, as amended.

(Ord. passed - -)

§ 90.067 EXCEPTIONS.

(A) 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 town prohibit the ownership of a particular breed of canine or canine crossbreed.

(B) 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:

(1) Committing, at the time, a crime upon the premises occupied by the animal's owner or custodian;

(2) Committing, at the time, a willful trespass or other tort upon the premises occupied by the animal's owner or custodian; or

(3) Provoking, tormenting or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused or assaulted the animal at other times.

(C) 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 dangerous dog or a vicious dog.

(D) 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.

(Ord. passed - -)

§ 90.068 REGISTRATION AND CONTROL OF DANGEROUS DOGS.

(A) 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 county animal control officer for a fee in an amount set by Council from time to time in addition to other fees that may be authorized by law. The county animal control officer shall also provide the owner with a uniformly designed tag that 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 division (A) shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained.

(B) (1) All certificates or renewals thereof required to be obtained under this section shall only be issued to persons 18 years of age or older who present satisfactory evidence:

(a) Of the animal's current rabies vaccination, if applicable; and

(b) 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.

(2) 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:

(a) 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

(b) The animal has been permanently identified by means of a tattoo on the inside thigh or by electronic implantation.

(C) 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.

(D) If the owner of an animal found to be a dangerous dog is a minor, the custodial parent of legal guardian shall be responsible for complying with all requirements of this section.

(E) 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:

- (1) Is loose or unconfined;
- (2) Bites a person or attacks another animal;
- (3) Is sold, given away or dies; or
- (4) Has been moved to a different address.

(Ord. passed - -) Penalty, see § 90.999

§ 90.069 FEES.

All fees collected pursuant to this subchapter, less the costs incurred by the animal control authority in producing and distributing the certificates and tags required by the subchapter, 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 VA Code § 3.2-6556.

(Ord. passed - -)

§ 90.070 CERTIFICATE OR RENEWALS.

(A) All certificates or renewals thereof required to be obtained under this subchapter shall only be issued to persons 18 years of age or older who present satisfactory evidence that the animal has been neutered or spayed.

(B) 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 an amount set by Council from time to time, that covers animal bites.

(Ord. passed - -)

§ 90.071 DOG INJURING OR KILLING OTHER COMPANION ANIMALS.

The owner of any companion animal that is injured or killed by a dog shall be entitled to recover damages consistent with the provisions of VA Code § 3.2-6586, from the owner of such dog in an appropriate action at law if:

(A) The injury occurred on the premises of the companion animal's owner; and

(B) The owner of the offending dog did not have the permission of the companion animal's owner for the dog to be on the premises at the time of the attack.

(Ord. passed - -)

§ 90.999 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) Any person violating any of the provision of § 90.001 shall be punished by a fine in an amount set by Council from time to time.

(C) Violation of § 90.003 shall be punished as a Class 3 misdemeanor.

(D) (1) Violation of § 90.024 shall be a Class 4 misdemeanor and punishable as provided by VA Code § 18.2-11, as amended.

(2) Pursuant to VA Code § 15.2-1432, in addition to the penalty imposed in division (B)(1) above, the town may enjoin a continuing violation of § 90.024 by proceedings for an injunction brought in the Circuit Court of the county.

(E) The owner of any animal that has been found to be a dangerous dog who willfully fails to comply with the requirements of §§ 90.065 through 90.071 shall be guilty of a Class I misdemeanor.
(Ord. passed - -; Ord. passed - -)

CHAPTER 91: NUISANCES

Section

Property Safety; Public Welfare

- 91.01 Purpose and intent
- 91.02 Auto, boats, boat trailers, other marine vehicles, graveyard prohibitions
- 91.03 Investigation procedures

Removal and Abatement of Nuisances

- 91.15 Removal and abatement
- 91.99 Penalty

PROPERTY SAFETY; PUBLIC WELFARE

§ 91.01 PURPOSE AND INTENT.

(A) The purpose of this subchapter is to provide for the repair, closing or demolitions of buildings within the town which are unsafe for human habitation or occupancy, or use, or which are otherwise dangerous or inimical to public safety, health or welfare of the residents of the town; defining such buildings or property; providing for remedies and procedures thereto; providing for assessment of costs of such remedies and proceedings against the owner, or owners of the land, premises or property affected thereby.

(B) It should be the further intent of this subchapter to correct, repair or remove serious property hazards identified by the Zoning Administrator and the Council of the town as dangerous open holes, pits, uncapped wells, hazardous waste and materials, unsafe and unsanitary septic systems, and storage of inoperable, deteriorated construction equipment, trailers and other such vehicles in disrepair.

(Ord. passed - -)

§ 91.02 AUTO, BOATS, BOAT TRAILERS, OTHER MARINE VEHICLES, GRAVEYARD PROHIBITIONS.

(A) It shall be unlawful for any person to keep, except within a fully enclosed building or structure or otherwise shielded or screened from public view, on any property located within the town and zoned for residential or commercial purposes, any motor vehicle, trailer, semitrailer, boat or other marine vehicle, as such defined in VA Code § 46.2-100, which is inoperative.

(B) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

INOPERATIVE MOTOR VEHICLE. Any motor vehicle or marine vehicle or trailer, which is not in operating condition; or which, for a period of 90 days or longer, has been partially or totally disassembled by the removal of tires and wheels, the engine or other essential parts required for operation of the vehicle; and for which there is no valid license plate and inspection sticker.

(C) (1) The Town Council shall serve notice on the owner of such property to cause such vehicle to be removed within seven days. If the owner of such property is a resident, such notice shall be mailed to his or her local address.

(2) If the owner is a nonresident, notice shall be served upon the owner's agent in charge thereof, or upon the owner by publishing such notice in at least two issues of a newspaper published or having general circulation in the town.

(3) The cost of such publication shall be collected from the owner of such premises, in addition to the expense of making such removal.

(4) If any motor vehicle, trailer or semitrailer of such condition is permitted to remain on any property after the expiration of time specified in the notice referred to in this division (C), the Town Council shall cause such motor vehicle, trailer or semitrailer of such condition be removed at the expense of the owner of such property and shall assess the cost of such remedy to the owner, or owners, of the property affected thereby, and such assessment shall be collected in the same manner in which town tax levies upon real estate are authorized to be collected.

(Ord. passed - -) Penalty, see § 91.99

§ 91.03 INVESTIGATION PROCEDURES.

(A) Where it shall be found that there does exist buildings unfit for human habitation, or occupancy, or use, due to dilapidation, disrepair, structural defects increasing the hazards of fire, accidents or other calamities, or property containing conditions unsafe, unsanitary and detrimental to the health and safety of the residents of the town, the County Building Official will upon receipt of a written request/complaint from the Zoning Administrator, investigate and make decisions in accordance with VA Code § 15.2-906.

(B) If a preliminary investigation shall disclose to the said public officer a basis for the charges filed, he or she shall issue and cause to be served upon the owner of the parties in interest in such building a complaint stating the charges in that respect.

(C) The owner and parties in interest shall have the right to file an answer to the complaint, or appear in person before the governing body in response to said conditions; or correct the conditions to comply with the provisions of this subchapter.

(D) If the owner fails to comply with an order to repair, alter or improve, or at the option of the owner, to vacate and close the building, the governing body may cause such building to be repaired, altered or improved, or to be vacated and closed. Assessment of costs of such remedy shall be made to the owner, or owners of the property affected thereby.

(E) Nothing in this subchapter shall be construed to abrogate or impair the powers of appeal to the courts.

(Ord. passed - -) Penalty, see § 91.99

REMOVAL AND ABATEMENT OF NUISANCES

§ 91.15 REMOVAL AND ABATEMENT.

(A) Pursuant to VA Code § 15.2-1115, as amended, the town may compel:

(1) The abatement or removal of all nuisances, including, but not limited to, trash, garbage, refuse, litter, lumber, junk, debris, implements, equipment or other personal property including, but not limited to, furniture, appliances, boats and other watercrafts, and similar personal property which is unused or unusable and is in view, unsheltered, uncovered or unhoused;

(2) The removal of weeds from private and public property and snow from sidewalks;

(3) The covering or removal of offensive, unwholesome, unsanitary or unhealthy substances allowed to accumulate in or on any place or premises;

(4) The raising or draining of grounds subject to be covered by stagnant water; and

(5) The razing or repair of all unsafe, dangerous or unsanitary public or private buildings, walls or structures which constitute a menace to the health and safety of the occupants thereof or the public.

(B) (1) Whenever there exists any such condition or nuisance upon any property or premises in the town as set forth hereinabove, the Code Enforcement Officer shall serve notice on the owner or occupant

of the property or premises that such condition or nuisance must be abated or obviated within seven days of the receipt of such notice.

(2) If the owner or occupant of such property or premises is a resident, notice shall be served on him or her personally or by certified mail.

(3) If the owner or occupant is a nonresident, notice shall be served upon the owner's or occupant's agent in charge thereof in person or by certified mail, or upon the owner or occupant by either publishing such notice in at least two issues of a newspaper published or having general circulation in the town.

(4) The cost of such publication shall be collected from the owner or occupant of such property or premises.

(C) If after seven days of the receipt of such reasonable notice, as described in division (B) above, the owner or occupant of the property or premises affected by the provisions of this section shall fail to abate or obviate the condition or nuisance, the Code Enforcement Officer shall cause any such condition or nuisance to be abated or obviated at the expense of the owner or occupant of such property or premises, and the town may charge and collect the cost thereof from the owner or occupant of the affected property in any manner provided by law for the collection of state or local taxes, including making said charges a lien upon the affected property.

(D) (1) Every charge authorized by this section in excess of \$200 which has been assessed against the owner of any such property or premises and which remains unpaid for 30 days shall constitute a lien against such property.

(2) Such liens shall have the same priority as other unpaid taxes and shall be enforceable in the same manner as provided in VA Code §§ 58.1-3940 et seq. and VA Code §§ 58.1-3965 et seq. of VA Code Title 58.1, Chapter 39, as may be amended from time to time.

(3) The town may waive any such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner.

(4) All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

(Ord. passed - -; Ord. passed - -) Penalty, see § 91.99

§ 91.99 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) Any person or landowner having received the notice who violates § 91.02 shall be guilty of a Class 4 misdemeanor, and each day that such subject vehicle, trailer, semitrailer or boat, of such condition shall be permitted to remain upon the property in question after the expiration of the time specified in the notice, shall be deemed to constitute a separate offense.

(C) Any owner or occupant of such affected property or premises, who after having received such reasonable notice as described in § 91.15(B) above fails to abate or obviate the named condition or nuisance within the specified time stated in such notice, shall be guilty of a Class 4 misdemeanor. Each day that the condition or nuisance remains on the affected property or premises after the expiration of the time specified in such notice shall be deemed a separate offense.
(Ord. passed - -; Ord. passed - -; Ord. passed - -)

CHAPTER 92: FIRE PROTECTION AND PREVENTION

Section

Fire Prevention Code

- 92.01 Adoption
- 92.02 Definitions
- 92.03 When and where copies may be obtained; filing of copies
- 92.04 Enforcement

Fire Protection and Prevention

- 92.15 Burning of leaves
- 92.16 Discharge of fireworks prohibited
- 92.17 Blasting
- 92.18 Failure to extinguish fire built to open

- 92.99 Penalty

FIRE PREVENTION CODE

§ 92.01 ADOPTION.

Pursuant to VA Code § 27-97, insofar as not in conflict with the laws of the state or ordinances of the town, for the purpose of prescribing rules and regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code, Abbreviated Edition, recommended by the National Board of Fire Underwriters, being particularly the 1960 Edition thereof, and the whole, thereof, except, as provided in § 92.02, is hereby adopted and by reference incorporated in this chapter as fully as if set out at length in this chapter.

(1961 Code, § 7-1) Penalty, see § 92.99

§ 92.02 DEFINITIONS.

(A) Wherever the term “Chief of the Fire Department or any inspector thereof” is used in the Fire Prevention Code, Abbreviated Edition, adopted as provided in § 92.01, it shall be taken to mean the person appointed by the Town Council as Fire Chief of the Town of Irvington.

(B) Wherever the word “municipality” is used in such Fire Prevention Code, Abbreviated Edition, so adopted, it shall be taken to mean the Town of Irvington, Virginia.
(1961 Code, § 7-2)

§ 92.03 WHEN AND WHERE COPIES MAY BE OBTAINED; FILING OF COPIES.

(A) Copies of the Fire Prevention Code, Abbreviated Edition, adopted as provided in § 92.01, may be obtained at the office of the Town Clerk during regular business hours.

(B) Three certified copies of such Fire Prevention Code so adopted and a reasonable number of additional copies thereof shall be kept in the office of the Fire Chief.
(1961 Code, § 7-3)

§ 92.04 ENFORCEMENT.

The Fire Prevention Code, Abbreviated Edition, adopted as provided in § 92.01, shall be enforced by the person designated to do so by the Town Council.
(1961 Code, § 7-4)

FIRE PROTECTION AND PREVENTION**§ 92.15 BURNING OF LEAVES.**

The burning of leaves from trees originating on the premises of private or public property is permitted, provided:

(A) The leaves are burned on the premises on which they originated;

(B) Such burning is done only during the periods October 15 through April 15;

(C) (1) Such burning is done between 8:00 a.m. and 6:00 p.m. and all embers are totally extinguished at the end of this period; and

(2) VA Code § 10.1-1142 prohibits all open burning before 4:00 p.m. and after 12:00 midnight with 300 feet of woodlands, brushlands or field containing dry grass or other flammable material during the period February 15 through April 30 each year.

(D) Such burning, at no time, shall be unattended.

(Ord. passed - -) Penalty, see § 92.99

Statutory reference:

Approval of amendments to local ordinances, see VA Code § 10.1-1321

Burning, see VA Code § 10.1-1142

§ 92.16 DISCHARGE OF FIREWORKS PROHIBITED.

(A) It shall be unlawful for any persons to discharge fireworks in the town except by permit from the Town Council for public displays sponsored by fair associations, amusement parks or any organization or group of individuals.

(B) The Town Council may establish conditions and terms of such permit.

(C) Applications for such permit shall be filed at least 30 days prior to the date of the event on forms provided by the town.

(Ord. passed - -) Penalty, see § 92.99

Statutory reference:

Authority to prohibit or regulate fireworks, see VA Code § 15.2-1113

§ 92.17 BLASTING.

(A) No person shall blast or carry on any blasting operations without having first secured a permit for such blasting from the Zoning Administrator.

(B) Blasting or blasting operations conducted pursuant to a permit shall be carried on subject to such conditions, as may be expressed in the permit.

(Ord. passed - -) Penalty, see § 92.99

Statutory reference:

Applicable state law chapter does not preempt equivalent or more restrictive municipal ordinances, see VA Code § 59.1-140

Explosives, see VA Code §§ 59.1-137 et seq.

§ 92.18 FAILURE TO EXTINGUISH FIRE BUILT TO OPEN.

Any person who shall build a fire in the open or use a fire built by another in the open shall, before leaving such fire unattended, totally extinguish it.

(Ord. passed - -) Penalty, see § 92.99

Statutory reference:

Burning, see VA Code § 10.1-1142

§ 92.99 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) (1) (a) Any person who shall violate any of the provisions of the Fire Prevention Code, Abbreviated Edition, adopted as provided in § 92.01, or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Town Council or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine in an amount set by Council from time to time or by imprisonment for a period not exceeding 12 months, or by both such fine and imprisonment.

(b) The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

(2) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.
(1961 Code, § 7-5)

(C) (1) Any person failing to totally extinguish a fire shall upon conviction be guilty of a Class 3 misdemeanor.

(2) Whenever it shall be established that a fire originated from such fire, the person building or using such fire shall, in addition to the penalty, be liable for the full amount of all costs incurred in suppressing the fire.

(Ord. passed - -)

CHAPTER 93: BOATS AND BOATING

Section

- 93.01 Definitions
- 93.02 Operating boat or manipulating water skis and the like in reckless manner or while intoxicated or the like
- 93.03 Muffling devices
- 93.04 Water skis, surfboards and the like; generally

- 93.99 Penalty

Cross-reference:

Injuring vehicles, boats and the like, see § 130.056

Statutory reference:

Boats and boating generally, see VA Code §§ 29.1-700 through 29.1-750

§ 93.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

MOTORBOAT. Any vessel propelled by machinery of ten or more horsepower; whether or not such machinery is the principal source of propulsion, but shall not include a vessel which has a valid marine document issued by the Bureau of Customs of the United States government or any federal agency successor thereto.

OPERATE. To navigate or otherwise use a motorboat or a vessel.

OWNER.

(1) A person, other than a lien holder, having the property in or title to a motorboat.

(2) The term includes a person entitled to the use or possession of a motorboat subject to an interest in another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security.

VESSEL. Every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

WATERS OF THE TOWN. Any public waters within the territorial limits of the town.
(1961 Code, § 4-1)

§ 93.02 OPERATING BOAT OR MANIPULATING WATER SKIS AND THE LIKE IN RECKLESS MANNER OR WHILE INTOXICATED OR THE LIKE.

(A) No person shall operate any motorboat or vessel, or manipulate any skis, surfboard or similar device in a reckless or negligent manner so as to endanger the life, limb or property of any person.

(B) No person shall operate any motorboat or vessel, or manipulate any water skis, surfboard or similar device while intoxicated or under the influence of any narcotic drug, barbiturate or marijuana.
(1961 Code, § 4-2) Penalty, see § 93.99

Cross-reference:

Operation of motor vehicles and the like while under the influence of intoxicants, see §§ 73.055 through 73.060

Reckless driving of motor vehicles generally, see §§ 73.040 through 73.044

§ 93.03 MUFFLING DEVICES.

(A) The exhaust of every internal combustion engine used on any motorboat shall be effectively muffled by equipment so constructed and used as to muffle the noise of the exhaust in a reasonable manner.

(B) The use of cutouts is prohibited, except for motorboats competing in a regatta or boat race approved as provided in VA Code § 29.1-742, and for such motorboats while on trial runs, during a period not to exceed 48 hours immediately preceding such regatta or race and for such motorboats while competing in official trials, for speed records during a period not to exceed 48 hours immediately following such regatta or race.

(1961 Code, § 4-3) Penalty, see § 93.99

Charter reference:

Power of the town to regulate noise generally, see Char. Art. IX, § 1(1)

Cross-reference:

Noise in the operation of motor vehicles, see § 70.17

§ 93.04 WATER SKIS, SURFBOARDS AND THE LIKE; GENERALLY.

(A) No person shall operate a vessel on any waters of the town for towing a person on water skis, or a surfboard or similar device unless there is in such vessel a person, in addition to the operator, in

a position to observe the progress of the person being towed or unless the skiers wear life preservers or unless the boat is equipped with, a rear view mirror.

(B) No person shall operate a vessel on any waters of the town towing a person on water skis, a surfboard or similar device, nor shall any person engage in water skiing, surfboarding or similar activity at any time between the hours from one hour after sunset to one hour before sunrise.

(C) The provisions of divisions (A) and (B) above do not apply to a performer engaged in a professional exhibition or a person engaged in an activity authorized under VA Code § 29.1-742.

(D) No person shall operate or manipulate any vessel, tow rope or other device by which the direction or location of water skis, a surfboard or similar device may be affected or controlled in such a way as to cause the water skis, surfboard or similar device, or any person thereon to collide with any object or person.

(1961 Code, § 4-4) Penalty, see § 93.99

§ 93.99 PENALTY.

(A) Any person who violates any provision of this chapter shall be guilty of a misdemeanor and shall be punished by a fine in an amount set by Council from time to time for each such violation.

(1961 Code, § 4-5)

(B) Every violation of the provisions of § 93.02 shall be a misdemeanor.

(1961 Code, § 4-2)

