

Town of Onley Ordinance Number 002-20

An Ordinance to Regulate and Control Dogs Running At Large, requiring dogs to be kept on leash, and removal of dog excrement.

WHEREAS, pursuant to the provisions of Section 3.2-6538 of the Code of Virginia, the Onley Town Council may adopt ordinances necessary to prohibit dogs from running at large within its boundaries, and pursuant to the provisions of Section 3.2-6539 of the Code of Virginia, the Onley Town Council may adopt ordinances requiring dogs to be kept on leash, and require removal of excrement, and may provide penalties for the violation of such an ordinance. The adoption of this ordinance shall repeal the Onley Dog Ordinance 2004-01.

SECTION 1: Definitions.

- A. "Dog" means every dog, regardless of sex or age.
- B. "Owner" means 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.
- C. "Running at large" and "run at large" shall be deemed to mean a dog roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control.

SECTION 2: Dog shall not run at large.

It shall be unlawful for any person who owns or has control of any dog to permit such animal to run at large at any time within the incorporated limits of the Town of Onley.

SECTION 3:

Any owner who permits his or her dog to run at large or remain unconfined, unrestricted, or not fenced/penned up, shall be deemed to violate this ordinance.

SECTION 4: Leash required; exceptions.

Unless a dog is on its owner's property, all dogs must be kept on a leash. The provisions of this section shall not apply to a service dog or to dogs used by police officers for law enforcement or tracking purposes.

SECTION 5: Removal of dog excrement required; exceptions.

It shall be unlawful for any person owning, keeping or having custody or control of a dog to fail to remove immediately the dog's excrement from any public or private property other than property owned or occupied by the person owning, keeping or having custody or control of said dog. Any person who shall violate this section shall be guilty of a Class 4 misdemeanor. The provisions of this section shall not apply to a service dog or to dogs used by police officers for law enforcement or tracking purposes.

SECTION 6: Using tracking dogs to retrieve bear, deer, or turkey.

Pursuant to the provisions of Section 29.1-516.1 of the Code of Virginia, tracking dogs maintained and controlled on a lead may be used to find a wounded or dead bear, turkey, or deer statewide during any archery, muzzleloader, or firearm bear, turkey, or deer hunting season, or within 24 hours of the end of such season, provided that those who are involved in the retrieval effort have permission to hunt on or to access the land being searched. A licensed hunter who is engaged in such tracking may have in his possession a weapon permitted under this title and may use such weapon to humanely kill the wounded bear, deer, or turkey being tracked, including after legal shooting hours. Such weapon shall not be used to hunt, wound, or kill any animal other than the animal that the hunter is tracking, except in self-defense.

SECTION 7: Penalty.

Any person violating the provisions of this ordinance shall be guilty of a misdemeanor and conviction thereof shall constitute a Class 4 misdemeanor.

In the event any dog is confiscated pursuant to this ordinance, the rightful owner of the dog shall be charged with the actual expense incurred in keeping the dog impounded. Before the dog is released, the owner shall execute an affidavit of ownership, present the proper dog license, and pay all the expenses incurred in keeping the dog confined.

SECTION 8: Enforcement.

It shall be the duty of the Dog Warden, Animal Control Officer, or such other officers as may be designated by the Onley Town Council or Police to enforce the provisions of this Ordinance.

This ordinance is adopted by recorded vote at the meeting of the Town Council of the Town of Onley July 9, 2020; and

Upon motion made by Councilman Billye D. Custis as seconded by Councilman Rose M. Pierson, and the recorded vote as follows:

Council

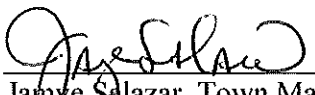
Woody Zember:	Vote: <u>yes</u>
Susan Rillo:	Vote: <u>yes</u>
Claudia Harmon:	Vote: <u>yes</u>
Rose Pierson:	Vote: <u>yes</u>
Billye D. Custis	Vote: <u>yes</u>
Ned Finney	Vote: <u>yes</u>

TOWN OF ONLEY, VA

By: 

Matthew Hart, Mayor

Attest:


Jame Salazar, Town Manager