

Prince William County, Virginia, USA

ARTICLE II. VICIOUS AND DANGEROUS DOGS

Sec. 4-12. Definitions.

For the purposes of this article and unless otherwise required by the context, the following words and terms shall have the meanings respectively ascribed to them by this section:

Dangerous dog. Any canine or canine crossbreed which:

- (1) Has, without provocation, attacked, bitten or inflicted injury upon a person or companion animal; or
- (2) Has killed a companion animal.

However, when a dog attacks or bites another dog, the attacking or biting dog shall not be deemed dangerous (i) 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 (ii) both dogs are owned by the same person. 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.

No animal shall be found to be a dangerous 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 other 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 animal which, at the time of the acts complained of was responding to pain or injury, or was protesting itself, its kennel, its offspring, or its owner's property shall be found to be a dangerous dog.

No police dog which is 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.

Own; owner. The words "own" and "owner" shall include any person having a right of property in a dog, any person who keeps or harbors a dog, any person who has a dog in his care, or any person who acts as its custodian.

Serious bodily injury. Serious bodily injury includes multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function.

Vicious dog. Any dog which, on or after the effective date of this ordinance:

(1) Has killed a person; or

(2) Has inflicted serious injury to a person; or

(3) Has continued to exhibit the behavior which resulted in a previous finding by a court or an animal control officer as authorized by a local ordinance pursuant to the provisions of §3.1-796.93:1(E) of the Code of Virginia that it is a dangerous dog, provided that its owner has been given notice of that finding.

No animal shall be found to be a 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 other 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 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 property shall be found to be a vicious dog.

No police dog which is 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. (No. 92-56, 6-2-92 ; No. 95-26, 3-14-95 ; No. 03-47, 6-24-03, effective 7-1-03)

State law reference--Similar provisions, Code of Virginia, § 3.1-796.93:1.

Sec. 4-13. Dangerous dogs.

It shall be unlawful for any person to keep within the county any dangerous dog, except in compliance with the list of restrictions issued by the animal warden under the provisions of section 4-18. Each day during which a person keeps a dangerous dog in the county either without a dangerous dog certificate issued by the animal warden under section 4-18 or in violation of one or more of the conditions imposed by such list of restrictions shall constitute a separate offense. A violation of this section shall constitute a Class 1 misdemeanor and shall be punished accordingly. Further, the general district court, upon finding that this section has been violated, may order the animal warden to impound and destroy a dangerous dog which has been kept in violation of this section. (No. 92-56, 6-2-92; No. 95-26, 3-14-95; No. 97-60, 6-24-97, effective 7-1-97)
State law reference--Similar provisions, Code of Virginia, § 3.1-796.93:1.

Sec. 4-14. Vicious dogs.

(a) It shall be unlawful for any person to own a vicious dog.

(b) If the general district court finds that an animal is a vicious dog as defined in this article, the court shall order the animal euthanized in accordance with the provisions of § 3.1-796.119 of the Code of Virginia. (No. 92-56, 6-2-92; No. 95-26, 3-14-95)

Sec. 4-15. Custody of dangerous and vicious dogs pending trial.

(a) When a person has been charged with possession of a vicious dog after the animal warden has investigated and made his determination under section 4-17, or possession of a dangerous dog in violation of a list of restrictions, or violation of any provision of Article V of this chapter relating to rabies quarantine, the animal warden shall take possession of the animal and confine it until such time as evidence shall be heard or a verdict rendered. If the animal warden determines that the owner or 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. Upon taking possession of the animal, the animal warden shall be under a duty to feed, care for and safeguard the animal properly until the date of trial and also until any possible appeals are complete. The animal shall not be released to the owner until the owner pays the reasonable cost of the care and keeping of the dog in accordance with the provisions of section 4-24, and any court order for release of a dog shall so provide.

(b) Failure of the owner to comply with any order of the general district court to produce a dog or pay the animal warden the costs of the dog's maintenance at the animal shelter shall be punishable as civil contempt, and it shall be unlawful for any person to assist such owner in concealing the whereabouts of the dog from the court.

(c) If the dog is ultimately held by the court not to be vicious or dangerous, or if the owner is held by the court to have complied with the list of restrictions issued by the animal warden for a dangerous dog, the animal warden shall forthwith return the dog to the owner without charge.

(d) 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. (No. 92-56, 6-2-92; No. 95-26, 3-14-95; No. 97-60, 6-24-97, effective 7-1-97; No. 00-42, 6-27-00, effective 7-1-00)

State law reference--Similar provisions, Code of Virginia, §3.1-796.93:1; requirements for euthanizing animals, Code of Virginia, §3.1-796.119.

Sec. 4-16. Immediate destruction of a vicious dog.

When a dog has killed or seriously injured a person, the animal warden shall cause the dog to be immediately seized and impounded or immediately destroyed if the seizure and impoundment are not possible without risk of serious physical harm or death to any person. If the vicious dog is impounded or destroyed, the animal warden and the director of the Prince William Health District shall provide for rabies quarantine and/or testing of the dog in conformance with all applicable provisions of this code and the Code of Virginia. (No. 92-56, 6-2-92; No. 95-26, 3-14-95)

State law reference--Authority to protect the public health, safety, and welfare and to control the running at large of vicious dogs, Code of Virginia, § 15.1-510.

Sec. 4-17. Complaints of dangerous or vicious dogs; processing of complaints.

(a) Any person may make a verbal or written complaint to the animal warden of a dog or canine crossbreed which the complainant believes to be currently dangerous or vicious. The complaint shall include sufficient information to enable the animal warden to ascertain the location and owner of the dog or canine crossbreed and shall also

include the reasons why the complainant believes the animal to be dangerous or vicious. If the complaint includes descriptions of past incidents or examples of behavior which occurred before the effective date of this ordinance [No. 95-26], the complaint must contain sufficient descriptions of incidents or examples of behavior which occurred after the effective date of this ordinance [No. 95-26] to support the allegation that the animal is dangerous or vicious. In the case of a verbal complaint, the complaint shall be put in writing by the animal warden. Notice that a complaint has been made and the substance of the complaint shall be mailed by the animal warden by certified mail, return receipt requested, to the owner of the animal at the owner's last address.

(b) Within ten (10) days of the making of the complaint, the animal warden shall undertake an investigation to determine whether the animal identified in the complaint is dangerous or vicious. Such investigation shall include an opportunity for the owner of the animal to present evidence to the animal warden pertinent to the dangerousness or viciousness of the animal, and may include interviews of the complainant and other persons having personal knowledge regarding the animal, and observations of the animal in its normal habitat.

(c) Upon completion of the investigation, the animal warden shall determine whether the animal identified in the complaint is currently dangerous or vicious.

(1) If the animal warden determines that the animal is neither dangerous nor vicious, he shall inform the complainant and the owner of the determination, and no further action shall be taken on the complaint.

(2) If the animal warden determines that the animal is dangerous, he shall issue a list of restrictions containing such conditions, as authorized by section 4-18 of this chapter and §3.1-796.93:1 of the Code of Virginia as he feels necessary and appropriate to ensure that the continued keeping of the dog in the county will not pose a substantial danger to the safety of humans or other animals.

(3) If the animal warden determines that the animal is vicious, he shall put the determination in writing, as well as the reasons supporting it. The animal warden shall then take custody of the dog, forward the written determination to the complainant and the owner and, in addition, shall notify the owner that the dog must be destroyed. This

notice shall set forth a description of the animal in question and the basis for the determination that it is vicious. If the owner fails to arrange to have the dog destroyed within such period, the warden shall commence an action in the general district court pursuant to section 4-14 to seek an order requiring that the dog be destroyed. (No. 92-56, 6-2-92; No. 95-26, 3-14-95; No. 97-60, 6-24-97, effective 7-1-97)

Sec. 4-18. List of restrictions for a dangerous dog.

(a) Immediately upon determining that a dog is dangerous, the animal warden shall issue to the owner of such dog, who must be a person eighteen (18) years of age or older, a list of restrictions. This list of restrictions shall authorize the continued keeping of the dog within the county only so long as the owner complied with the requirements set forth in the list of restrictions. Such requirements shall include those that the animal warden determines necessary to ensure that no person or animal is injured by the dog. A list of restrictions may include but is not limited to the following:

(1) That the dog wear a special and conspicuous form of identification collar to be issued by the animal warden;

(2) That the owner have the dog tattooed with an identification number to be provided by the animal warden;

(3) That the owner immediately notify the animal warden in the event the dog is loose and unconfined, has attacked or injured a human being or another animal, has been sold or given to another person, or has died;

(4) That the owner immediately make all reasonable efforts to recapture a dangerous dog which has escaped from his property;

(5) That the owner display one or more signs on his property which provide a clear warning to children and adults that a dangerous dog is present on the property;

(6) That, while off the owner's property, the dog be muzzled and restrained in a particular manner and be kept on a leash;

(7) That the owner present satisfactory evidence to the animal warden that the owner has liability insurance, to the value of at least one hundred thousand dollars (\$100,000), that covers animal bites;

(8) That the owner attend one or more educational or training classes on the responsible keeping and handling of dangerous dogs; and

(9) That, upon the request of the animal warden, the owner make the dog available for inspection at such times and under such conditions as the list of restrictions shall prescribe.

(b)(1) Within ten (10) days of receipt of a list of restrictions issued under subsection (a) of this section, the owner of the dog may request in writing to the chief of police that he review the animal warden's determination that the dog is dangerous and/or some or all of the requirements set forth in the list of restrictions. Upon receipt of such a request, the chief of police shall offer the owner an opportunity to present evidence at an information hearing pertinent to the dangerousness of the dog and to the requirements of the list of restrictions identified in the request for review. Written notice of the date, time, and place of such hearing, as well as of the person designated by the chief of police to serve as the hearing officer, shall be sent to the owner and the complainant at least seven (7) days prior to the hearing. At the hearing, in addition to receiving evidence from the animal warden, a veterinarian, a licensed animal training, a humane society agent, or any person having personal knowledge of the dog's condition.

(2) Within ten (10) days of the hearing, the hearing officer shall notify the owner and the complainant in writing of his decision whether to confirm the determination that the dog is dangerous and the requirements set out in the list of restrictions. If the hearing officer determines the dog not to be dangerous, the list of restrictions issued under subsection (1) shall be canceled and no further action shall be taken on the complaint. If the officer confirms that the dog is dangerous but decides that certain requirements set out in the list of restrictions issued under subsection (1) are not necessary for the protection of the public and other animals, he shall delete or modify those requirements, but otherwise confirm the list of restrictions, as modified, and the owner's obligation to comply with it. If the officer confirms the list of restrictions and the requirements set out in it, he shall also confirm the owner's obligation to comply with it. If the owner disagrees with the decision of the hearing officer, he or she may appeal it to the general district court for a trial on the merits, or may challenge the hearing officer's decision in his or her defense in any criminal proceeding brought against the owner for keeping a dangerous dog.

(c) In the event that an owner of a dangerous dog fails to comply with any of the requirements imposed by a list of restrictions issued under this section, the animal warden shall notify the owner of his failure, and the owner shall have twenty-four (24) hours following receipt of the notice to come into compliance with the list of restrictions. If the owner fails to do so, the animal warden is authorized to take custody of the dog to seek a court requiring that the dog be destroyed by the animal warden.

(d) An owner of a dog which has been found to be dangerous in accordance with this section, and who believes that the dog is no longer dangerous or that certain requirements set out in the list of restrictions are no longer necessary for the protection of the public and other animals may request the animal warden to rescind the determination that the dog is a dangerous dog or to delete or modify those requirements of the list of restrictions; provided that no such request may be made within the first twelve (12) months following the initial determination that the dog is dangerous. Such a request must be accompanied by the fee required in subsection (e). In reviewing such a request, the animal warden may require the owner to produce the dog for the animal warden's inspection, to allow the animal warden to observe the dog in its normal habitat and to submit information pertinent to the dangerousness of the dog. In the event that the animal warden determines that the dog is no longer dangerous, the list of restrictions issued under this section shall be canceled. In the event that the animal warden determines that the dog is still dangerous but that certain requirements are no longer necessary, he may delete those conditions from the list of restrictions or modify them.

(e) The owner of any dog subject to a list of restrictions issued under this section shall pay to the animal warden, within ten (10) days of the issuance of the list of restrictions, if applicable, a hearing officer's confirmation or modification of the list of restrictions under subsection (b)(2), a fee of one hundred dollars (\$100.00). Any owner requesting the rescission or modification of a list of restrictions under subsection (d) shall pay a fee of ten dollars (\$10.00) at the time he makes the request.

(f) All certificates or renewals thereof, or lists of restrictions required to be obtained under this section shall only be issued to persons eighteen (18) years of age or older who present satisfactory evidence (i) of the animal's current rabies vaccination, if applicable, (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, and (iii) that the animal has been spayed or neutered. 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 (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.

(g) While on the property of its owner, an animal determined to be a dangerous dog shall be confined indoors or in a securely 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 animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.

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

(i) After an animal has been determined to be a dangerous dog, the animal's owner shall immediately, upon learning of same, 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.

(j) All fees collected pursuant to this article, less the costs incurred by the animal warden in producing and distributing the certificates and tags required by this article and in caring for animals pending the hearing described in this article, shall be paid into a special dedicated fund for the purpose of paying the expenses of any training course required under § 3.1-796.105 of the Code of Virginia. (No. 92-56, 6-2-92 ; No. 95-26, 3-14-95 ; No. 97-60, 6-24-97, effective 7-1-97; No. 03-47, 6-24-03, effective 7-1-03)

Secs. 4-19--4-20. Reserved.