

CHAPTER 4  
ANIMALS AND FOWL  
ARTICLE I. IN GENERAL

Section 4-1. Keeping livestock, hogs, and fowl in the town.

It shall be unlawful for any person to keep livestock, fowl, or hogs stabled, penned, housed, or otherwise confined within the limits of the town in such a manner as to be offensive to the general public, or a menace to the public health, or prejudicial to the general welfare of the town; but no prosecution shall be instituted under this section until after the expiration of three days notice from the mayor, when approved by the council, to the owner, custodian, or keeper of such livestock, fowl or hogs to remedy the manner in which same constitutes a nuisance.

Section 4-2. Livestock running at large.

- (a) It shall be unlawful and a Class 3 misdemeanor for any person to permit any cattle or livestock of any kind owned by him or under his control to run at large in the town. Any cattle or livestock not tethered or attended, found on streets or unenclosed property, shall be considered at large.
- (b) Any cattle or other livestock found running at large in the town shall be impounded by such officer or employee of the town as may be designated by the town council for such purpose. The owner of any such animal so impounded shall be required to pay the actual cost of impoundment, shelter, subsistence and care of such animal, but not less than ten dollars (\$10.00) per day per head, for each twenty-four (24) hours or fraction thereof that such animal is kept in the pound.

Section 4-3. Dangerous or vicious animals, reptiles, birds or fowl.

No person shall permit any dangerous or vicious animal, reptile, bird or fowl owned or kept by him to go at large. Such an animal, reptile, bird or fowl found at large shall be killed by order of the town council if after twenty-four (24) hours notice to the owner or keeper, it is not removed beyond the limits of the town or confined to the premises, as the town council may direct. Any person who violates this section shall be guilty of a Class 3 misdemeanor.

Section 4-4. Cruelty to animals.

- (a) Any person who overrides, overdrives, overloads, tortures, ill-treats, abandons, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation to, or cruelty or unnecessarily beats, maims, mutilates or kills any animal whether belonging to himself or another, or deprives any animal of necessary sustenance, food, drink or shelter; or causes any of the above things or being the owner of such animal, permits such acts to be done by another; or who willfully sets on foot, instigates, engages in or in any way furthers any act of cruelty to any animal; or who shall carry or cause to be carried, in or upon any vehicle or vessel or otherwise, any animal in a cruel, brutal or inhumane manner, so as to produce torture or unnecessary suffering; shall be deemed guilty of a Class 1 misdemeanor.
- (b) Nothing in this section shall be construed to prohibit the dehorning of cattle.

Section 4-5. Disposition of dead animals and fowl.

- (a) The owner of any animal or grown fowl which has died, when he knows of such death, shall forthwith have its body cremated or buried. If he fails to do so, then, pursuant to section 18.2-510 of the Code of Virginia, any judge or a general district court, after notice to the owner, if he can be ascertained, shall cause any such dead animal or fowl to be cremated or buried by an officer, or other person shall be entitled to recover of the owner of every such animal so cremated or buried a

fee of five dollars (\$5.00), and of the owner of every such fowl so cremated or buried, a fee of one dollar (\$1.00), to be recovered in the same manner as officers fees are recovered, free from all exemptions in favor of such owner.

- (b) Any person violating the provisions of this section shall be guilty of a Class 4 misdemeanor, subject to a fine not exceeding twenty dollars (\$20.00) for each offense.
- (c) Nothing in this section shall be deemed to require the burial or cremation of the whole or portions of any animal or fowl which is to be used for food or in any commercial manner.

Section 4-6. Hunting, molesting, etc., birds.

It shall be a Class 3 misdemeanor for any person in the town to trap, hunt, wound, shoot or molest in any manner, or to attempt to trap hunt, wound, shoot or molest in any manner, any bird or wild fowl; provided, that if starlings, sparrows, pigeons or similar birds become a nuisance or menace to health or property, a property owner may destroy or order such birds to be destroyed, if no other satisfactory alternative is found to abate such nuisance.

ARTICLE II  
ORDINANCE PROHIBITING DOGS FROM RUNNING AT LARGE  
IN THE TOWN OF FLOYD

This ordinance is enacted according to pursuant to Title 29, Chapter 9.2. “Virginia Dog Laws of 1977” of the Code of Virginia (1950), as amended, for the purpose of regulation of dogs in the interest of public health, safety, and welfare of the citizens an inhabitants of the Town of Floyd, Virginia, and replaces and supersedes prior ordinances enacted regulating dogs.

Section 4-7. Definitions.

When used in the ordinance the following words shall mean:

- (a) “Livestock” includes cattle, horses, sheep, goats, swine and enclosed domestic rabbits or hares.
- (b) “Poultry” includes all domestic fowl, and game birds raised in captivity.
- (c) “Own” and “owner” include any person having a right of property in a dog, and any person who keeps or harbors a dog or has it in his care, or who acts as its custodian, and any person who permits a dog to remain on or about any premises occupied by him.
- (d) “Other Officer” includes all other persons employed or elected by the people of Virginia, or by any municipality or county or incorporated town thereof, whose duty it is to preserve the peace, to make arrests or to enforce the law.
- (e) “Vicious or Destructive Dog” is a dog which has evidenced a disposition to attack other animals or human beings.
- (f) “Kennel” is a pack of dogs which is ordinarily confined in a shelter and not allowed to roam or run except when such dog or dogs is/are engaged in lawful hunting, competition in a dog show, or is/are under the immediate control of an owner or custodian.

Section 4-8. Enforcement.

The enforcement of the dog laws and local ordinances enacted pursuant to Title 29, Chapter 9.2, Code of Virginia (1950), as amended, shall be vested in a dog warden appointed under the provisions of section

29-213.8 of said Code, and in any other officer to the same extent that he enforces other laws in the Commonwealth.

Section 4-9. Vicious Dogs.

It shall be unlawful for any person to permit a vicious or destructive dog to run or roam at large in the Town of Floyd, Virginia. For the purpose of this section a dog shall be deemed to run at large while off the property of its owner or custodian and not under its owners s or custodians s immediate control.

Section 4-10. Punishment.

Any person violating section 4-9 of this ordinance, upon conviction thereof, shall be punished by confinement in jail for not more than six (6) months or by a fine of not more than five hundred (\$500.00) dollars, or both.

Section 4-11. Restraint of Dogs.

The owners of all dogs in the Town of Floyd are required to keep the same confined on their premises unless leashed under restraint of the owner in such manner that neither persons or animals will be subject to the danger of being bitten until such dogs have been inoculated or vaccinated against rabies by a currently licensed veterinarian.

Section 4-12. Punishment for failure to restrain dogs.

Any person violating section 4-1.1 of this ordinance, upon conviction thereof, shall be punished by a fine of not less than twenty-five (\$25.00) dollars nor more than five hundred (\$500.00) dollars for each violation.

Section 4-13. Presenting False Claims; punishment

It shall be unlawful for any person to present a false claim or to receive money on a false claim under the provisions of Virginia Code Section 29.213.25 of 1950, as amended and, upon conviction of such violation, shall be punished as a Class I misdemeanor.

Section 4-14. Designation of animal warden to enforce section.

The Town of Floyd, Virginia does hereby permit any animal warden or any other officer as defined in Section 4-7(d) of this ordinance to enforce the provisions of this town ordinance.

Section 4-15. Date of Effect.

This ordinance shall be in force from adoption by the town council of the Town of Floyd, Virginia.

Section 4-16. Divisibility.

If any section, subsection, sentence, clause, phrase or portion of this ordinance shall for any reason be held invalid or unconstitutional, such portion shall be deemed a separate, distinct and individual provision and such holding shall not affect the validity of the remaining portions thereof.