
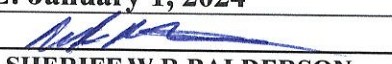


## King & Queen County Sheriff's Office

<b>KING AND QUEEN COUNTY SHERIFF'S OFFICE</b>			<b>POLICY AND PROCEDURE</b>
<b>SUBJECT: Animal Control Officer</b>		<b>NUMBER: 245</b>	
<b>EFFECTIVE DATE: March 1, 2023</b>		<b>REVIEW DATE: January 1, 2024</b>	
<b>AMENDS/SUPERSEDES: 2-50-Animal Control Policy-January 2012</b>		<b>APPROVED:</b>  <b>SHERIFF W R BALDERSON</b>	
<b>VLEPSC STANDARDS: OPR.01.08a-c</b>			

### I. PURPOSE

To establish procedures which will ensure that the residents of the County are aware of existing laws and regulations and that they are being enforced to help control violations that occur by on sight inspection of residential, agricultural, and/or business areas. In maintaining regular unscheduled patrols deputies assigned to animal control can keep abreast of situations occurring and possibly avert problems prior to them happening.

### II. Patrolling Procedures

Patrolling is the act of visually observing areas. Patrol is directed toward the prevention of violations of the animal laws, maintenance of community awareness of animal laws, and discovering areas that have or have the obvious potential to be affected by animal control problems (stray dogs, unlicensed dogs, dangerous/vicious dogs and on occasion wild dog packs). If an ACO needs permission to do something, on or off duty, they will make every attempt to contact the shift supervisor.

### III. Impounding of Animals

To establish procedures to maintain an animal population in the county that is properly cared for by means of medical care, food, shelter, water. Also, to maintain an animal population that is not a nuisance, properly licensed (for dogs) and in not an immediate threat to public safety in the county.

- A. A companion animal will be taken into the Regional Animal Shelter if the following does not apply:
  - 1. No animal shall be picked up from its owner if the owner is taking proper care of the animal as defined by VA State Code 3.2-6503.
  - 2. Of if owner can be located in a reasonable of time if it is a stray or not on its own property.
- B. Animals may be picked up if:

1. For a dog, does not have a valid, current King & Queen dog license displayed on the dog that is off the owner's property as pursuant to King & Queen Code 6-67.
2. For an obvious stray animal: for dogs or cats, that are not wearing a collar, or other identification marker and has no known owner, for all other animals, as no known owner.
3. If caught in a trap set for the purpose of catching animals and the owner is not known.
4. An animal's health is in question.
5. Is an animal that has been abandoned pursuant to VA State code 3.2-6504.
6. The animal control officer feels the animal needs assistance that fall within State and County Law requirements.
7. Stray animals or animals where the owner is not immediately available that are an immediate physical threat to public safety.
8. Stray animals or animals where the owner is not immediately available that are creating traffic hazard within any roadway or highway in the county.
9. Stray animals or animals where the owner is not immediately available that are causing a public disturbance or nuisance.

Upon an animal being impounded, that animal shall be taken to the Regional Animal Shelter and all procedures concerning its care shall be followed.

If an animal that has an identification tag is impounded, all possible care shall be taken to determine the animal's owner and to return the animal to its owner. If the owner is known, the owner shall be contacted as soon as feasibly possible. The owner shall be responsible for all fees incurred for impound, board and care of their animal.

#### IV. Quarantined Animals

To establish procedures to maintain an animal in an environment where it is away from human contact due to it having bitten/scratch a person or it is suspected of being ill in accordance with Virginia Department of Health requirements. King & Queen County Sheriff's Office does not quarantine animals owned by anyone unless specifically directed to do so by the Health Department, at the advice of the ACO, or the Sheriff or his designee when one believes the owner is not capable of doing so. The Regional Animal Shelter is not a boarding facility for any animal that is legally owned (whether a county resident or not).

#### V. Animal Laws

State and County government have a set of laws to guide the Animal Control Officer in his/her duties. It shall be the responsibility of the individual officer to have knowledge of these laws and to be familiar with their content. As Animal Control is a working arm of the judicial systems there may be questions in reference to the content of and meaning of certain

sections. In these cases, it is the responsibility of the officer to seek clarification of those laws by way of the Commonwealth Attorney or his/her designee.

VI. Court Procedures

State and local law shall dictate which offense is being committed and what the penalties shall be. Our court system shall also dictate when and where court will handle the case brought before it.

VII. Vehicle Operations/Maintenance

To establish procedures to maintain properly running and fully equipped vehicles to be used by Animal Control Officers. (OPR.01.08a)

A. Maintenance Procedures

1. All vehicles will be maintained with current
  - a. Virginia State Tags
  - b. Virginia State Inspection
  - c. County required preventative maintenance
2. The Virginia tags on each vehicle are not renewed during the life of the vehicle.
3. Virginia requires inspection of vehicles one time a year. It is the officer's responsibility, to which the vehicle is assigned to maintain current inspection status.
4. Preventative Maintenance is performed every 5,000 miles on ALL county owned vehicles. This is the responsibility of the person assigned to the vehicle.
5. Personnel must be certified in Basic Law Enforcement training, Basic Animal Control Officer training, Chemical Immobilization training and State Veterinarian approved Humane Euthanasia training. (OPR.01.08b)

All the above services can be handled by the ACO and can be scheduled after approval from the shift supervisor. It is the responsibility of the person assigned to a vehicle to advise the shift supervisor of repair requirements.

6. The animal holding area of the vehicle shall be cleaned after each animal is released off the vehicle. Cleaning shall include a bleach or sanitizing solution be placed on the surface of all areas in the holding area for at least 5-10 minutes and then rinsed with water. Scrub all areas and remove debris prior to sanitation as needed.
7. Traffic Accidents: All traffic accidents will be reported by the officer driving the vehicle. The accident must be reported to the jurisdiction in which it occurs and to the shift supervisor.

VIII. Standard Operating Procedure Manual for the King & Queen County Animal Protection Unit

## POLICY & PROCEDURE #245

To set guidelines for the smoother operation of the unit. The procedures within this unit are mandated not only by the Sheriff but by the state law. The procedures will be followed and adhered to unless specifically noted that such procedure is discretionary. No procedure shall be altered in any way without the written consent of the Sheriff or his designee.

The policies and procedures in this manual are for the use of Animal Control Officers and in no way is it to be used for the purpose of countermanding and/or overriding the Policy & Procedure Manual issued to each member of the Sheriff's Office. This set of guidelines will give specifics, on certain policies that will be followed, and examples of the way other duties may be handled.

### 1) Definitions

- a. Policy – generally provides flexible guidelines while giving the employee the generally accepted departmental way of acting and a framework within which to make decisions. Defines the duties and responsibilities of individuals or what they must do.
- b. Procedures – are the normally accepted step-by-step way of doing a particular task.
- c. Intent of Words – words such as “will”, “must” and “shall” in any policy and procedures are intended to be directive and to mandate a particular action. Words such as “may”, “can”, “should” and “normally” are less directive and imply a degree of choice.

### 2) General

- a. Knowledge of Contents  
It shall be the responsibility of each member to have knowledge of all policies and procedures contained in this manual. It is the responsibility of each member to seek clarification of any policy and procedure in question.
- b. Application of manual and use of discretion  
Every member must understand that these policies, and procedures are not intended to cover every case, which may arise in the discharging of Animal Control deputies. Much must be left to the intelligence, discretion and training of the individual. His/her value to the department will be gauged according to the degree in which he/she exhibits these qualities and their zeal, activity and judgement on all occasions.
- c. Updating the Manual  
Members of the department will be responsible for maintaining their manual in an up-to-date manner by making any changes or additions as directed. Upon being issued manual updates, members will sign a dated form indicating that they have received the updated material. Members of the department are responsible for familiarizing themselves with all changes and additions to the manual.

As revisions or cancellations are made, every effort will be made to revise or cancel complete sections to facilitate updating.

d. Developing Reviewing and Issuing Policy

- 1) The Sheriff or his designee will prepare a first draft copy of any policy and procedure for the purpose of review.
- 2) Any policy having civil or criminal ramification will be submitted to the Commonwealth Attorney's Office for review.
- 3) A final draft will be submitted to the Sheriff for review and approval. All policies must be signed by the Sheriff or his designee, prior to being issued.
- 4) 24 hours after the effective date of any policy, all employees will be assumed to have knowledge of them and shall be bound by them. Those employees not on duty during the 24-hour period will be expected to have knowledge and bound by new policies upon commencement of their next tour of duty after issuance of the directive.

e. Annual Review of Procedure Manual

Each year a review of the manual shall be made. The entire policy shall be reviewed by the Sheriff and his staff to ensure the policies and procedures of up-to-date and necessary.

IX. Department Structure

Animal Control is a satellite division of the King & Queen County Sheriff's Office. Its personnel consist of an Animal Control Officer. The Animal Control Officer reports through the chain of command to the Sheriff.

X. Department Responsibilities

It will be the responsibility of the ACO to enforce both State and County Codes pertaining to and for the protection of dogs, cats and other animals as stated in Title 3.2, Section 3.2-6555 of the Virginia State Code.

Other responsibilities shall be but not limited to the following; have working knowledge of all State and County Codes pertaining to Animal Control, have a working knowledge of King & Queen County roads and its boundaries and have knowledge of Court Security and Civil Process.

Animal Control Officer (Full-time) – Qualifications and Training

1. Minimum Qualifications

- a. Must be at least 18 years of age.
- b. Must possess a valid Virginia Driver's License

- c. Must submit to a criminal records background check, no convictions of serious misdemeanors and felony convictions, no convictions or arrests involving animal care or welfare violations.
  - d. Must submit to a check of their driving record, with no major convictions.
  - e. Must be at a level of physical fitness that will allow them to perform the required task as an ACO and Deputy Sheriff.
  - f. Must be a high school graduate or equivalent.
2. Training (OPR.01.08b)
- a. Must successfully complete the prescribed course of training as determined by DCJS and the Commonwealth of Virginia, for this position within 12 months of employment.
  - b. Must attend and successfully complete the required in-service training as prescribed by DCJS, Commonwealth of Virginia and the State Veterinarian.
  - c. Attend and successfully complete Basic Law Enforcement training.
  - d. Attend and successfully complete Basic Animal Control Officer training.
  - e. Attend and successfully complete Chemical Immobilization training.
  - f. Attend and successfully complete a State Veterinarian approved Humane Euthanasia training.
3. Required Knowledge, Skills and Abilities
- a. Knowledge of laws and ordinances governing animal protection and control.
  - b. Knowledge of the care and characteristics of domestic animals.
  - c. Knowledge of hazards and safety practices involved in animal control and handling.
  - d. Skills in efficient operation of a motor vehicle.
  - e. Ability to think clearly and act quickly in emergency situations.
  - f. Ability to prepare reports and maintain records.
  - g. Ability to maintaining effective working relationships with other employees and the public.
4. Equipment (OPR.01.08c)
- a. Mobile/Portable radio
  - b. Firearms
  - c. Tranquilizer gun
  - d. Telephone
  - e. Computer/Copier/Scanner/Printer/Fax
  - f. Catch poles and nets of various lengths
  - g. Humane traps
  - h. Other Safety and/or animal capture equipment as assigned.

## **Basic Procedures for Animal Control**

### **Procedure for Logging/Handling Animal Control Calls Taken by Phone**

Purpose: To establish procedures for the handling of Animal Control calls taken by phone and the dissemination of these calls.

The following procedures shall be followed when taking and handling Animal Control calls:

1. All calls received for Animal Control are recorded to dispatch.
2. All calls that are received during regular working hours will be relayed the Animal Control Officer.
3. All callers that require telephone calls in return are to be informed that the Animal Control Officer will contact them as soon as they are available.
4. All calls requesting in-person contact are to be advised that contact will be made as soon as possible.
5. All calls after hours will be relayed to the on-duty deputy as needed, the Shift Supervisor or on call Supervisor will be notified first. Calls for non-emergency related issues will be held until the next working morning. Copies of these non-emergency calls shall be placed in the ACO box. Emergency calls constitute as a situation involving serious/critical health and safety related risks. It is at the discretion of the dispatcher taking the call as to what constitutes as an emergency.

When on duty, the Animal Control Officer will have mobile and portable radios. The On-Call ACO will be available by telephone during the on-call hours.

### **Procedure for Record Keeping**

- 1) Regional Animal Shelter Intake Forms/King & Queen Animal Intake Form:

All animals, dead or alive, placed on the animal control vehicle MUST be accounted for:

For all animals taken to the Regional Animal Shelter: A Regional Animal Shelter Animal Fact Form must be completed in its entirety. The original is given to the animal shelter and a copy is placed in the King & Queen Animal Intake Folder according to the proper month and year.

For animals not taken to the Regional Animal Shelter: A King & Queen Animal Custody Record must be completed in its entirety. This form is then placed in the King & Queen Animal Intake Folder according to the proper month and year. The animal is then returned to the owner.

- 2) Regional Animal Shelter Veterinary Services Form: A Regional Animal Shelter Veterinary Services Form must be submitted to the Veterinary Clinic anytime Veterinary Services are needed for an animal that will be or is from the Regional Animal Shelter. There are three Veterinary Clinics that participate in Veterinary Services for the Regional Animal Shelter: Tri-County Animal Hospital, King William Veterinary Clinic, and Aylett Animal Hospital. The top copy is to go to the shelter and the yellow copy remains with the Veterinary Clinic.
- 3) KQSO-188 Weekly Call Log: This record is kept on the computer as a Microsoft Excel Spreadsheet. This data's accuracy and daily updating is crucial in keeping and maintaining information required by the State Veterinarian and King & Queen County. The following data is recorded on a daily basis: All calls for service, follow-up calls, bite/scratch cases, summons issued, animals processed, animals turned over to the shelter, animals impounded, animals seized, owner surrendered, animals returned by ACO, animals euthanized, animals DOA, other, dogs picked up, cats picked up, wildlife picked up, other picked up.

All Calls for Service are recorded the day they come in, NOT the day the ACO responds to the call.

Follow-ups: Any phone contact, personal contact, property check, etc. that originated from an original call or service. Any dealings with an incident or request after the original call for service has been handled (i.e. Checking a trap after it was originally placed would count as a follow-up, each time the trap is checked that day it would be recorded each time as a follow-up).

Animals impounded would be any live animal picked up by the ACO that was not seized or involved in a seizure for a court case (i.e. impounding of a stray dog or cat running loose would be an impound NOT seizure).

- 4) KQSO-187 Trap Log: All traps that are placed in King & Queen County shall be recorded. This log is to ensure all traps are always accounted for. The trap number, address of traps location, location on property, when delivered, when picked up must be recorded and updated as needed.
- 5) KQSO-189 Follow-Up Log: May be completed by each Animal Control Officer as is designated to keep a record for the officer to keep track of warnings (verbal or written) issued so follow-ups can be conducted and, if needed, summons may be issued. These Follow-ups need to be recorded in the CAD calls.
- 6) 140A TRHD Animal Bite/Scratch Report: This form shall be filled out for all bites and scratched to a human caused by any mammal or marsupial. A copy of this form is to be placed in the "Animal Bites/Scratch Report" folder for the appropriate year and the original is to go to the Health Department. A narrative may be recorded and attached as the ACO deems necessary.
- 7) Lost/Found Animal Log: A list of all reported lost animals and found animals shall be recorded and kept on file in the CAD system. Found animals shall be any animal found



by a citizen that they wish to hold onto in lieu of turning over to King & Queen County or the Regional Animal Shelter. Periodic checks with the callers, at the ACO's convenience shall be made to keep the book accurate and up-to-date.

- 8) Warnings: All warnings given to citizens will be recorded and logged into the Records Management System (RMS).

**Procedure for Animal Bite/Scratched to People:**

The on-duty or on-call ACO will contact the victim and the animal's owner. If known, to obtain pertinent information. This information is to be recorded on the "Animal Bites" form available in each Animal Control vehicle. Detailed accounts of the incident by the victim and witness shall be obtained and recorded as necessary about the incident. The Health Department shall be notified first thing the next business day. The Health Department may be contacted in emergency situations via their on-call service, as deemed necessary by the ACO and an email shall be sent to the ACO Supervisor.

Quarantine: A standard procedure for all mammalian and/or marsupial bites/scratches to humans set forth by the Virginia Department of Health. Quarantine is 10 days unless otherwise advised by the Health Department. It is a period of observation in which the confined animal's health will be monitored to ensure that animal maintains good health and does not exhibit any signs or symptoms indicative of the rabies virus.

The confined animal is not permitted to run loose and must be confined in a way to ensure public safety, ensure adequate care for the confined animal, avoid exposure to humans not routinely around the animal and to avoid exposure of the confined animal to other animals.

Quarantine does not apply to any animal that has bitten/scratched another companion animal, only when the bite/scratch has been inflicted on a human. The bite/scratch must break the skin for a quarantine period to be pursued.

See "Rabies Quarantine Table" to see how to handle all Health Department Exposure Incidents in Appendix A

## **Appendix A**

### **10 Day Quarantine Procedures**

#### **Quarantine for Animal with a Know Owner**

- 1) Animal is to be confined at the owner's residence or at a facility of the owner's choosing at the owner's expense.
- 2) If the ACO feels that the owner is unable to properly quarantine the animal for the 10 days, or the animal is a threat to public safety, the ACO may seize the animal to be quarantined at the Regional Animal Shelter or a facility of the ACO's discretion at the owner's expense.
- 3) The Health Department shall be notified of the animal's location or any change in location.
- 4) The ACO may be asked to aid in the quarantine procedure by the Health Department. It will be at the availability of the ACO whether he/she can assist; however, every effort should be made by the ACO to assist as needed.
- 5) On the 11<sup>th</sup> day, if the quarantined animal is not showing signs of illness/rabies, they may be released from quarantine by the ACO or Health Department. Both the owner of the animal and the victim shall be notified by the Health Department.

#### **Quarantine for Animal with an Unknown Owner**

- 1) The animal is to be impounded by the ACO and taken to the Regional Animal Shelter or a facility of the ACO's discretion until an owner is found. At which time, the owner shall take possession of the animal and finish the quarantine period at their residence or at a facility of their choosing at their expense. The owner shall be responsible for any charges incurred for the quarantine period at the Regional Animal Shelter or facility prior to being claimed.
- 2) If no owner is found by the end of the quarantine period, then the animal's final disposition will follow the Virginia State regulation with adoption or disposal of the animal and are pursuant to § 3.2-6546.
- 3) The Health Department shall be notified of the animal's location or any change in location.
- 4) The ACO may be asked to aid in the quarantine procedure by the Health Department. It will be at the availability of the ACO whether he/she can assist; however, every effort should be made by their ACO is assist as needed.
- 5) On the 11<sup>th</sup> day, if the quarantined animal is not showing signs of illness/rabies, they may be released from quarantine by the ACO or Health Department.

See "Rabies Quarantine Table" to see how to handle all Health Department Exposure Incidents in Appendix

**Procedure for Companion/Agricultural Animals Exposure to Wildlife**

Any companion/agricultural mammal or marsupial exposed to a wild animal (i.e. skunk, racoon, fox, etc.) needs to be reported to the Health Department immediately. Exposure means that there was known contact or potential contact of saliva through a bite/scratch, open wound, or mucus membranes to the victim animal. For instance, finding wildlife in a dog pen, the ACO is to assume potential contact, try to obtain that wild animal for testing and notify the Health Department to see how they wish to proceed.

**Wild Animal Present for Testing**

If the wild animal is present, then it shall be captured and euthanized in preparation for Health Department testing. If euthanasia includes a firearm, care should be taken to avoid the head area as it will be needed for testing. All testing must be approved by the Health Department before submitting.

**Procedure for Wild Animal Testing**

- 1) Get approval by the Health Department for testing of the deceased wild animal and follow their requested procedures.
- 2) Call the participating Veterinarian before taking the deceased animal to make sure they can perform the preparation. There are currently two participating Veterinary Clinics: Tri-County and Aylett Veterinary Hospital.
- 3) The deceased wild animal shall be taken to a participating veterinarian to be prepared for testing (the animal will be decapitated to expose the brain tissue needed for testing). A "Wildlife Health Department Testing Form" (See Appendix) shall be filled out and accompany the animal's remains throughout the process to ensure proper identification and information.

**Wild Animal Not Available for Testing**

When no wild animal is available for testing, the Health Department needs to be notified immediately. It is pertinent that the companion/agricultural animal have a current rabies vaccination on file with a Veterinarian.

Animals that have a current rabies vaccination shall be given another rabies booster at the owner's expense and quarantined by the Health Department for 45 days. Those unvaccinated animals may be placed into strict isolation by the Health Department for 6 months in a specialized, approved pen or be euthanized at the request of the Health Department.

See “Rabies Quarantine Table” to see how to handle all Health Department Exposure Incidents.

### **Procedure for Injured Animals**

State now requires all strays (i.e. Dogs, cats, etc.) will receive Veterinarian care.

Companion Animals/Agricultural/Poultry Animals with Unknown Owners- Animal Control or the nearest King & Queen Deputy will be contacted to handle the call. King & Queen Sheriff's Office will not be responsible for medical care of the injured animal. If the animal is badly injured, as determined by the responding Deputy, it will be destroyed according to State and County Code.

Companion Animals/Agricultural/Poultry Animals with Known Owners- The owner, when known, should be contacted immediately. It is the responsibility of the owner to seek medical treatment and/or emergency veterinary care for their animal. If the owner refuses such care or response, then they may be charged accordingly. If unable to contact the owner the responding ACO or King & Queen Deputy may take the injured animal to a Veterinarian at the owner's expense, if the animal is seriously or critically injured it will be destroyed according to State and County Code.

Non-protected Wildlife (i.e. raccoons, opossums, skunks, fox, deer, etc.) – For injured/sick wildlife Animal Control or the nearest King & Queen Deputy will be contacted to handle the call. If the animal is badly hurt or sick, then the responding Deputy shall euthanize the animal according to State and County Code.

Protected Wildlife (i.e. any migratory bird, Bald Eagle, etc.) – The Game Warden shall be contacted to handle the call.

### **Procedure for Dead Animal Carcass Removal**

If the carcass is located on private property it shall be the property owner's responsibility to dispose of the carcass. If the carcass is on public/state property, then Highway Department (VDOT) will be notified.

### **Procedure for Barking Dog or Excessive Noise Due to Animals**

There are no animal ordinances or other county ordinances to enforce such a complaint. The Animal Control officer will address the complaint with the animal owner and give a copy of the noise ordinance.

### **Procedure for Maintaining/Checking Live Animal Traps**

## POLICY & PROCEDURE #245

Animal traps used by Animal Control are “live traps” and are in no way intended to hurt the animal. Proper maintenance of the traps is needed to insure their smooth operation and increase the life span of the trap. Traps must be clean and free of unnecessary debris. After each use traps shall be soaked in a sanitizing solution for 5-10 minutes and rinsed with water. The traps will be stored at the King & Queen County Sheriff’s Office or on the ACO’s vehicle when not in use and a record kept of the location of the traps when in use.

If at any time Animal Control finds a trap not being cared for, is being used to trap animals for improper reasons, or the trap is needed in another location the trap is to be picked up.

Traps may be picked up at any time based on the discretion of the Animal Control Officer. The ACO is to check the trap at least once or twice a daily. The resident who requested the trap should also be willing to call the Sheriff’s Office to notify the ACO when the trap has an animal in it and needs to be picked up.

Care should be exhibited when the trap is in use to avoid any animal from being inside the trap for an excessive amount of time. If, due to unforeseen circumstances, the animal in the trap is exposed to the elements for a longer length of time, a bowl of water may be placed inside the trap and the trap is to be placed into an area that is dry and shielded from weather elements (i.e. in a shed, on a porch, blanket placed over trap). Discretion should be used when setting a trap in inclement weather and should be avoided in non-emergency situations.

### **Procedure for Nuisance Wildlife**

The King & Queen County Sheriff’s Office and its deputies are not responsible for nuisance wildlife issues. The Animal Control Officer shall advise the resident or property owner to seek help through the aid of a wildlife or pest control service at their own expense.

### **Procedure for Snakes Inside Residents or Found on a Property**

The King & Queen County Sheriff’s Office and its deputies are not responsible for the removal of snakes on any property or within any dwelling. It shall be the responsibility of the property owner to seek help through the aid of a wildlife or pest control service at their own expense.

### **Procedure for Agricultural Animals At-Large**

King & Queen County does not have a “Leash Law” type ordinance to legally order an agricultural animal to be confined on its own property (similar to dogs, cats and other companion animals) nor is there a “nuisance” law.

King & Queen Ordinance 6-4 Local Fence Law is a civil ordinance stating: “The boundary lines of each lot or tract of land in the county shall be and are hereby declared and established as a lawful fence as to and against animals entering or trespassing, including, but not limited to any

horses, mules, cattle, hogs, sheep or goats.” The definition of “Local Fence” can be found in VA State Code § 55-299.

According to the Commonwealth Attorney this act is not criminal in nature but is civil. The property owner may take the animal owner to court to seek monetary retribution to damages done by the trespassing animal pursuant to § 55-306.

### **Procedure for Companion Animals At-Large**

King & Queen County does not have a “leash law” or “nuisance animal” type ordinance to legally order a companion animal be confined on its own property. The current county code, 6-61 Restraint to Prevent Running At-Large, does not define a subdivision; therefore, it cannot be enforced.

### **Dangerous/Vicious Dog Complaints**

Purpose: To establish procedures that allow for the addressing of complaints of dangerous/vicious dogs with the county. This is to provide for the safety of the citizens of the county and the humane handling of these animals. The ACO shall be familiar with the Dangerous/Vicious Dog Code and all its definitions, restrictions and limitations.

### **Procedure for Handling Complaints**

- 1) The ACO or first responding deputy will ensure that the threat is contained.
- 2) Obtain all victim/witness statements.
- 3) Collect any available evidence.
- 4) Make every available effort to locate the animal’s owner.
- 5) If possible, verify current rabies and county dog license for the offending dog.
- 6) Notify the Shift Supervisor of findings and situation.
- 7) Contact the Commonwealth Attorney so a determination can be made if dangerous/vicious dog will be pursued.
- 8) The dog shall be impounded pursuant to 3.2-6540 and transported to the Regional Animal Shelter for the quarantine period and until a court hearing can be heard. Owner will be responsible for fees incurred at the Shelter.
- 9) Provide owner(s) with a “Dangerous Dog Packet” containing information on the Dangerous Dog Law and the Dangerous Dog Registry.
- 10) An Incident Based Report (IBR) shall be completed. Once complete this report shall be reviewed and approved by the Shift Supervisor.
- 11) A bite report shall be completed and submitted to the Health Department.
- 12) Complete the necessary forms including: Dangerous Dog Affidavit, Subpoena and any other additional summons.

- 13) Go before magistrate to apply for dangerous/vicious dog summons and any other summons needed.

The owner shall be responsible for any costs and fees associated with the care and housing of the dog while at the Regional Animal Shelter.

If the dog is deemed dangerous by court findings the owner must comply with all state requirements listed prior to being released to the owner. The Virginia Department of Agriculture and Consumer Services (VDACS) DDR-01 Form and the King & Queen Dangerous Dog Compliance and Understanding form must be signed by the dog's owner(s) and Animal Control Officer once all the requirements are met and the dog is released. Copies of both are to be given to the owner and the originals are to remain on file at the Sheriff's Office. VDACS DDR-01 Form shall also be submitted to the Virginia Department of Agriculture and Consumer Services.

**Appendix B**  
**Forms**

KQSO-185-Animal Control Yearly Reporting  
KQSO-186-Monthly ACO Report  
KQSO-187-Trap Log Form  
KQSO-188-ACO Weekly Log  
KQSO-189-ACO Follow-Up Form  
VDACS-DDR-01-Dangerous Dog Verification of Compliance and Registration Form  
140A TRHD-Three Rivers Health District Animal Exposure Report  
DC395-Dangerous Dog Affidavit



**Appendix C**  
**Virginia Code**

§ 3.2-6504.1. Civil immunity; forcible entry of motor vehicle to remove unattended companion animal.

No law-enforcement officer as defined in § [9.1-101](#), firefighter as defined in § [65.2-102](#), emergency medical services personnel as defined in § [32.1-111.1](#), or animal control officer who in good faith forcibly enters a motor vehicle in order to remove an unattended companion animal that is at risk of serious bodily injury or death shall be liable for any property damage to the vehicle entered or injury to the animal resulting from such forcible entry and removal of the animal, unless such property damage or injury results from gross negligence or willful or wanton misconduct.

2016, c. [679](#).

§ 3.2-6555. Position of animal control officer created.

The governing body of each county or city shall, or each town may, employ an officer to be known as the animal control officer who shall have the power to enforce this chapter, all ordinances enacted pursuant to this chapter and all laws for the protection of domestic animals. The governing body may also employ one or more deputy animal control officers to assist the animal control officer in the performance of his duties. Animal control officers and deputy animal control officers shall have knowledge of the animal control and protection laws of the Commonwealth that they are required to enforce. When in uniform or upon displaying a badge or other credentials of office, animal control officers and deputy animal control officers shall have the power to issue a summons or obtain a felony warrant as necessary, providing the execution of such warrant shall be carried out by any law-enforcement officer as defined in § [9.1-101](#), to any person found in the act of violating any such law or any ordinance enacted pursuant to such law of the locality where the animal control officer or deputy animal control officer is employed. Commercial dog breeding locations shall be subject to inspection by animal control at least twice annually and additionally upon receipt of a complaint or their own motion to ensure compliance with state animal care laws and regulations. The animal control officer and the deputy animal control officers shall be paid as the governing body of each locality shall prescribe.

Any locality where an animal control officer or deputy animal control officers have been employed may contract with one or more additional localities for enforcement of animal protection and control laws by the animal control officers or deputy animal control officers. Any such contract may provide that the locality employing the animal control officer or deputy animal control officers shall be reimbursed a portion of the salary and expenses of the animal control officer or deputy animal control officers.

Every locality employing an animal control officer shall submit to the State Veterinarian, on a form provided by him, information concerning the employment and training status of the animal control officers employed by the locality. The State Veterinarian may require that the locality notify him of any change in such information.

1984, cc. 254, 492, § 29-213.73; 1987, c. 488, § 3.1-796.104; 1998, c. [817](#); 2003, c. [804](#); 2004, c. [181](#); 2008, cc. [852](#), [860](#).

§ 55-299. Definition of lawful fence.

Every fence shall be deemed a lawful fence as to any livestock named in § [55-306](#), which could not creep through the same, if

- (1) Five feet high, including, if the fence be on a mound, the mound to the bottom of the ditch,
- (2) Of barbed wire, 42 inches high, consisting of at least four strands of barbed wire, firmly fixed to posts, trees, or other supports substantially set in the ground, spaced no farther than 12 feet apart unless a substantial stay or brace is installed halfway between such posts, trees or other supports to which such wires shall be also fixed,
- (3) Of boards, planks, or rails, 42 inches high, consisting of at least three boards firmly attached to posts, trees, or other supports substantially set in the ground,
- (4) Three feet high within the limits of any incorporated town whose charter does not prescribe, nor give to the council thereof power of prescribing, what shall constitute a lawful fence within such corporate limits, or
- (5) Any fence of any kind whatsoever, except as described in this section, and except in the case of incorporated towns as set forth in subdivision (4), which shall be:

- a. At least 42 inches high,



b. Constructed from materials sold for fencing or consisting of systems or devices based on technology generally accepted as appropriate for the confinement or restriction of livestock named in § [55-306](#), and

c. Installed pursuant to generally acceptable standards so that applicable livestock named in § [55-306](#) cannot creep through the same.

A cattle guard reasonably sufficient to turn all kinds of livestock shall also be deemed a lawful fence as to any livestock mentioned in § [55-306](#).

Nothing contained in this section shall affect the right of any such town to regulate or forbid the running at large of cattle and other domestic animals within its corporate limits.

The Board of Agriculture and Consumer Services may adopt rules and regulations regarding lawful fencing consistent with this section to provide greater specificity as to the requirements of lawful fencing. The absence of any such rule or regulation shall not affect the validity or applicability of this section as it relates to what constitutes lawful fencing.

Code 1950, § 8-869; 1977, c. 624; 2007, c. [574](#).

§ 3.2-6540. Control of dangerous dogs; penalties.

A. As used in this section, "dangerous dog" means:

1. A canine or canine crossbreed that has bitten, attacked, or inflicted injury on a companion animal that is a dog or cat or killed a companion animal that is a dog or cat. A canine or canine crossbreed is not a dangerous dog if, upon investigation, a law-enforcement officer or animal control officer finds that (i) no serious physical injury, as determined by a licensed veterinarian, has occurred to the dog or cat as a result of the attack or bite; (ii) both animals are owned by the same person; or (iii) such attack occurred on the property of the attacking or biting dog's owner or custodian; or

2. A canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person. A canine or canine crossbreed is not a dangerous dog if, upon investigation, a law-enforcement officer or animal control officer finds that the injury inflicted by the canine or canine crossbreed upon a person consists solely of a single nip or bite resulting only in a scratch, abrasion, or other minor injury.

B. No dog shall be found to be a dangerous dog as a result of biting, attacking, or inflicting injury on a dog or cat while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event. No dog shall be found to be a dangerous dog if the court determines, based on the totality of the evidence before it, or for other good cause, that the dog is not dangerous or a threat to the community.

C. Any law-enforcement officer or animal control officer who has reason to believe that a canine or canine crossbreed within his jurisdiction is a dangerous dog may apply to a magistrate serving the jurisdiction for the issuance of a summons requiring the owner or custodian, if known, to appear before a general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. If a law-enforcement officer successfully makes an application for the issuance of a summons, he shall contact the local animal control officer and inform him of the location of the dog and the relevant facts pertaining to his belief that the dog is dangerous. The animal control officer shall confine the animal until such time as evidence shall be heard and a verdict rendered. If the animal control officer 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. 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 section. The court, upon finding the animal to be a dangerous dog, may order the owner, custodian, or harbinger thereof to pay restitution for actual damages to any person injured by the animal or whose companion animal was injured or killed by the animal. The court, in its discretion, may also order the owner to pay all reasonable expenses incurred in caring and providing for such dangerous dog from the time the animal is taken into custody until such time as the animal is disposed of or returned to the owner. The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in Article 4 (§ 19.2-260 et seq.) of Chapter 15 of Title 19.2. The Commonwealth shall be required to prove its case beyond a reasonable doubt.

D. No canine or canine crossbreed shall be found to be a dangerous dog solely because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed prohibited.

E. 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 upon the premises occupied by the animal's owner or 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 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. No animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, shall be found to be a dangerous dog.

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

G. The owner of any animal found to be a dangerous dog shall, within 30 days of such finding, obtain a dangerous dog registration certificate from the local animal control officer or treasurer for a fee of \$150, in addition to other fees that may be authorized by law. The local animal control officer or treasurer 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. By January 31 of each year, until such time as the dangerous dog is deceased, all certificates obtained pursuant to this subsection shall be updated and renewed for a fee of \$85 and in the same manner as the initial certificate was obtained. The animal control officer shall post registration information on the Virginia Dangerous Dog Registry.

H. All dangerous dog registration 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 (i) of the animal's current rabies vaccination, if applicable; (ii) that the animal has been neutered or spayed; and (iii) 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. 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 electronic implantation. 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 at least \$100,000, that covers animal bites. The owner may obtain and maintain a bond in surety, in lieu of liability insurance, to the value of at least \$100,000.

I. 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. While so confined within the structure, the animal shall be provided for according to § 3.2-6503. 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.

J. The owner shall cause the local animal control officer to be promptly notified of (i) the names, addresses, and telephone numbers of all owners; (ii) all of the means necessary to locate the owner and the dog at any time; (iii) any complaints or incidents of attack by the dog upon any person or cat or dog; (iv) any claims made or lawsuits brought as a result of any attack; (v) chip identification information; (vi) proof of insurance or surety bond; and (vii) the death of the dog.

K. After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon learning of same, cause the local animal control authority to be notified if the animal (i) is loose or unconfined; (ii) bites a person or attacks another animal; or (iii) is sold, is given away, or dies. Any owner of a dangerous dog who relocates to a new address shall, within 10 days of relocating, provide written notice to the appropriate local animal control authority for the old address from which the animal has moved and the new address to which the animal has been moved.

L. Any owner or custodian of a canine or canine crossbreed or other animal is guilty of a:

1. Class 2 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, attacks and injures or kills a cat or dog that is a companion animal belonging to another person;

2. Class 1 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, bites a human being or attacks a human being causing bodily injury; or

3. Class 6 felony if any owner or custodian whose willful act or omission in the care, control, or containment of a canine, canine crossbreed, or other animal is so gross, wanton, and culpable as to show a reckless disregard for human life, and is the proximate cause of such dog or other animal attacking and causing serious bodily injury to any person.

The provisions of this subsection shall not apply to any animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, or when the animal is a police dog that is engaged in the performance of its duties at the time of the attack.

M. The owner of any animal that has been found to be a dangerous dog who willfully fails to comply with the requirements of this section is guilty of a Class 1 misdemeanor.

Whenever an owner or custodian of an animal found to be a dangerous dog is charged with a violation of this section, the animal control officer shall confine the dangerous dog 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.

Upon conviction, the court may (i) order the dangerous dog to be disposed of by a local governing body pursuant to § 3.2-6562 or (ii) grant the owner up to 30 days to comply with the requirements of this section, during which time the dangerous dog shall remain in the custody of the animal control officer until compliance has been verified. If the owner fails to achieve compliance within the time specified by the court, the court shall order the dangerous dog to be disposed of by a local governing body pursuant to § 3.2-6562. The court, in its discretion, may order the owner to pay all reasonable expenses incurred in caring and providing for such dangerous dog from the time the animal is taken into custody until such time that the animal is disposed of or returned to the owner.

N. All fees collected pursuant to this section, less the costs incurred by the animal control authority in producing and distributing the certificates and tags required by this section and fees due to the State Veterinarian for maintenance of the Virginia Dangerous Dog Registry, shall be

paid into a special dedicated fund in the treasury of the locality for the purpose of paying the expenses of any training course required under § [3.2-6556](#).

O. The governing body of any locality may enact an ordinance parallel to this statute regulating dangerous dogs. No locality may impose a felony penalty for violation of such ordinances.

1993, c. 977, § 3.1-796.93:1; 1994, c. [115](#); 1997, cc. [582](#), [892](#); 1998, c. [817](#); 2000, cc. [11](#), [727](#); 2003, cc. [785](#), [841](#); 2006, cc. [837](#), [864](#), [898](#); 2008, cc. [360](#), [551](#), [691](#), [860](#); 2009, c. [377](#); 2012, cc. [107](#), [236](#); 2013, cc. [58](#), [732](#); 2017, c. [396](#).