

## **Chapter 48**

### **ANIMALS**

**[HISTORY: Adopted by the Town Council of the Town of Grottoes 2-3-1970 as Title 5 of the 1970 Ordinances of the Town of Grottoes. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Health and sanitation — See Ch. 91.

Noise — See Ch. 113.

Nuisances — See Ch. 117.

#### **ARTICLE I General Regulations**

##### **§ 48-1. Prohibited acts.** [Amended 7-8-1996; 9-9-2002]

- A. It shall be unlawful for any horse, mule, cow, hog or poultry to run at large or be upon any street or alley of the Town not in the immediate charge of some person; and it shall be the duty of the owner or owners of any of the aforesaid animals to so control them that they shall not become offensive to the occupants of any dwelling house or business house on adjacent lots or to persons on the streets and sidewalks of the Town.
- B. No person owning, occupying or having use of any stable, shed, pen, stall or other place wherein animals of any kind are kept shall permit such stable, shed, pen, stall or other place to become or remain filthy or unwholesome.
- C. No person shall permit manure to accumulate on any premises under his or her control in such manner or to such extent as to give rise to an excess of flies or objectionable odors to the occupants of other premises or to passersby on the public highway.
- D. No person within the Town limits shall keep homes, cattle, mules, donkeys, ponies, sheep, poultry or other livestock except on a parcel of real estate that is one acre or larger.
- E. No person within the Town limits shall keep hogs in a pen or lot less than 250 feet from the residence or place of business of any other person and not less than 100 feet from his or her own residence, nor shall hogs be kept by any person within the limits of the Town who did not keep hogs prior to the passing of the Zoning Ordinance of August 5, 1960.
- F. No person within the Town limits shall keep more than three dogs and three cats for commercial or noncommercial purposes unless they have applied for and received a conditional use permit as set forth in Chapter 100 of this Code.
- G. All terms as used in this section are defined in § 100-7 of this Code.

- H. It shall be unlawful for any person to fail, neglect or refuse to carry out the orders of the Health Officer relating to the foregoing provisions of this section.

**§ 48-2. Dead animals.** [Amended 7-8-1996]<sup>1</sup>

Carcasses of dead animals or fowl shall be disposed of as directed by the Health Officer and as provided in §§ 3.1-742 et seq.,<sup>2</sup> 3.1-796.121, 3.1-796.128, 18.2-323 and 18.2-510 of the Code of Virginia.<sup>3</sup>

ARTICLE II

**Dogs**

**§ 48-3. Running at large.** [Amended 7-8-1996]

No dog shall go upon any public street, alley or square or go upon the private property of another person, unless accompanied and held in leash by a responsible person.

**§ 48-4. Seizure of dogs; disposition.**

- A. The Police Department shall catch and pen any dog found off the owner's premises, unless such dog is accompanied and held in leash by a responsible person as provided above.
- B. When a dog is so caught and penned, the owner shall have the exclusive right of redeeming the same for a period of 48 hours by paying the police department a fee as set forth in Chapter A171, Fees, to cover the cost of penning, maintaining and keeping the dog and exhibiting to the person in charge of the dog pen the receipt therefor and the receipt for the license tax required by state law to be paid. [Amended 7-8-1996]
- C. If any dog is so caught and penned, it shall be the duty of the Police Department to notify the owner of the dog within the period of 48 hours, if the address of the owner is known.
- D. If such dog is not redeemed by its owner within said forty-eight-hour period, it shall be kept and cared for in said dog pen for an additional period and may be redeemed by the owner or any other person paying to the Police Department a fee as set forth in Chapter A171, Fees, for each day the dog shall have been penned and kept. [Amended 7-8-1996]
- E. If not redeemed by the owner within the original forty-eight-hour period as specified above or by the owner or any other person during the additional forty-eight-hour period, such dog shall be disposed of under the direction of the Police Department.

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1. Editor's Note: A former unnumbered paragraph, dealing with penalties and violations, which immediately preceded this section, was deleted 7-8-1996.

2. Editor's Note: Section 3.1-742 et seq. of the Virginia Code was repealed by Acts 1992, c. 101.

3. Editor's Note: Former Article II, Cruelty to Animals, which immediately followed this section, was deleted 7-8-1996.

**§ 48-5. County ordinance.**

The Town Council may elect, if it so desires, to waive enforcement of §§ 48-3 and 48-4, in which case the provisions of the Rockingham County Dog Ordinance shall be considered in full force and effect within the Town.<sup>4</sup>

**§ 48-6. Female dog in season.**

No owner of any female dog shall permit such dog to stray from his or her premises while such dog is known to such owner to be in season.<sup>5</sup>

**§ 48-7. Vicious or biting dogs.**

It shall be unlawful for any person to keep any vicious dog or dog which by biting endangers the safety of any person.

**§ 48-8. Rabies vaccination required.** [Amended 7-8-1996]

All dogs within the Town of Grottoes must be inoculated or vaccinated against rabies.

**§ 48-9. Disposal of dog waste.**<sup>6</sup> [Added 2-13-2006]

- A. No person shall permit any dog under such person's supervision to deposit feces (1) on property belonging to the Town; or (2) on property belonging to any person other than the owner of such dog, without permission from the owner of the property, unless the person supervising the dog removes and properly disposes of such feces at the time of its deposit.
- B. Any person who violates this section shall be guilty of a Class 4 misdemeanor and upon due conviction thereof shall be fined not less than \$50 but not more than \$250.

**§ 48-10. (Reserved)**

**§ 48-11. (Reserved)**

**ARTICLE III**

**Birds**

**§ 48-12. Bird sanctuary; signs.**

- A. The entire area within the corporate limits of the Town shall be a bird sanctuary for the protection of all birds protected by the Migratory Bird Treaty Act, adopted by the Congress of the United States of America, not including starlings, English sparrows or pigeons.

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4. Editor's Note: Former Section 5-12, Diseased Dogs, which immediately followed this section, was deleted 7-8-1996.

5. Editor's Note: Former Section 5-14, Removing Collar and Tag, and Section 5-15, Concealing a Dog, which immediately followed this section, were deleted 7-8-1996.

6. Editor's Note: With the addition of this § 48-9, former §§ 48-9 through 48-12 were redesignated as §§ 48-12 through 48-15, respectively.

- B. Signs stating that the Town is a bird sanctuary may be erected in the Town. Such signs shall be of such type and erected at such public places as may be approved by the Chief of Police.

**§ 48-13. Molesting birds; nuisance.**

It shall be unlawful to shoot, trap or hunt or attempt to shoot or molest in any manner any bird or wild fowl or to rob birds' nests or wild fowl nests; provided, however, that if starlings or similar birds are found to be congregating in such numbers in a particular locality that they constitute a nuisance or a menace to health and property in the opinion of the proper health authorities of the Town of Grottoes or of the county, then in such event said health authority shall meet with representatives of the Audubon Society, bird club, garden club or Humane Society after having given at least three days' actual notice of the time and place of said meeting to the representative of said club. If, as the result of said meeting, no satisfactory alternative is found to abate such nuisance, then said birds may be destroyed in such numbers and in such manner as is deemed advisable by said health authorities under the supervision of the Chief of Police.

**§ 48-14. Incorporation of statutory provisions.** [Added 7-8-1996]

It is the intent of the governing body of the Town of Grottoes that the following provisions of Title 3.1 of the Code of Virginia to be incorporated into this chapter by reference, pursuant to § 3.1-796.94: §§ 3.1-796.84 through 3.1-796.104; §§ 3.1-796.115 through 3.1-796.119; § 3.1-796.121; and §§ 3.1-196.127 through 3.1-796.129.

**§ 48-15. Violations and penalties.** [Amended 7-8-1996]

Unless otherwise provided in § 3.1-796.128 of the Code of Virginia, violations of this chapter shall be punishable at the level of a Class 4 misdemeanor, with penalties as provided in § 1-7, General penalty, of Chapter 1, General Provisions.