

AN ORDINANCE AMENDING CHAPTER 65,
ANIMALS, AND ARTICLE XVI OF CHAPTER 151, TAXATION, OF
THE RAPPAHANNOCK COUNTY CODE

It is hereby ORDAINED that Chapter 65, Animals, and Article XVI of Chapter 151, Taxation, of the Rappahannock County Code are amended to read as follows:

CHAPTER 65

ANIMALS

Article 1

Running at Large

§65-1 Livestock

A. It shall be unlawful for the owner of any livestock to allow same to run at large upon any public road in Rappahannock County.

B. Pursuant to Article 5, Chapter 18, Title 55, of the Code of Virginia, the boundary line of each lot or tract of land in Rappahannock County is declared to be a lawful fence as to any or all of the animals mentioned in § 55-306 of the Code of Virginia, and it shall be unlawful for the owner or manager of such animals, or type of animals, to permit the same to run

at large beyond the limits of his or her own lands.¹

C. The owner of any such livestock shall be liable to the County of Rappahannock or to any person, for any cost incurred in removing such livestock from a public road or private property, and in securing them, to include the cost of feeding and providing necessary veterinary care.

D. Violation of this Section is a Class 4 misdemeanor.
(§§3.2-6587, -6544 B., 55-316)

§65-2 Dogs

A. The owner or custodian of a dog shall not permit it to run at large off the property of the owner or custodian unless the dog:

- 1) is wearing a valid dog license tag; and,
- 2) has a currently effective rabies vaccination.

A "currently effective rabies vaccination" means the expiration date on the certificate of vaccination for the dog has not yet passed.

B. Violation of this Section is a Class 4 misdemeanor.
(§§3.2-6522, -6525, -6531, -6538, -6543)

¹ Editor's Note: The Fence Law was originally enacted May 7, 1942, after statutorily required public notice.

Article II
Rabid Animals

[Replace Article II in its entirety with the following]

§ 65-3 Rabies vaccination.

A. The owner or custodian of any dog four months of age and older shall have such animal currently vaccinated for rabies by a licensed veterinarian or licensed veterinary technician who is under the immediate and direct supervision of a licensed veterinarian on the premises unless otherwise provided by regulations. The supervising veterinarian on the premises shall provide the owner or custodian of the dog with a rabies vaccination certificate or herd rabies vaccination certificate and shall keep a copy in their own files. The owner or custodian of the dog shall furnish within a reasonable period of time, upon the request of an animal control officer, humane investigator, law-enforcement officer, State Veterinarian's representative, or official of the Department of Health, the certificate of vaccination for such dog. At the discretion of the local health director, a medical record from a licensed veterinary establishment reflecting a currently vaccinated status may serve as proof of vaccination. "Currently vaccinated" means that the expiration date on the certificate of vaccination has not yet passed.

B. Vaccination subsequent to a summons to appear

before a court for failure to do so shall not operate to relieve such owner or custodian from the penalties or court costs provided by law.

C. The owner of a vaccinated dog that is not already licensed shall apply for a license and pay the applicable tax to the Treasurer of Rappahannock County within the time limits set by §65-16 of this Code.

D. An owner or custodian, either or both, of a dog that is not currently vaccinated for rabies as required by this Section shall be guilty of a Class 3 misdemeanor.

(§§3.2-6521, -6522, -6525, -6529,-6543)

[Articles III and IV remain the same]

Article V

Dog License Tax

§65-15 Tax imposed.

As required by § 3.2-6528 of the Code of Virginia, an annual license tax as set forth below is imposed on the ownership of all dogs four months or older that are kept within Rappahannock County, Virginia. There is a rebuttable presumption that if the dog's owner resides within Rappahannock County, the dog is kept within Rappahannock County and is subject to this tax. If the dog's owner does not reside within Rappahannock County,

but the dog is normally kept within Rappahannock County, then the dog shall be subject to this tax. Provided, a dog shall not be subject to this tax in any year the dog wears a current valid license tag issued in another jurisdiction. It shall be the joint and several responsibility of all owners of the dog to pay the license tax and obtain and display the license, which is referred to as the tag.

Length of license	Amount of license tax per dog	
1 year	\$5.00	\$10
2 years	\$10.00	\$20
3 years	\$12.00	\$25

If a two or three year license is obtained, the license tax shall not become due again until 31 January following the expiration of the license on 31 December of the last year of the license.

§ 65-16 License Tax Year; When Tax Due

The license tax year shall run from January 1 to December 31. If a dog has attained the age of 4 months before 1 January of any year, the license shall be obtained and the tax paid before 31 January of that year. If the dog attains the age of 4 months after 1 January of any year, the license shall be obtained and the tax paid within 30 days of the dog becoming 4 months old. Any dog 4 months old or older brought into

Rappahannock County to be kept after 1 January that is not licensed by another jurisdiction, shall obtain the license and pay the tax within 30 days of being brought into the County, or within 30 days of the expiration of the license from the other jurisdiction, if any.

The Treasurer, in his/her discretion, may begin selling licenses on or after November 1 preceding any license tax year. (§ 3.2-6527, -6530, Code of Virginia.)

§ 65-17 Kennels.

Dogs maintained in a kennel, as herein defined, shall be exempt from the license tax provided for above, provided that the owner purchases an annual kennel tag as follows:

Number of Dogs in Kennel	Annual License Tax
1 to 20 25	\$15.00 \$25
21 to 50	\$25.00
51 26 or more	\$40.00 \$50

A "kennel" is defined to be a structure for the confinement of dogs consisting of walls or a fenced area where only one breed of dogs is maintained. All such dogs must comply with the rabies vaccination requirements of §65-20 of this Code and §3.2-6521 of the Code of Virginia.

§ 65-18 Exemptions.

No license tax shall be levied on any dog that is

trained and serves as a guide dog for a blind person, that is trained and serves as a hearing dog for a deaf or hearing-impaired person or that is trained and serves as a service dog for a mobility-impaired or otherwise disabled person. As used in this section, "hearing dog," "mobility-impaired person," "otherwise disabled person," and "service dog" have the same meaning as assigned by §51.5-40.1 of the Code of Virginia. Such dogs are subject to the mandatory vaccination provisions of §3.2-6521 of the Code of Virginia and §65-3 of this Code.

§ 65-19 Obtaining and Displaying License

A. Payment of the tax provided hereby and issuance of the license shall be at the office of the Treasurer of Rappahannock County. Upon payment of the tax, a tag shall be issued for each dog. Dog license receipts shall be carefully preserved by the licensees and exhibited promptly on request for inspection by any animal control officer or other officer. Dog license tags shall be securely fastened to a substantial collar by the owner or custodian and worn by such dog. The owner of the dog may remove the collar and license tag required by this section when:

- A. The dog is engaged in lawful hunting;
- B. The dog is competing in a dog show;
- C. The dog has a skin condition that would be exacerbated by the wearing of a collar;

D. The dog is confined; or

E. The dog is under the immediate control of its owner.

Dog tags are not transferrable from one dog to another.

B. If a dog license tag is lost, destroyed or stolen, the owner or custodian shall at once apply to the Treasurer who issued the original license for a duplicate license tag, presenting the original license receipt. Upon affidavit of the owner or custodian before the Treasurer that the original license tag has been lost, destroyed or stolen, they shall issue a duplicate license tag that the owner or custodian shall immediately affix to the collar of the dog. The Treasurer shall endorse the number of the duplicate and the date issued on the face of the original license receipt. The fee for a duplicate tag for any dog shall be \$1.

(§§ 3.2-6526, -6527, -6531, -6532)

§65-20 Proof of Rabies Vaccination Required

No dog or kennel license tag shall be issued until the owner or custodian provides written proof that all dogs to be licensed have been vaccinated against rabies by presenting the State prescribed certificate of vaccination from a licensed veterinarian, or from a licensed veterinarian technician under the direct supervision of a licensed veterinarian. The certificate must show the dog has been vaccinated and the

expiration date on the certificate must be after 1 July of the license year if a one-year license is sought, or after 1 July of the last year of the license if a multi-year license is sought. Provided, nothing in this provision shall relieve the owner or custodian from complying with the vaccination requirements of §65-3 of this Code, or §3.2-6521 of the Code of Virginia, which require a dog to always be subject to an unexpired vaccination certificate. If an animal suffers from an underlying medical condition that is likely to result in a life-threatening condition in response to vaccination, and such exemption would not risk public health and safety, an exemption granted to a dog by regulation of the Board of Health shall be considered in place of a current certificate of vaccination only for the purpose of obtaining a license. (§§ 3.2-6521, 3.2-6526, 3.2-6527 and 3.2-6529)

§ 65-21 Violations and penalties.

A. It shall be a violation of this Article V punishable by a civil fine of \$150 per violation for:

- 1) Any person, other than the Rappahannock Animal Welfare League (RAWL) or other releasing agency, to own or have custody of a dog required to be licensed by this Article unless such dog is licensed (§ 3.2-6524); or,

2) The owner or custodian to fail to affix the tag to the dog as required by § 65-19, above; or,

4) Any person to make a false statement in order to secure a dog license; or,

5) Any person to otherwise violate any provision of this Article.

B. Each of the above shall be a separate violation subject to a separate civil penalty, and shall be in addition to any criminal penalties provided for in this Chapter. There shall be a civil penalty of \$150 for each violation of this Article V. An animal control officer or law enforcement officer may issue a summons for a violation. Any person summoned or issued a ticket for a scheduled violation may make an appearance, in person or in writing by mail, to the Clerk of the General District Court of Rappahannock County prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. (§ 3.2-6543)

[§65-22, which made up all of Article VI, has been moved to §65-1B. thereby leaving Article VI blank. Article VII shall become the new Article VI and remain as written. This will leave §65-22 as an unused number since the new Article VI (formerly Article VII) begins at §65-23. A new Article VII follows.]

Article VII

Effective Date

§65-35 Effective Date

A. This Chapter 65, as amended on 4 May 2015, shall become effective at midnight on that day, except as follows:

persons who have already paid the license tax and obtained a tag for the 2015 tax year, whether in Rappahannock County or another jurisdiction, shall not be required to obtain a new dog license and tag until 31 January 2016. This exception does not excuse an owner or custodian of a dog from the requirements of this Chapter and of State law as to maintaining a current rabies vaccination for a dog, nor from the other provisions of this Chapter.

CHAPTER 151

TAXATION

[Add new paragraphs C. and D. to Section 151-93; paragraphs A. and B. remain the same]

§151-93 Interest, Apportionment of Payments

C. Any partial payment received by the Treasurer on a delinquent account, shall be applied first against interest and then against the amount of the tax, which amount shall include all penalties assessed.

D. As provided by §58.1-3913 of the Code of Virginia, when the Treasurer and a taxpayer have entered into a written agreement for the payment of delinquent taxes, including penalties and interest, they may agree as to the allocation of those payments between delinquent amounts and taxes that may become due during the term of the agreement. Under such an agreement, the Treasurer shall not be required to automatically allocate payments received to the most delinquent years, but may apply amounts received against taxes as they become due so to prevent the taxpayer from accumulating more penalties and interest. If there is no such written agreement, amounts received by the Treasurer shall be applied first against the most delinquent taxes, penalties and interest, and be applied as provided in paragraph C., above. This provision shall apply whether the agreement is reached before or after the filing of an action to sell property to enforce the tax lien of the County.²

The foregoing Ordinance amending the Rappahannock County Code was adopted by the Board of Supervisors of Rappahannock County, Virginia, on 4 May 2015 at its regular monthly public meeting held in the Rappahannock

² These amendments to Article XVI of Chapter 151 shall become effective immediately upon passage.

County Courthouse in Washington, Virginia. Prior to adoption of the Ordinance, notice of intent to propose the Ordinance for passage was advertised in the Rappahannock News in accordance with §15.2-1427 F. of the Code of Virginia, and a public hearing was conducted. The roll-call vote of the Board of Supervisors on a motion to adopt the Ordinance was as follows:

	MOTION	BY	SECOND	ABSENT/ ABSTAIN	AYE	NAY
Roger A. Welch						
Ronald L. Frazier						
S. Bryant Lee						
I. Christopher Parrish						
Michael J. Biniek						

 Roger A. Welch, Chairman

ATTEST: _____
 Margaret R. Ralph, Clerk