

VIRGINIA ACTS OF ASSEMBLY -- 2005 SESSION

CHAPTER 304

An Act to amend and reenact § 3.1-796.94 of the Code of Virginia, relating to enforcement of animal laws in towns.

[H 2221]

Approved March 20, 2005

Be it enacted by the General Assembly of Virginia:

1. That § 3.1-796.94 of the Code of Virginia is amended and reenacted as follows:

§ 3.1-796.94. Governing body of county, city, or town may adopt certain ordinances.

A. The governing bodies of counties, cities, and towns of the Commonwealth are hereby authorized to adopt, in their discretion, ordinances ~~which~~ *that* parallel §§ 3.1-796.84 through 3.1-796.93, 3.1-796.95 through 3.1-796.104, 3.1-796.115 through 3.1-796.119, 3.1-796.121, 3.1-796.122, 3.1-796.126:1 through 3.1-796.126:7, and 3.1-796.127 through 3.1-796.129 of this chapter. *Any town may choose to adopt by reference any ordinance of the surrounding county adopted under this section to be applied within its town limits, in lieu of adopting an ordinance of its own.*

Any funds collected pursuant to the enforcement of ordinances adopted pursuant to the provisions of this section may be used for the purpose of defraying the costs of local animal control, including efforts to promote sterilization of cats and dogs.

Nothing in this section shall be construed so as to prevent or restrict any local governing body from adopting local animal control ordinances which are more stringent than §§ 3.1-796.84 through 3.1-796.93, 3.1-796.95 through 3.1-796.104, 3.1-796.115 through 3.1-796.119, 3.1-796.121, 3.1-796.122, 3.1-796.126:1 through 3.1-796.126:7, and 3.1-796.127 through 3.1-796.129 of this chapter.

B. The governing bodies of counties, cities, and towns of the Commonwealth are hereby authorized to adopt, in their discretion, ordinances establishing uniform schedules of civil penalties for violations of specific provisions of ordinances adopted pursuant to this section. However, civil penalties may not be imposed for violations of ordinances ~~which~~ *that* parallel § 3.1-796.122. Designation of a particular violation for a civil penalty shall be in lieu of criminal sanctions and preclude prosecution of such violation as a criminal misdemeanor. The schedule for civil penalties shall be uniform for each type of specified violation and the penalty for any one violation shall not be more than \$150. Imposition of civil penalties shall not preclude an action for injunctive, declaratory or other equitable relief. Moneys raised pursuant to this subsection shall be placed in the locality's general fund.

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 department of finance or the treasurer of the county, city, or town issuing the summons or ticket 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.

2. That any ordinance adopted pursuant to § 3.1-796.94 prior to the enactment of this act shall be deemed valid.