

17103022D

HOUSE BILL NO. 1900

Offered January 11, 2017

Prefiled January 10, 2017

A *BILL to amend and reenact § 3.2-6538 of the Code of Virginia, relating to dogs running at large; civil penalty.*

Patron—Howell

Referred to Committee on Rules**Be it enacted by the General Assembly of Virginia:****1. That § 3.2-6538 of the Code of Virginia is amended and reenacted as follows:****§ 3.2-6538. Dogs running at large; civil penalty.**

A. *For purposes of this section, a dog shall be deemed to be running at large while it is roaming, running, or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control.*

B. The governing body of any locality may prohibit the running at large of all or any category of dogs in all or any designated portion of such locality during such months as ~~they~~ it may designate. Governing bodies may also require that dogs be confined, restricted, or penned up during such periods. ~~For the purpose of this section, a dog shall be deemed to run at large while roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control.~~ Any person who permits his dog to run at large, or remain unconfined, unrestricted, or not penned up shall be deemed to have violated ~~the provisions of an ordinance adopted pursuant to this section subsection.~~

C. No owner or custodian of a dog shall permit it to run at large on the land of another after having been given notice by the landowner, or his agent or lessee to keep dogs off of the property. Such notice shall be given by any of the following methods: (i) verbally, (ii) in writing, (iii) by placing signs prohibiting dogs where the signs may reasonably be seen, or (iv) by placing identifying blue paint marks on trees or posts at each road entrance and adjacent to public roadways and public waterways adjoining the property. Each paint mark shall be a vertical line of at least two inches in width and at least eight inches in height and the center of the mark shall be no less than three feet nor more than six feet from the ground or normal water surface. Such paint marks shall be readily visible to any person approaching the property.

D. Any person who violates subsection C is subject to a civil penalty of \$100 per dog per occurrence. An occurrence shall be defined as a dog running at large on prohibited property during a 24-hour period. Such penalty shall be collected by any animal control officer, conservation police officer, or other law-enforcement officer by bringing an action in civil court. Any civil penalty assessed pursuant to this article shall be paid into the treasury of the city or county where such civil action is brought and used for the purpose of defraying the costs of local animal control.

INTRODUCED

HB1900