

VIRGINIA ACTS OF ASSEMBLY -- 1994 SESSION

CHAPTER 630

An Act to amend and reenact § 3.1-796.94 of the Code of Virginia, relating to Comprehensive Animal Law local ordinances; civil penalty.

[H 261]

Approved April 10, 1994

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; civil penalty.

A. The governing bodies of counties, cities, and towns of the Commonwealth are hereby authorized to adopt, in their discretion, ordinances which 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, ~~3.1-796.127 through 3.1-796.129, and 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 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, ~~3.1-796.127 through 3.1-796.129, and 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 or 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. 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.*

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.