

LEGISLATIVE COMMITTEE

Pittsylvania County Board of Supervisors

**3:00 p.m.; Tuesday, May 12, 2020
Chatham Community Center
115 South Main Street
Chatham, Virginia 24531**

AGENDA

I. CALL TO ORDER

II. ROLL CALL

III. ANY REVISIONS TO AGENDA

IV. APPROVAL OF AGENDA

V. NEW BUSINESS

- A. Potential Electronic Gaming Regulation Proposal (*Ragsdale*)
- B. Potential PCC § 6-3.1 (Personal Property Tax Exemption for “equipment used in forest harvesting and silvicultural activities” as recently allowed by General Assembly in HB 1021) Revision (*Goard*)
- C. Potential PCC § 2-3.1 (Livestock Running at Large Fee) Revision (*Slemp*)
- D. Potential EMS Certification Regulations Reduction (*Davis*)
- E. Potential Grass and Weed Ordinance (*Ingram*)
- F. Potential Leash Law Ordinance (*Ingram*)
- G. Potential Cat Licensing Ordinance (*Ingram*)
- H. Community Cat Policy Revisions Review (*McLaughlin*)

VI. MATTERS FROM COMMITTEE MEMBERS

VII. ADJOURNMENT

V(A)

ELECTRONIC

GAMING
REGULATION

MEMORANDUM

To: Hon, PCBOS Members; Hon. PC Members
From: Emily S. Ragsdale (Community Development Director)
Cc: PCET; Karen N. Hayes (Deputy Community Development Director)
Date: Friday, May 1, 2020
Re: *Electronic Gaming Regulation Recommendations*

Due to General Assembly Veto Session legislation passed on April 22, 2020, concerning electronic gaming, County Staff believes it is important to take measures to address any potential new electronic gaming establishments that may attempt to open in Pittsylvania County, Virginia ("County"). Currently, electronic games are allowed via a Special Use Permit ("SUP") under B-1 and are also permitted by right under B-2.

County Staff proposes that the following changes to the County's Zoning Ordinance, placing further restrictions on electronic games and defining "electronic gaming establishments:"

- "Electronic games" be added to Pittsylvania County Code ("PCC") § 35-366, Special Use Permits under B-2.
- The additional regulations below added under "Other Regulations" in both B-1 (PCC § 35-356) and B-2 (PCC §35-375) to define "electronic gaming establishments:"

"A. Electronic gaming establishments, as permitted by Special Use Permit, are defined as businesses, whether principal or accessory, where three (3) or more electronic gaming machines, including but not limited to, computers and gaming terminals, are utilized to conduct games where cash, coupons, gift cards, or any other items of value are redeemed or distributed and that are not otherwise deemed illegal by federal or state law. This definition does not include operations associated with the official Virginia Lottery System.

The following additional regulations shall apply to electronic gaming establishments:

1. No electronic gaming establishment shall be located within:
 - a. One (1) mile of any other electronic gaming establishment, tattoo and/or body piercing establishment, or adult use;
 - b. Two thousand (2,000) feet from any property used as a residential dwelling;
 - c. One (1) mile of any school or education facility, including playgrounds, daycare facilities, or churches; and

- d. One (1) mile of any public playground, park, or library. Distance between uses shall be measured from the nearest property line of any electronic gaming establishment and the nearest property line of any use cited in this section.
2. Hours of operation for electronic gaming establishments shall be limited to the hours between 8:00 a.m. and 11:00 p.m.
3. There shall be one and one-half (1.5) parking spaces for each electronic gaming machine, plus one (1) for each employee on the major shift.
4. Should any electronic gaming establishment cease or discontinue operation for a period of ninety (90) or more consecutive days, it may not resume, nor be replaced by any other electronic gaming establishment, unless it complies with all the requirements set forth hereinabove.
5. All federal and state legal requirement must be met.”

If a proposed electronic gaming establishment can meet the criteria above and applies for a SUP, County Staff recommends the following conditions be imposed, if the SUP is granted approval:

1. There shall be no more than one (1) gaming machine per three (3) persons permitted under the maximum building occupancy specified on a Certificate of Occupancy (“CO”) for the building and its current on-site uses; if a current CO is not on file, a new inspection must be done to determine the maximum number of machines permitted;
2. No person under the age of eighteen (18) years old shall be permitted to play any game which presents an opportunity to obtain monetary or cash prizes;
3. All building entrances/exits shall be lit at night;
4. The required parking shall be provided on-site with no off-site substitutions, and
5. The building’s windows shall be clear to allow for law enforcement visibility for security purposes.

Even if electronic gaming establishments are defined as having three (3) or more machines, an existing business having up to two (2) machines would still require a SUP, allowing conditional approval. County Staff recommends that at a minimum, the following conditions be placed on each SUP before approval:

1. The hours of operation for the machines shall be limited to between 8:00 a.m. and 11:00 p.m.;

2. No person under the age of eighteen (18) years old shall be permitted to play any game which presents an opportunity to obtain monetary and/or cash substitute prizes;
3. All the building's entrances/exits shall be lit at night;
4. In addition to the required parking for the existing business' use, the business shall also provide additional onsite parking to be calculated as one (1) space per machine;
5. The required parking shall be provided on-site, with no off-site substitutions;
6. The building's windows shall be clear for law enforcement visibility for security purposes;
and
7. All federal and state legal requirements must be met.

The proposed changes will need to be advertised by May 19, 2020, to be added to the Planning Commission's June 2, 2020, Meeting Agenda. The Board of Supervisors could then potentially vote on the proposed changes at their June 19, 2020, Business Meeting.

It is important to note that any establishment currently operating legally in the County would be grandfathered and not subject to these new regulations; however, if approved, any new establishments would be held to the proposed regulations. Currently, surrounding localities are either permitting electronic games by right or requiring a SUP. By taking the County's regulations a step further and defining electronic gaming establishments, the County would be taking a tougher stance on the issue.

Please do not hesitate to contact me if you have any related questions.

ESR

V(B)

FOREST HARVESTING
EQUIPMENT TAX EXEMPTION

V(B)



VIRGINIA LOGGERS ASSOCIATION, INC.

April 21, 2020

"Voice for Virginia's Professional Loggers"

Pittsylvania County, VA
Mr. David Smitherman, County Administrator
P. O. Box 426
Chatham, VA 24531

Dear Mr. Smitherman:

Virginia Loggers Association (VLA) received the unanimous support in the 2020 General Assembly of both the House of Delegates, Senate, and Governor Northam's approval to give local jurisdictions the option to exempt all personal property and tools & machinery tax on forest harvesting and silvicultural equipment. This recent legislative authority now places equipment used for forest harvesting and silvicultural activities in the same statute which exempts agricultural equipment. See state statutes (58.1-3505 -58.1-3506) attached for your easy reference. VLA is happy to answer questions and help you execute forestry and silvicultural equipment exemptions into your local ordinance.

Like agricultural equipment, silvicultural (forest harvesting) equipment is designed for the sole purpose of harvesting trees. The equipment was listed under the commercial heavy construction equipment category but is completely unrelated to the construction industry. The Code of Virginia §3.2-6400 already defines agricultural products to include silviculture along with livestock, aquaculture, poultry, horticultural, floricultural, viticulture and other crops.

These businesses provide all forest raw materials to mills which create paper and wood products used in every household. Forest harvesting is like farming in every way whose equipment is exempted across the Commonwealth of Virginia.

The truth is that loggers, like farmers, are hard working families working in one of the world's most dangerous occupations. Logging businesses are owned and operated by families who often pass their business down to the next generation. Like farming, forest harvesting is subject to the weather which can shut down production. The tree crop is like any other except it takes longer to grow. Daily market volatility causes unpredictable production and threatens our sustainability.

Thanks in advance for updating your local ordinance and exempting all forest harvesting and silvicultural equipment from either personal property and tools and machinery tax. The new law becomes effective on July 1, 2020. Business owners in your community will soon be in contact with you about their accounts.

Sincerely,

Ron Jenkins
Executive Director

5251 Tavern Lane • Goochland, Virginia 23063 • Phone (804) 677-4290 • Email info@valoggers.org

The Virginia Loggers Association proudly endorses Forestry Mutual Insurance as the preferred provider of Virginia workers compensation insurance.

Chris Huff; chuff@forestrymutual.com • 919-810-9485

1

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 58.1-3505 and 58.1-3506 of the Code of Virginia, relating to personal*
 3 *property tax; forest harvesting machinery and equipment.*

4 [H 1021]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That §§ 58.1-3505 and 58.1-3506 of the Code of Virginia are amended and reenacted as follows:**8 **§ 58.1-3505. Classification of farm animals, certain grains, agricultural products, farm**
 9 **machinery, farm implements and equipment; governing body may exempt.**10 A. Farm animals, grains and other feeds used for the nurture of farm animals, agricultural products
 11 as defined in § 3.2-6400, farm machinery and farm implements are hereby defined as separate items of
 12 taxation and classified as follows:

13 1. Horses, mules and other kindred animals.

14 2. Cattle.

15 3. Sheep and goats.

16 4. Hogs.

17 5. Poultry.

18 6. Grains and other feeds used for the nurture of farm animals.

19 7. Grain; tobacco; wine produced by farm wineries as defined in § 4.1-100 and other agricultural
 20 products in the hands of a producer.21 8. Farm machinery other than the farm machinery described in subdivision 10, and farm implements,
 22 which shall include (i) equipment and machinery used by farm wineries as defined in § 4.1-100 in the
 23 production of wine; (ii) equipment and machinery used by a nursery as defined in § 3.2-3800 for the
 24 production of horticultural products; and (iii) any farm tractor as defined in § 46.2-100, regardless of
 25 whether such farm tractor is used exclusively for agricultural purposes.26 9. Equipment used by farmers or farm cooperatives qualifying under § 521 of the Internal Revenue
 27 Code to manufacture industrial ethanol, provided that the materials from which the ethanol is derived
 28 consist primarily of farm products.29 10. Farm machinery designed solely for the planting, production or harvesting of a single product or
 30 commodity.31 11. Privately owned trailers as defined in § 46.2-100 that are primarily used by farmers in their
 32 farming operations for the transportation of farm animals or other farm products as enumerated in
 33 subdivisions A 1 through A 7 of this section.34 12. Motor vehicles that are used primarily for agricultural purposes, for which the owner is not
 35 required to obtain a registration certificate, license plate, and decal or pay a registration fee pursuant to
 36 § 46.2-665, 46.2-666, or 46.2-670.37 13. Trucks or tractor trucks as defined in § 46.2-100, that are primarily used by farmers in their
 38 farming operations for the transportation of farm animals or other farm products as enumerated in
 39 subdivisions 1 through 7 or for the transport of farm-related machinery.40 14. *Farm machinery and farm implements, other than the farm machinery and farm implements*
 41 *described in subdivisions 8 and 10, which shall include equipment and machinery used for forest*
 42 *harvesting and silvicultural activities.*43 B. The governing body of any county, city or town may, by ordinance duly adopted, exempt in
 44 whole or in part from taxation, or provide a different rate of tax upon, all or any of the above classes of
 45 farm animals, grains and feeds used for the nurture of farm animals, farm vehicles, and farm machinery,
 46 implements or equipment set forth in subsection A.47 C. Grain; tobacco; wine produced by farm wineries as defined in § 4.1-100; and other agricultural
 48 products, as defined in § 3.2-6400, shall be exempt from taxation under this chapter while in the hands
 49 of a producer.50 **§ 58.1-3506. Other classifications of tangible personal property for taxation.**51 A. The items of property set forth below are each declared to be a separate class of property and
 52 shall constitute a classification for local taxation separate from other classifications of tangible personal
 53 property provided in this chapter:

54 1. a. Boats or watercraft weighing five tons or more, not used solely for business purposes;

55 b. Boats or watercraft weighing less than five tons, not used solely for business purposes;

56 2. Aircraft having a maximum passenger seating capacity of no more than 50 that are owned and

CURRENT
PCC

PITTSYLVANIA COUNTY CODE

SEC. 6-3.1. LOCAL COUNTY TAX EXEMPTION.

BE IT ORDAINED BY THE PITTSYLVANIA COUNTY BOARD OF SUPERVISORS PURSUANT TO SECTIONS 58-441.6 (g, l) AND 58-441-49.3 OF THE CODE OF VIRGINIA, that the Code of Pittsylvania County, Section 6-3 is hereby, amended to include Section 6-3.1 as follows:

A. Effective December 1, 1981 and thereafter, artificial or propane gas, firewood, coal, or heating oil used for domestic consumption is hereby exempt from the one percent (1 %) local sales and use tax, pursuant to Sections 58-441.6 (g, l) and 58-441-49.3 of the Code of Virginia, as amended. For the purpose of this ordinance domestic consumption shall mean the use of artificial or propane gas, firewood, coal, or heating oil by an individual purchaser for other than business, commercial, or industrial use as defined by the State Office of Taxation. This amendment is to take effect December 1, 1981 and thereafter until changed by a duly authorized ordinance. Adopted by the Board of Supervisors this 20th day of October, 1981. This ordinance was amended by the Board of Supervisors on November 19, 2002, July 5, 1971, and October 15, 2019.

B. BE IT ORDAINED that the below list of items be exempt from local personal property taxation:

- (1) Horses, mules, and other kindred animals,
- (2) Cattle
- (3) Sheep and goats
- (4) Hogs
- (5) Poultry
- (6) Grains and other feeds used or the nurture of farm animals.

(7) Grain: tobacco: wine produced by farm wineries as defined in § 4.1-100, Code of Virginia, 1950, as amended, and other agricultural products, as defined in § 3.2-6400, Code of Virginia, 1950 as amended, in the hands of a producer.

(8) Farm machinery other than the farm machinery described in subdivision 10, and farm implements, which shall include (i) equipment and machinery used by farm wineries as defined in § 4.1-100, Code of Virginia, 1950 as amended, in the production of wine: (ii) equipment and machinery used by a nurse as defined in § 3.2-3800, Code of Virginia, 1950, as amended, for the production of horticultural products; and (iii) any farm tractor as defined in § 46.2-100, Code of Virginia, 1950, as amended, regardless of whether such farm tractor is used exclusively for agricultural purposes.

(9) Equipment used by farmers or farm cooperatives qualifying under § 521 of the internal Revenue Code to manufacture industrial ethanol, provided that the materials from which the ethanol is derived consist primarily of farm products.

(10) Farm machinery designed solely for the planting, production, or harvesting of a single product or commodity.

C. Household Goods Exempt from Taxation

All household goods and personal effects as defined in Code of Virginia, § 58.1-3504, 1950, as amended, are hereby exempt from taxation, beginning on and after January 1, 2014.

1. Notwithstanding any provision of Code of Virginia, § 58.1-3503, 1950, as amended, household goods and personal effects are hereby defined as separate items of taxation and classified as follows:

A. Bicycles.

B. Household and kitchen furniture, including gold and silver plates, plated ware, watches and clocks, sewing machines, refrigerators, automatic refrigerating machinery of any type, vacuum cleaners and all other household machinery, books, firearms and weapons of all kinds.

C. Pianos, organs, and all other musical instruments; phonographs, record players, and records to be used therewith; and radio and television instruments and equipment.

D. Oil paintings, pictures, statuary, curios, articles of virtue and works of art.

E. Diamonds, cameos or other precious stones and all precious metals used as ornaments or jewelry.

F. Sporting and photographic equipment.

G. Clothing and objects of apparel.

H. Antique motor vehicles as defined in Code of Virginia, § 46.2-100, Code of Virginia, 1950, as amended, which may not be used for general transportation purposes.

I. All-terrain vehicles, mopeds, and off-road motorcycles as defined in Code of Virginia, § 46.2-100, 1950, as amended.

J. Electronic communications and processing devices and equipment, including but not limited to cell phones and tablet and personal computers, including peripheral equipment such as printers.

K. All other tangible personal property used by an individual or a family or household incident to maintaining an abode.

PCC

The classification above set forth shall apply only to such property owned and used by an individual or by a family or household primarily incident to maintaining an abode.

2. Notwithstanding any provision set forth above, household appliances in residential rental property used by an individual or by a family or household incident to maintaining an abode shall be deemed to be fixtures and shall be assessed as part of the real property in which they are located.

For purposes of this subsection, "household appliances" shall mean all major appliances customarily used in a residential home and which are the property of the owner of the real estate, including, without limitation, refrigerators, stoves, ranges, microwave ovens, dishwashers, trash compactors, clothes dryers, garbage disposals and air conditioning units.

(B.S.M. 9/16/14); (B.S.M. 10/15/2019)

REVISED

PLC

PITTSYLVANIA COUNTY CODE

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pu

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(10) Farm machinery designed solely for the planting, production, or harvesting of a single product or commodity.

(11) Farm machinery and farm implements, other than the farm machinery and farm implements described in subsections 8 and 10 above, which shall include equipment and machinery used for forest harvesting and silvicultural activities.

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(B.S.M. 9/16/14); (B.S.M. 10/15/2019)

Brenda O. Robertson

From: J. Vaden Hunt, Esq.
Sent: Friday, May 8, 2020 1:19 PM
To: Brenda O. Robertson; 'Brenda Robertson (brenda.robertson57@gmail.com)'
Subject: FW: Exempting Forest Harvesting Equipment from County Personal Property Taxation

J. Vaden Hunt, Esq.
Pittsylvania County Attorney
Pittsylvania County Attorney's Office



Tel. (434) 432-7720 | Fax. (434) 432-1778

1 Center Street P.O. Box 426
Chatham, Virginia 24531

vaden.hunt@pittgov.org
www.pittsylvaniacountyva.gov/county_attorney.htm



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From: J. Vaden Hunt, Esq.
Sent: Friday, May 8, 2020 11:08 AM
To: Brenda O. Robertson <Brenda.Robertson@pittgov.org>; 'Brenda Robertson (brenda.robertson57@gmail.com)' <brenda.robertson57@gmail.com>
Subject: FW: Exempting Forest Harvesting Equipment from County Personal Property Taxation

Use this email instead in the LC Agenda Packet. Thanks.

J. Vaden Hunt, Esq.
Pittsylvania County Attorney
Pittsylvania County Attorney's Office



Tel. (434) 432-7720 | Fax. (434) 432-1778

1 Center Street P.O. Box 426
Chatham, Virginia 24531

vaden.hunt@pittgov.org

www.pittsylvaniacountyva.gov/county_attorney.htm



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From: Robin Goard <Robin.Goard@pittgov.org>

Sent: Friday, May 8, 2020 11:05 AM

To: J. Vaden Hunt, Esq. <vaden.hunt@pittgov.org>

Subject: RE: Exempting Forest Harvesting Equipment from County Personal Property Taxation

Here's one more I failed to include in personal property total: $86,700 \times \$9.00/\$100 = \$7,803.00$

So PP total should be $385,790 \times 9.00/\$100 = 34,721.10$

Total Revenue loss for both categories would be \$57,764.25

Thanks.

Robin Goard
Commissioner of the Revenue
Commissioner of the Revenue Office



Tel. (434) 432-7945 | Fax. (434) 432-7957

11 North Main Street P.O. Box 272
Chatham, VA 24531

Robin.Goard@pittgov.org

www.pittsylvaniacountyva.gov/cor.htm



Any e-mail or other correspondence sent to a member of the Board of Supervisors, or any other public official or employee of Pittsylvania County, Virginia (the "County"), in the transaction of public business, is considered a public record. Public records are subject to the Virginia Freedom of Information Act ("VA FOIA"). Virginia law requires the County to provide a copy of any such e-mail, upon request, for inspection and copying to any citizen of the Commonwealth, or to any member of the news media, unless lawfully exempted from production/disclosure under VA FOIA. If you have received this email or any attachments in error, please notify the sender immediately at (434) 432-7700, and by reply email, and delete this email and any attachments to it from your inbox, sent items, and deleted items. Thank you.

From: J. Vaden Hunt, Esq. <vaden.hunt@pittgov.org>

Sent: Friday, May 8, 2020 10:37 AM

To: Robin Goard <Robin.Goard@pittgov.org>

Subject: RE: Exempting Forest Harvesting Equipment from County Personal Property Taxation

Thanks.

J. Vaden Hunt, Esq.
Pittsylvania County Attorney
Pittsylvania County Attorney's Office



Tel. (434) 432-7720 | Fax. (434) 432-1778

1 Center Street P.O. Box 426
Chatham, Virginia 24531

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From: Robin Goard <Robin.Goard@pittgov.org>
Sent: Friday, May 8, 2020 10:32 AM
To: J. Vaden Hunt, Esq. <vaden.hunt@pittgov.org>
Subject: RE: Exempting Forest Harvesting Equipment from County Personal Property Taxation

This is a ruff estimate of what I was able to pull out doing a search by "logging" being the keyword. There are probably others and some leasing companies that may lease forest harvesting equipment that I'm not including in these figures.

Assessed personal property rate : qualify for M&T assessment and rate on equipment)	Assessed M&T rate: (this group pays forest products tax so they
299,090 x 9.00/\$100 = \$26,918.10	512,070 x \$4.50/\$100 = \$23,043.15
Total loss of revenue \$49,961.25	

Any questions, please let me know.

Thanks.
Robin

Robin Goard
Commissioner of the Revenue
Commissioner of the Revenue Office



Tel. (434) 432-7945 | Fax. (434) 432-7957

11 North Main Street P.O. Box 272
Chatham, VA 24531

Robin.Goard@pittgov.org
www.pittsylvaniacountyva.gov/cor.htm



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requires the County to provide a copy of any such e-mail, upon request, for inspection and copying to any citizen of the Commonwealth, or to any member of the news media, unless lawfully exempted from production/disclosure under VA FOIA. If you have received this email or any attachments in error, please notify the sender immediately at (434) 432-7700, and by reply email, and delete this email and any attachments to it from your inbox, sent items, and deleted items. Thank you.

From: J. Vaden Hunt, Esq. <vaden.hunt@pittgov.org>

Sent: Thursday, May 7, 2020 7:56 PM

To: Robin Goard <Robin.Goard@pittgov.org>

Subject: Re: Exempting Forest Harvesting Equipment from County Personal Property Taxation

Any update on this? Thanks.

J. Vaden Hunt, Esq., Pittsylvania County Attorney; Sent from my iPhone, please excuse typos; Warning: The material transmitted herein may be confidential and subject to attorney/client privilege and/or the attorney work product doctrine and is not intended for distribution beyond intended recipients.

On May 5, 2020, at 2:53 PM, Robin Goard <Robin.Goard@pittgov.org> wrote:

I'm working on this. Will let you know when I have figures.

Robin Goard
Commissioner of the Revenue
Commissioner of the Revenue Office

<image001.jpg>

Tel. (434) 432-7945 | Fax. (434) 432-7957

11 North Main Street P.O. Box 272
Chatham, VA 24531

Robin.Goard@pittgov.org
www.pittsylvaniacountyva.gov/cor.htm

<image002.jpg>

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<image004.jpg>

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From: J. Vaden Hunt, Esq. <vaden.hunt@pittgov.org>
Sent: Tuesday, May 5, 2020 2:05 PM
To: Robin Goard <Robin.Goard@pittgov.org>
Subject: Exempting Forest Harvesting Equipment from County Personal Property Taxation

RG:

Any idea of the annual tax revenue loss if the BOS determines to exempt the above? Thanks.

J. Vaden Hunt, Esq.
Pittsylvania County Attorney
Pittsylvania County Attorney's Office

<image001.jpg>

Tel. (434) 432-7720 | Fax. (434) 432-1778

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V(C)

LIVESTOCK
RUNNING AT LARGE FEE

V(c)

PITTSYLVANIA COUNTY CODE

SEC 2-3.1. Fees Schedule for Removal and Care of Livestock Running at Large.

When it becomes necessary for the County to capture, seize, and/or board livestock found at large in the County, the owner of said livestock shall be fully responsible to the County for the following fees:

1. Forty dollar (\$40) flat pick up fee, plus \$10 per animal;
2. The actual cost of boarding and feeding livestock; and
3. The actual cost of any necessary veterinarian care for livestock in the care of the County.

Livestock covered by this section shall not be released back to its owner until all the above fees incurred have been paid to County.

V(D)

EMS CERTIFICATION
REDUCTION

— NO DOCUMENTS

$V(E)$

GRASS + WEED
ORDINANCE

(STATE CODE)

Code of Virginia
Title 15.2. Counties, Cities and Towns
Chapter 12. General Powers and Procedures of Counties

§ 15.2-1215. Authority to cut growth of grass or lawn area in counties.

A. Any county may by ordinance require that the owner of occupied residential real property therein cut the grass or lawn area of less than one-half acre on such property or any part thereof at such time or times as the governing body shall prescribe when growth on such grass or lawn area exceeds 12 inches in height; or may whenever the governing body deems it necessary, after reasonable notice, have such grass or lawn area cut by its agents or employees, in which event, the cost and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the county as taxes and levies are collected. No such ordinance adopted by the county shall have any force and effect within the corporate limits of any town. Violation of such ordinance may be punishable by a civil penalty not to exceed \$100.

B. No such ordinance shall be applicable to land zoned for or in active farming operation.

1988, c. 625, § 15.1-11.01; 1990, c. 155; 1991, cc. 314, 315; 1997, cc. 587, 614; 1998, cc. 640, 756; 2005, c. 309; 2006, c. 700; 2009, c. 252; 2010, c. 396; 2014, c. 385.

5 (1)

Code of Virginia
 Title 15.2. Counties, Cities and Towns
 Chapter 9. General Powers of Local Governments

(state
Code)

§ 15.2-901. Locality may provide for removal or disposal of trash, cutting of grass, weeds, and running bamboo; penalty in certain counties; penalty.

A. Any locality may, by ordinance, provide that:

1. The owners of property therein shall, at such time or times as the governing body may prescribe, remove therefrom any and all trash, garbage, refuse, litter and other substances which might endanger the health or safety of other residents of such locality; or may, whenever the governing body deems it necessary, after reasonable notice, have such trash, garbage, refuse, litter and other like substances which might endanger the health of other residents of the locality, removed by its own agents or employees, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the locality as taxes are collected;

2. Trash, garbage, refuse, litter and other debris shall be disposed of in personally owned or privately owned receptacles that are provided for such use and for the use of the persons disposing of such matter or in authorized facilities provided for such purpose and in no other manner not authorized by law;

3. The owners of occupied or vacant developed or undeveloped property therein, including such property upon which buildings or other improvements are located, shall cut the grass, weeds and other foreign growth, including running bamboo as defined in § 15.2-901.1, on such property or any part thereof at such time or times as the governing body shall prescribe; or may, whenever the governing body deems it necessary, after reasonable notice as determined by the locality, have such grass, weeds or other foreign growth cut by its agents or employees, in which event the cost and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the locality as taxes are collected. For purposes of this provision, one written notice per growing season to the owner of record of the subject property shall be considered reasonable notice. No such ordinance adopted by any county shall have any force and effect within the corporate limits of any town. No such ordinance adopted by any county having a density of population of less than 500 per square mile shall have any force or effect except within the boundaries of platted subdivisions or any other areas zoned for residential, business, commercial or industrial use. No such ordinance shall be applicable to land zoned for or in active farming operation.

B. Every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local real estate taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1. A locality may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

C. The governing body of any locality may by ordinance provide that violations of this section shall be subject to a civil penalty, not to exceed \$50 for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall not exceed \$200. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000 in a 12-month period.

D. Except as provided in this subsection, adoption of an ordinance pursuant to subsection C shall be in lieu of criminal penalties and shall preclude prosecution of such violation as a misdemeanor. The governing body of any locality may, however, by ordinance provide that such violations shall be a Class 3 misdemeanor in the event three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set

of operative facts, within a 24-month period. Classifying such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for the same violation.

(5 facts
Cookle)

Code 1950, § 15-14; 1962, cc. 400, 623, § 15.1-11; 1964, c. 31; 1968, c. 423; 1974, c. 655; 1978, c. 533; 1983, cc. 192, 390; 1990, c. 177; 1992, c. 649; 1994, c. 167; 1997, c. 587; 1999, c. 174; 2000, c. 740; 2001, c. 750; 2003, c. 829; 2006, c. 275; 2009, c. 446; 2010, cc. 161, 403, 641; 2011, cc. 542, 695; 2012, cc. 311, 403, 430, 431; 2013, cc. 189, 490, 508; 2014, cc. 383, 384, 385; 2017, cc. 118, 213, 392, 610.

~~_____~~ ~~_____~~ ~~_____~~ (3)

Code of Virginia
Title 15.2. Counties, Cities and Towns
Chapter 20. Streets and Alleys

(State Code)

§ 15.2-2009. Obstructions or encroachments.

A locality may prevent any unlawful obstruction of or encroachment over, under or in any street, highway, road, alley, bridge, viaduct, subway, underpass or other public right-of-way or place; may provide penalties for maintaining any such unlawful obstruction or encroachment; may remove the same and charge the cost thereof to the owner or occupant of the property so obstructing or encroaching; and may collect the cost in any manner provided by law for the collection of state or local taxes. The locality may require the owner or occupant of the property so obstructing or encroaching to remove the property and, pending such removal, may charge the owner of the property so obstructing or encroaching compensation for the use of such portion of the street, highway, road, alley, bridge, viaduct, subway, underpass or other public right-of-way or place obstructed or encroached upon the equivalent of what would be the tax upon the land so occupied if it were owned by the owner of the property so obstructing or encroaching. If removal is not accomplished within the time ordered, the locality may impose penalties for each day that the obstruction or encroachment is allowed to continue. The locality may authorize encroachments upon such public rights-of-way and places subject to such terms and conditions as the governing body may prescribe. However, owners or occupants shall be liable for negligence on account of such encroachment, and the governing body may institute and prosecute a suit or action in ejectment or other appropriate proceedings to recover possession of any such public right-of-way or place or any other property unlawfully occupied or encroached upon.

Code 1950, § 15-77.57; 1958, c. 328; 1962, c. 623, § 15.1-893; 1997, c. 587.

~~_____~~ ~~_____~~ ~~_____~~ (4)

Legislative Committee
November 29, 2018

Control officers to have some authority to do something, without an actual attack. This will be at the discretion of the Animal Control Officer and unique to each situation. There was consensus of the Legislative Committee to bring back to the Board during a Work Session in the future to review.



(g) Discussion of Potential Grass and Weeds Ordinance

Mr. Hunt brought before the Committee a potential Grass and Weeds Ordinance, which is allowed by the State. This is just to see if the Board has an appetite for something such as this, or to leave as is. This was attempted several years ago, and it was not successful in coming out of the Committee and being brought before the full Board. The proposed Ordinance would be limited to R-1 only, and would also be based on phone complaints that are not anonymous. After some discussion, there was consensus from the Legislative Committee to bring this item back in the new year for future discussion.

(h) Discussion of Potential Revisions to Inoperable Vehicles Ordinance

Mr. Hunt stated the County currently allows three (3) or fewer inoperable vehicles to be kept on a property provided that each vehicle is shielded or screened for view by covers or vegetation. There have been suggestions by Board Members to potentially revise the inoperable vehicles ordinance, because the three (3) vehicle limit may fit some Districts, but not others. This would be complaint-based and could be restricted to R-1. After discussion, there was consensus from the Legislative Committee to bring this item back in the new year for discussion at a future Work Session.

Adjournment

Motion to adjourn made by Mr. Farmer, seconded by Mr. Davis.

Mr. Scarce adjourned the Meeting at 5:50 PM.

Minutes

Mr. Slemp, Director of Public Safety, informed the Legislative Committee that a draft of the new Fire and Rescue Ordinance is currently being worked on and is close to being completed. Once the draft is finalized, he will present it to the Committee at a future meeting for recommendation to the full Board for potential action. Their next Ad-hoc committee meeting is scheduled for February 8, 2019, to see if there are any additional comments.

Old Business



(a) Potential Grass and Weeds Ordinance

Mr. Hunt asked if there was a desire to entertain a potential Grass and Weed Ordinance. Following discussion, the Legislative Committee directed Mr. Hunt to bring back a draft of a potential Grass and Weeds Ordinance (to be only applicable to R-1 zoned properties in the County) to a future Legislative Committee Meeting for a potential recommendation to the full Board.

(b) Potential Revision to Inoperable Vehicles Ordinance

Mr. Hunt asked if there was a desire to entertain potential revisions to the County's Inoperable Vehicles Ordinance. After discussion, the Legislative Committee directed Mr. Hunt to bring back a draft of revisions allowing fewer inoperable vehicles in R-1 zoned properties in the County to a future Legislative Committee Meeting for potential recommendation to the full Board.

Adjournment

Mr. Farmer adjourned the Meeting at 6:35 PM.

Mr. Slemp stated the Ad-hoc Committee met last month and the majority of the Ordinance is complete. Mr. Slemp suggested the Committee recommend to the full Board that the Fire and Rescue Commission be comprised of no more than nine (9) members, by eliminating the EMS-only and Law Enforcement Members. Mr. Slemp also stated that he has hopes of having the Ordinance completed and ready for the full Board to review by July. Mr. Scarce mentioned that things have been going well and everyone seems to be working well together and there are a few things left before the Ordinance is finalized. There was also discussion about how the citizens are appointed to this Commission. Motion by Scarce, second by Barber, to recommend to the full Board that the Fire & Rescue Commission be comprised of no more than nine (9) members, by eliminating the EMS-only and Law Enforcement Members, and the Board's decision making on the citizen appointees not be restricted. The recommendation was unanimously approved by the Committee.



(b) Animal Nuisance Ordinance Update

Mr. Hunt stated there have been some concerns raised from the farm community. The farm community is primarily concerned that this Ordinance will be used to go after the agricultural community for smells and things such as that. There is a Public Hearing scheduled for March 12, 2019 for this matter, but the Public Hearing can be removed from the Agenda, or it can still be held to hear the concerns and take no action after the Public Hearing. Mr. Scarce stated that one concern he has heard is that usually when a complaint is taken before the Judge, nothing is done, and it has been a waste of time. He suggested sitting down with Mr. Haskins and trying to come up with some wording so that this Ordinance has some teeth. Mr. Farmer stated he would still like to hold the Public Hearing to hear citizen comments.

(c) Inoperable Vehicles Ordinance Revision

There was discussion about why the Ordinance revision came up and if there were more complaints recently than in the past. Mr. Sides stated there has not been more complaints, but the idea was brought to the Legislative Committee that maybe there should be more restrictions in residentially zoned properties, and Staff was asked to bring something back for the Committee to review. Mr. Warren stated that he has received a lot of phone calls and complaints, but more so in subdivisions where there are a cluster of homes. Mr. Barber stated that he has not received any complaints and he feels that the issue is enforcement. There was consensus from the Board on enforcing the current Ordinance that is in place as is, on a complaint basis, and only take action at a later date only if necessary.



(d) Grass and Weeds Ordinance

Mr. Sides stated the Legislative Committee requested that Staff look into and draft an Ordinance, and the Legislative Committee was provided with a standard Grass and Weed Ordinance. Mr. Barber stated his concern about this issue and recommended it be left alone right now. He stated there are farmers who cut on residential properties and does not feel that the County has the means to enforce this issue. Mr. Warren suggested that this issue be tabled and come back to later, but he feels that something should be done for the citizens who live in subdivisions who have covenants.

(e) "Farming Definition" Expansion/Clarification for Taxation Purposes

GRASS AND WEED ORDINANCE

Sec. ____ - Unlawful Conditions of Weeds, Grass, Shrubbery, Trees and other Vegetation Generally.

(a) Occupied Property.

This Paragraph shall not apply to land zoned for or in an active farming operation.

(1) No owner of occupied residential real property shall permit to remain on such property or any part thereof a grass or lawn area of less than one-half-acre when growth on such grass or lawn area exceeds twelve (12) inches in height.

(2) No owner of any occupied developed, or undeveloped property, including property upon which buildings or other improvements are located, within the boundaries of platted subdivisions or any other areas zoned for residential, office, commercial, or industrial use shall permit to remain thereon, any grass, weeds, or other uncontrolled vegetation in excess of eighteen (18) inches in height, unless located in areas within the property that are used for pastures, under cultivation, forested, subject to utility transmission easements, or where the vegetative growth is regulated under State or Federal laws or programs.

(b) Vacant Property.

This Paragraph does not apply to land zoned for or in an active farming operation.

No owner of any vacant developed or undeveloped property, including property upon which buildings or other improvements are located, within the boundaries of platted subdivisions or any other areas zoned for residential, office, commercial, or industrial use shall permit to remain thereon, any grass, weeds, or other uncontrolled vegetation in excess of eighteen (18) inches in height unless located in areas within the property that are used for pastures, under cultivation, forested, subject to utility transmission easements, or where the vegetative growth is regulated under State or Federal laws or programs.

(c) Occupied and Vacant Property.

No owner of any lot or parcel of land shall permit to grow or remain thereon any hedge, shrub, tree, or other vegetation, the limbs, branches, or other parts of which overhang, extend, or protrude into any street, sidewalk, or public alley in a manner which obstructs or impedes the safe and orderly movement of persons or vehicles thereon, or, in the case of trees, when the dead limbs or branches thereof are likely to fall into or across such street or sidewalk, thereby endangering such persons and vehicles.

(d) Disposal of Vegetation.



Upon remedying any unlawful condition hereunder, the owner shall dispose of such vegetation in a manner that eliminates any potential fire hazard.

(e) County's Authority to Act.

Whenever the Director of Community Development, or his/her official designee, has determined that any such unlawful condition exists, he/she shall send written Notice to the property owner notifying the property owner (i) that such determination has been made, and (ii) that the owner shall cut the grass, weeds, or other uncontrolled vegetation within the time specified in the Notice. Such notice shall be delivered by hand or sent by first class mail to the last address listed for the property owner on the County's real estate assessment records for the property. One (1) written Notice per growing season to the owner of record of the subject property shall be considered reasonable notice.

If such grass, weeds, or other uncontrolled vegetation are not cut within the required time, the Director of Community Development, or his/her official designee, shall cause or order them to be cut, either by County forces or by a private contractor, and the costs and expenses thereof, including an administrative charge of \$50.00, shall be billed to the property owner and, if not paid, shall be added to and collected in the same manner as real estate taxes are collected. The Director of Community Development, or his/her official designee, shall certify the costs and expenses to the Treasurer of the County, who shall collect such amount; if such amount shall remain unpaid for a period of sixty (60) days, then the Treasurer shall certify such charges as being unpaid to the Clerk of the Circuit Court of the County, who shall maintain a record book of such delinquent costs and expenses in the records of the Clerk's Office.

(f) Lien on Property.

In addition to any authority the Treasurer has to place a lien through the tax collection process, costs and expenses incurred by the County to correct violations of Subsections (a)(2) or (b) shall be assessed against the owner and any lien holder of the property and, if they remain unpaid, shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes, and shall be enforceable in the same manner as provided in Code of Virginia, tit. 58.1, ch. 39, arts. 3 and 4 (§§ 58.1-3940—58.1-3974), 1950, as amended. The County may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the person who was owner of the property at the time the liens were imposed.

(g) Penalties.

(1) Violations of Subsection (a)(2) or (b).



Violations of Subsection (a)(2) or (b) shall be subject to a civil penalty of \$50.00 for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within twelve (12) months of the first violation shall be \$200.00. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000.00 in a twelve (12)-month period. In addition, these violations shall be a Class 3 Misdemeanor in the event three (3) civil penalties have previously been imposed on the same Defendant for the same or similar violation, not arising from the same set of operative facts, within a twenty-four (24)-month period. Classifying such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for the same violation.

(2) *Violations of subsection (a)(1), (c) and (d).*

Any violation of Subsection (a)(1), (c), and (d) shall be punishable by a civil penalty not to exceed \$100.00.

State Law reference — Authorized by §§ 15.2-901, 15.2-1215, and 15.2-2009, Code of Virginia, 1950, as amended.



V(F)

LEASH
LAW
ORDINANCE

Code of Virginia
Title 3.2. Agriculture, Animal Care, and Food
Chapter 65. Comprehensive Animal Care

V(F)

(state Code)

§ 3.2-6539. Ordinance requiring dogs to be kept on leash.

The governing body of any locality may adopt ordinances requiring that dogs within any such locality be kept on a leash or otherwise restrained and may, by resolution directed to the circuit court, request the court to order a referendum as to whether any such ordinance so adopted shall become effective. Such referendum shall be held and conducted, and the results thereof ascertained and certified in accordance with § 24.2-684. The court shall require the governing body to give appropriate notice of the time, place and subject matter of such referendum.

The results of the referendum shall not be binding upon the governing body of the locality but may be used in ascertaining the sense of the voters.

1984, c. 492, § 29-213.65; 1987, c. 488, § 3.1-796.95; 2008, c. 860.

Code of Virginia
Title 3.2. Agriculture, Animal Care, and Food
Chapter 65. Comprehensive Animal Care

(state code)

§ 3.2-6538. Governing body of any locality may prohibit dogs from running at large; civil penalty.

Any locality may by ordinance prohibit the running at large of all or any category of dogs, except dogs used for hunting, in all or any designated portion of such locality during such months as it may designate. Any such locality 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 or running 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 an ordinance adopted pursuant to the provisions of this section. Such ordinance shall provide that the owner or custodian of any dog found running at large in a pack shall be subject to a civil penalty in an amount established by the locality not to exceed \$100 per dog so found. For the purpose of such ordinance, a dog shall be deemed to be running at large in a pack if it is running at large in the company of one or more other dogs that are also running at large. Any civil penalty collected pursuant to such ordinance shall be deposited by the treasurer of the locality pursuant to the provisions of § 3.2-6534.

1984, c. 492, § 29-213.63; 1987, c. 488, § 3.1-796.93; 2008, c. 860; 2019, c. 562.



supported by the warden's investigation, shall approve the claim and submit the same to the Treasurer of Pittsylvania County for payment to the person entitled. **(B.S.M. 5/2/88)**

SEC. 2-21. SEVERABILITY CLAUSE.

It is hereby declared to be the intention of the Board of Supervisors that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of a Court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance. (Code 1975, Sec.1-3)

SEC. 2-22. RUNNING AT LARGE RESTRICTIONS IN DESIGNATED AREAS.

(a) Notwithstanding the provisions of Section 2-13, it shall be unlawful for any dogs, licensed or unlicensed to run at large within certain designated subdivisions, towns, villages, or other defined areas. **(B.S.M. 4/19/05)**

(b) At least seventy-five percent (75%) of the property owners in any R-1 zoned subdivision, town, village, or other defined area within Pittsylvania County may petition the Board of Supervisors to be included among those areas within which it is unlawful for dogs to run at large. Only one (1) owner per property shall be counted towards the above-required percentage. The Petitioner shall be required to fully pay for any and all advertising costs associated with the Public Hearing on their petition. Upon receipt of such petition, the Board shall consider (1) whether the petition is signed by at least seventy-five (75%) percent of the property owners within the area, and (2) whether the area is well enough defined to permit adequate enforcement by the Animal Control Officer. Thereafter, the Board shall vote upon the petition. If a majority of the members of the Board vote in favor of the petition, the area designated therein shall be added to those on file in the County Administrator's Office. If the Board approves the petition, the Petitioner shall pay the County for all costs associated with producing and installing the "no dogs running at large" signs. **(B.S.M. 9/17/19)**

(c) The following areas shall be designated areas restricting dogs running at large.

(1) Quailwood Subdivision, off Orphanage Road in the Mt. Hermon area as recorded in Map Book 43, Page 67 H, Section 2, Lots 1-26, 28 and 29.

(2) Fairfield Park Subdivision, off Highway 41 in the Mt. Hermon area as shown on maps recorded in Map Book 14, Pg. 84, Sec. A, B, C, D; Pg. 31, Map Book 20, Pg. 65; Map Book 31, Pg. 98.

(3) Ridgecrest Park Subdivision, off Highway 41 in the Mt. Hermon area as shown on maps recorded in Map Book 15, Pg. 51, Sec. A, B, C, D, E; Map Book 22, Pg. 17, Sec. A, B, C; Map Book 33, Page 41, Sec. B, F; Map Book 33, Pg. 42, Sec. G.

(4) Olde Hunting Hills Subdivision, off Mt. Cross Road, Secondary Highway 750 as shown on maps recorded in Map Book 23, Pg. 93, Sec. K., Sec. L-Lt. 7A, Sec. B-Lt. 18A; Map Book 13; Pg. 94 Sec's A-1A-3A, B-1-6, C-1-3; Map Book 16, Pg. 8, Sec's A-4, 5, B-18-24, L-1-7; Map

pu

Book 26, Pg. 25, Sec's A, L, M; Map Book 37, Pg. 49, Sec's L, M, N; Map Book 39, Pg. 12, Sec's A, M, N, P; Map Book 40, Pg. 188, Sec's A, P; Map Book 14, Pg. 65, Sec's D, E.

(5) Laurel Woods Subdivision, off Golf Club Road in the Mt. Hermon area as recorded in Map Book 21, Page 7, Sections A, B; Map Book 40, Page 17. **(B.S.M. 7/19/05 effective 9/1/05)**

(6) Mountain View Place Subdivision, off R & L Smith Drive, State Route 863, as recorded in Deed Book 848, Page 748, Sections A & B, Plat Book 43, Page 148-L, Tax I.D. #125-A-47, Zoning R-1. **(B.S.M. 9/20/05 effective 10/21/05).**

(7) Stoneridge Subdivision, off Pinecroft Road, State Road 747, as recorded in Deed Book 1176, Page 102; DB 1309, Pg 651; DB 1324, Pg 662; DB 1330, Pg 490; DB 1332, Pg 729; DB 1352, Pg 090; DB 1353, Pg 124; DB 1354, Pg 457; DB 1402, Pg 140; DB 1403, Pg 858; DB 1431, Pg 623; DB 1443, Pg 406; DB 1452, Pg 400; DB 1455, Pg 622; DB 1461, Pg 219; DB 1475, Pg 009; DB 1478, Pg 617; DB 1499, Pg 646; DB 1511, Pg 605; DB 1513, Pg 488; DB 1522, Pg 850. **(B.S.M. 7/18/06)**

(8) A portion of Stony Mill Road, beginning at the intersection of SR 869 & SR 844 and ending at the Stony Mill Bridge at Sandy River. A map is available for viewing in the office of the County Administrator, 21 North Main Street, Chatham, Virginia.

(9) Mt. Hermon Place Subdivision, from Samuel Road to the end of Pepper Lane, and the cul-de-sacs' of Samuel Road, Samuel Ct., Samuel Bend, and Franklin Place as recorded in MB 39, Pg 199; DB 840, Pg 323; MB 40, Pg 84; MB 43, Pg 139B; MB 43, Pg 26J; MB 39, Pg 55; MB 40, Pg 13; MB 42, Pg 193; MB 43, Pg 21C; MB 43, Pg 30G; MB 43, Pg 170B; MB 42, Pg 142. A map is available for viewing in the office of the County Administrator, 21 North Main Street, Chatham, Virginia. **(B.S.M. 10/21/08 effective 11/3/08)**

(10) Huckleberry Hills Subdivision, from Blue Ridge Drive/SR 634 to end of Banley Street/SR 980, as recorded in DB 1191, Pg 581; DB 1191, Pg 578; DB 606, Pg 164; DB 587, Pg 113; DB 1268, Pg 052; DB 1463, Pg 643; DB 1202, Pg 782; DB 586, Pg 46; DB 998, Pg 609; DB 533, Pg 583; DB 557, Pg 487; DB 1025, Pg 004; DB 894, Pg 124; DB 551, Pg 547; WF 09, Pg 00134; including 250 feet around 125 Banleys Street #2532-73-2915 in the Staunton River District, A map is available for viewing in the office of the County Administrator, 21 North Main Street, Chatham, Virginia. **(B.S.M. 5/19/09)**

(11) Dogwood Estates Subdivision including the entire subdivision from Ridgecrest Drive (SR 744), along Dogwood Lane (SR 1540), along all of Maple Drive (SR 1541), along all of John Drive (SR 1558) and to the end of Allen Place (SR 1559) as recorded in MB 43, Pg 63C; MB 29, Pg 53 MB 43, Pg 156K; MB 43, Pg 156J; Plat Cabinet 2, Pg 232C. A map is available for viewing in the office of the County Administrator, 21 North Main Street, Chatham, Virginia. **(B.S.M. 4/17/12)**

(12) Wayside Acres Subdivision, from Hillside Road (Route 1115), to Hogan Street, to Ridgeview Road (Route 1114) MB 2, Pg 100, including Ollie S. Short Subdivision, DB 415, Pg 344 and Pg 345. A Map is available for viewing in the Office of the County Administrator, located at 1 Center Street, Chatham, Virginia. **(B.S.M. 11/5/12)**

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(13) Sunset Bay Subdivision, from Rose Street (SR 758) to the Sandy Court cul-de-sac, along Sunset Bay Road to the Crestview Lane cul-de-sac as recorded in MB 43, Pg. 287E; MB 43, Pg. 251G and MB 43, Pg. 251H. A Map is available for viewing in the Office of the County Administrator, located at 1 Center Street, Chatham, Virginia. **(B.S.M. 2/19/13)**

(14) Lakeside Drive the entire length Lakeside Drive coming off U.S. 29N thru its entire length of 2051.18 feet upon reaching the deadend, in the Banister Electoral District. A Map is available for viewing in the Office of the County Administrator, located at 1 Center Street, Chatham, Virginia. **(B.S.M. 1/21/14)**

(15) Restriction in Designated Areas, to include Jasper Woods Road in Hurt, Virginia, with a controlled area defined as from Highway View Road/SR 988 to Jasper Wood Road/ SR 753, and ending at Shula Drive/SR 642. **(B.S.M. 12/15/15)**

(16) Restriction to include the entirety of Green Farm Road/SR 719 in the Banister and Dan River Election Districts. **(B.S.M. 12/9/17)**

SEC. 2-23. FEMALES IN SEASON RUNNING AT LARGE.

It shall be unlawful for the owner of any female dog to permit such dog to stray from his premises, while such dog is known to such owner to be in season. During the entire time such dog is in season she shall be confined, restricted or penned up in a building or a secure enclosure adequate to prevent the animal from running at large. Tethering of a female dog in season not under the direct supervision and control of the owner or custodian shall not be considered adequate confinement. For authority of this section, refer to Section 3.2-6538, Code of Virginia, 1950, as amended. **(B.S.M. 3/7/05)**

SEC. 2-24. IMPOUNDMENT WHERE RUNNING AT LARGE.

(a) It shall be the duty of the Animal Control Officer or other officer to cause any dog found running at large in violation of any provisions of this Chapter to be caught and confined in the County animal shelter. Every effort shall be made on the part of such officer to determine ownership of the confined dog and to notify the owner of its whereabouts. If the owner is known by the virtue of a nametag, license or other identification on the dog, such owner shall be notified forthwith by the person taking the dog into custody.

(b) A dog confined, pursuant to this Chapter may be claimed by the rightful owner, after displaying proof of ownership, a current dog tag and current rabies inoculation proof. No dog shall be released to any person claiming ownership, unless such tag and proof are displayed. Any owner claiming a dog impounded under this Chapter shall pay to the person in charge of the animal shelter a fee in an amount equal to the actual expenses incurred in keeping the dog impounded. Such fee shall be in addition to any penalty imposed for the violation of this article and shall be paid prior to release of the dog from the shelter. The County Animal Shelter collecting such fee shall furnish the owner of the dog with a printed receipt, in a form and manner approved by the County Administrator and shall keep an electronic copy of all such receipts. These funds shall be tracked and turned over to the County Treasurer with normal deposits. Records of these charges collected shall be subject to audit by representatives of the Board of Supervisors whenever requested.

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(c) An animal confined pursuant to this section shall be kept for a period of not less than five (5) days, such period to commence on the day immediately following the day the animal is initially confined in the facility, unless sooner claimed by the rightful owner thereof.

The operator or custodian of the public animal shelter shall make a reasonable effort to ascertain whether the animal has a collar, tag, license, tattoo, or other form of identification. If such identification is found on the animal, the animal shall be held for an additional five (5) days, unless sooner claimed by the rightful owner. If the rightful owner of the animal can be readily identified, the operator or custodian of the shelter shall make a reasonable effort to notify the owner of the animal's confinement within the next 48 hours following its confinement.

(d) Nothing contained in this section shall be construed to prohibit the destruction of critically ill or critically injured dogs for humane purposes. (B.S.M.1/27/20)

SEC. 2-25. EVIDENCE SHOWING INOCULATION FOR RABIES PREREQUISTE TO OBTAINING DOG LICENSE.

No license tag shall be issued for any dog unless there is presented, to the Treasurer or other officer of the county charged by law with the duty of issuing license tags for dogs at the time application for license is made, evidence satisfactory to him showing that such dog has been inoculated or vaccinated against rabies by a currently licensed Veterinarian or currently licensed Veterinary Technician who was under the immediate and direct supervision of a licensed Veterinarian on the premises. For authority of this section, refer to Section 3.2-6526, Code of Virginia, 1950, as amended. (B.S.M 3/7/05)

SEC. 2-25.1. RABIES INOCULATION OF DOGS; AVAILABILITY OF CERTIFICATE.

The owner or custodian of all dogs four (4) months of age and older shall have them 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. The supervising Veterinarian on the premises shall provide the owner of the dog with a certificate of vaccination. The owner of the dog shall furnish within a reasonable period, 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. The vaccine used shall be licensed by the United States Department of Agriculture for use in that species.

For authority of this section, refer to Section 3.2-6521, Code of Virginia, 1950, as amended. (B.S.M. 3/7/05)

SEC. 2-26. LACK OF CONTROL OF COMPANION ANIMAL ORDINANCE

A. Lack of control of a companion animal is created when any dog, cat, canine crossbreed, or other companion animal, as defined by § 3.2-6500, Code of Virginia, 1950, as amended, unreasonably annoys humans, endangers the life or health of other animals or persons, or substantially interferes with the rights of citizens, other than their owners, to the enjoyment of life or property. Acts constituting a lack of control of a dog, cat, canine crossbred, or other companion animal shall include, but are not limited to, the following:

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(1) Trespassing upon another's property in such a manner as to damage property;

(2) Habitually running at large in a restricted area (meaning three (3) or more convictions for running at large within two (2) years);

(3) Molesting, annoying, or intimidating pedestrians or passersby not located on the companion animal's owner's property;

(4) Defecating without permission of the property owner upon any public place or upon premises not owned or controlled by the owner unless promptly removed by the animal's owner; or

(5) Being found at large on any school property.

B. Any person owning or having possession or control of an animal suspected of violating this Ordinance shall be proceeded against by warrant or summoned before the General District Court of the County to show cause why the animal should not be confined, euthanized, removed, or the public nuisance otherwise abated.

C. The Animal Control Officer, owner, or custodian shall confine the animal until the Court has made a final decision in the case. If the Animal Control Officer deems confinement necessary, then the owner or custodian shall be responsible for the impound fees.

D. Upon proof that such animal has violated this Ordinance, the animal shall, by General District Court Order, be confined, euthanized, removed, or the public nuisance shall be otherwise abated, as the Court shall Order. No person shall fail to comply with such an Order.

E. Violation of Subsections A(3), A(4), or A(5) of this Section is a Class 1 Misdemeanor. Violation of any other provision of this Ordinance is a Class 3 Misdemeanor.

F. This Ordinance shall not apply to non-companion animals, livestock, poultry, alpacas, and llamas; any person while engaged in law enforcement or search and rescue activity; in a supervised formal obedience training class or show; during formally sanctioned field trials; while engaged in lawful hunting with a dog or dogs during open season; during bona fide hunting or field trial dog training, and/or dogs actively engaged in farming activity.

G. Enforcement. No person shall be charged with a violation of § A herein, unless the Complainant appears before a Magistrate and requests a Summons or Warrant be issued charging the violation; except that, when a violation is committed in the presence of an Animal Control Officer, said Officer may issue a Summons and take other action as set forth in this Ordinance. (B.S.M. 7/16/19)

Article III.

CATS

SEC. 2-30. VACCINATION OF CATS; CERTIFICATE REQUIRED; IMPOUNDMENT OF UNVACCINATED CATS.

(a) It shall be unlawful for any person to own, keep or harbor any domestic cat over the age of four (4) months unless such cat has been vaccinated against rabies with a species appropriate vaccine approved by the United States Department of Agriculture and administered by a licensed

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There was discussion regarding potentially allowing late Land Use Application filing with a penalty. Due to time constraints, it would be near impossible to make this effective this year, and the Legislative Committee decided to put this item on hold until the Summer to consider putting this item in place for next year's filings.

(c) Discussion of Potential Revisions to BOS Bylaws

Mr. Hunt stated the BOS Bylaws were revised last year and are pretty clean. Mr. Hunt asked the Legislative Committee if there was anything in the Bylaws that they desire to change, and if so, the changes need to be brought before the full Board at the December Meeting to allow for the ten (10) day layover before they can be adopted at the January Reorganizational Meeting. There was discussion regarding the potential change to starting the Work Session at 4:00 PM instead of 4:30 PM to allow for more time. There was also discussion regarding Appointments to Board Committees. This would allow the Board the authority to remove Board appointees if necessary. Mr. Hunt asked if the Legislative Committee desired a vetting process for anyone interested in being appointed to any Boards and Committees. There are localities that handle their appointments in Closed Session and/or do an application process. Mr. Davis likes the idea of the Board being able to remove appointees, but does not really like the idea of vetting the appointees due to the Supervisor for that District being in control of that. Mr. Farmer stated he is open to starting the Work Session at 4:00 PM. Mr. Warren likes the idea of an application of the appointees. Dr. Miller also likes the application process and the ability to remove if necessary. Mr. Hunt will get these items on the December Work Session to present before the full Board.

(d) Discussion/Review of Proposed Legislative Priority List and Discussion of Potential Retention of Lobbyist for 2019 Virginia General Assembly Session(s)

Mr. Hunt presented a Legislative Priority List to the Legislative Committee. Staff is looking for direction from the Board on whether they desire to hire a lobbyist to assist in several key areas. VACo is lobbying on the State level, but there may be things that are beneficial if we hire a lobbyist, especially on the Cherrystone Dam Project. Mr. Warren suggested researching other localities to see which are already lobbying on things such as the Dam Project to possibly partner with them on that topic. Motion by Mr. Davis, second by Mr. Farmer, to authorize Staff to put this list in the form of a Resolution to be brought before the full Board at their December Meeting.

(e) Discussion of Potential Revision to Noise Ordinance

Mr. Hunt explained that Mr. Haskins, Commonwealth's Attorney, recently had a case where he was unable to prosecute a particular charge relating to our Noise Ordinance due to a missing link in the current Code. The current Code references 40-60, which is wrong and should be 41-6. This will enable him to charge people for violations of the Noise Ordinance, and the way it is now he is unable to do so, because the Code is referencing a broken link. Motion by Mr. Davis, second by Mr. Farmer, to authorize Staff to advertise for a Public Hearing and bring before the full Board at their December Meeting.

(*) (f) Discussion of Potential Nuisance Animals Ordinance

Mr. Hunt stated there have been several situations brought to Board Members' attention concerning nuisance animals. This will only apply to domestic animals, and it will allow the Animal

per parcel. This mirrors the revalidation late filing fee that is already in place. This also requires a Public Hearing. Motion by Mr. Scarce, seconded by Mr. Barber, to recommend the full Board hold a Public Hearing to potentially adopt this at the March Meeting, which was unanimously approved by the Legislative Committee.

(c) **“Farming Definition” Expansion/Clarification for Taxation Purposes**

Honorable Shirley Y. Hammock suggested bringing the current County Ordinance up to the Virginia State Code. Said Code currently exempts thirteen (13) items, and the County only exempts six (6) items. There was also discussion regarding a past situation with a nursery being considered a farm. Mr. Barber suggested adopting all thirteen (13) items to mirror the Virginia Code. He also stated his concerns about what exactly is an agricultural product, and, if a nursery is in the definition of a farm, because he sees it both ways. There was no direction in the packet for the farming definition. County Staff is seeking direction to expand the Section to the thirteen (13) items, as opposed to six (6), and what the Committee’s pleasure is about including nurseries. Motion by Mr. Barber, seconded by Mr. Scarce, to draft potential revisions to mirror Virginia Code on items one (1) through ten (10) on exemptions, and take before the full Board for consideration, which was unanimously approved by the Legislative Committee. The Legislative Committee also directed County Staff to bring back a definition of farming to include the production of plant material (horticultural products), and exempt that, but not the retail side.

(d) **Hylton Rezoning (to be initiated by BOS)**

Mr. Sides informed the Legislative Committee about a unique zoning situation involving a County resident. Since 1991, Mr. Hylton’s property has been listed as being zoned R-1 on the County’s Official Zoning Map. There were interns working in the Zoning Office in 1992, and they forwarded inaccurate information to the Commissioner’s Office showing Mr. Hylton’s property zoned as A-1. Due to the confusion, Mr. Hylton has requested that his property be rezoned to A-1 at no charge. Virginia Code allows the Board to do this. Motion by Mr. Scarce, seconded by Mr. Barber, to allow the two (2) parcels to be rezoned without any cost to the applicant, which was unanimously approved by the Legislative Committee.

(*) (e) **Animal Public Nuisance Ordinance**

Mr. Hunt presented a potential Animal Public Nuisance Ordinance for inclusion in the Pittsylvania County Code. Motion by Mr. Scarce, seconded by Mr. Farmer, to recommend the Animal Public Nuisance Ordinance to the full Board for review and Public Hearing authorization for potential adoption at the March Business Meeting. Mr. Barber stated that he does not like the barking and excessive noise statement in the Ordinance.

(f) **Dilapidated Structure Removal Matrix**

Mr. Sides was directed at the January Work Session to create a Dilapidated Structure Removal Matrix. He presented the draft version of the Matrix to the Legislative Committee, and there was a Motion by Mr. Scarce, seconded by Mr. Barber, to recommend the presented Matrix to the full Board, which was unanimously approved by the Legislative Committee.

(g) **Fire and Rescue Ordinance Update**

Mr. Slemp stated the Ad-hoc Committee met last month and the majority of the Ordinance is complete. Mr. Slemp suggested the Committee recommend to the full Board that the Fire and Rescue Commission be comprised of no more than nine (9) members, by eliminating the EMS-only and Law Enforcement Members. Mr. Slemp also stated that he has hopes of having the Ordinance completed and ready for the full Board to review by July. Mr. Scarce mentioned that things have been going well and everyone seems to be working well together and there are a few things left before the Ordinance is finalized. There was also discussion about how the citizens are appointed to this Commission. Motion by Scarce, second by Barber, to recommend to the full Board that the Fire & Rescue Commission be comprised of no more than nine (9) members, by eliminating the EMS-only and Law Enforcement Members, and the Board's decision making on the citizen appointees not be restricted. The recommendation was unanimously approved by the Committee.

 (b) Animal Nuisance Ordinance Update

Mr. Hunt stated there have been some concerns raised from the farm community. The farm community is primarily concerned that this Ordinance will be used to go after the agricultural community for smells and things such as that. There is a Public Hearing scheduled for March 12, 2019 for this matter, but the Public Hearing can be removed from the Agenda, or it can still be held to hear the concerns and take no action after the Public Hearing. Mr. Scarce stated that one concern he has heard is that usually when a complaint is taken before the Judge, nothing is done, and it has been a waste of time. He suggested sitting down with Mr. Haskins and trying to come up with some wording so that this Ordinance has some teeth. Mr. Farmer stated he would still like to hold the Public Hearing to hear citizen comments.

(c) Inoperable Vehicles Ordinance Revision

There was discussion about why the Ordinance revision came up and if there were more complaints recently than in the past. Mr. Sides stated there has not been more complaints, but the idea was brought to the Legislative Committee that maybe there should be more restrictions in residentially zoned properties, and Staff was asked to bring something back for the Committee to review. Mr. Warren stated that he has received a lot of phone calls and complaints, but more so in subdivisions where there are a cluster of homes. Mr. Barber stated that he has not received any complaints and he feels that the issue is enforcement. There was consensus from the Board on enforcing the current Ordinance that is in place as is, on a complaint basis, and only take action at a later date only if necessary.

 (d) Grass and Weeds Ordinance

Mr. Sides stated the Legislative Committee requested that Staff look into and draft an Ordinance, and the Legislative Committee was provided with a standard Grass and Weed Ordinance. Mr. Barber stated his concern about this issue and recommended it be left alone right now. He stated there are farmers who cut on residential properties and does not feel that the County has the means to enforce this issue. Mr. Warren suggested that this issue be tabled and come back to later, but he feels that something should be done for the citizens who live in subdivisions who have covenants.

(e) "Farming Definition" Expansion/Clarification for Taxation Purposes

currently not in the Code, which will allow the County to recoup expenses incurred for certain illegal acts. The Ordinance does not require the rescue squads to come under the County for their EMS billing. It does add the ability to begin billing treating on site, if a patient is treated without being transported to a hospital. The Ordinance will allow the Fire Departments to bill for their services, if they choose to do so, and it also allows the County to put a stipulation on large events where they have to carry some type of EMS or Fire coverage. This allows the local Fire and Rescue Squads to be informed of large events like that in their areas. Mr. Slemp stated that the Fire and Rescue Association will be looking at this Ordinance and then he would like for the Ad-hoc Committee to look at it once more before it is sent back to the full Board for consideration. There was discussion about the Board being conscious when appointing members, and making sure they were being rotated fairly due to the many different squads throughout the County. There was consensus of the Committee to endorse Staff changes, and allow Mr. Slemp to run the Ordinance by the Fire and Rescue Association and the Ad-Hoc Committee before bringing it back to the Board.

 (c) **Discussion of Potential Revisions to Dog Control Areas Ordinance**

Mr. Hunt stated there have been some concerns raised with the County's current Dog Control Area Ordinance. The intent of this Ordinance is being strained and County Staff believes it is very vague, because there is no actual definition of the Dog Control Area; it is left up to the Petitioner to define. There were eight (8) revisions that were presented to possibly include in this Ordinance. Some of these would be to limit the dog control areas to only R-1 zones properties and platted subdivisions, raising the percentage required to submit the petition from 51% to a higher percentage, revising the Ordinance to balance equities regarding residents vs. property owners, requiring a minimum total density and parcels, charging Administrative Fees to consider/process the petitions, requiring the petitioner to pay County for the Public Hearing Advertisements, and assessing the Dog Control Area property owners annual fee to offset County Animal Control expenses for policing Dog Control Areas and creating/installing Dog Control Area signs. There was consensus from the Committee for Staff to create a revised Running at Large Ordinance and bring it back to the Committee for review.

 (d) **Review of Potential Lack of Control of Companion Animal Ordinance**

Mr. Hunt stated that there has been previous discussion about putting an Animal Nuisance Ordinance in place, but the Agriculture Community does not want this to affect them in any way. Mr. Hunt, Mr. Sides, and Mr. Harris had a conversation about removing the word "nuisance" and only applying this to dogs and cats. This seemed to be a good compromise that the farming community is okay with. The intent of this Ordinance is to have something citizens can utilize when they are in these types of situations and not have to resort to a dog-controlled area. Staff also does not want this Ordinance to have language that is redundant to other sections of the County Code. There will be a recap of this item on the June 18, 2019, Work Session, and it will be an action item on the June 18, 2019, Business Meeting Agenda.

(e) **Discussion of Proposed PCC Additions Requested by Sheriff**

Sheriff Taylor has been researching Ordinances that are available for the County to adopt to allow fees/fines to be assessed to certain crimes where that money will come back to the locality. In order for the County to recover these costs, there has to be a local Ordinance adopted. The Code of Virginia Sections Sheriff Taylor referenced were § 15.2-1716.1, § 15.2-1716.2, § 15.2-1717, § 15.2-

Minute

Legislative Committee
August 14, 2019

**Pittsylvania County Board of Supervisors
Legislative Committee
Wednesday, August 14, 2019, Meeting**

VIRGINIA: The Legislative Committee of the Pittsylvania County Board of Supervisors was held on Wednesday, August 14, 2019, in the Main Conference Room of the County Administration Building in Chatham, Virginia 24531. Ben L. Farmer, Chairman, called the Meeting to Order at 5:00 p.m. The following Committee Members were present:

Ben L. Farmer
Tim R. Barber
Ronald S. Scearce

The following Board of Supervisors Members were also present:

Joe B. Davis
Elton W. Blackstock
Charles H. Miller, Jr.
Robert W. Warren

Mr. David M. Smitherman, County Administrator; Mr. J. Vaden Hunt Esq., County Attorney; Mr. Greg L. Sides, Assistant County Administrator for Planning & Administration; and Mrs. Kaylyn M. McCluster, Deputy Clerk, were also present.

Approval of Agenda

Motion made by Mr. Scearce, seconded by Mr. Barber, to approve Agenda, which was unanimously approved.

New Business



(a) Revisions to PCC Section 2-22(b) (Running at Large Restrictions in Designated Areas)

Mr. Slemp briefed the Board on how the Running at Large Restrictions can be improved. Mr. Barber stated he liked the idea of these changes, especially making it 75% of the property owners needing to be on the Petition instead of just a majority. Mr. Farmer stated that he would like for numbers 4, 5, and 8 to be looked at further. He feels that it should still be the property owner on the petition and not resident. He also thinks that the Administrative Fee being charged is not necessary. He does not want to assess these property owners an annual fee. Motion by Mr. Scearce, seconded by Mr. Barber, to recommend this item to the full Board, which was unanimously approved.

(b) Revision to PCC Section 6-3.1 (Local County Tax Exemption)

Mr. Hunt stated he spoke with Mr. and Mrs. Moss about this item and they have asked for this item to be tabled until they are able to be present at a future Meeting. Motion by Mr. Barber, seconded by Mr. Scearce, to table this item, which was unanimously approved. Mr. Warren

V (6)

CAT LICENSING
ORDINANCE

V(6)
(state code)

Code of Virginia
Title 3.2. Agriculture, Animal Care, and Food
Chapter 65. Comprehensive Animal Care

§ 3.2-6524. Unlicensed dogs prohibited; ordinances for licensing cats.

A. It shall be unlawful for any person other than a releasing agency that has registered as such annually with local animal control to own a dog four months old or older in the Commonwealth unless such dog is licensed, as required by the provisions of this article.

B. The governing body of any locality may, by ordinance, prohibit any person other than a releasing agency that has registered as such annually with local animal control from owning a cat four months old or older within such locality unless such cat is licensed as provided by this article.

1984, c. 492, § 29-213.55; 1987, c. 488, § 3.1-796.85; 1988, c. 538; 1993, c. 817; 2007, c. 640; 2008, c. 860.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

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Code of Virginia
 Title 3.2. Agriculture, Animal Care, and Food
 Chapter 65. Comprehensive Animal Care

(state
code)

§ 3.2-6526. What dog or cat license shall consist of.

A. A dog or cat license shall consist of a license receipt and a metal tag. The tag shall be stamped or otherwise permanently marked to show the jurisdiction issuing the license and bear a serial number or other identifying information prescribed by the locality.

B. No license tag shall be issued for any dog or cat unless there is presented, to the treasurer or other officer of the locality, or other agent charged by law with the duty of issuing license tags for dogs and cats, satisfactory evidence that such dog or cat has been inoculated or vaccinated against rabies by a currently licensed veterinarian or currently licensed veterinary technician who was under the immediate and direct supervision of a licensed veterinarian on the premises.

1984, c. 492, §§ 29-213.60, 29-213.67; 1987, c. 488, §§ 3.1-796.90, 3.1-796.97; 1993, c. 817; 1996, c. 351; 1998, c. 394; 2006, c. 836; 2008, c. 860.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

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Code of Virginia
 Title 3.2. Agriculture, Animal Care, and Food
 Chapter 65. Comprehensive Animal Care

(State Code)

§ 3.2-6527. How to obtain license.

Any person may obtain a dog license or cat license if required by an ordinance adopted pursuant to subsection B of § 3.2-6524, by making oral or written application to the treasurer of the locality where such person resides, accompanied by the amount of license tax and current certificate of vaccination as required by this article or satisfactory evidence that such certificate has been obtained. The treasurer or other officer charged with the duty of issuing dog and cat licenses shall only have authority to license dogs and cats of resident owners or custodians who reside within the boundary limits of his county or city and may require information to this effect from any applicant. Upon receipt of proper application and current certificate of vaccination as required by this article or satisfactory evidence that such certificate has been obtained, the treasurer or other officer charged with the duty of issuing dog and cat licenses shall issue a license receipt for the amount on which he shall record the name and address of the owner or custodian, the date of payment, the years for which issued, the serial number of the tag, whether dog or cat, whether male or female, whether spayed or neutered, or whether a kennel, and deliver the metal license tags or plates provided for in § 3.2-6526. The information thus received shall be retained by the treasurer, open to public inspection, during the period for which such license is valid. The treasurer may establish substations in convenient locations in the county or city and appoint agents for the collection of the license tax and issuance of such licenses.

1984, c. 492, § 29-213.56; 1987, c. 488, § 3.1-796.86; 1991, c. 77; 1993, c. 817; 2006, c. 836; 2008, c. 860; 2017, cc. 559, 567.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

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(state code)

Code of Virginia
 Title 3.2. Agriculture, Animal Care, and Food
 Chapter 65. Comprehensive Animal Care

§ 3.2-6528. Amount of license tax.

The governing body of each county or city shall impose by ordinance a license tax on the ownership of dogs within its jurisdiction. The governing body of any locality that has adopted an ordinance pursuant to subsection B of § 3.2-6524 shall impose by ordinance a license tax on the ownership of cats within its jurisdiction. The governing body may establish different rates of taxation for ownership of female dogs, male dogs, spayed or neutered dogs, female cats, male cats, and spayed or neutered cats. The tax for each dog or cat shall not be more than \$10 for each year or \$50 for a lifetime license issued pursuant to subsection B of § 3.2-6530. If the dog or cat has been spayed, the tax shall not exceed the tax provided for a male dog or cat. Any ordinance may provide for an annual license tax for kennels of 10, 20, 30, 40, or 50 dogs or cats not to exceed \$50 for any one such block of kennels.

No license tax shall be levied on any dog that is trained and serves as (i) a guide dog for a blind person, (ii) a hearing dog for a person who is deaf or hard of hearing, or (iii) 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 meanings as assigned in § 51.5-40.1.

1984, cc. 248, 492, § 29-213.57; 1986, c. 169; 1987, c. 488, § 3.1-796.87; 1993, c. 817; 1994, c. 108; 2006, c. 836; 2008, c. 860; 2014, c. 616; 2017, cc. 559, 567; 2019, c. 288.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

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 Chapter 65. Comprehensive Animal Care

(State Code)

§ 3.2-6530. When license tax payable.

A. The license tax as prescribed in § 3.2-6528 is due not later than 30 days after a dog or cat has reached the age of four months, or not later than 30 days after an owner acquires a dog or cat four months of age or older, and each year thereafter.

Licensing periods for individual dogs and cats may be equal to and may run concurrently with the rabies vaccination effective period.

B. The governing body of a county or city may by ordinance provide for a lifetime dog or cat license. Such a license shall be valid only as long as the animal's owner resides in the issuing locality and the animal's rabies vaccination is kept current.

C. Any kennel license tax prescribed pursuant to § 3.2-6528 shall be due on January 1 and not later than January 31 of each year.

1984, cc. 248, 492, § 29-213.58; 1986, c. 169; 1987, c. 488, § 3.1-796.88; 1990, c. 365; 1993, c. 817; 2006, c. 836; 2008, c. 860; 2017, cc. 559, 567.

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§ 3.2-6531. Displaying receipts; dogs to wear tags.

Dog and cat 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. It shall be unlawful for the owner to permit any licensed dog four months old or older to run or roam at large at any time without a license tag. The owner of the dog may remove the collar and license tag required by this section when: (i) the dog is engaged in lawful hunting; (ii) the dog is competing in a dog show; (iii) the dog has a skin condition that would be exacerbated by the wearing of a collar; (iv) the dog is confined; or (v) the dog is under the immediate control of its owner.

1984, c. 492, § 29-213.62; 1987, c. 488, § 3.1-796.92; 1990, c. 365; 1993, c. 817; 1998, c. 817; 2008, c. 860.

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§ 3.2-6532. Duplicate license tags.

If a dog or cat license tag is lost, destroyed or stolen, the owner or custodian shall at once apply to the treasurer or his agent 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 or his agent that the original license tag has been lost, destroyed or stolen, he shall issue a duplicate license tag that the owner or custodian shall immediately affix to the collar of the dog. The treasurer or his agent 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 or cat shall not exceed \$1.

1984, c. 492, § 29-213.61; 1987, c. 488, § 3.1-796.91; 1993, c. 817; 2008, c. 860; 2017, cc. 559, 567.

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§ 3.2-6533. Effect of dog or cat not wearing a license tag as evidence.

Any dog or cat not wearing a collar bearing a valid license tag shall prima facie be deemed to be unlicensed, and in any proceedings under this chapter the burden of proof of the fact that such dog or cat has been licensed, or is otherwise not required to bear a tag at the time, shall be on the owner of the dog or cat.

1984, c. 492, § 29-213.59; 1987, c. 488, § 3.1-796.89; 1993, c. 817; 2006, c. 836; 2008, c. 860.

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§ 3.2-6534. Disposition of funds.

Unless otherwise provided by ordinance of the local governing body, the treasurer of each locality shall keep all moneys collected by him for dog and cat license taxes in a separate account from all other funds collected by him. The locality shall use the funds for the following purposes:

1. The salary and expenses of the animal control officer and necessary staff;
2. The care and maintenance of a public animal shelter;
3. The maintenance of a rabies control program;
4. Payments as a bounty to any person neutering or spaying a dog up to the amount of one year of the license tax as provided by ordinance;
5. Payments for compensation as provided in § 3.2-6553; and
6. Efforts to promote sterilization of dogs and cats.

Any part or all of any surplus remaining in such account on December 31 of any year may be transferred by the governing body of such locality into the general fund of such locality.

1984, c. 492, § 29-213.70; 1987, c. 488, § 3.1-796.101; 1993, c. 959; 1998, c. 817; 2008, c. 860; 2014, c. 148.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

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§ 3.2-6535. Supplemental funds.

Localities may supplement the dog and cat license tax fund with other funds as they consider appropriate. Localities shall supplement the dog and cat license tax fund to the extent necessary to provide for the salary and expenses of the animal control officer and staff and the care and maintenance of a public animal shelter as provided in subdivisions 1 and 2 of § 3.2-6534.

1984, c. 492, § 29-213.71; 1987, c. 488, § 3.1-796.102; 1998, c. 817; 2008, c. 860; 2014, c. 148.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

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§ 3.2-6536. Payment of license tax subsequent to summons.

Payment of the license tax subsequent to a summons to appear before a court for failure to pay the license tax within the time required shall not operate to relieve such owner from the penalties or court costs provided under § 16.1-69.48:1 or 17.1-275.7.

1984, c. 492, § 29-213.72; 1987, c. 488, § 3.1-796.103; 2008, c. 860; 2009, c. 756.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

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SEC. 2-6. AMOUNT OF LICENSE TAX.

It shall be unlawful for any person to own a dog four (4) months old or older in this county unless such a dog is licensed, as required by the provisions of this ordinance. Dog licenses shall run by the calendar year, namely, from January 1st, to December 31st, inclusive, and the license tax shall be payable at the Office of the Treasurer and shall be:

- A. Male. For a male dog; ten (\$10.00) dollars per dogs; five (\$5.00) dollars for neutered dogs per dog.
- B. Female. For a female dog; ten (\$10.00) dollars per dog; five (\$5.00) dollars for an unsexed (successfully spayed) female.
- C. Kennel.
 - (1). For a kennel of 1-20 dogs, forty (\$40.00) dollars, regardless of sex.
 - (2). For a kennel of 21 or more dogs, fifty (\$50.00) dollars, regardless of sex.
- D. No license tax shall be levied against the owners of any guide dog, lead dog, or hearing dog.

For authority of this section, refer to Section 3.2-6524, Code of Virginia, 1950, as amended.
Adopted by the Board of Supervisors, 3/7/05. (B.S.M. 4/19/05) (B.S.M. 12/18/07), (B.S.M. 1/27/20)

SEC. 2-7. WHEN LICENSE TAX PAYABLE.

- (a) On January 1st, and not later than January 31st, of each year the owner of any dog four (4) months old or older shall pay a license tax as prescribed in Section 2-6.
- (b) If a dog shall become four months of age or come into possession of any person between January 1st, and November 1st, of any year the license tax for the current calendar year shall be paid forthwith by the owner.
- (c) If a dog shall become four months of age or come into the possession of any person between October 31st, and December 31st, of any year the license tax for the succeeding calendar year shall be paid forthwith by the owner and this license shall protect the dog from the date of purchase.

SEC. 2-8. PAYMENT OF LICENSE TAX SUBSEQUENT TO SUMMONS.

Payment of the license tax subsequent to a summons to appear before a court for failure to pay the license tax within the time required should not operate to relieve such owner from the penalties provided.

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SEC. 2-9. EFFECT OF DOG NOT WEARING COLLAR AS EVIDENCE.

Any dog not wearing a collar bearing a license tag of the proper calendar year shall prima facie be deemed to be unlicensed and in any proceedings under this ordinance the burden of proof of the fact that the dog has been licensed or is otherwise not required to bear a tag at that time, shall be on the owner of the dog.

SEC. 2-10. HOW TO OBTAIN LICENSE.

Any person may obtain a dog license by making oral or written application to the Treasurer of the County, accompanied by the amount of the license tax and certificate of vaccination as required by this article. The Treasurer or other Officer charged with the duty of issuing dog licenses shall only have authority to license dogs of resident owners or custodians who reside within the boundary limits of the county and may require information to this effect from the applicant. Upon receipt of proper application and certificate of vaccination as required by this article, the Treasurer or other Officer charged with the duty of issuing dog licenses shall issue a license receipt for the amount on which he shall record the name and address of the owner or custodian, the date of payment, the year for which issued, the serial number of the tag, whether male, unsexed female, female or kennel, and deliver the metal license tag or plate provided herein. The information thus received, shall be retained by the Treasurer and open to the public for inspection during the period for which such license is valid. The Treasurer may establish substations in convenient locations in the county and appoint agents for the collection of the license tax and issuance of such licenses.

SEC. 2-11. WHAT DOG LICENSE SHALL CONSIST OF.

A dog license shall consist of a license receipt and a metal tag. The tag shall be stamped or otherwise permanently marked to show the name Pittsylvania County, the sex of the dog, the calendar year for which issued and bear a serial number.

SEC. 2-12. DUPLICATE LICENSE TAGS.

If the dog license shall become lost, destroyed, or stolen, the owner or custodian shall at once apply to the Treasurer or his Agent 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 or his Agent that the original license tag has been lost, destroyed, or stolen, he shall issue a duplicate license tag which the owner or custodian shall immediately affix to the collar of the dog. The Treasurer or his Agent 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 shall be two (\$2.00) dollars. (B.S.M. 4/19/05)

SEC. 2-13. DISPLAYING RECEIPTS: DOGS TO WEAR TAGS.

Dog license receipts shall be carefully preserved by the licensee and exhibited promptly on request for inspection 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. It shall be unlawful for the owner to permit any license dog four months old or older to run or roam at large at any time without a license tag. The owner of the dog may remove the collar and license tag required by this section (i) when the dog engaged in lawful hunting, (ii) when the dog is competing in a dog show,

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(iii) when the dog has a skin condition which would be exacerbated by the wearing of a collar, (iv) when the dog is confined, or when the dog is under immediate control of its owner.

SEC. 2-14. DOGS DEEMED PERSONAL PROPERTY: RIGHTS RELATING THERETO.

All dogs shall be deemed personal property and may be the subject of larceny and malicious or unlawful trespass. Owners may maintain any action for the killing of any such dogs, or injury thereto, or unlawful detention or use thereof as in the case of other personal property. The owner of any such dog which is injured or killed contrary to the provisions of this chapter by any person shall be entitled to recover the value thereof or the damage done thereto in an appropriate action at law from such person.

Any Animal Control Officer or other officer finding a stolen dog, or a dog held or detained contrary to law. Shall have authority to seize and hold such dog pending action before the General District Court or other court. If no such action is instituted within seven days, the Animal Control Officer or other officer shall deliver the dog to its owner. The presence of a dog on the premises of a person other than its legal owner shall raise no presumption of theft against the owner and the Animal Control Officer may take such dog in charge and notify its legal owner to remove him. The legal owner of the dog shall pay a reasonable charge as specified by the Board of Supervisors for the keep of such dog while in the possession of the Animal Control Officer.

SEC. 2-15. DOGS KILLING, INJURING, OR CHASING LIVESTOCK OR POULTRY.

A. It shall be the duty of any animal control officer or other officer who may find a dog in the act of killing or injuring livestock or poultry to seize or kill such dog forthwith whether such dog bears a tag or not. Any person finding a dog committing any of the depredations mentioned in this section shall have the right to kill such dog on sight as shall any owner of livestock or his agent finding a dog chasing livestock on land utilized by the livestock when the circumstances show that such chasing is harmful to the livestock. Any court shall have the power to order the animal control officer or other officer to kill any dog known to be a confirmed livestock or poultry killer, and any dog killing poultry for the third time shall be considered a confirmed poultry killer. The court, through its contempt powers, may compel the owner, custodian, or harbored of the dog to produce the dog.

B. Any animal control officer who has reason to believe that any dog is killing livestock or poultry shall be empowered to seize such dog solely for the purpose of examining such dog in order to determine whether it committed any of the depredations mentioned herein. Any animal control officer or other person who has reason to believe that any dog is killing livestock, or committing any of the depredations mentioned in this section, shall apply to a magistrate serving the locality wherein the dog may be, who shall issue a warrant requiring the owner or custodian, if known, to appear before a general district court at a time and place named therein, at which time evidence shall be heard. If it shall appear that the dog is a livestock killer, or has committed any of the depredations mentioned in this section, the district court shall order that the dog be (i) killed or euthanized immediately by the animal control officer or other officer designated by the court or (ii) removed to another state that does not border on the Commonwealth and prohibited from returning to the Commonwealth. Any dog ordered removed from the Commonwealth that is later found in the Commonwealth shall be ordered by a court to be killed or euthanized immediately.

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(1) Trespassing upon another's property in such a manner as to damage property;

(2) Habitually running at large in a restricted area (meaning three (3) or more convictions for running at large within two (2) years);

(3) Molesting, annoying, or intimidating pedestrians or passersby not located on the companion animal's owner's property;

(4) Defecating without permission of the property owner upon any public place or upon premises not owned or controlled by the owner unless promptly removed by the animal's owner; or

(5) Being found at large on any school property.

B. Any person owning or having possession or control of an animal suspected of violating this Ordinance shall be proceeded against by warrant or summoned before the General District Court of the County to show cause why the animal should not be confined, euthanized, removed, or the public nuisance otherwise abated.

C. The Animal Control Officer, owner, or custodian shall confine the animal until the Court has made a final decision in the case. If the Animal Control Officer deems confinement necessary, then the owner or custodian shall be responsible for the impound fees.

D. Upon proof that such animal has violated this Ordinance, the animal shall, by General District Court Order, be confined, euthanized, removed, or the public nuisance shall be otherwise abated, as the Court shall Order. No person shall fail to comply with such an Order.

E. Violation of Subsections A(3), A(4), or A(5) of this Section is a Class 1 Misdemeanor. Violation of any other provision of this Ordinance is a Class 3 Misdemeanor.

F. This Ordinance shall not apply to non-companion animals, livestock, poultry, alpacas, and llamas; any person while engaged in law enforcement or search and rescue activity; in a supervised formal obedience training class or show; during formally sanctioned field trials; while engaged in lawful hunting with a dog or dogs during open season; during bona fide hunting or field trial dog training, and/or dogs actively engaged in farming activity.

G. Enforcement. No person shall be charged with a violation of § A herein, unless the Complainant appears before a Magistrate and requests a Summons or Warrant be issued charging the violation; except that, when a violation is committed in the presence of an Animal Control Officer, said Officer may issue a Summons and take other action as set forth in this Ordinance. (B.S.M. 7/16/19)

Article III.

CATS

SEC. 2-30. VACCINATION OF CATS; CERTIFICATE REQUIRED; IMPOUNDMENT OF UNVACCINATED CATS.

(a) It shall be unlawful for any person to own, keep or harbor any domestic cat over the age of four (4) months unless such cat has been vaccinated against rabies with a species appropriate vaccine approved by the United States Department of Agriculture and administered by a licensed

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Veterinarian, and has received any required vaccination against rabies as specified in the Certificate of Vaccination.

(b) Upon vaccination or revaccination of a domestic cat as required by this Section, a Certificate of Vaccination, properly executed and signed by the licensed Veterinarian performing the vaccination, shall be issued to the cat's owner by the Veterinarian, who shall retain a copy of the Certificate for his or her records.

(c) The certificate issued pursuant to paragraph (B) of this section shall be NASPHV Form number 50 or its equivalent, or as the same shall be from time to time modified, and shall certify that the cat has been vaccinated in accordance with this article, and shall include the following information:

1. The date of the vaccination;
2. The date for required revaccination;
3. A brief description of the cat or its age, sex and breed; and
4. The name and address of the animal's owner.

(d) The certificate issued pursuant to subsection (B) of this section shall be preserved by the owner of the cat and exhibited promptly upon request for inspection by the Animal Control Officer or any Law enforcement officer.

(e) Any person bringing a domestic cat into the County from some other jurisdiction shall be required to conform with the provisions of subsection (A) above within fifteen (15) days subsequent to bringing such cat into the County.

(f) It shall be the duty of the persons charged with the enforcement of this chapter to impound any cat which has not been vaccinated as required by the Section, and such cat shall be held for a period of not less than five (5) days, unless the cat is rabid or suspected of being rabid, in which case the cat shall be destroyed humanely and preserved and tested in accordance with acceptable Health Department procedures. Community cats displaying the signature ear tip shall not be impounded in the enforcement of this section.

(g) Any cat impounded pursuant to the Section which is not rabid or suspected of being rabid may be redeemed by its owner at any time within the five (5) days following its impoundment by paying a reasonable impoundment fee established annually by the Board of Supervisors in its approved fees schedule. If the rightful owner is identified and chooses to surrender their cat, they are still responsible for any accrued fees until the date of the surrender. If the cat is unclaimed after a period of ten (10) days, the cat shall become the property of the County Intake Shelter for disposition. of fifteen dollars (\$15.00) plus five dollars (\$5.00) for each day or fraction thereof during which the cat was impounded, and the cost of any vaccination required to comply with this Section, otherwise such cat shall be disposed of as is provided by law. **(B.S.M. 1/27/20)**

For authority for this Section, see Section 3.2-6524, Code of Virginia, 1950, as amended. **(Adopted by the Board of Supervisors on July 16, 2002)**

V(H)

COMMUNITY

CAT

POLICY

REVISIONS

PITTSYLVANIA COUNTY'S COMMUNITY CATS POLICY

Pittsylvania County, Virginia ("County"), is faced with high numbers of feral (*i.e.*, wild) cats, also known as community cats. This is in no small part due to irresponsible owners over the years. Although the Code of Virginia currently prohibits public shelters and Animal Control Officers from actively engaging in Trap, Neuter, and Release ("TNR"), aAfter reviewing the issue and best practices utilized in other localities to humanely tackle this challenge, the County has determined that TNR is the best course of action.

The Pittsylvania Pet Center ("Pet Center") and Pittsylvania County Animal Control ("Animal Control") will no longer pick up, or receive wild/feral community cats, unless they show signs of being sick or injured in accordance with the Code of Virginia. Citizens will be advised that just removing the cats causes a vacuum effect allowing more cats to move in. The County will instead, with the assistance of the SPCA of Pittsylvania County ("SPCA") and some other experienced trappers, direct them to take these wild animals to local clinics which the County will coordinate with for spay/neuter and vaccinations, ~~and feline AIDS/feline leukemia testing.~~ These cats will be ear tipped and ~~can be released back where they came from.~~ The TNR's cost will be covered by Grant funding if funds are available. ~~The County will continue to seek out additional funding to address these needs. Cats testing positive for feline AIDS or Leukemia will be humanely euthanized to prevent the spread of disease.~~ A significant number of localities across the United States, including Arlington and Alexandria, Virginia, have embraced TNR and seen dramatic decreases in the numbers of wild cats, decreased numbers of sick cats, and a significant decrease in the numbers of unwanted litters entering their animal shelters.

TNR's objective is to humanely trap, spay/neuter, vaccinate, test, and ear tip each of these Community Cats and return them to their original habitat or colony. Historically, thousands of these cats were caught and euthanized. As the problem continues to grow, this approach has proven ineffective and costly.

The Pet Center will coordinate assistance as needed by the SPCA and experienced citizens willing to help trap feral, or Community Cats. ~~The County~~SPCA will also have some traps available for citizens to check out. The County can also offer food ~~from its Pet Food Pantry upon request by citizens that has been donated to assist citizens managing colonies upon request.~~ With this coordinated effort, the County is confident that TNR will, over time, reduce the numbers of wild cats, transmission of illness and disease, and decrease the numbers of unwanted cats/kittens received by the Pet Center.

FREQUENTLY ASKED QUESTIONS

WHAT IS A COMMUNITY CAT?

Community Cats are cats who live outdoors with no specific owner. These cats can be friendly towards humans, or they can be feral (*i.e.*, unsocialized and avoidant of humans), or they may fall somewhere on the spectrum between friendly and feral. Some Community Cats have a caregiver

who watches out for them, but others may survive and thrive without direct human intervention. For all free-roaming Community Cats, their home is the outdoors, within the community.

CAN I BRING COMMUNITY CATS TO THE PITTSYLVANIA PET CENTER?

No. The Pet Center does not accept healthy free-roaming Community Cats, and there are no laws against free-roaming cats in the County. The rate of return-to-owner for stray cats is only around ten percent (10%) and owned-pet cats are thirteen (13) times more likely to find their way home on their own versus being brought to a pet shelter. Additionally, some free-roaming community cats do not have one (1) specific home they return to but are rather cared for and part of a colony. If the Pet Center took in healthy free-roaming Community Cats, many cats would be at risk of euthanasia for lack of space or because they are not suited to life as an indoor pet cat. If a cat is sick, injured, declawed, or microchipped, the Pet Center will accept him/her. If you see a sick or injured cat outdoors, please contact Animal Control at (434) 432-7937.

Community Cats are often feral and are not suited to life around humans as an indoor pet cat. Community Cats are often fearful and avoidant of humans and are not likely to ever be socialized enough to become a lap cat or to even be happy living indoors. For truly feral cats who are brought to shelters, the only outcome is euthanasia, which is why the County does not accept Community Cats at the Pet Center. In fact, feral cats should not be brought to any shelter or rescue. Instead, the County's partners offer resources to help County citizens participate in local ~~the County's~~ TNR Program, which is the most humane and effective approach to managing Community Cat populations.

WHAT IS TNR?

Based on facts that have emerged from the many localities that have embraced TNR, it is the most effective and humane approach to Community Cats. Specifically, colony caregivers and volunteers humanely trap community cats and bring them to a veterinary clinic, where they are spayed/neutered, vaccinated against rabies and distemper, ear tipped, and given a basic checkup. After an approximately twenty-four (24)-hour recovery period, the cats are returned to the exact location where they were initially trapped and released there. The cats can live out their lives in their outdoor home but will not be adding to the Community Cat population. Sterilized Community Cats will no longer display those often-annoying behaviors associated with mating, such as yowling, fighting, spraying, and of course, producing kittens. Cats who go through a TNR Program live healthier individual lives, and the community receives the added benefits of having these Community Cats vaccinated against rabies.

HOW CAN I TELL IF A CAT HAS BEEN THROUGH A TNR PROGRAM?

If you see a Community Cat missing part of his/her left ear, that means the cat has been through a TNR Program. This is called an ear tip, and it is the universal signal that a cat has been spayed/neutered and vaccinated against rabies and distemper. Community Cats who have been through a TNR Program are ear tipped while they are under anesthesia for surgery, so if you see an ear tipped cat, that means someone is looking out for that cat!

CAN'T COMMUNITY CATS JUST BE REMOVED OR RELOCATED?

No! Community Cats live in an area because the resources (*i.e.*, food, water, and shelter) are there to support them. These resources may be provided by humans, or not. Rounding up the cats and

bringing them to shelters, rescues, or sanctuaries does not solve the problem. Also, Community Cats will likely just be euthanized if they enter a shelter, because they are not suited for life as an indoor pet cat. Relocation is also not a viable option. It is time-consuming and difficult, there is no guarantee that the cats will remain in the new location, and new locations for cats are very difficult to find. Removal or relocation efforts for Community Cats are not feasible.

WHAT ABOUT NEONATE KITTENS FOUND (UNDER FOUR (4) WEEKS OF AGE)?

Mother cats will often leave their kittens for hours in search of food. Watch from a distance or leave and come back to see if the cat mother returns. If the neonates are being cared for by their cat mother, you have two (2) choices:

1. Leave them alone until the kittens are done nursing, then bring the kittens to the Pet Center; or
2. Catch the mother and kittens together and bring them to the Pet Center.

Neonates brought to the Pet Center without their mother have a poor survival rate. The County will do everything it can for them, but neonates have the best chance for survival with their mother when possible.

HOW DOES TNR BENEFIT THE COMMUNITY AND THE PET CENTER?

Because Community Cats are not suited to life as an indoor pet cat, the only outcome for these cats who are brought to the Pet Center is typically euthanasia. Euthanizing an otherwise healthy cat for simply living outdoors is not the compassionate thing to do, nor is it effective in the long run. The most humane and effective approach for Community Cats is TNR, because it stabilizes Community Cat populations which over time decline naturally. Sterilizing community cats reduces the nuisance behaviors (*i.e.*, spraying, yowling, and fighting) associated with mating, which makes cats better neighbors. TNR also saves taxpayer dollars by reducing the number of kittens who are brought to the Pet Center in need of socialization, basic supplies and care, medical care, and adoptive homes. This policy will ultimately reduce the numbers of cats coming into the Pet Center and better enable the County to focus on social cats in its care and finding their forever homes.

WHAT IF I NEED HELP?

~~The Pet Center's Community Cat Program is predominately funded by individual donor and Grants. As long as funding exists, the County will offer spay/neuter vouchers to assist citizens. Individuals can sign out traps after some basic training on humane trapping practices from the Pet Center. The SPCA, and a few dedicated community cat advocates, are willing to assist citizens as needed and the Pet Center will be happy to coordinate assistance as needed.~~The County's Community Cat Program is predominately funded by individual donors and Grants. If funding exists, the County will offer spay/neuter vouchers to assist its citizens with animals that they are caring for. Individuals can sign out traps, after some basic training on humane trapping practices, from the SPCA. The SPCA, and a few dedicated community cat advocates, are willing to assist County citizens as needed, and the Pet Center is happy to connect its citizens with private volunteers to assist them with TNR efforts.

Dr. Shorter
EMAIL

See justification from Dr. Victoria Shorter:

As requested by Mr. McLaughlin I have reviewed and concur with the revised County Policy for Community Cats.

And although I understand the intent of requiring testing for all community cats for Feline Immunodeficiency Virus (FIV) and Feline Leukemia Virus (FeLV), I do not think requiring/mandating all cats to have this test is necessary. There are multiple reasons for my thought process such as humans can not catch or transmit these diseases, and cats who test positive typically live long healthy lives without any signs. And sometimes the tests can be unreliable showing a false positive which could lead to a unnecessary euthanasia. I feel the money that would be spent on mandatory FIV/FELV testing could be better spent on doing more spay/neuter procedures.

If the county policy required the test for clinics performing spay/neuter through the voucher program, the pet Center has no realistic way to ensure these tests are being performed unless each test result is recorded and reported to a database. In my opinion, local clinics can advise citizens about testing a cat based off of the colony history and health status. And the humane euthanasia option can then be discussed if the cats test positive from that point. Recent studies have shown that TNR cats that are positive for FIV present a minimal risk to other cats, and euthanasia is not necessary in many cases because it is transmitted by cat bites and fights meaning once the animal is spayed/neutered the risk of fighting is significantly decreased. As for FeLV, this is a more serious condition that has a higher transmission rate through saliva, but when dealing with colony cats if the colony is happy and healthy, then the chance of spread has already been there and there is no need to test at that point.

The basic intent of this writing was to discourage mandatory FIV/FELV testing and leave the decision of whether or not to test up to the attending veterinarian and colony manager/overseer. I am in no way discouraging the testing by any means because it can be very beneficial but I do not feel that it needs to be mandatory.

Sincerely,

Dr. Victoria Shorter