

CHAPTER 90: ANIMALS AND FOWL

Section

- 90.01 Town designated bird sanctuary; killing or injuring of birds
- 90.02 Livestock and fowl running at large prohibited
- 90.03 Problem animals; generally
- 90.04 Problem animal execution of notice to abate
- 90.05 Proper tags
- 90.06 Running at large without payment of license tax and attachment of tag; taking into custody; redemption
- 90.07 Running at large without payment of license tax and attachment of tag; destruction if not redeemed
- 90.08 Female dogs in heat
- 90.09 Dangerous or vicious dogs
- 90.10 Destructive dogs
- 90.11 Rabies
- 90.12 Dangerous animals
- 90.13 Cruelty to animals

- 90.99 Penalty

§ 90.01 TOWN DESIGNATED BIRD SANCTUARY; KILLING OR INJURING OF BIRDS.

(A) The entire area within the corporate limits of the town shall be a bird sanctuary for the protection of all birds, except starlings, black birds, pigeons and English sparrows.

(B) Signs stating that the town is a bird sanctuary may be erected in the town, provided, that the Town Council first approves the types of signs and their locations.

(C) It shall be unlawful for any person within the town to intentionally kill or injure any bird or destroy or injure the nests or eggs of any bird, except starlings, black birds, pigeons (other than homing pigeons) and English sparrows, and the nests and eggs.

(D) Any violation of any provision of this section shall be punishable as a class 4 misdemeanor.

(Prior Code, § 3-1) Penalty, see § 90.99

§ 90.02 RUNNING AT LARGE PROHIBITED.

(A) It shall be unlawful for the owner of any cow, bull, horse, mule, hog or other livestock, or of any fowl, to allow any animal to run at large within the town.

(Prior Code, § 3-2)

(B) It shall be unlawful for the owner of custodian of a dog to permit such dog to run at large within the town. For the purpose of this section, a dog shall be deemed to run at large while roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control. The owner of any dog that remains on the premises of its owner shall not be deemed in violation of this section.

(Am. Ord. passed 11-8-2005) Penalty, see § 90.99

§ 90.03 PROBLEM ANIMALS; GENERALLY.

Within the corporate limits of the town, it shall be unlawful for any owner, or person who keeps or harbors a dog, has it in his or her care and control, or acts as its custodian, to permit his or her dog to:

(A) Engage in any violent, excessive, continuous, or untimely barking or other loud or unusual noisemaking so as to disturb the peace and quiet of the neighborhood at any time of the day or night, whether under restraint or running at large.

(B) Molest passersby, whether while under restraint or running at large.

(C) Chase vehicles, whether while under restraint or running at large.

(D) Habitually attack other domestic animals, whether while under restraint or running at large.

(E) Trespass upon property, public or private, in such a manner as to damage such property whether while under restraint or running at large.

(F) Run at large if dangerous or if afflicted with or likely to communicate any contagious or infectious disease; or if so afflicted or likely to so communicate, to be exposed in any public place whereby the health of man or beast may be affected, whether while under restraint or running at large; or to be shipped or removed from the premises of the owner, if so diseased, except under the supervision of the Town Sergeant or an Animal Control Officer.

(Prior Code, § 3-3) (Am. Ord. passed 8-10-1993; Am. Ord. passed 11-8-2005) Penalty, see § 90.99

§ 90.04 PROBLEM ANIMALS; EXECUTION OF NOTICE TO ABATE.

The notice required in preceding sections to remove, correct or abate the nuisance referred to in the section shall be executed a reasonable time before any action may be commenced and may be executed in the manner now provided by the laws of the state for the service or execution by an officer of any summons, order, attachment or other process issued from a court of record or otherwise.

(Prior Code, § 3-5)

§ 90.05 PROPER TAGS.

It shall be unlawful for any owner, etc. to allow any dog four months of age or older to be without proper tags, whether under restraint or running at large.

(Prior Code, § 3-6) (Am. Ord. passed 11-8-2005) Penalty, see § 90.99

Statutory reference:

Dog license, see VA Code §§ 3.1-796.85 et seq.

Dog not wearing collar and tag, see VA Code § 3.1-796.89

§ 90.06 RUNNING AT LARGE WITHOUT PAYMENT OF LICENSE TAX AND ATTACHMENT OF TAG; TAKING INTO CUSTODY; REDEMPTION.

Any dog in violation of § 90.05 shall be taken into custody by the [Town Animal Control Officer](#), but may be redeemed by the owner thereof within **10** days upon presentation to the

Town Animal Control Officer of satisfactory evidence of ownership, presentation of a current license tag for the dog and upon payment of fees assessed by Southampton County for said confinement, plus \$15 to the Town of Boykins for transporting the animal..
(Prior Code, § 3-7)

§ 90.07 RUNNING AT LARGE WITHOUT PAYMENT OF LICENSE TAX AND ATTACHMENT OF TAG; DESTRUCTION IF NOT REDEEMED.

If any dog taken into custody as provided in § 90.06 is not redeemed within ten days, the Town Manager shall deliver the dog to the county dog warden for destruction or disposition.
(Prior Code, § 3-8)

§ 90.08 FEMALE DOGS IN HEAT.

(A) No owner shall permit or suffer his or her female dog in heat to go at large within the town, or permit or suffer her to remain on the owner's premises, or elsewhere in the town, to the annoyance of the neighborhood.

(B) A female dog in violation of this section shall be taken into custody by the Town Animal Control Officer and, if not redeemed by the owner within five days by the payment to the Town Manager of \$5, plus \$1 board for each day or fraction thereof during which the dog was in custody, shall be destroyed by the Town Manager.

(C) Should an owner knowingly permit the dog to go at large, he or she shall be guilty of a misdemeanor.
(Prior Code, § 3-9) Penalty, see § 90.99

§ 90.09 DANGEROUS OR VICIOUS DOGS.

(A) It shall be unlawful for any owner to permit or suffer a dangerous or vicious dog to go at large within the town. Any dangerous dog that has been known to attack or attempt to attack or injure any person shall be deemed a dangerous or vicious dog. Any dangerous dog shall be kept securely confined upon the premises of the owner, and if removed from the premises, shall be muzzled and secured by a leash in the hands of a person able to control the dog, or shall be confined inside a vehicle or cage.

(B) Should a violation of this section result in injury to any person, then, in addition to the punishment provided in this code, the dog shall be ordered destroyed, or permanently removed from the town within 24 hours. Any dog shall be held in custody of the Town Manager from the moment of the execution of any warrant under this section until the warrant has been finally disposed of, and should the owner thereof be convicted of violating this section, the court shall, in addition to imposing penalty authorized under this code, order the owner to pay to the town \$5, plus \$1 board for each day or fraction thereof, during which the dog was in custody. Should the owner be found not guilty, then the dog shall be forthwith released to the owner without costs to the owner.
(Prior Code, § 3-10) Penalty, see § 90.99

§ 90.10 DESTRUCTIVE DOGS.

If any dog shall continuously go upon the premises of a person other than the owner thereof

and commit acts of destruction, such as destroying or injuring vegetables, shrubbery, flowers or any other property of the other person, the owner of the dog shall upon conviction thereof, be punished as provided in § 10.99.
(Prior Code, § 3-11) Penalty, see § 90.99

§ 90.11 RABIES.

(A) Any dog which is known to be suffering from rabies, or which is suspected of suffering from that disease, shall be at once confined by the owner until it is definitely known whether the animal is so infected.

(B) If it is found to have the disease, the owner shall at once cause the animal to be killed and the body to be burned or buried.

(C) In the event of the failure of the owner to obey the terms of this section, the Chief of Police may cause the animal to be killed or confined under order of the Mayor.
(Prior Code, § 3-12) Penalty, see § 90.99

§ 90.12 DANGEROUS ANIMALS.

No person shall permit any dangerous or vicious animal, including, but not limited to dogs, owned or kept by him or her to go at large, with or without a license. The animal so at large shall be killed by order of the judge of the general district court if, after two days not removed beyond the corporate limits of the town by the owner thereof. Complaint that any animal is dangerous or vicious shall be made to the Mayor, who shall obtain a warrant from the magistrate summoning the owner of the animal to appear before the general district court to answer the charge of permitting a dangerous or vicious animal to be at large. The judge of the general district court shall hear the evidence presented and determine whether or not the party summoned is the owner of a dangerous or vicious animal. The occupant of any lot or premises on which any dangerous or vicious animal shall be harbored for a period of five days shall be deemed the owner of the animal.

(Prior Code, § 3-13) Penalty, see § 90.99

§ 90.12 CRUELTY TO ANIMALS.

Any person shall be guilty of a misdemeanor punishable as provided by law, who;

(A) Overrides, overdrives, overloads, tortures, ill-treats, abandons, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation to, or cruelly or unnecessarily beats, maims, mutilates, or kills any animal, whether belonging to himself, herself or another, or deprives any animal of necessary sustenance, food, drink or shelter, or causes any of the above things, or being the owner of the animal permits the acts to be done by another;

(B) Willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal; or

(C) Shall carry or cause to be carried in or upon any vehicle or vessel or otherwise any animal in a cruel, brutal, or inhuman manner, so as to produce torture or unnecessary suffering.
(Prior Code, § 3-14) Penalty, see § 90.99

§ 90.99 PENALTY.

Any owner found in violation of this chapter shall be guilty of a Class 4 misdemeanor and may be required to compensate any property owner for damages caused by his or her dog.
(Am. Ord. passed 11-8-2005)

Statutory reference: Penalty, see VA Code § 3.1-796.84