

**CHAPTER 14**  
**ANIMAL CONTROL**

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**Sec. 9-14-1. Short Title.**

This Article shall be known and may be cited as the Town of Gretna Animal Control Ordinance.

**Sec. 9-14-2. Definitions**

All definitions of words and phrases contained in the Code of Virginia § 3.2-6500 are hereby adopted and shall apply to such words and phrases when used in this chapter, unless clearly indicated to the contrary.

**Sec. 9-14-3. "Owner" defined**

"Owner" means and includes any person having a right of property in any animal, any person who keeps or harbors an animal, has an animal in his or her care, feeds, waters or otherwise maintains the animal, or acts as its custodian, or any person who permits the animal to remain in or about any premises occupied by him or her.

**Sec. 9-14-4. Violations**

Unless otherwise specifically provided, a violation of any provision of this chapter shall constitute a class 4 misdemeanor.

**Sec. 9-14-5. Enforcement of this chapter**

The provisions of this chapter shall be enforced by the Pittsylvania County animal control officers and by Town law enforcement officers.

**Sec. 9-14-6 Keeping dogs under restraint; leash law.**

A.. It shall be unlawful for the owner or custodian of any dog to permit the dog to go upon any Town park, public street, sidewalk or right-of-way, unless it is kept secured by a leash or lead or other means of restraint not harmful or injurious to the dog and under the control of a responsible person capable of physically restraining the dog.

B. Any person who does not restrain his dog, in accordance with this section, whether such person be the owner or custodian of such dog, shall be guilty of a class 3 misdemeanor. Any Town of Gretna police officer may issue a summons to any person he finds in violation of this section.

C. For the purpose of this section "Town park" means any Town-owned and operated property open to the public for general recreational use,

**Sec. 9-14-7. Staking animals improperly**

It shall be unlawful for any person to improperly tether any animal. Improper tethering shall include chaining, staking out, or tethering an animal, such that, the animal is able to cross and enter upon another's property, except that the same shall not be unlawful if the affected property owner or person having lawful possession thereof provides consent.

**Sec. 9-14-8. Dog, cats or other animals running at large**

A. It shall be unlawful for any dog, cat, or other domestic, companion animal, livestock, fowl, exotic, or wild animal held under captivity, to run at large in the Town of Gretna, Virginia. Any person owning, keeping or harboring any such animal with the Town of Gretna that is found running at large shall be guilty of a class 4 misdemeanor. For the purposes of the 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 physical control. Physical control shall mean confinement of the animal by a fence, chain or leash.

B. It shall be the responsibility of any person owning, keeping or harboring any dog or cat within the Town to keep such dog or cat confined to the premises of such person. The words "confined to the premises" shall be construed to mean that such dog or cat shall be kept on the owner's or custodian's premises, unless in the custody of a responsible person.

C. This section shall not apply where the owner, custodian or trainer has released a dog for the express purpose of hunting game in an area where it is lawful to hunt and such dog becomes temporarily out of control of such owner, custodian or trainer or is returning to the place of release after the hunt or chase. If such dog is observed violating any other section of this Code, or committing an unlawful act under state law, it shall become subject to impoundment; and the owner, custodian or trainer shall be liable for all fines as prescribed by law.

D. In any prosecution under this section, the trier of fact may infer from the fact that an animal is running at large that the owner or custodian of the animal has knowledge of and has permitted such animal to run at large.

E. It shall be presumed that the owner and/or custodian of an animal in the Town of Gretna which is wearing a collar or other attachment or marking with an individual's name on it is in fact the person whose name is so listed on the tag, attachment, or other marking. The person so named on the tag, attachment, or other marking shall be considered prima facie the owner and/or custodian of the said animal wearing the tag, attachment or other marking and there shall be rebuttable presumption that such named individual shall have either actual or constructive control of the animal.

#### **Sec. 9-14-9. Defecation**

It shall be unlawful for any owner or person in control of any animal, including, but not limited to dogs and cats, to:

A. Allow any animal to defecate on the property of other persons without their consent or that of the authorized agent or person having control of the premises; or

B. Allow any animal to defecate on public property, except that defecation by an animal shall not constitute a violation of this subsection if the owner or person having control of the animal immediately removes the material defecated and disposes of it in a safe and sanitary manner.

#### **Sec. 9-14-10. Barking dogs.**

A. It shall be unlawful for any person to keep a dog without exercising proper care and control of such dog to prevent it from disturbing the peace of others by barking in a loud, continuous or untimely manner. Any person, whether as owner, tenant, occupant, lessee or otherwise, in charge or control of the property where such dog is kept, or the owner of such dog, shall be responsible for exercising control of such dog under this section.

B. It shall be the duty of any police officer, who may find any dog disturbing the peace of others by barking in a loud, continuous or untimely manner, to advise the owner of such dog, or the person in charge or control of the property where such dog is kept, to exercise proper control and care of such dog to prevent it from barking in such manner

C. Any Town of Gretna police officer may issue a summons to any person he finds in violation of this section.

**Sec. 9-14-11. Domestic, companion, wild or exotic animals constituting public nuisance**

A.. No owner shall fail to exercise proper care and control of his or her domestic, companion, wild or exotic animal to prevent it from becoming a public nuisance. Acts deemed public nuisances shall include, but are not limited to, the following:

1. Molesting passersby.
2. Chasing vehicles.
3. Attacking other domestic, companion, wild or exotic animals so as to cause injury or death.
4. Trespassing upon school grounds or private property in such a manner as to damage property.
5. Habitually turns over garbage cans of any person other than the owner or custodian thereof.
6. Any aggregation of animals creating a foul odor.

B. Any person owning or having in his or her possession or under his or her control any domestic, companion, wild or exotic animal suspected of constituting a public nuisance may be proceeded against by warrant or summoned before the General District Court of Pittsylvania County, Virginia to provide evidence why such domestic, companion, wild or exotic animal should not be confined, euthanized, removed or the public nuisance otherwise abated. Upon proof that such domestic, companion, wild or exotic animal does constitute a public nuisance, the domestic, companion, wild or exotic animal shall, by order of the judge of the general district court of the Town, be confined, euthanized, removed or the nuisance shall be otherwise abated, as such judge shall order. No person shall fail to comply with such an order. Any person violating this section shall be guilty of a Class 3 misdemeanor. .

#### **Sec. 9-14-12. Dogs riding in motor vehicles**

A. It shall be unlawful and a Class 4 misdemeanor for any person who owns or has control of any dog to allow such dog to ride in any motor vehicle in any portion thereof that is open in such a manner as to permit such dog to jump out of the vehicle or to be thrown therefrom by acceleration of, stopping of, or accident involving, such vehicle, including, but not limited to, the open bed of a truck, the interior of a convertible vehicle with the top down or removed, the rear storage portion of a station wagon with the tailgate open, and the trunk or hatchback portion of any vehicle with the trunk or hatchback open. For purposes of this section, the operator of a motor vehicle shall be deemed to have control of any dog riding therein.

B. The provisions of subsection (a) above shall not apply to:

1. Any person who owns or has control of any dog and who allows such dog to ride in the prohibited portion of any motor vehicle if such dog is confined to a cage of adequate construction and design to prevent its escape therefrom; and

2, Any portion of a motor vehicle which is fully enclosed except for open windows.