

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 9th DAY OF OCTOBER, 2007 AT 6:30 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

ORD-FY-08-12
AN ORDINANCE AMENDING CHAPTER 3,
ENTITLED ANIMALS, SECTIONS 3-28.1
AND 3-28.2 RESPECTIVELY OF THE CODE OF
THE COUNTY OF MONTGOMERY VIRGINIA,
BY REQUIRING A PREPAID FEE FOR SPAY AND NEUTER
BEFORE RELEASING ANY ANIMAL
NOT STERILIZED FOR ADOPTION

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 3, entitled Animals, Sections 3-28.1 and 3-28.2 of the Code of the County of Montgomery, Virginia, shall be amended and reordained as follows:

Sec. 3-28.1. Sterilization of adopted dogs and cats; enforcement.

- (a) Every new owner of a dog or cat adopted from the county dog pound shall cause to be sterilized the dog or cat pursuant to the agreement required by subdivision (2) of subsection (b) of this section.
- (b) A dog or cat shall not be released for adoption unless:
 - (1) The animal has already been sterilized; or
 - (2) The individual adopting the animal signs an agreement to have the animal sterilized by a licensed veterinarian (i) within thirty (30) days of the adoption, if the animal is sexually mature, or (ii) within thirty (30) days after the animal reaches six (6) months of age, if the animal is not sexually mature at the time of adoption and prepay the fee for spay and neutering at the time of adoption.
- (c) The animal control officer may extend for thirty (30) days the date by which a dog or cat must be sterilized on presentation of a written report from a veterinarian stating that the life or health of the adopted animal may be jeopardized by sterilization. In cases involving extenuating circumstances, the veterinarian and the animal control officer may negotiate the terms of an extension of the date by which the animal must be sterilized.

(d) Nothing in this section shall preclude the sterilization of a sexually immature dog or cat upon the written agreement of the veterinarian, the releasing agency, and the new owner.

(e) Upon the petition of an animal control officer, humane investigator, the state veterinarian or a state veterinarian representative to the district court of the county or city where a violation of this article occurs, the court may order the new owner to take any steps necessary to comply with the requirements of this article. This remedy shall be exclusive of and in addition to any civil penalty which may be imposed.

(f) Any person who violates subsection (a) or (b) of this section shall be subject to a civil penalty not to exceed fifty dollars (\$50.00).

Sec. 3-28.2. Sterilization agreement.

Any agreement used by the county dog pound pursuant to Code of Virginia, subsection (b) of section 3.1-796.126:1 shall contain:

- (1) The date of the agreement;
- (2) The names, addresses, and signatures of the animal control officer and the new owner;
- (3) A description of the dog to be adopted;
- (4) The date by which the dog is required to be sterilized and the requirement to prepay the spay and neuter fee at the time of adoption; and
- (5) A statement printed in conspicuous, bold print, that sterilization of the dog is required under this article; that a person who violates this article is subject to a civil penalty; and that the new owner may be compelled to comply with the provisions of these.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	John A. Muffo
Annette S. Perkins		
Doug Marrs		
James D. Politis		
Mary W. Biggs		
Steve L. Spradlin		

ATTEST: _____
B. Clayton Goodman, III
County Administrator