

**12. CITIZEN REQUEST TO ADDRESS THE BOARD
HEATHER HOFFMAN**

Attached for your reference please find correspondence from Heather Hoffman requesting time to speak regarding consideration of an ordinance requiring dogs in Sedley to be kept on leashes.

Her written request is consistent with Sec. 2-45 of the Southampton County Code and she has been advised that the matter has been placed on your agenda.

You may recall that Ms. Hoffman was the subject of a *Tidewater News* article last month regarding injuries she sustained in an incident involving dogs while walking to the ballpark in Sedley last January. A copy is attached for your reference.

I've also attached two other items for your reference:

- 1) A copy of the current county ordinance that relates to dangerous and vicious dogs; and
- 2) A copy of the state enabling legislation that authorizes leash laws, and further authorizes the governing body to request the circuit court to order a nonbinding referendum to gauge the sense of the voters.

RECEIVED MAY 07 2014

To Whom it may concern's

I Heather Hoffman of Sedley Virginia, would like to be on the docket for May 27th. I would like to talk about a leash law for Sedley. If we can't pass one for all dogs, can we at least, pass one for breeds that are known to attack. I was the woman that was in the newspaper that was out of work for 3 months due to a pitbull.

Thank - you,

Heather Hoffman
18363 Sedley Rd
Sedley, VA 23878
(757-304-9501)

SOUTHAMPTON COUNTY

26022 Administration Center Drive
P. O. Box 400
Courtland, Virginia 23837



757-653-3015
Fax: 757-653-0227

May 21, 2014

Ms. Heather Hoffman
18363 Sedley Road
Sedley, VA 23878

Dear Ms. Hoffman:

I am pleased to acknowledge receipt of your letter dated May 7, 2014 requesting time at the May 27, 2014 Board of Supervisors meeting to discuss a leash law for Sedley.

The open session will begin promptly at 7:00 p.m. on Tuesday, May 27, 2014 in the Board of Supervisors Meeting Room, Southampton County Office Center, 26022 Administration Center Drive, Courtland. This matter will appear as agenda item #12.

Chairman Jones will call for your remarks at the appropriate time. Thank you in advance for limiting your comments to no more than 15 minutes.

With kind regards, I remain

Sincerely,

A handwritten signature in black ink, appearing to read "Michael W. Johnson".

Michael W. Johnson
County Administrator

Archived Story

Sedley woman still recovering from attack

Published 1:08pm Saturday, April 5, 2014

SEDLEY—A Sedley woman said she's still recovering from a pit bull's attack that caused her to not only break a bone, but also be out of work for nearly three months.

Heather Hoffman, 45, said she was taking her dog for a walk to the ballpark in Sedley on Jan. 15.

"A pit bull came out and jumped on my golden retriever. Lucky got between me and the other dog to protect me. The leash wrapped around my legs," said Hoffman. In the twisting and turning, the tibia bone in her right knee snapped and broke.

"I yelled and shouted, and a young man in his 20s came out of a house — I assume he was the owner. He helped get his dog off of us, and called 911 because I was unable to walk," she added.

Through all of this, Hoffman said, the pit bull had not actually bitten either Lucky or herself.

"My dog's fine. Thank God. He's fantastic. I'll never ever take the dog for a walk in the park again. That's really sad if you think about it."

After consulting later with an attorney, she learned that the dog's owner has no job or insurance.

"There's nothing I can get," said Hoffman about financial compensation.

A certified nurse's aide at the Village at Woods Edge, she said she's scheduled to return for light clerical duty in mid-April, and back to work on May 1.

Meanwhile, Hoffman said, her economic situation has been strained.

"I've had to borrow money to live, and contact Social Services for help. I'm on food stamps," she said. "There were no repercussions and it's not fair."

But no less importance is Hoffman's concern that such an event could occur again.



Heather Hoffman of Sedley has worn a cast since mid-January. A bone in her right knee broke while fending off a pit bull attacking her dog. When she recovers, Hoffman said, she'll work to get leash laws enacted in Southampton County. — STEPHEN H. COWLES | TIDEWATER NEWS

“The police have their report, but there’s nothing to stop this from happening to someone else,” she said. “I’m not asking for the dog to be put down.”

Once she’s fully on her feet, she said she intends to approach the Southampton County Board of Supervisors about creating leash laws to prevent any such future incidents.

“Can we make a law for dogs to be kept in their yards or on leashes? So lucky that it wasn’t a child that was attacked,” Hoffman said.

Southampton County, Virginia, Code of Ordinances >> - CODE >> **Chapter 3 - ANIMALS AND FOWL >> ARTICLE II. - DOGS AND CATS >> DIVISION 3. DANGEROUS AND VICIOUS DOGS >>**

DIVISION 3. DANGEROUS AND VICIOUS DOGS

Sec. 3-96. Dangerous and vicious dogs.

Secs. 3-97—3-110. Reserved.

Sec. 3-96. Dangerous and vicious dogs.

- (a) As used in this section:

"Dangerous dog" means a canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person or companion animal that is a dog or cat, or killed a companion animal that is a dog or cat. When a dog attacks or bites a companion animal that is a dog or cat, the attacking or biting dog shall not be deemed dangerous: (i) if no serious physical injury as determined by a licensed veterinarian has occurred to the dog or cat as a result of the attack or bit; (ii) if both animals are owned by the same person; (iii) if such attack occurs on the property of the attacking or biting dog's owner or custodian; or (iv) for other good cause as determined by the court. No dog shall be found to be a dangerous dog as a result of biting, attacking, or inflicting injury on a dog or cat while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event. No dog that has bitten, attacked, or inflicted injury on a person shall be found to be a dangerous dog if the court determines, based on the totality of the evidence before it, that the dog is not dangerous or a threat to the community.

"Vicious dog" means a canine or canine crossbreed that has: (i) killed a person; (ii) inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or (iii) continued to exhibit the behavior that resulted in a previous finding by a court or, on or before July 1, 2006, by an animal control officer as authorized by ordinance, that it is a dangerous dog, provided that its owner has been given notice of that finding.

- (b) The sheriff of the county or his deputy, designated by the sheriff to act as an animal warden, who has reason to believe that a canine or canine crossbreed within his jurisdiction is a dangerous dog or vicious dog shall apply to a magistrate serving the jurisdiction for the issuance of a summons requiring the owner or custodian, if known, to appear before the Southampton County General District Court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. The animal warden shall confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of this section. If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of § 3.2-6562 of the 1950 Code of Virginia, as amended. The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in Article 4 (§

19.2-260 et seq.) of [Chapter 15](#) of Title 19.2 of the 1950 Code of Virginia, as amended. The commonwealth shall be required to prove its case beyond a reasonable doubt.

- (c) No canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed prohibited. No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or damage was sustained by a person who was: (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian; (ii) committing, at the time, a willful trespass upon the premises occupied by the animal's owner or custodian; or (iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog that was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog or a vicious dog. No animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, shall be found to be a dangerous dog or a vicious dog.
- (d) If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.
- (e) The owner of any animal found to be a dangerous dog shall, within ten (10) days of such finding, obtain a dangerous dog registration certificate from the local animal control officer or treasurer for a fee of fifty dollars (\$50.00), in addition to other fees that may be authorized by law. The local animal control officer or treasurer shall also provide the owner with a uniformly designed tag that identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained pursuant to this subsection shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained. The animal control officer shall provide a copy of the dangerous dog registration certificate and verification of compliance to the state veterinarian.
- (f) All dangerous dog registration certificates or renewals thereof required to be obtained under this section shall only be issued to persons eighteen (18) years of age or older who present satisfactory evidence: (i) of the animal's current rabies vaccination, if applicable; (ii) that the animal has been neutered or spayed; and (iii) that the animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed. In addition, owners who apply for certificates or renewals thereof under this section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence that: (i) their residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property; and (ii) the animal has been permanently identified by means of a tattoo on the inside thigh or by electronic implantation. All certificates or renewals thereof required to be obtained under this section shall only be issued to persons who present satisfactory evidence that the owners has liability insurance coverage, to the value of at least one hundred thousand dollars (\$100,000.00), that covers animal bites. The owner may obtain and maintain a bond in surety, in lieu of liability insurance, to the value of at least one hundred thousand dollars (\$100,000.00).
- (g) While on the property of its owner, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. The structure shall be designed to provide the animal with shelter from the elements of nature. When off its owner's property, an animal found to be a dangerous dog shall be kept on a

leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.

- (h) The owner of any dog found to be dangerous shall register the animal with the Commonwealth of Virginia Dangerous Dog Registry, as established under Code of Virginia, § 3.2-6542, within forty-five (45) days of such finding by any appropriate court.

The owners shall also cause the local animal control officer to be promptly notified of: (i) the names, addresses, and telephone numbers of all owners; (ii) all the means necessary to locate the owner and the dog at any time; (iii) any complaints or incidents of attack by the dog upon any person or cat or dog; (iv) any claims made or lawsuits brought as a result of any attack; (v) tattoo or chip identification information or both; (vi) proof of insurance or surety bond; and (vii) the death of the dog.

- (i) After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon learning of same, cause the local animal control authority to be notified if the animal: (i) is loose or unconfined; or (ii) bites a person or attacks another animal; or (iii) is sold, given away, or dies. Any owner of a dangerous dog who relocates to a new address shall, within ten (10) days of relocating, provide written notice to the appropriate local animal control authority for the old address from which the animal has moved and the new address to which the animal has been moved.
- (j) Any owner or custodian of a canine or canine crossbreed or other animal is guilty of a:
- (1) Class 2 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, attacks and injures or kills a cat or dog that is a companion animal belonging to another person; or
 - (2) Class 1 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose of a separate and distinct incident, bites a human being or attacks a human being causing bodily injury.

The provisions of this subsection shall not apply to any animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, or when the animal is a police dog that is engaged in the performance of its duties at the time of the attack.

- (k) The owner of any animal that has been found to be a dangerous dog who willfully fails to comply with the requirements of this section is guilty of a Class 1 misdemeanor.
- (l) All fees collected pursuant to this section, less the costs incurred by the animal control authority in producing and distributing the certificates and tags required by this section, shall be paid into a special dedicated fund in the treasury of the locality for the purpose of paying the expenses of any training course required under Code of Virginia, § 3.2-6556.

(Ord. of 3-23-98; Ord. of 11-22-10, eff. 12-1-10)

State law reference— Similar provisions, Code of Virginia, § 15.2-906.

Secs. 3-97—3-110. Reserved.

[shy](#) | [ghw](#)

§ 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 § [57.1509.7](#). 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. [.93](#).)

[prev](#) | [next](#) | [new search](#) | [table of contents](#) | [home](#)