

12. PRESENTATION OF CLAIM FOR DAMAGE TO LIVESTOCK

Section 3.2-6553 of the *Code of Virginia* provides that any person who has any livestock killed or injured by any dog not his own is entitled to receive as compensation the fair market value of such livestock, subject to the 3 conditions highlighted below:

§ 3.2-6553. Compensation for livestock and poultry killed by dogs. — Any person who has any livestock or poultry killed or injured by any dog not his own shall be entitled to receive as compensation the fair market value of such livestock or poultry not to exceed \$400 per animal or \$10 per fowl if: (i) the claimant has furnished evidence within 60 days of discovery of the quantity and value of the dead or injured livestock and the reasons the claimant believes that death or injury was caused by a dog; (ii) the animal control officer or other officer shall have been notified of the incident within 72 hours of its discovery; and (iii) the claimant first has exhausted his legal remedies against the owner, if known, of the dog doing the damage for which compensation under this section is sought. Exhaustion shall mean a judgment against the owner of the dog upon which an execution has been returned unsatisfied.

Local jurisdictions may by ordinance waive the requirements of (ii) or (iii) or both provided that the ordinance adopted requires that the animal control officer has conducted an investigation and that his investigation supports the claim. Upon payment under this section the local governing body shall be subrogated to the extent of compensation paid to the right of action to the owner of the livestock or poultry against the owner of the dog and may enforce the same in an appropriate action at law.

The Code further defines “livestock” as follows:

"Livestock" includes all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; capradae animals; animals of the genus Lama; ratites; fish or shellfish in aquaculture facilities, as defined in § 3.2-2600; enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.

Attached for your reference, please find a copy of a claim filed by Braxton Bunn of Newsoms, certifying that seven (7) of his rabbits, valued at \$15.00 each, were killed by dogs on November 13 - he does not know the owner of the dog(s). The matter was investigated by the County's Animal Control Officer within the required 72 hours, finding physical evidence that the rabbits were killed by dogs.

Mr. Bunn is seeking total compensation in the amount of \$105.00 for his loss.

MOTION REQUIRED: A motion is required to authorize payment of Mr. Bunn's claim.

CLAIM FOR DAMAGE TO LIVESTOCK OR FOWL

NOTE: The law requires that all claims for damages to livestock and fowl be presented to the Board of Supervisors within sixty (60) days from sustaining such damage. By law, persons convicted of submitting a false or fraudulent livestock or fowl claim may be fined up to \$1,000 or sentenced to jail for up to twelve (12) months or both.

TO THE BOARD OF SUPERVISORS OF SOUTHAMPTON COUNTY:

I hereby certify that on the 13 day of Nov, 2013
a dog or dogs entered my premises and (1) injured, (2) killed, (3)
destroyed (strike out such of the foregoing that does not apply) the
following poultry and/or livestock:

| | |
|---|------------------------|
| _____ hogs - assessed valuation each \$ _____ | Total \$ _____ |
| _____ sheep - assessed valuation each \$ _____ | Total \$ _____ |
| _____ lambs - fair value each \$ _____ | Total \$ _____ |
| _____ turkeys - weight (total) _____ lbs. fair market value \$ _____ each | Total \$ _____ |
| _____ chickens - weight (total) _____ lbs. fair market value \$ _____ each | Total _____ |
| _____ ducks, geese - weight (total) _____ lbs. fair market value \$ _____ each | Total \$ _____ |
| <u>7</u> other <u>Rabbit</u> fair market value \$ <u>15.00</u> each | Total \$ <u>105.00</u> |
| GRAND TOTAL \$ <u>105.00</u> | |

Note - Check the applicable statement below.

_____ I further certify that the owner or owners of the dog or dogs that did the damage is _____ and that by making this claim I have exhausted all legal remedies against the owner or owners and have provided to the Board of Supervisors, along with this claim form, evidence to that effect.

I do not know the owner or owners of the dog or dogs that did the damage.

11/13/2013
Date of Signature _____
R. B. Blum
(Claimant's Signature)
R. B. Blum
(Claimant's Printed or Typed Name)
757-654-6529
(Claimant's Address & Phone Number)

I, the undersigned, do hereby certify that I was given an opportunity within seventy-two (72) hours of discovery by the owner of the injury to or death of such livestock or poultry to view such injured or killed livestock or poultry. I further certify that I found physical evidence upon the animal or animals that the above livestock or fowls were injured or killed by dogs.

11/13/2013
Date of Signature _____
John Griggs
(Dog Warden's Signature)
John Griggs
(Dog Warden's Printed or Typed Name)

Subscribed and sworn to before me, this 13th day of November, 2013

Sharon
Notary Public or other person
authorized to administer an oath.

