

**ACTION ITEM  
BOARD OF SUPERVISORS**

**DATE:** October 21, 2008

**TO:** Board of Supervisors

**FROM:** Charles E. Jett  
Sheriff *CPD*

**ISSUE:** Amend Stafford County Code, Section 5-18 Entitled "Noise from Animals"

**STAFF RECOMMENDATION:** Approval

**BUDGET IMPACT:** N/A

**ATTACHMENTS-** (2)

[1] Background Report [2] Reso/Ord/Proc # 008-73

[ ] [ ] Reso/Ord/Proc #

[ ] [ ] Reso/Ord/Proc #

**REVIEW:** [X] County Administrator's Office *Michael E. Null*

[X] Legal *Gail A. Roberts*

- [ ] Consent Agenda [ ] Other Business [X] Public Hearing
- [ ] Discussion Item [ ] Presentation [ ] Unfinished Business
- [ ] New Business

**PRESENTATION BY:** Michael E. Null, Jr, Chief Animal Control Officer

**ELECTION DISTRICT:** N/A

**BACKGROUND REPORT**

Stafford County Code, Section 5-18 entitled "Noise From Animals" does not provide for enforcement of penalties as a result of a violation of this section. It does not effectively combat the problem of excessive barking. Proposed Ordinance O08-73 incorporates that each complaint constitutes a separate offense and will establish that violations shall be punishable as a Class 4 Misdemeanor. Numerous requests have been made by citizens to change the Ordinance so as not to require complaints from two separate households. Changes to the Ordinance will allow officers to enforce the ordinance when necessary, or, to refer only one complainant to the Magistrate's Office to swear out a summons. Other localities have adopted this type of ordinance in an effort to strengthen the penalties for such violations.

Staff recommends adoption of proposed Ordinance O08-73

PROPOSED

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

ORDINANCE

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on the 21<sup>st</sup> day of October, 2008

MEMBERS

VOTE

George H Schwartz, Chairman  
M S "Joe" Brito, Vice Chairman  
Harry E Crisp II  
Mark Dudenhefer  
Paul V Milde III  
Cord A Sterling  
Robert "Bob" Woodson

On motion of , seconded by , which carried by a vote of , the following was adopted

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD  
COUNTY CODE, SECTION 5-18, ENTITLED "NOISE FROM  
ANIMALS"

WHEREAS, the current County Code does not adequately address the problem  
of barking dogs, and

WHEREAS, it is the desire of the Board to amend the Stafford County Code to  
address this problem by strengthening the penalties for those who allow their pet to  
disturb the quiet, comfort, or repose of one or more members of the community, and

WHEREAS, the Board has conducted a public hearing and carefully considered  
the recommendations of the staff, and the testimony at the public hearing,

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of  
Supervisors on this 21<sup>st</sup> day of October, 2008, that Stafford County Code, Section 5-18,  
be and it hereby is amended and reordained to read as follows

**Sec. 5-18. Noise from animals.**

(a) It shall be unlawful for any person to allow within the county prolonged or intense barking or other harsh or excessive noises to be made by any animal under his ownership or control, at any time, so as to disturb the quiet, comfort or repose of one or more members of the community

~~(b) For the purpose of this section, a harsh or excessive animal noise is one which disturbs the quiet, comfort or repose of a reasonable person with normal sensitivities~~

(b) For the purpose of this section, a person shall be deemed to have "allowed" his animal to bark or create other harsh noises if he has once been put on notice by a deputy, animal control officer or any other officer and thereafter fails to confine such animal(s) inside his dwelling unit or enclosed structure or to take similar action calculated to terminate such disturbance

~~(c) For the purpose of this section, a person shall be deemed to have "allowed" his animal to bark or create other harsh or excessive noises if he has once been put on notice by the county sheriff's office or the animal control officer, upon the complaints of two (2) persons who are not members of the same household, unless there are no more than five (5) households within one-quarter mile of the noise source, that the animal is disturbing one or more members of the community and he thereafter fails to confine such animal inside his dwelling unit or other enclosed structure or take similar action calculated to terminate such disturbance. It shall not be necessary for the sheriff's office or animal control officer to issue a new notice for each repeated occurrence~~

(c) For the purpose of this section, a person shall be deemed to have allowed his animal to bark or create other harsh noises that can be heard through one or more partition walls of an enclosed structure, ie, apartments, townhomes, or any other adjoining residence or building if he has been put on notice once by a deputy, animal control officer, or other officer

~~(d) Notwithstanding the above provisions of this section, harsh or excessive animal noise emanating from any commercial kennel established prior to the development of any residential property upon which such sounds may be audible shall not be considered noises in violation of this section~~

(d) Enforcement No person shall be charged with a violation of this section unless the complainant shall appear before a magistrate and make complaint thereof and request a summons or warrant be issued charging such violation in the manner provided by law

(e) Notwithstanding the above, when a violation is committed in the presence of a deputy, animal control officer or other law enforcement officer, the officer may proceed to issue a summons

(f) After being put on notice, each complaint shall constitute a separate offense Violation of the section shall be punishable as a class 4 misdemeanor