



**City of Hampton, Virginia**  
Ordinance - Coded

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Hampton, VA 23669  
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File Number: 08-0387

Enactment Number: 08-0015

**AN ORDINANCE TO AMEND CHAPTER 5 OF THE CODE OF THE CITY OF  
HAMPTON, VIRGINIA, ENTITLED  
“ANIMALS” TO UPDATE THE CITATION TO THIS VIRGINIA CODE.**

**ARTICLE I. IN GENERAL**

**Sec. 5-1. Violations of chapter generally.**

Except as otherwise specifically provided, a violation of any provision of this chapter shall constitute a Class 4 misdemeanor.

(Ord. No. 735, § 4-1, 11-10-82; Ord. No. 1437, 11-15-06)

**Cross references:** Penalty for Class 4 misdemeanor, § 1-11.

**Sec. 5-2. Definitions.**

Unless otherwise expressly stated or the content clearly indicates a different intention, the following words and terms shall, for the purposes of this chapter, have the meaning indicated in this section:

*Abandon* means to desert, forsake, or absolutely give up an animal without having secured another owner or custodian for the animal or by failing to provide the elements of basic care as set forth in Virginia Code § 3.2-6503 for a period of five (5) consecutive days.

*Adequate care* or *care* means the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health.

*Adequate exercise* or *exercise* means the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal.

*Adequate food* or *feed* means access to and the provision of food that is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age,

species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

*Adequate shelter* means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and, for dogs and cats, provides a solid surface, resting platform, pad, floormat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors (i) permit the animals' feet to pass through the openings, (ii) sag under the animals' weight, or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter.

*Adequate space* means sufficient space to allow each animal to (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal and (ii) interact safely with other animals in the enclosure. When an animal is tethered, adequate space means a tether that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least three (3) times the length of the animal, as measured from the tip of its nose to the base of its tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space.

*Adequate water* means provision of and access to clean, fresh, potable water of a drinkable temperature that is provided in a suitable manner, in sufficient volume, and at suitable intervals, but at least once every twelve (12) hours, to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles that are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.

*Adoption* means the transfer of ownership of a dog or a cat, or any other companion animal, from a releasing agency to an individual.

*Agricultural animals* means all livestock and poultry.

*Ambient temperature* means the temperature surrounding the animal.

*Animal* means any nonhuman vertebrate species except fish. For the purposes of section 5-77 of the Hampton City Code, animal means any species susceptible to rabies. For the purposes of Article VI of the Hampton City Code, animal means any nonhuman vertebrate species including fish except those fish captured and killed or disposed of in a reasonable and customary manner.

*Animal control officer* means a person appointed as an animal control officer or deputy animal control officer as provided in Va. Code § 3.2-6555.

*Animal shelter* means a facility, other than a private residential dwelling and its surrounding grounds, which is used to house or contain animals and which is owned, operated, or maintained by a nongovernmental entity including, but not limited to, a humane society, animal welfare organization, society for the prevention of cruelty to animals, or any other organization operating for the purpose of finding permanent adoptive homes for animals.

*At large* shall mean roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control, except that a dog shall not be considered at large if it is on a bona fide hunt in the city in the company of the hunter.

*Boarding kennel or establishment* means a place or establishment, other than a pound or shelter, where companion animals not owned by the proprietor are sheltered, fed and watered in exchange for a fee, but shall not include training or show kennels.

*Collar* means a well-fitted device, appropriate to the age and size of the animal, attached to the animal's neck in such a way as to prevent trauma or injury to the animal.

*Companion animals* means dogs, both domestic and feral; cats, both domestic and feral; monkey and all members of the monkey family or other nonhuman primates; guinea pigs; hamsters; rabbits not raised for human food or fiber; exotic or native animals; reptile; exotic and native birds; or any feral animal or any animal under the care, custody, or ownership of a person or any animal that is bought, sold, traded, or bartered by any person. Agricultural animals, game species, or any animals regulated under federal law as research animals shall not be considered companion animals for the purpose of this chapter.

*Dealer* means any person who, in the regular course of business for compensation or profit, buys, sells, transfers, exchanges or barter companion animals. The following shall not be considered dealers: (i) any person who transports companion animals in the regular course of business as a common carrier or (ii) any person or

organization whose primary purpose is to find permanent adoptive homes for companion animals.

*Direct and immediate threat* means any clear and imminent danger to an animal's health, safety or life.

*Emergency veterinarian treatment* means veterinary treatment to stabilize a life-threatening condition, alleviate suffering, prevent further disease transmission, or prevent further disease progression.

*Enclosure* means a structure used to house or restrict animals from running at large.

*Euthanasia* means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent which causes painless loss of consciousness, and death during such loss of consciousness.

*Exotic bird* means any bird that is not a species native to the United States.

*Feral animal* means any domesticated animal that was formerly owned or has been abandoned and is no longer socialized, or any animal born outdoors that has not been socialized.

*Foster care provider* means an individual who provides care or rehabilitation for companion animals through an affiliation with a pound, animal shelter, or other releasing agency.

*Foster home* means a private residential dwelling and its surrounding grounds at which site through an affiliation with a pound, animal shelter, or other releasing agency care or rehabilitation is provided for companion animals.

*Home-based rescue* or *animal rescue organizations* means any person or organization that accepts (i) more than twelve (12) companion animals or (ii) more than nine (9) companion animals and more than three (3) unweaned litters of companion animals in a calendar year for the purpose of finding permanent adoptive homes for the companion animals and houses the companion animals in a private residential dwelling or uses a system of housing companion animals in private residential foster homes.

*Housing facility* or *facility* means a building, other than a private residential dwelling and its surrounding grounds, used to contain a primary enclosure or enclosures in which animals are housed or kept.

*Humane* means any action taken in consideration of and with the intent to provide for the animal's health and well-being.

*Humane care and treatment* shall include, but not be limited to, the protection of animals from direct sun rays in the summer and freezing cold in the winter and the maintenance of food and water bowls in a separate and clean manner. The bowls shall be sufficiently secured so that they cannot be easily overturned.

*Humane investigator* means a person who has been appointed by a circuit court as a humane investigator as provided in Virginia Code § 3.2-6558.

*Humane society* means any incorporated, nonprofit organization that is organized for the purposes of preventing cruelty to animals and promoting humane care and treatment or adoptions of animals.

*Kennel* means any establishment in which five (5) or more canines, felines, or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing.

*Law enforcement officer* means any person who is a full-time or part-time employee of a police department or sheriff's office that is part of or administered by the commonwealth or any political subdivision thereof and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the commonwealth. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

*Livestock* includes all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; caprae animals; animals of the genus Lama; ratites; fish or shellfish in aquaculture facilities, as defined in Virginia Code § 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.

*Local ordinance* means any law, rule, regulation, or ordinance promulgated by the governing body of any county, city, or town.

*Locality* or *local government* means a county, city, or town, as the context may require.

*Nuisance pertaining to dogs* means excessive, continuous or untimely barking, howling, molesting of passersby, chasing vehicles, attacking other domestic animals, or unwelcome trespassing upon school grounds, private or public property. Nuisance pertaining to cats means excessive, continuous or untimely caterwauling, a sound made during courtship, and/or destructive trespassing on the property of another.

*Other officer* includes all other persons employed or elected by the people of Virginia or by any municipality, county, or incorporated town thereof, whose duty it is to preserve the peace, to make arrests or to enforce the law.

*Owner* means any person who has a right of property in an animal, keeps or harbors an animal, has an animal in his care or acts as custodian of an animal.

*Person* means any individual, partnership, firm, joint-stock company, corporation, association, trust, estate or other legal entity.

*Pet shop* means an establishment where companion animals are bought, sold, exchanged or offered for sale or exchange to the general public.

*Poultry* includes all domestic fowl and game birds raised in captivity.

*Pound* means a facility operated by the commonwealth or any locality for the purpose of impounding or harboring seized, stray, homeless, abandoned or unwanted animals, or a facility operated for the same purpose under a contract with any county, city, town, or incorporated society for the prevention of cruelty to animals.

*Primary enclosure* means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, cage, compartment or hutch. For tethered animals, the term includes the shelter and the area within reach of the tether.

*Research facility* means any place, laboratory or institution licensed by the U.S. Department of Agriculture at which scientific tests, experiments or investigations involving the use of living animals are carried out, conducted or attempted.

*Sanitize* means to make physically clean and to remove and destroy, to a practical minimum, agents injurious to health.

*Treasurer* means the city treasurer and his assistants or other officer designated by law to collect taxes in the city.

*Treatment* or *adequate treatment* means the responsible handling or transportation of animals in the person's ownership, custody or charge, appropriate for the age, species, condition, size and type of the animal.

*Veterinary care* or *treatment* means treatment by or on the order of a duly licensed veterinarian and shall include, but not be limited to, immunization of animals against distemper, hepatitis, leptospira (DHL), rabies and parvo virus, and a periodic check for tape, round, hook, whip and heart worms.

(Ord. No. 735, § 4-2, 11-10-82; Ord. No. 1385, 10-13-04; Ord. No. 1437, 11-15-06)  
**State law references:** Similar definitions, Code of Virginia, § 3.2-5900.

### **Sec. 5-3. Public educational program as to animal control problems.**

The city shall develop and promote an educational program designed to inform the public of the animal-control problems existing in the city. The council shall allocate such funds as are available for this purpose.

(Ord. No. 735, § 4-46, 11-10-82; Ord. No. 1437, 11-15-06)

**Sec. 5-4. Animal control officer and pound generally.**

(a) The city council shall appoint or designate an officer to be known as the animal control officer, who shall have the power to enforce this chapter and other ordinances and state laws for the protection of domestic animals. Within the limits of the appropriations therefor, the city council may also appoint one (1) or more deputies to assist the animal control officer in the performance of his duties.

(b) An animal pound shall be maintained by the city in accordance with the requirements deemed necessary by the city council and of a type approved by the health department. All dogs found running at large without the tag required by section 5-58, or in violation of section 5-38 and all cats found running at large in violation of section 5-38 shall be confined therein. The city need not own such pound but may contract for its establishment with a private group alone or in conjunction with one (1) or more other local political subdivisions of the state.

(c) The pound provided for in this section shall be accessible to the public at reasonable hours during the week and meet all other requirements stated in the Code of Virginia. Code of Virginia, § 3.2-5900 et seq.

(Ord. No. 735, § 4-13, 11-10-82; Ord. No. 764, § 4-13, 12-14-83; Ord. No. 1385, 10-13-04; Ord. No. 1437, 11-15-06)

**State law references:** Position of animal control officer created, Code of Virginia, § 3.2-6555; city pounds, Code of Virginia, § 3.2-6546

**Sec. 5-5. Qualifications and training of animal control officer and deputy animal control officer; authority of animal control officer and deputy animal control officers.**

(a) Animal control officers shall have a knowledge of the animal control and protection laws of Virginia and the city's animal control ordinances which they are required to enforce. All animal control officers shall also complete the state mandated training as outlined in Virginia Code § 3.2-6556.

(b) When in uniform or upon displaying a badge or other credentials of office, animal control officers shall have the power to issue a summons or obtain a felony warrant as necessary, providing the execution of such warrant shall be carried out by any law-enforcement officer as defined in Virginia Code § 9.1-101, to any person found in the act of violating any laws or ordinances pertaining to animals.

(Ord. No. 735, § 4-41, 11-10-82; Ord. No. 784, 9-26-84; Ord. No. 1385, 10-13-04; Ord. No. 1437, 11-15-06)

**State law references:** Similar provisions, Code of Virginia §§ 3.2-6555, 3.2-6556.

**Sec. 5-6. Violation of chapter by animal control officer, shelter or pound custodian.**

(a) No animal control officer or custodian of any pound or animal shelter shall (i) obtain the release or transfer of an animal by the animal's owner to such animal control officer or custodian for personal gain or (ii) give or sell or negotiate for the gift or sale to any individual, pet shop, dealer, or research facility of any animal which may come into his custody in the course of carrying out his official assignments. No animal control officer or custodian of any pound or animal shelter, nor any member or employee of the firm, partnership or corporation of said pound or animal shelter shall be granted a dealer's license under section 5-73. Violation of this subsection shall be a Class 1 misdemeanor. Nothing in this section shall preclude any animal control officer from lawfully impounding any animal pursuant to Article V of this chapter of the Hampton City Code.

(b) Any animal control officer or custodian of any pound who violates any provision of Chapter 5 of the Hampton City Code which relates to the seizure, impoundment and custody of animals by an animal control officer may be subject to suspension or dismissal from his position.

(Ord. No. 735, § 4-41, 11-10-82; Ord. No. 1385, 10-13-04; Ord. No. 1437, 11-15-06)

**State law references:** Similar provisions, Code of Virginia, § 3.2-6557.

#### **Sec. 5-7. Sterilization of dogs and cats; enforcement; civil penalty.**

(a) Every new owner of a dog or cat adopted from a releasing agency within the city or from a releasing agency receiving funding of any kind from the city 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 from a releasing agency within the city or from a releasing agency receiving funding of any kind from the city 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.

(c) A releasing agency 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 releasing agency 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 to the district court, 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 under this article.

(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).

(g) Any agreement used by a releasing agency pursuant to subsection (b) shall contain:

(1) The date of the agreement;

(2) The names, addresses, and signatures of the releasing agency and the new owner;

(3) A description of the dog or cat to be adopted;

(4) The date by which the dog or cat is required to be sterilized; and

(5) A statement printed in conspicuous, bold print, that sterilization of the dog or cat 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 this article.

(h) Each new owner who signs a sterilization agreement shall, within seven (7) days of the sterilization, cause to be delivered or mailed to the releasing agency written confirmation signed by the veterinarian who performed the sterilization. The confirmation shall briefly describe the dog or cat; include the new owner's name and address; certify that the sterilization was performed; and specify the date of the procedure. Any person who violates this section shall be subject to a civil penalty not to exceed one hundred fifty dollars (\$150.00).

(i) If an adopted dog or cat is lost or stolen or dies before the animal is sterilized and before the date by which the dog or cat is required to be sterilized, the new owner shall, within seven (7) days of the animal's disappearance or death, notify the releasing agency of the animal's disappearance or death. Any person who violates this section shall be subject to a civil penalty not to exceed twenty-five dollars (\$25.00).

(j) This article shall not apply to an owner reclaiming his dog or cat from a releasing agency within the city or from a releasing agency receiving funding of any kind from the city.

(k) An animal control officer, shall be entitled to bring a civil action for any violation of this article that is subject to a civil penalty. Any civil penalty assessed pursuant to this article shall be paid into the treasury of the city and used for the purpose of defraying the costs of local animal control, including efforts to promote sterilization of cats and dogs.

(Ord. No. 1437, 11-15-06)

**State law references:** Similar provisions, Code of Virginia, § 3.2-6574 et seq.

**Sec. 5-8. Allowing animal to go on land of another and damage property.**

(a) No person shall suffer or permit any animal belonging to him or under his control to go upon the land of another person and damage or destroy any garden, shrubs, grass or other property thereon.

(b) Any violation of this section shall be punishable by a fine of not less than twenty dollars (\$20.00) nor more than fifty dollars (\$50.00). Upon a second conviction, within the period of one (1) year, of a violation of this section involving the same animal, such person shall be fined not less than thirty dollars (\$30.00) nor more than one hundred dollars (\$100.00) and the court may order the owner or custodian of such animal to remove it from the city within a period of two (2) weeks, and upon the failure of such owner or custodian to comply with such order, such animal shall be seized by an animal control officer or law enforcement officer and euthanized or otherwise disposed of in a manner consistent with normal procedures, and the owner shall be fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00).

(c) Any person owning property which is damaged or destroyed by any violation of this section may enter his complaint, by a warrant issued against the owner or custodian of the animal involved, and the complaint shall be heard by the court as all other complaints under criminal warrants are heard.

(Ord. No. 735, § 4-3, 11-10-82; Ord. No. 1437, 11-15-06)

**Sec. 5-8.1. Removal of dog excrement required; exceptions.**

It shall be unlawful for any person owning, keeping or having custody or control of a dog to fail to remove immediately the dog's excrement from any public or private property other than property owned or occupied by the person owning, keeping or having custody or control of said dog. For purposes of this section, the phrase "property owned or occupied by the person owning, keeping or having custody or control of said dog" shall not include the common and limited common elements of condominiums or cooperatives nor property owned or maintained by a homeowner's association or by a property owner's association. Any person who shall violate this section shall be guilty of

a Class 4 misdemeanor. The provisions of this section shall not apply to a service dog or to dogs used by police officers for law enforcement or tracking purposes.  
(Ord. No. 1092, 7-14-93; Ord. No. 1437, 11-15-06)

**Sec. 5-9. Noisy animals or birds.**

Any person who shall own, allow, permit, keep or harbor, on or about any premises, any animals or birds which, by causing frequent or long-continued noises, seriously disturb the reasonable enjoyment, sleep, rest and comfort of persons of normal nervous sensibilities and ordinary tastes, habits and modes of living, shall be guilty of causing or permitting a public nuisance. A conviction for a violation of this section shall result in a fine of not more than fifty dollars (\$50.00); provided, however, that a second conviction involving the same animal or bird shall result in a fine of not less than thirty dollars (\$30.00) nor more than one hundred dollars (\$100.00).

(Ord. No. 735, § 4-4, 11-10-82; Ord. No. 1437, 11-15-06)

**Cross references:** Noise generally, Ch. 22.

**Sec. 5-10. Dangerous animals, other than dogs.**

(a) No person shall suffer or permit any animal belonging to him or under his control and known or reasonably suspected of being dangerous to be kept in the city at any time except in strict confinement in such manner as to be safe for the public at large or any person licensed to go on the premises on which such animal is kept. This section shall not apply to dogs.

(b) The term "dangerous animal" shall be defined for the purposes of this section as any animal, other than a dog, which attacks a human being or another animal without provocation; or any animal, other than a dog, with a known propensity, tendency or disposition to attack a human being or another animal without provocation.

For purposes of this section, proof that any animal has bitten one (1) or more persons or animals without provocation shall be considered as prima facie evidence that such animal is dangerous.

(c) No animal shall be declared dangerous if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the animal or was teasing, tormenting, abusing or assaulting the animal or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the animal or was committing or attempting to commit a crime. No animal shall be declared dangerous if it attacks other animals which are trespassing on the premises occupied by the owner or keeper of the animal.

(d) It shall be the duty of an animal control officer or other officer who may find any dangerous animal that is either: not in strict confinement as required by subsection (a); or that has attacked a human being or another animal and whose presence in the city represents a continuing threat of serious harm to human beings or other animals, to forthwith take the dangerous animal in custody and dispose of it in accordance with section 5-38(b) or, in the alternative, to hold the animal until disposition by the court under sections 5-10 and 5-10.1.

(Ord. No. 735, § 4-7, 11-10-82; Ord. No. 1079, 3-24-93; Ord. No. 1095, 7-14-93; Ord. No. 1437, 11-15-06)

**Cross references:** Dangerous and vicious dogs, § 5-42.

### **Sec. 5-10.1. Violations.**

(a) A violation of section 5-10 shall constitute a Class 1 misdemeanor.

(b) Any dangerous animal which attacks a human being or another animal may be ordered destroyed when, in the court's judgment, such dangerous animal represents a continuing threat of serious harm to human beings or other animals. When an animal is dangerous without the knowledge of the owner or keeper, the court may order the animal destroyed without penalizing the owner or keeper.

(c) Any person found guilty of violating section 5-10 shall pay all expenses, including shelter, food, and veterinary expenses necessitated by the seizure of any animal for the protection of the public, and such other expenses as may be required for the destruction of any such animal.

(d) This section shall not apply to dogs.

(Ord. No. 1080, 3-24-93; Ord. No. 1096, 7-14-93; Ord. No. 1437, 11-15-06)

**Cross references:** Dangerous and vicious dogs, § 5-42.

### **Sec. 5-11. Confinement of reptiles.**

It shall be unlawful for the owner or keeper of any exotic reptile or type of reptile not native to the commonwealth, including but not limited to the American alligator, to keep any such reptile in any manner that will not sufficiently confine such reptile so as to permit its escape or to knowingly permit such reptile to run at large. Any violation of this section shall constitute a Class 2 misdemeanor.

(Ord. No. 735, § 4-8, 11-10-82; Ord. No. 1437, 11-15-06)

**State law references:** Similar provisions, Code of Virginia, § 29.1-569.

### **Sec. 5-12. Disposal of dead animals and fowl generally.**

(a) When the owner of any animal or grown fowl which has died knows of such death, such owner shall forthwith have its body cremated or buried, and, if he fails to do so, any judge of a general district court, after notice to the owner if he can

be ascertained, shall cause any such dead animal or fowl to be cremated or buried by an officer or other person designated for the purpose. Such officer or other person shall be entitled to recover of the owner of every such animal so cremated or buried the actual cost of the cremation or burial, not to exceed seventy-five dollars (\$75.00), and of the owner of every such fowl so cremated or buried the actual cost of the cremation or burial, not to exceed five dollars (\$5.00), to be recovered in the same manner as officers' fees are recovered, free from all exemptions in favor of such owner.

(b) Nothing in this section shall be deemed to require the burial or cremation of the whole or portions of any animal or fowl which is to be used for food or in any commercial manner.

(Ord. No. 735, § 4-5, 11-10-82; Ord. No. 1437, 11-15-06)

**State law references:** Similar provisions, Code of Virginia, § 18.2-510.

**Sec. 5-13. Casting or leaving dead or disabled animal in street or allowing dead animal to remain unburied.**

If any person casts any dead animal into a street, alley or sidewalk, or knowingly permits any dead animal to remain unburied upon his property when offensive to the public or, having in custody any maimed, diseased, disabled or infirm animal, leaves it to lie or be in a street or public place, he shall be guilty of a Class 3 misdemeanor.

(Ord. No. 735, § 4-6, 11-10-82; Ord. No. 1437, 11-15-06)

**Cross references:** Penalty for Class 3 misdemeanor, § 1-11.

**State law references:** Similar provisions, Code of Virginia, § 18.2-323.

Secs. 5-14--5-23. Reserved.

**ARTICLE II. AGRICULTURAL ANIMALS\***

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**\*State law references:** Authority of city to regulate the keeping of animals and fowl, Code of Virginia, § 3.2-6544.

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**Sec. 5-24. Location and maintenance of poultry and animal yards generally.**

(a) It shall be unlawful for any person to maintain in the city any poultry or animal yard within one hundred seventy-five (175) feet of any buildings used for residential purposes or within two hundred fifty (250) feet of any church or school building; provided, however, that the person maintaining such yard may do so within one hundred seventy-five (175) feet of such person's own personal residence, and further provided, that this subsection shall not apply to the keeping of pigeons.

(b) For the purposes of this section, the term "poultry or animal yard" shall include every yard, pasture, enclosure, shed or structure used to house:

(1) Live fowl, including in the term "fowl," chickens, ducks, geese and other poultry, except as provided otherwise herein; or

(2) One (1) or more of the following animals: Cattle, horses, sheep, goats or other domestic animals, other than dogs or cats.

(c) Every person maintaining a poultry or animal yard shall keep the same clean and sanitary and free from all refuse, decaying food and excrement.

(d) Every poultry or animal yard, except when located in an area zoned agricultural under any existing zoning ordinances,\* shall be adequately enclosed and free from any rodents. The presence of any rodent in any poultry or animal yard shall be prima facie evidence that such yard is maintained in violation of this section.

**Cross references:** Zoning ordinance, App. A.

(e) Nothing contained in this section shall be construed to authorize the keeping of animals of any kind at any place, irrespective of distance from any building, when the keeping of such animals is prohibited by any other ordinance. Conversely, nothing in this section shall be construed to prohibit the keeping of animals of any kind at any place, irrespective of distance from any building, when the keeping of such animals is permitted by any other ordinance.

(Ord. No. 735, § 4-9, 11-10-82; Ord. No. 1437, 11-15-06)

**Sec. 5-25. Maintenance of premises where fowl are kept.**

It shall be unlawful for any person to permit any building or any other premises in or on which chickens or other domestic fowl are kept to become a nuisance by reason of any offensive odors or unsanitary conditions.

(Ord. No. 735, § 4-10, 11-10-82; Ord. No. 1437, 11-15-06)

**Sec. 5-26. Running at large.**

(a) *Agricultural animals.* No person shall permit any agricultural animal owned or controlled by such person to run at large within the city limits.

(b) *Impoundment, holding and redemption of animals.* Any animal found running at large in violation of this section shall be taken up by an animal control officer or any police officer and impounded at a place provided by the city for such purpose. Such animal shall be held for a period of five (5) days, during which time the owner may redeem the animal, by proving ownership and paying the costs incurred by the city in impounding and caring for such animal. If the rightful owner of the animal confined may be readily identified, the operator of

the pound shall make a reasonable effort to notify such owner within twenty-four (24) hours of its confinement.

(c) *Costs.* The costs referred to in subsection (b) above shall be established by the city manager, but in no event shall they be less than those established for impounded dogs. Such costs shall be paid to the person in charge of the place of impoundment, for use in financing the operation of the pound, who shall report the same to the city auditor at the end of each month.

(d) *Disposition of unredeemed animals.* If any animal is not redeemed by its owner in accord with subsections (b) and (c) above, within five (5) days of impoundment, disposal of such animal shall be made by allowing it to be adopted by any person willing to pay the costs incurred as determined pursuant to subsection (c) above, along with such sum as is determined by the person in charge of the place of impoundment as a reasonable adoption fee for such animal, or such animal may be humanely destroyed. Any such costs and fee for adoption collected shall be paid to the person in charge of the place of impoundment, for use in financing the operation of the pound, who shall report the same to the city auditor at the end of each month.

(e) *Responsibility for payment of fines.* The impoundment and disposition of any animal under this section shall not relieve any person from the payment of any fine imposed for allowing the animal to run at large in violation of this section.

(Ord. No. 735, § 4-11, 11-10-82; Ord. No. 1437, 11-15-06)

**State law references:** Authority for above section, Code of Virginia, § 3.2-6544.

Secs. 5-27--5-36. Reserved.

### **ARTICLE III. DOGS AND CATS GENERALLY\***

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**\*Cross references:** Dogs prohibited on beaches during certain periods, § 7-49.

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#### **Sec. 5-37. Dogs and cats deemed personal property; rights relating thereto.**

All dogs and cats shall be deemed personal property and may be the subject of larceny and malicious or unlawful trespass, and the owners thereof may maintain any action for the killing of such dogs or cats, or injury thereto, or unlawful detention or use thereof, as in the case of other personal property. The owner of any dog or cat which is injured or killed contrary to the provisions of this chapter by any person shall be entitled to recover the value thereof or the damage done thereto in an appropriate action at law from such person. An animal control officer or other officer finding a stolen dog or cat or a dog or cat held or detained contrary to law shall have authority to seize and hold such dog or cat pending action before the general district court or other court. If no such action is instituted within seven (7) days, the animal control officer or other officer shall deliver

the dog or cat to its owner. The presence of a dog or cat on the premises of a person other than its legal owner shall raise no presumption of theft against the owner and the animal control officer may take such dog or cat in charge and notify its legal owner to remove him. The legal owner of a dog or cat shall pay a reasonable charge for the keep of such dog or cat while in the possession of the animal control officer, such charge not to exceed that prescribed in section 5-38.

(Ord. No. 735, § 4-12, 11-10-82; Ord. No. 1385, 10-13-04; Ord. No. 1437, 11-15-06)

**State law references:** Similar provisions, Code of Virginia, § 3.2-6585.

### **Sec. 5-38. Running at large.**

#### (a) *Dogs.*

(1) It shall be unlawful for any person to permit any dog owned or kept by him to run or go at large within the city, whether such dog is licensed or not.

Any person who permits his dog to run at large, or remain unconfined, unrestricted or not penned up shall be deemed to have violated the provisions of this section.

(2) The first violation of this section shall constitute a Class 4 misdemeanor. The second violation on the same animal shall constitute a Class 3 misdemeanor and subsequent violations on the same animal shall constitute a Class 2 misdemeanor. Any owner cited for three (3) violations of this section, may have his animals impounded or spayed and neutered at the owner's or custodian's expense.

(3) A violation of this subsection (a) shall constitute a Class 2 misdemeanor if the dog, while at large within the city, attacks a human being or another animal without provocation.

#### (b) *Cats.*

(1) It shall be unlawful for any person to permit any cat owned or kept by him to run or go at large within the city unless the cat is spayed or neutered and properly licensed in accordance with Article IV, sections 5-51 through 5-60 of the Hampton City Code.

(2) However, it shall be unlawful for any person to permit any cat owned or kept by him to run at large if said cat habitually causes destruction or damage to the property of another or habitually creates a nuisance.

(3) The first violation of this section shall constitute a Class 4 misdemeanor. The second violation on the same animal shall constitute a Class 3 misdemeanor and subsequent violations on the same animal shall

constitute a Class 2 misdemeanor. Any owner cited for three (3) violations of this section, may have his animals impounded or spayed and neutered at the owner's or custodian's expense.

(c) It shall be the duty of an animal control officer or other officer who may find any dog or cat running at large in violation of section 5-38(a) and (b), respectively, to forthwith take the animal into custody and dispose of it in the following manner

(1) The dog or cat shall be impounded in the animal shelter for a period of not less than five (5) days, such period to commence on the day immediately following the day the animal is initially confined in the facility, unless sooner claimed by the rightful owner thereof. The operator or custodian of the animal shelter shall make a reasonable effort to ascertain whether the animal has a collar, tag, license, tattoo, or other form of identification and make a reasonable effort to notify the owner of the animal's confinement within the next forty-eight (48) hours following its confinement. If such identification is found on the animal, the animal shall be held for an additional five (5) days, unless sooner claimed by the rightful owner. If the owner or keeper of the dog or cat is known, or the owner can be reasonably ascertained through a collar, tag, license, tattoo or other form of identification, an animal control officer shall issue a summons within twenty-four (24) hours to such owner directing him to appear in court and answer charges for violation of this section. If the identity of the owner cannot be ascertained at the time of impoundment, then the summons shall be issued at such time as the owner shall reclaim the dog or cat.

(2) In all cases under this section, the owner may, upon proof of ownership, redeem the dog within the prescribed period of time as stated in subsection (1) and upon proof of ownership and payment of the actual expenses incurred in keeping the animal impounded. The fee for redeeming the dog shall be the sum of twenty dollars (\$20.00) for the first twenty-four (24) hours or portion thereof and the sum of five dollars (\$5.00) for each succeeding day or fraction thereof; provided, however, that the minimum payment shall be twenty dollars (\$20.00). For each subsequent impoundment within a twelve-month period, the owner may redeem the dog within the prescribed period of time as stated in subsection (1) upon payment of the sum of twenty-five dollars (\$25.00) for the first twenty-four (24) hours or portion thereof and the sum of five dollars (\$5.00) for each succeeding day or fraction thereof; provided, however, that the minimum payment in such cases shall be twenty-five dollars (\$25.00).

(3) In all cases under this section, the owner may redeem the cat, within the prescribed period of time as stated in subsection (1), upon proof of

ownership, payment of the actual expenses incurred in keeping the animal, and proof of proper rabies inoculation in accordance with section 5-100 of the Hampton City Code. The fee for redeeming the cat shall be the sum of twenty dollars (\$20.00) for the first twenty-four (24) hours or portion thereof and the sum of five dollars (\$5.00) for each succeeding day or fraction thereof; provided, however, that the minimum payment shall be twenty dollars (\$20.00). For each subsequent impoundment within a twelve-month period, the owner may redeem the cat within the prescribed period of time as stated in subsection (1) upon payment of the sum of twenty-five dollars (\$25.00) for the first twenty-four (24) hours or portion thereof and the sum of five dollars (\$5.00) for each succeeding day or fraction thereof; provided, however, that the minimum payment in such cases shall be twenty-five dollars (\$25.00).

(4) If at the end of the prescribed holding period the dog or cat in question shall have not been redeemed, such animal shall be deemed abandoned and disposed of in accordance with the provisions of section 3.2-6546 of the Code of Virginia. No animal shall be released to any person, organization, or agents hereof, for the purposes of scientific or medical experimentation. No provision herein shall prohibit the destruction of a critically ill dog or cat for humane purposes. Any cat disposed of under this section shall be spayed or neutered prior to release for adoption from the animal shelter.

(5) Cats identified as part of a managed feral cat colony in accordance with the provisions of section 5-43 shall be exempted from the requirements of section 5-38(b)(1) only.

(Ord. No. 735, § 4-14, 11-10-82; Ord. No. 764, § 4-14, 12-14-83; Ord. No. 1128, 9-28-94; Ord. No. 1385, 10-13-04; Ord. No. 1437, 11-15-06)

**State law references:** Authority of city to prohibit dogs running at large and to impound such dogs, Code of Virginia, §§ 3.2-6538, 3.2-6546 and 3.2-6525. Authority to impound cats, Code of Virginia, §3.2-6585.

#### **Sec. 5-39. Female dogs and cats in heat.**

No person shall permit any female dog or cat in heat to go at large in the streets or remain on his premises to the annoyance of the neighborhood. Each day that a dog or cat is allowed to remain on such person's premises to the annoyance of the neighborhood shall be considered a separate violation of this section.

(Ord. No. 735, § 4-15, 11-10-82; Ord. No. 1385, 10-13-04; Ord. No. 1437, 11-15-06)

#### **Sec. 5-40. Kennels limited to fifty dogs.**

It shall be unlawful for any person to own, operate or maintain within the city any kennel for more than fifty (50) dogs.

(Ord. No. 735, § 4-20, 11-10-82; Ord. No. 1437, 11-15-06)

**Sec. 5-41. 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, or 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.

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

(Ord. No. 1003, 3-27-91; Ord. No. 1437, 11-15-06)

**Sec. 5-42. Control of dangerous and vicious dogs; penalties.**

(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. However, 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 bite, (ii) 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 another dog or cat while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event.

"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 which resulted in a previous finding by a court or, on or

before July 1, 2006, by an animal control officer as authorized by local ordinance, that it is a dangerous dog, provided that its owner has been given notice of that finding.

(b) Any law enforcement officer or animal control officer 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 of the jurisdiction for the issuance of a summons requiring the owner or custodian, if known, to appear before a general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. If a law-enforcement officer successfully makes an application for the issuance of a summons, he shall contact a local animal control officer and inform him of the location of the dog and the relevant facts pertaining to his belief that the dog is dangerous or vicious. The animal control officer shall confine the animal until such time as evidence shall be heard and a verdict rendered. If the animal control officer determines that the owner or custodian can confine the animal in a manner that protects the public safety, he may permit the owner or custodian to 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 Virginia Code, § 3.2-6562. 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. The burden of proof shall be 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. 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 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 for a fee of fifty dollars (\$50.00) in addition to other fees that may be authorized by law. The local animal control officer 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 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 owner 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 by a court 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, within forty-five (45) day of such a finding by a court of competent jurisdiction.

The owner 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 of 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; (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;

(2) Class 1 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, 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 shall be 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 city for the purpose of paying the expenses of any training course required under Virginia Code § 3.2-6556.

(m) This section is enacted pursuant to Virginia Code § 3.2-6540(M).  
(Ord. No. 1437, 11-15-06; Ord. No. 1476, 5-24-07; Ord. No. 1495, 10-25-07)

**State law references:** Code of Virginia, § 3.2-6540.

**Sec. 5-43. Unlawful care of feral cats.**

(a) Any person intentionally providing food, water, or other forms of sustenance to a feral cat or feral cat colony must furnish a signed statement to the animal control office agreeing to comply with the following conditions. Those persons who have furnished a signed statement to the animal control officer agreeing to comply with the conditions contained in this section are exempt from the requirements of Article IV of this chapter, entitled dog and cat licenses.

(1) Annual registration with the animal control office as a person caring for feral cat(s) or a feral cat colony. There will be no costs associated with this registration. The registrant shall be deemed the owner or custodian of the cat(s) for purposes of this chapter.

(2) Provide documentation of support by surrounding neighbors of proposed location for feral cat colony.

(3) Assure responsibility and arrangements for feeding and providing emergency veterinarian treatment as needed to the cat or cat colony regularly throughout the year, including weekends, holidays and vacations and in the absence of the caregiver.

(4) Regular and frequent trapping through use of humane box traps of cats over the age of eight (8) weeks to have them spayed or neutered.

(5) It is highly recommended that all trapped cats be tested for feline leukemia, and to have those who test positive humanely euthanized or isolated indoors.

(6) Identify all sterile cats by tipping their ears (tipping to be done by a licensed veterinarian); micro chipping is recommended but not required.

(7) Arrange to have all trapped cats spayed or neutered and vaccinated for rabies in addition to any other vaccination or immunization requirement imposed by the commonwealth. It is recommended that such cats be vaccinated for distemper.

(8) Any animal known to have an infectious, untreated disease shall not be released back to the colony or any other outdoor environment where the disease can be spread to uninfected animals.

(b) It shall be the duty of an animal control officer or a to issue notice of non-compliance specifying that the caregiver has forty-eight (48) hours to provide a written response including how the colony will be brought into compliance within

a ninety-day time period. The caregiver shall make weekly progress reports to the animal control office.

(c) Failure to comply with any provision of this section shall constitute a violation of this section as well as section 5-38 and subject to penalties thereof. (Ord. No. 1385, 10-13-04; Ord. No. 1437, 11-15-06)

**State law references:** Animal laws, Code of Virginia, §§ 3.2-6538--3.2-6525; authority of city to adopt ordinance paralleling state dog laws, Code of Virginia, § 3.2-6543.

Secs. 5-44--5-50. Reserved.

#### **ARTICLE IV. DOG AND CAT LICENSES\***

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**\*Cross references:** Licenses generally, Ch. 18.1.

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##### **Sec. 5-51. Required.**

It shall be unlawful for any person to own a dog or cat four (4) months old or older in this city, unless such dog or cat is licensed under the provisions of this article. (Ord. No. 735, § 4-16, 11-10-82; Ord. No. 1128, 9-28-94; Ord. No. 1385, 10-13-04; Ord. No. 1437, 11-15-06)

**State law references:** Similar provisions, Code of Virginia, § 3.2-6524.

##### **Sec. 5-52. Application; applicant must be city resident.**

(a) Any resident of the city may obtain a dog or cat license by making oral or written application to the city treasurer, accompanied by the amount of the license tax, the certificate referred to in section 5-57 and proof that the dog or cat has been spayed or neutered, when applicable. The treasurer shall only have authority to license dogs or cats of resident owners or custodians who reside within the limits of the city and may require information to this effect from any applicant.

(b) It shall constitute a Class 4 misdemeanor for any person to make any false statement in, or present any false evidence with, an application submitted under this section, in order to secure a dog or cat license to which such person is not entitled.

(Ord. No. 735, §§ 4-19, 4-26, 11-10-82; Ord. No. 1385, 10-13-04; Ord. No. 1437, 11-15-06)

##### **Sec. 5-53. Tax imposed.**

(a) A license tax is hereby imposed on dogs and cats required to be licensed under this article in the following amounts:

- (1) Male or female dog or cat . . . \$10.00
- (2) Unsexed dog or cat (neutered or spayed) . . . 4.00
- (3) Kennel for ten (10) or less dogs or cats . . . 30.00
- (4) Kennel for eleven (11) to thirty (30) dogs or cats . . . 40.00
- (5) Kennel for thirty-one (31) to fifty (50) dogs or cats . . . 50.00

Kennel to be defined in accordance with section 5-2 of the Hampton City Code for the purposes of this section.

(b) No license tax shall be levied on any dog that is trained and serves as a guide dog for a blind person, that is trained and serves as a hearing dog for a deaf or hearing-impaired person or that is trained and serves as a service dog for a mobility-impaired person. As used in this subsection, the term "hearing dog" means a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond and "service dog" means a dog trained to accompany its owner for the purpose of carrying items, retrieving objects, pulling a wheelchair or other such activities of service or support.

(Ord. No. 735, § 4-20, 11-10-82; Ord. No. 1385, 10-13-04; Ord. No. 1437, 11-15-06)

**Sec. 5-54. When tax due and payable.**

(a) The license tax on dogs and cats imposed by section 5-53 shall be due and payable as follows:

- (1) On January first and not later than January thirty-first of each year, the owner of any dog or cat four (4) months old or older shall pay such tax.
- (2) If a dog or cat shall become four (4) months of age or comes into the possession of any person between January first and November first of any year, the license tax for the current calendar year shall be paid forthwith by the owner.
- (3) If a dog or cat shall become four (4) months of age or comes into the possession of any person between October thirty-first and December thirty-first of any year, the license tax for the succeeding calendar year shall be paid forthwith by the owner and such license shall be valid from the date of purchase.

(Ord. No. 735, § 4-21, 11-10-82; Ord. No. 1128, 9-28-94; Ord. No. 1385, 10-13-04; Ord. No. 1437, 11-15-06)

**State law references:** Similar provisions, Code of Virginia, § 3.2-6530.

**Sec. 5-55. Failure to pay tax when due.**

It shall be unlawful for any person to fail to pay the dog or cat license tax imposed by this article when the same is due. Payment of such license tax subsequent to a summons to appear before a court for failure to do so within the time required shall not operate to relieve such owner from the penalties provided for such failure. It shall constitute a Class 4 misdemeanor for any dog or cat owner to fail to pay any license tax required by this chapter before February 1 for the year in which it is due.  
(Ord. No. 735, § 4-18, 11-10-82; Ord. No. 1385, 10-13-04; Ord. No. 1437, 11-15-06)

**Sec. 5-56. Disposition of taxes collected.**

All taxes collected pursuant to this article shall be used to defray the costs of animal control in accordance with Section 3.2-6534 of the Code of Virginia and shall be kept separate from other funds collected by the treasurer.  
(Ord. No. 735, § 4-20, 11-10-82; Ord. No. 1385, 10-13-04; Ord. No. 1437, 11-15-06)

**Sec. 5-57. Issuance, composition and contents of license.**

(a) Upon receipt of a proper application and the prescribed license tax, the treasurer shall issue a dog or cat license receipt; provided, however, that no such license shall be issued, unless the applicant presents to the treasurer an unexpired certificate, signed by a licensed veterinarian, issued pursuant to section 5-100, certifying the dog or cat to be licensed has been vaccinated in accordance with the provisions of such section or is exempted as set forth in such section. Upon the issuance of the license receipt, the treasurer shall make a notation of the date of such issuance on such certificate and return the certificate to the applicant.

(b) Each dog or cat license shall consist of a license tax receipt and a metal tag. Such receipt shall have recorded thereon the amount of the tax paid, the name and address of the owner or custodian of the dog or cat, the date of payment, the year for which the dog or cat is licensed, the serial number of the tag and whether the license is for a male, female or unsexed male or female dog or cat or for a kennel. This information shall be retained by the treasurer and shall be open for public inspection during the period for which such license is valid.

(c) The metal tag issued under this section shall be stamped or otherwise permanently marked to show the name of the city, the sex of the dog or cat and the calendar year for which issued and shall bear a serial number.

(Ord. No. 735, §§ 4-19, 4-25, 11-10-82; Ord. No. 1385, 10-13-04; Ord. No. 1437, 11-15-06)

**State law references:** Similar provisions, Code of Virginia, §§ 3.2-6527, 3.2-6526.

**Sec. 5-58. Preservation and exhibition of license receipt; tag to be worn by dog; exceptions.**

(a) A dog or cat license receipt issued under this article shall be carefully preserved by the person to whom issued and exhibited promptly on request for inspection by an animal control officer or other officer.

(b) A dog license tag issued under this article shall be securely fastened to a substantial collar by the owner or custodian and worn by the dog for which it was issued. It shall be unlawful for the owner to permit any licensed dog four (4) months old or older to run or roam at large at any time without a license tag. The owner of the dog may remove the collar and license tag required by this section when:

- (1) The dog is engaged in lawful hunting.
- (2) The dog is competing in a dog show.
- (3) The dog has a skin condition which would be exacerbated by the wearing of a collar.
- (4) The dog is confined.
- (5) The dog is under immediate control of the owner.

(c) Any dog or cat not wearing a collar bearing a license tag for the proper calendar year shall prima facie be deemed to be unlicensed and, in any proceeding under this article, the burden of proof of the fact that the dog or cat has been licensed, or is otherwise not required to bear a tag at the time, shall be on the owner of the dog or cat.

(Ord. No. 735, § 4-22, 11-10-82; Ord. No. 1385, 10-13-04; Ord. No. 1437, 11-15-06)

**State law references:** Similar provisions, Code of Virginia, §§ 3.2-6531, 3.2-6531.

#### **Sec. 5-59. Duplicate tags.**

If a dog or cat license tag shall become lost, destroyed or stolen, the owner or custodian shall at once apply to the treasurer for a duplicate license tag, presenting the original license receipt. Upon affidavit of the owner or custodian before the treasurer that the original tag has been lost, destroyed or stolen, the treasurer shall issue a duplicate license tag, which the owner or custodian shall immediately affix to the collar of the dog. The treasurer shall endorse the number of the duplicate and the date issued on the face of the original license receipt. The fee for the duplicate tag for any dog or cat shall be one dollar (\$1.00).

(Ord. No. 735, § 4-19, 11-10-82; Ord. No. 1385, 10-13-04; Ord. No. 1437, 11-15-06)

**State law references:** Similar provisions, Code of Virginia, § 3.2-6532.

#### **Sec. 5-60. Disposition of unlicensed dogs and cats found running at large.**

(a) It shall be the duty of any animal control officer or other officer (1) to capture any dog found running at large on which the license tax imposed by this article has not been paid and deliver such animal to the pound or shelter, and (2) to capture any cat found running at large on which the license tax imposed by this article has not been paid and has not been spayed or neutered in accordance with section 5-38(b) and deliver such animal to the pound or shelter. Such animal shall be disposed of in accordance with Virginia Code § 3.2-6546.

(b) Any person, animal control officer or other officer euthanizing a dog or cat under this section shall cremate, bury or sanitarily dispose of the same.

(c) Prior to the disposition, by euthanization or otherwise, of any dog or cat under this section, all of the provisions of section 5-38 shall be complied with. (Ord. No. 735, § 4-23, 11-10-82; Ord. No. 1385, 10-13-04; Ord. No. 1437, 11-15-06)

Secs. 5-61--5-76. Reserved.

## **ARTICLE V. ANIMAL WELFARE\***

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**\*State law references:** Animal welfare, Code of Virginia, § 3.2-6503 et seq.

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### **Sec. 5-77. Cruelty to animals generally.**

Any person who (i) overrides, overdrives, overloads, tortures, ill-treats, abandons, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly or unnecessarily beats, maims, mutilates, or kills any animal, whether belonging to himself or another; (ii) deprives any animal of necessary food, drink, shelter or emergency veterinary treatment; (iii) sores any equine for any purpose or administers drugs or medications to alter or mask such sores for the purpose of sale, show, or exhibition of any kind, unless such administration of drugs or medications is within the context of a veterinary client-patient relationship and solely for therapeutic purposes; (iv) willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal; (v) carries or causes to be carried in or upon any vehicle, vessel or otherwise any animal in a cruel, brutal, or inhumane manner, so as to produce torture or unnecessary suffering; or (vi) causes any of the above things, or being the owner of such animal permits such acts to be done by another, shall be guilty of a Class 1 misdemeanor.

(Ord. No. 735, § 4-35, 11-10-82)

**Cross references:** Penalty for Class 1 misdemeanor, § 1-11.

**State law references:** Similar provisions, Code of Virginia, § 3.2-6570; general authority of city to prevent cruelty to animals, § 3.2-6544; specific authority to adopt above section, § 3.2-6543.

### **Sec. 5-78. Reserved.**

**Sec. 5-79. General duty of owners to provide food, water, shelter, etc.**

Each owner shall provide for each of his companion animals:

- (1) Adequate feed;
- (2) Adequate water;
- (3) Adequate shelter that is properly cleaned;
- (4) Adequate space in the primary enclosure for the particular type of animal depending upon its age, size, species, and weight;
- (5) Adequate exercise;
- (6) Adequate care, treatment, and transportation; and
- (7) Veterinary care when needed or to prevent suffering or disease transmission.

The provisions of this section shall also apply to every pound, animal shelter, or other releasing agency, and every foster care provider, dealer, pet shop, exhibitor, kennel, groomer, and boarding establishment. This section shall not require that animals used as food for other animals be euthanized.

(Ord. No. 735, § 4-33, 11-10-82; Ord. No. 1437, 11-15-06)

**State law references:** Similar provisions, Code of Virginia, § 3.2-6503.

**Sec. 5-80. Care of companion animal kept on chain.**

Any companion animal that is kept on a chain must be provided with a minimum of twelve (12) feet of untangled chain. Adequate food, water and shelter shall be easily accessible to such animal and it shall be exercised at intervals of not longer than twenty-four (24) hours.

(Ord. No. 735, § 4-17, 11-10-82; Ord. No. 1437, 11-15-06)

**Sec. 5-81. Reserved.**

**Sec. 5-82. Care of animals being transported.**

No owner, railroad or other common carrier when transporting any animal shall allow that animal to be confined in any type of conveyance more than twenty-four (24) consecutive hours without being exercised, properly rested, fed and watered as necessary for that particular type and species of animal. A reasonable extension of this time shall be permitted when an accident, storm or other act of God causes a delay. Adequate space in the primary enclosure within any type of conveyance shall be provided each animal depending upon the particular type and species of animal. No person shall import into the

Commonwealth, nor export from the Commonwealth, for the purpose of sale or offering for sale any dog or cat under the age of eight (8) weeks without its dam. Violation of this section shall be punishable as a Class 1 misdemeanor.

(Ord. No. 735, § 4-34, 11-10-82; Ord. No. 1437, 11-15-06)

**Cross references:** Penalty for Class 1 misdemeanor, § 1-11.

**State law references:** Similar provisions, Code of Virginia, § 3.2-6508.

### **Sec. 5-83. Reserved.**

### **Sec. 5-84. Sale, etc., of unweaned or certain immature animals prohibited.**

No person shall sell, raffle, or offer for sale as pets or novelties, or offer or give as a prize, premium, or advertising device any living chicks, ducklings, or other fowl under two (2) months old in quantities of less than six (6) or any unweaned mammalian companion animal or any dog under the age of seven (7) weeks without its dam, or any cat under the age of seven (7) weeks without its queen. Dealers may offer immature fowl, unweaned mammalian companion animals, dogs or cats under the age of seven (7) weeks for sale as pets or novelties with the requirement that prospective owners take possession of the animals only after fowl have reached two (2) months of age, mammalian companion animals have been weaned, and dogs and cats are at least seven (7) weeks of age. Nothing in this section shall prohibit the sale of an unweaned animal (i) as food for other animals or (ii) with the lactating dam or queen or a lactating surrogate dam or queen that has accepted the animal. A violation of this section is punishable as a Class 3 misdemeanor.

(Ord. No. 735, § 4-40, 11-10-82; Ord. No. 1437, 11-15-06)

**Cross references:** Penalty for Class 3 misdemeanor, § 1-11.

**State law references:** Similar provisions, Code of Virginia, § 3.2-6510.

### **Sec. 5-85. Misrepresentation of animal's condition.**

No person shall misrepresent the physical condition of any animal at the animal's sale, trade, delivery or other method of transfer. For the purposes of this section, misrepresentation shall include selling, trading, delivering or otherwise transferring an animal to another person with the knowledge that the animal has an infection, communicable disease, parasite infestation, abnormality or other physical defect that is not made known to the person receiving the animal. However, sale of an agricultural animal that has external or internal parasites that are not made known to the person receiving the animal shall not be a violation of this section unless the animal is clinically ill or debilitated due to such parasites at the time of sale, trade, delivery or transfer of the animal. A violation of this section shall be punishable as a Class 3 misdemeanor.

(Ord. No. 735, § 4-39, 11-10-82; Ord. No. 1437, 11-15-06)

**Cross references:** Penalty for Class 3 misdemeanor, § 1-11.

**State law references:** Similar provisions, Code of Virginia, § 3.2-6509.

### **Sec. 5-86. Investigation of complaint of violation of article; corrective action.**

(a) Upon receiving a complaint of a suspected violation of this article, the an animal control officer, any law-enforcement officer or an approved humane investigator may, for the purpose of investigating the allegations of the complaint, enter upon the premises of any pet shop or dealer in companion animals and, upon obtaining a proper warrant, upon any other premises where the animal or animals described in the complaint are housed or kept. Law-enforcement officials shall provide such assistance as may be required in the conduct of such investigation.

(b) If the investigation provided for in this section discloses that a violation of this article has occurred, the investigator shall notify the owner or custodian of the complaint and of what action is necessary to comply with this article. The owner or custodian shall have a maximum of forty-eight (48) hours in which to take corrective action. If, at the end of that period, corrective action has not been taken, legal action shall be instituted.

(c) This section shall not apply to section 5-77 and investigations and prosecutions for violations of that section shall be handled as they are for violations of other ordinances of the city.

(Ord. No. 735, § 4-42, 11-10-82; Ord. No. 1437, 11-15-06)

#### **Sec. 5-87. Impoundment of threatened, neglected, etc., animal.**

When an approved humane investigator, any law-enforcement officer, an animal control officer or a licensed veterinarian finds that an apparent violation of this article has rendered an animal in such condition as to constitute a direct and immediate threat to its life, safety or health, which the owner or custodian has failed or refuses to remedy, or finds an abandoned, neglected or cruelly treated animal or one that is unfit for use, such approved humane officer, law-enforcement officer, animal control officer or licensed veterinarian may take charge of and impound the animal in a facility which will provide the elements of good care set forth in section 5-79 and shall then proceed to take such steps as are required to dispose of the animal pursuant to section 5-88.

(Ord. No. 735, §§ 4-43, 4-44, 11-10-82; Ord. No. 1437, 11-15-06)

#### **Sec. 5-88. Procedure after impoundment under section 5-87.**

(a) *Petition for hearing; notice to owner.* When an animal is impounded pursuant to section 5-87, the person who seized the animal or an animal control officer shall forthwith petition a judge of the general district court of the city for a hearing, which shall be in the nature of a criminal proceeding, to be set not more than ten (10) days from the date of the seizure of such animal, to determine whether the owner, if known, is able to adequately provide for such animal and is a fit person to own such animal. Such petitioner shall cause to be served upon the owner, if known and residing within the city, written notice, at least five (5) days prior to such hearing, of the time and place of such hearing. If the owner is known but residing out of the city, written notice by any method shall be given. If the owner is not known, the petitioner shall cause to be published in a newspaper of

general circulation in the city notice of such hearing at least one (1) time prior to the hearing and shall further cause notice of the hearing to be posted, at least five (5) days prior to the hearing, at the place provided for such public notices at the City Hall or Courthouse wherein such hearing shall be had.

(b) *Provision for animals pending adjudication of owner's fitness; authority to sell or destroy.* The person who seized the animal or the an animal control officer may provide for such animal until the owner is adjudged by the court able to adequately provide for the animal and a fit person to own the animal, in which case the animal shall be forthwith returned to such owner, but if the owner is adjudged by the court unable to adequately provide for the animal or not a fit person to own the animal, the court shall order that the animal be sold at public auction, placed for adoption in a suitable home or humanely destroyed, as deemed proper by the court, but in no case shall the person adjudged unable to adequately provide for such animal or adjudged an unfit person to own such animal be allowed to purchase such animal at such sale.

(c) *Consideration of owner's past record.* The court, in determining under this section whether the owner is able to adequately provide for such animal or is a fit person to own such animal, may take into consideration, among other things, the owner's past record of convictions under this article or one similar thereto prohibiting cruelty to animals and the owner's mental and physical condition.

(d) *Disposition of proceeds.* The proceeds from the sale of an animal under this section shall first be applied to the costs of the sale then to the expenses for the care and provision of such animal and the remaining proceeds, if any, shall be paid over to the owner of such animal. If the owner of such animal cannot be found, the proceeds remaining shall be paid into the Literary Fund of the State Treasury.

(e) *Destruction of critically injured or ill animals.* Nothing in this section shall be construed to prohibit the destruction of a critically injured or ill animal for humane purposes.

(Ord. No. 735, § 4-44, 11-10-82; Ord. No. 1437, 11-15-06)

#### **Sec. 5-89. Impoundment records.**

An animal control officer or the custodian of the pound, upon taking custody of any animal in the course of his official duties, shall immediately make a record thereof. The record shall include a description of the animal, including color, breed, sex and approximate weight, the reason for seizure, the location of seizure, the owner's name and address, if known, and all license or other identification numbers. Information concerning the disposition of the animal shall be added to the records after disposition of the animal.

(Ord. No. 735, § 4-41, 11-10-82; Ord. No. 1437, 11-15-06)

Secs. 5-90--5-99. Reserved.

## **ARTICLE VI. RABIES CONTROL\***

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**\*State law references:** Authority of council to adopt ordinances to prevent spread of rabies, Code of Virginia, § 3.2-6525.

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### **Sec. 5-100. Vaccination of dogs and cats.**

(a) The owner or custodian of all dogs and domesticated cats four (4) months of age and older shall have them currently vaccinated for rabies by a licensed veterinarian or licensed veterinary technician who is under the immediate and direct supervision of a licensed veterinarian on the premises. The supervising veterinarian on the premises shall provide the owner of the dog or the custodian of the domesticated cat with a certificate of vaccination. The owner of the dog or the custodian of the domesticated cat shall furnish within a reasonable period of time, upon the request of an animal control officer, humane investigator, law-enforcement officer, state veterinarian's representative, or official of the department of health, the certificate of vaccination for such dog or cat. The vaccine used shall be licensed by the United States Department of Agriculture for use in that species. If, however, such vaccination would threaten the physical well-being of such dog or cat, the owner of such dog or cat shall obtain a certificate, signed by a licensed veterinarian, certifying such fact; and the owner shall keep such dog or cat in quarantine until the same is vaccinated.

(b) Any person transporting a dog or cat into the city from some other jurisdiction shall comply with the requirements of subsection (a) of this section within thirty (30) days subsequent to bringing such dog or cat into the city.

(c) A veterinarian vaccinating a dog or cat as required by this section shall issue to the owner of the dog or cat a certificate of vaccination showing:

- (1) Date of the vaccination;
- (2) Sex and breed of the dog or cat;
- (3) The dog's or cat's weight, color and marks;
- (4) Rabies tag number;
- (5) Name of the owner;
- (6) Amount and kind of vaccine injection; and
- (7) Method of injection.

(Ord. No. 735, §§ 4-24, 4-25, 11-10-82; Ord. No. 782, 9-12-84; Ord. No. 1128, 9-28-94; Ord. No. 1437, 11-15-06)

**State law references:** Rabies inoculation of dogs and domesticated cats, Code of Virginia, § 3.2-6521.

#### **Sec. 5-101. Report of existence of rabid animal.**

Every person having knowledge of the existence of an animal apparently afflicted with rabies shall report immediately to the health department the existence of such animal, the place where seen, the owner's name, if known, and the symptoms suggesting rabies.

(Ord. No. 735, § 4-27, 11-10-82; Ord. No. 782, 9-12-84; Ord. No. 1437, 11-15-06)

**State law references:** Similar provisions, Code of Virginia, § 3.2-6522.

#### **Sec. 5-102. Emergency ordinance requiring confinement or restraint of dogs and cats when rabid animal at large.**

When there is sufficient reason to believe that a rabid animal is at large, the city council shall have the power to pass an emergency ordinance, which shall become effective immediately upon passage, requiring owners of all dogs and cats in the city to keep the same confined on their premises, unless leashed under restraint of the owner in such a manner that persons or animals will not be subject to the danger of being bitten thereby. Any emergency ordinance enacted pursuant to the provisions of this section shall be operative for a period not to exceed thirty (30) days unless renewed by the city council.

(Ord. No. 735, § 4-28, 11-10-82; Ord. No. 782, 9-12-84; Ord. No. 1437, 11-15-06)

**State law references:** Similar provisions, Code of Virginia, § 3.2-6522.

#### **Sec. 5-103. Confinement or destruction of dogs or cats showing signs of, or suspected of having, rabies.**

Dogs or cats showing active signs of rabies or suspected of having rabies shall be confined under competent observation for such a time as may be necessary to determine a diagnosis. If confinement is impossible or impracticable, such dog or cat shall be euthanized by one (1) of the methods approved by the state veterinarian as provided in Code of Virginia, § 3.2-6546.

(Ord. No. 735, § 4-29, 11-10-82; Ord. No. 782, 9-12-84; Ord. No. 1437, 11-15-06)

**State law references:** Similar provisions, Code of Virginia, § 3.2-6522.

#### **Sec. 5-104. Destruction or confinement of dog or cat bitten by rabid animal.**

Any dog or cat, for which no proof of current rabies vaccination is available, and which is exposed to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, by an animal believed to be afflicted with rabies, shall be confined in a pound, kennel or enclosure approved by the health

department for a period not to exceed six (6) months at the expense of the owner; however, if this is not feasible, the dog or cat shall be euthanized by one (1) of the methods approved by the state veterinarian as provided in Code of Virginia, § 3.2-6546. A rabies vaccination shall be administered prior to release. Inactivated rabies vaccine may be administered at the beginning of confinement. Any dog or cat so bitten, or exposed to rabies through saliva or central nervous system tissue, in a fresh open wound or mucous membrane with proof of a valid rabies vaccination, shall be revaccinated immediately following the bite and shall be confined to the premises of the owner, or other site as may be approved by the local health department, for a period of forty-five (45) days.

(Ord. No. 735, § 4-30, 11-10-82; Ord. No. 782, 9-12-84; Ord. No. 1437, 11-15-06)

**State law references:** Similar provisions, Code of Virginia, § 3.2-6522.

**Sec. 5-105. Confinement or destruction of animal which has bitten person.**

At the discretion of the director of a local health department, any animal that has bitten a person shall be confined under competent observation for ten (10) days, unless the animal develops active symptoms of rabies or expires before that time. A seriously injured or sick animal may be humanely euthanized as provided in Code of Virginia, § 3.2-6546, and its head sent to the Division of Consolidated Laboratory Services of the Department of General Services, or the local health department, for evaluation.

(Ord. No. 1437, 11-15-06)

**State law references:** Similar provisions, Code of Virginia, § 3.2-6522.

This ordinance shall be effective on October 1, 2008.

Adopted at the regular meeting of the City Council of the City of Hampton, Virginia held on September 24, 2008.

**Signed by** \_\_\_\_\_ **Date** \_\_\_\_\_  
Molly Joseph Ward, Mayor

**Attested by** \_\_\_\_\_ **Date** \_\_\_\_\_  
Katherine K. Glass, CMC  
Clerk of the Council