

1 **Ordinance To Amend and Reenact Chapter 5 - Animals of the City Code of Hampton,**
2 **Virginia By Amending Section 5-38 – Running at Large**

3
4 **BE IT ORDAINED** by the City Council of the City of Hampton, Virginia, that Chapter 5 of the
5 City Code of the City of Hampton, Virginia be amended to read as follows:

6 **Chapter 5 - ANIMALS**

7
8 ...

9
10 **Sec. 5-38. – Running at Large.**

11
12 (a) Dogs.

13 ~~(1) It shall be unlawful for any person to permit any dog owned or kept by him to run~~
14 ~~or go at large within the city, whether such dog is licensed or not. Any person~~
15 ~~who permits his dog to run at large, or remain unconfined, unrestricted or not~~
16 ~~penned up shall be deemed to have violated the provisions of this section.~~

17 (1) *No dog shall run at large in the City of Hampton. Any person who is the owner or*
18 *custodian of a dog found running at large in the City of Hampton shall be in*
19 *violation of this section.*

20
21 (2) The first violation of this section shall constitute a Class 4 misdemeanor. The
22 second violation on the same animal shall constitute a Class 3 misdemeanor and
23 subsequent violations on the same animal shall constitute a Class 2
24 misdemeanor. Any owner cited for three (3) violations of this section, may have
25 his animals impounded or spayed and neutered at the owner's or custodian's
26 expense.

27
28 (3) A violation of this subsection (a) shall constitute a Class 2 misdemeanor if the
29 dog, while at large within the city, attacks a human being or another animal
30 without provocation. *If the Court finds the evidence sufficient to convict the dog's*
31 *owner or caretaker under this subsection, the court may order the owner or*
32 *custodian to pay restitution for actual damages to any person injured by the*
33 *animal or whose companion animal was injured or killed by the animal.*

34
35 (4) *This section shall not apply to any person while engaged in law enforcement or*
36 *search and rescue activity; in a supervised formal obedience training class or*
37 *show; during formally sanctioned field trials; while engaged in lawful hunting with a*
38 *dog or dogs during open season; or during bona fide hunting or field trial dog*
39 *training.*

40 ...