

**Ordinance to Amend and Re-Enact Chapter 5 of the City Code of the City of Hampton, Virginia Entitled “Animals” by Amending Article III, Section 5-38 – Running at Large**

(a) Dogs.

- (1) It shall be unlawful for any dog to run at large within the city, whether such dog is licensed or not. Any owner or custodian of a dog found running at large, unconfined, unrestricted, or not penned up in the City shall be deemed to have violated the provisions of this section and shall be guilty of an unclassified misdemeanor punishable by a fine of up to \$100.*
- (2) It shall be unlawful for the owner or custodian of a dog to place such dog or allow it to be placed in the custody of any other person not physically capable of maintaining effective control of such dog. Any violation of this provision shall be treated as an unclassified misdemeanor punishable by a fine of up to \$100.*
- ~~It shall be unlawful for~~ *(3) If any person to permits any dog owned or kept by him to run or go at large within the city, whether such dog is licensed or not, he shall be guilty of a Class 4 misdemeanor. 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.*
- ~~The first violation of this section shall constitute a Class 4 misdemeanor. The~~ *(4) A second violation of this subsection (a) 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.*
- (5) 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.*
- (6) Any person owning, keeping, or harboring a dog found while running at large in a pack shall additionally be subject to a civil penalty of no more than \$100 per dog so found. A dog shall be deemed to be “running at large in a pack” if it is running at large in the company of one or more other dogs that are also running at large.*