

1 Ordinance To Amend and Reenact Chapter 5 - Animals of the City Code of Hampton,
2 Virginia By Amending: Article 1 Section 5-2, Section 5-6, Section 5-7, Section 5-8, Section
3 5-11, and Section 5-12; Article II Section 5-24, Section 5-24.1, and Section 5-26; Article III
4 Section 5-37, Section 5-38, Section 5-40, Section 5-42, and Section 5-43; Article IV
5 Section 5-53, Section 5-54, and Section 5-57; Article V Section 5-77, Section 5-79, Section
6 5-82, Section 5-84, Section 5-85, Section 5-86, and Section 5-87; Article VI Section 5-100,
7 Section 5-101, Section 5-102, Section 5-103, Section 5-104, and Section 5-105; and Article
8 VII Section 5-106, and Section 5-108.

9
10 **BE IT ORDAINED** by the City Council of the City of Hampton, Virginia, that Chapter 5 of the
11 City Code of the City of Hampton, Virginia be amended to read as follows:

12 **CHAPTER 5 - ANIMALS**

13
14 **ARTICLE I. – IN GENERAL**

15
16 **Sec. 5-2. - Definitions.**

17
18 ...

19
20 *Boarding kennel or establishment* means a place or establishment, other than a
21 pound *public or private animal* shelter, where companion animals not owned by the
22 proprietor are sheltered, fed and watered in exchange for a fee, ~~but shall not include~~
23 ~~training or show kennels.~~

24
25 *Collar* means a well-fitted device, appropriate to the age and size of the animal,
26 attached to the animal's neck in such a way as to prevent trauma or injury to the animal.

27
28 *Companion animals* means dogs, both domestic and feral; cats, both domestic and
29 feral; ~~monkey and all members of the monkey family or other~~ nonhuman primates;
30 guinea pigs; hamsters; rabbits not raised for human food or fiber; exotic or native
31 animals; reptile; exotic and native birds; or any feral animal or any animal under the
32 care, custody, or ownership of a person or any animal that is bought, sold, traded, or
33 bartered by any person. Agricultural animals, game species, or any animals regulated
34 under federal law as research animals shall not be considered companion animals for
35 the purpose of this chapter.

36
37 ...

38
39 *Housing facility or facility* means a building *or portion thereof as designated by the*
40 *State Veterinarian*, other than a private residential dwelling and its surrounding grounds,
41 used to contain a primary enclosure or enclosures in which animals are housed or kept.

42
43 *Foster care provider* means ~~an individual~~ a person who provides care or
44 rehabilitation for companion animals through an affiliation with a pound, *public or private*
45 animal shelter, *home-based rescue, releasing agency*, or other ~~releasing agency~~ *animal*
46 *welfare organization.*

47

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

51
52 ~~*Home-based rescue or animal rescue organizations* means any person or
53 organization that accepts (i) more than twelve (12) companion animals or (ii) more than
54 nine (9) companion animals and more than three (3) unweaned litters of companion
55 animals in a calendar year for the purpose of finding permanent adoptive homes for the
56 companion animals and houses the companion animals in a private residential dwelling
57 or uses a system of housing companion animals in private residential foster homes.~~

58
59 *Home-based rescue means an animal welfare organization that takes custody of
60 companion animals for the purpose of facilitating adoption and houses such companion
61 animals in a foster home or a system of foster homes.*

62
63 ...
64
65 *Humane society* means any incorporated, nonprofit organization that is organized
66 for the purposes of preventing cruelty to animals and promoting humane care and
67 treatment or adoptions of animals.

68
69 ...
70
71 *Owner* means any person who: (i) has a right of property in an animal; (ii) keeps or
72 harbors an animal; (iii) has an animal in his care; or (iv) acts as custodian of an animal.

73
74 ...
75
76 *Private animal shelter means a facility operated for the purpose of finding
77 permanent adoptive homes for animals that is used to house or contain animals and
78 that is owned or operated by an incorporated, nonprofit, and nongovernmental entity,
79 including a humane society, animal welfare organization, society for the prevention of
80 cruelty to animals, or any similar organization.*

81
82 *Public animal shelter means a facility operated by the commonwealth, or any
83 locality, for the purpose of impounding or sheltering seized, stray, homeless,
84 abandoned, unwanted, or surrendered animals or a facility operated for the same
85 purpose under a contract with any locality.*

86
87 ...
88
89 **Sec. 5-6. – Violation of chapter by animal control officer, shelter or pound
90 custodian.**

- 91
92 (a) No animal control officer or custodian of any pound or animal shelter shall (i)
93 obtain the release or transfer of an animal by the animal's owner to such animal

94 control officer, *humane investigator, humane society* or custodian for personal
95 gain or (ii) give or sell or negotiate for the gift or sale to any individual, pet shop,
96 dealer, or research facility of any animal which may come into his custody in the
97 course of carrying out his official assignments. No animal control officer or
98 custodian of any pound or animal shelter, nor any member or employee of the
99 firm, partnership or corporation of said pound or animal shelter shall be granted a
100 dealer's license under section 5-73. Violation of this subsection shall be a Class 1
101 misdemeanor. Nothing in this section shall preclude any animal control officer
102 from lawfully impounding any animal pursuant to Article V of this chapter of the
103 Hampton City Code.

- 104
- 105 (b) Any animal control officer or custodian of any pound who violates any provision
106 of Chapter 5 of the Hampton City Code which relates to the seizure,
107 impoundment and custody of animals by an animal control officer may be subject
108 to suspension or dismissal from his position.

109

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

111

- 112 (a) Every new owner of a dog or cat adopted from a releasing agency within the
113 city or from a releasing agency receiving funding of any kind from the city shall
114 cause to be sterilized the dog or cat pursuant to the agreement required by
115 subdivision 2 of subsection (b) of this section.
- 116
- 117 (b) A dog or cat shall not be released for adoption from a releasing agency within
118 the city or from a releasing agency receiving funding of any kind from the city
119 unless:
- 120 (1) The animal has already been sterilized; or
- 121 (2) The individual adopting the animal signs an agreement to have the animal
122 sterilized by a licensed veterinarian (i) within ~~thirty (30)~~ days of the adoption, if
123 the animal is sexually mature, or (ii) within ~~thirty (30)~~ days after the animal
124 reaches six ~~(6)~~ months of age, if the animal is not sexually mature at the time
125 of adoption.
- 126
- 127 (c) A releasing agency may extend for ~~thirty (30)~~ days the date by which a dog or
128 cat must be sterilized on presentation of a written report from a veterinarian
129 stating that the life or health of the adopted animal may be jeopardized by
130 sterilization. In cases involving extenuating circumstances, the veterinarian and
131 the releasing agency may negotiate the terms of an extension of the date by
132 which the animal must be sterilized.
- 133
- 134 (d) Nothing in this section shall preclude the sterilization of a sexually immature dog
135 or cat upon the written agreement of the veterinarian, the releasing agency, and
136 the new owner.
- 137

- 138 (e) Upon the petition of an animal control officer, *humane investigator, the State*
139 *Veterinarian or a State Veterinarian's representative* to the district court, the court
140 may order the new owner to take any steps necessary to comply with the
141 requirements of this article. This remedy shall be exclusive of and in addition to
142 any civil penalty which may be imposed under this article.
143
- 144 (f) Any person who violates subsection (a) or (b) of this section shall be subject to a
145 civil penalty not to exceed ~~fifty dollars (\$50.00)~~ *\$250*.
146
- 147 (g) Any agreement used by a releasing agency pursuant to subsection (b) shall
148 contain:
- 149 (1) The date of the agreement;
 - 150 (2) The names, addresses, and signatures of the releasing agency and the new
151 owner;
 - 152 (3) A description of the dog or cat to be adopted;
 - 153 (4) The date by which the dog or cat is required to be sterilized; and
 - 154 (5) A statement printed in conspicuous, bold print, that sterilization of the dog or
155 cat is required under this article; that a person who violates this article is
156 subject to a civil penalty; and that the new owner may be compelled to
157 comply with the provisions of this article.
158
- 159 (h) Each new owner who signs a sterilization agreement shall, within seven (7)
160 days of the sterilization, cause to be delivered or mailed to the releasing
161 agency written confirmation signed by the veterinarian who performed the
162 sterilization. The confirmation shall briefly describe the dog or cat; include the
163 new owner's name and address; certify that the sterilization was performed;
164 and specify the date of the procedure. Any person who violates this section
165 shall be subject to a civil penalty not to exceed ~~one hundred fifty dollars~~
166 ~~(\$150.00)~~.
167
- 168 (i) If an adopted dog or cat is lost or stolen or dies before the animal is sterilized and
169 before the date by which the dog or cat is required to be sterilized, the new
170 owner shall, within seven (7) days of the animal's disappearance or death, notify
171 the releasing agency of the animal's disappearance or death. Any person who
172 violates this section shall be subject to a civil penalty not to exceed ~~twenty-five~~
173 ~~dollars (\$25.00)~~.
174
- 175 (j) This article shall not apply to:
- 176 (1) An owner reclaiming his dog or cat from a releasing agency within the city or
177 from a releasing agency receiving funding of any kind from the city.
 - 178 (2) *A releasing agency within a locality that has adopted a more stringent*
179 *mandatory sterilization ordinance; and*

180 (3) A local governing body that has disposed of an animal by sale or gift to a
181 federal agency, state-supported institution, agency of the commonwealth,
182 agency of another state, or licensed federal dealer having its principal place
183 of business located within the commonwealth.

184
185 (k) An animal control officer, humane investigator, releasing agency, the State
186 Veterinarian or State Veterinarian's representative shall be entitled to bring a civil
187 action for any violation of this article that is subject to a civil penalty. Any civil
188 penalty assessed pursuant to this article shall be paid into the treasury of the city
189 and used for the purpose of defraying the costs of local animal control, including
190 efforts to promote sterilization of cats and dogs.

191
192 **Sec. 5-8. – Allowing animal to go on land of another and damage property.**

193
194 (a) No person shall suffer or permit any animal belonging to him or under his control
195 to go upon the land of another person and damage or destroy any garden,
196 shrubs, grass or other property thereon.

197
198 (b) Any violation of this section shall be punishable by a fine of not less than twenty
199 dollars (~~\$20.00~~) nor more than fifty dollars (~~\$50.00~~). Upon a second conviction,
200 within the period of one (1) year, of a violation of this section involving the same
201 animal, such person shall be fined not less than thirty dollars (~~\$30.00~~) nor more
202 than one hundred dollars (~~\$100.00~~) and the court may order the owner or
203 custodian of such animal to remove it from the city within a period of two (2)
204 weeks, and upon the failure of such owner or custodian to comply with such
205 order, such animal shall be seized by an animal control officer or law
206 enforcement officer and euthanized or otherwise disposed of in a manner
207 consistent with normal procedures, and the owner shall be fined not less than
208 ~~two hundred dollars (\$200.00)~~ nor more than ~~five hundred dollars (\$500.00)~~.

209
210 (c) Any person owning property which is damaged or destroyed by any violation of
211 this section may enter his complaint, by a warrant issued against the owner or
212 custodian of the animal involved, and the complaint shall be heard by the court
213 as all other complaints under criminal warrants are heard.

214
215 ...

216
217 **Sec. 5-11. – Confinement of reptiles.**

218
219 It shall be unlawful for the owner or keeper of any exotic reptile or type of reptile
220 not native to the commonwealth, including but not limited to the American alligator, to
221 keep any such *the* reptile in any manner that will not sufficiently confine such reptile so
222 as to permit its escape or to knowingly permit such *the* reptile to run at large. Any
223 violation of this section shall constitute a Class 2 misdemeanor.

224

225 **Sec. 5-12. – Disposal of dead animals and fowl generally.**
226

227 (a) When the owner of any animal or grown fowl which has died knows of such
228 death, such owner shall forthwith have its body cremated or buried *or request*
229 *such service from an officer or other person designated for the purpose.*, and, if
230 he *If the owner* fails to do so, any judge of a general district court, after notice to
231 the owner if he can be ascertained, shall cause any such dead animal or fowl to
232 be cremated or buried by an officer or other person designated for the purpose.
233 Such officer or other person shall be entitled to recover of the owner of every
234 such animal so cremated or buried the actual cost of the cremation or burial, not
235 to exceed ~~seventy-five dollars (\$75.00)~~, and of the owner of every such fowl so
236 cremated or buried the actual cost of the cremation or burial, not to exceed ~~five~~
237 ~~dollars (\$5.00)~~, to be recovered in the same manner as officers' fees are
238 recovered, free from all exemptions in favor of such owner.
239

240 (b) Nothing in this section shall be deemed to require the burial or cremation of the
241 whole or portions of any animal or fowl which is to be used for food or in any
242 commercial manner.
243

244 ...

245
246 **ARTICLE II. – AGRICULTURAL ANIMALS**
247

248 **Sec. 5-24. – Location and maintenance of poultry and animal yards generally.**
249

250 (a) It shall be unlawful for any person to maintain in the city any poultry or animal
251 yard within ~~one hundred seventy-five (175)~~ feet of any buildings used for
252 residential purposes or within ~~two hundred fifty (250)~~ feet of any church or school
253 building; provided, however, that the person maintaining such yard may do so
254 within ~~one hundred seventy-five (175)~~ feet of such person's own personal
255 residence and further provided, that this subsection shall not apply to the keeping
256 of pigeons.
257

258 ...

259
260 **Sec. 5-24.1. – Location and maintenance of domestic chickens generally.**
261

262 Except as specified in Section 5-24, it shall be unlawful for any person to keep
263 domestic chickens within the city without first demonstrating compliance with this
264 section and applying for and obtaining a permit to do so.
265

266 ...

267

268 (e) Shelters, pens, coops, or cages shall not be located within the required
269 building setbacks and shall be a minimum of ~~twenty-five (25)~~ feet away from
270 any neighboring residence or place of business.

271
272 ...

273
274 (h) Any person wishing to keep chickens pursuant to this section shall first obtain a
275 permit. Applications for such permit shall be obtained from the Treasurer for the
276 City of Hampton upon payment of an application fee of \$25.00. Hampton Animal
277 Control shall conduct an investigation of the information contained in the
278 application within a reasonable time and either approve or deny the permit.

279
280 ...

281
282 (k) A violation of any provision of this section shall be punishable by a fine of not
283 less than ~~two hundred fifty dollars (\$250.00)~~.

284
285 ...

286
287 ~~(m) Council shall review this section one year after its implementation.~~

288
289 ...

290
291 **Sec. 5-26. – Running at large.**

292
293 (a) *Agricultural animals.* No person shall permit any agricultural animal owned or
294 controlled by such person to run at large within the city limits.

295
296 (b) *Impoundment, holding and redemption of animals.* Any animal found running at
297 large in violation of this section shall be taken up by an animal control officer or
298 any police officer and impounded at a place provided by the city for such
299 purpose. Such animal shall be held for a period of five (5) days, during which
300 time the owner may redeem the animal, by proving ownership and paying the
301 costs incurred by the city in impounding and caring for such animal. If the rightful
302 owner of the animal confined may be readily identified, the operator of the pound
303 shall make a reasonable effort to notify such owner within ~~twenty-four (24)~~ hours
304 of its confinement.

305
306 ...

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308
309 **ARTICLE III. – DOGS AND CATS GENERALLY**

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311 ...

312

313 **Sec. 5-38. – Running at large.**

314

315

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

319

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

336

337 (2) In all cases under this section, the owner may, upon proof of ownership,
338 redeem the dog within the prescribed period of time as stated in subsection (1)
339 and upon proof of ownership and payment of the actual expenses incurred in
340 keeping the animal impounded. The fee for redeeming the dog shall be the
341 sum of ~~twenty dollars (\$20.00)~~ for the first ~~twenty-four (24)~~ hours or portion
342 thereof and the sum of five dollars (~~\$5.00~~) for each succeeding day or fraction
343 thereof; provided, however, that the minimum payment shall be twenty dollars
344 (~~\$20.00~~). For each subsequent impoundment within a twelve-month period, the
345 owner may redeem the dog within the prescribed period of time as stated in
346 subsection (1) upon payment of the sum of ~~twenty-five dollars (\$25.00)~~ for the
347 first ~~twenty-four (24)~~ hours or portion thereof and the sum of ~~five dollars (\$5.00)~~
348 for each succeeding day or fraction thereof; provided, however, that the
349 minimum payment in such cases shall be ~~twenty-five dollars (\$25.00)~~.

350

351 (3) In all cases under this section, the owner may redeem the cat, within the
352 prescribed period of time as stated in subsection (1), upon proof of ownership,
353 payment of the actual expenses incurred in keeping the animal, and proof of

354 proper rabies inoculation in accordance with section 5-100 of the Hampton City
355 Code. The fee for redeeming the cat shall be the sum of ~~twenty dollars~~
356 ~~(\$20.00)~~ for the first ~~twenty-four (24)~~ hours or portion thereof and the sum of
357 five dollars ~~(\$5.00)~~ for each succeeding day or fraction thereof; provided,
358 however, that the minimum payment shall be ~~twenty dollars (\$20.00)~~. For each
359 subsequent impoundment within a twelve-month period, the owner may
360 redeem the cat within the prescribed period of time as stated in subsection (1)
361 upon payment of the sum of ~~twenty-five dollars (\$25.00)~~ for the first ~~twenty-four~~
362 ~~(24)~~ hours or portion thereof and the sum of five dollars ~~(\$5.00)~~ for each
363 succeeding day or fraction thereof; provided, however, that the minimum
364 payment in such cases shall be ~~twenty-five dollars (\$25.00)~~.

365 ...

366
367 **Sec. 5-40. – Kennels limited to fifty dogs.**

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

370
371
372 **Sec. 5-42. – Dangerous dogs; penalties.**

373
374 (a) As used in this section:

375 "*Dangerous dog*" means a canine or canine crossbreed that has bitten, attacked, or
376 inflicted injury on a person or companion animal that is a dog or cat or killed a
377 companion animal that is a dog or cat. ~~However, W~~hen a dog attacks or bites a
378 companion animal that is a dog or cat, the attacking or biting dog shall not be deemed
379 dangerous (i) if no serious physical injury as determined by a licensed veterinarian has
380 occurred to the dog or cat as a result of the attack or bite;⁷ (ii) both animals are owned
381 by the same person;⁷ (iii) if such attack occurs on the property of the attacking or biting
382 dog's owner or custodian;⁷ or (iv) for other good cause as determined by the court. No
383 dog shall be found to be a dangerous dog as a result of biting, attacking, or inflicting
384 injury on another dog or cat while engaged with an owner or custodian as part of lawful
385 hunting or participating in an organized, lawful dog handling event. No dog that has
386 bitten, attacked, or inflicted injury on a person shall be found to be a dangerous dog if
387 the court determines, based on the totality of the evidence before it, that the dog is not
388 dangerous or a threat to the community.

389
390 (b) Any law enforcement officer or animal control officer who has reason to believe
391 that a canine or canine crossbreed within his jurisdiction is a dangerous dog shall
392 apply to a magistrate ~~of~~ *servicing* the jurisdiction for the issuance of a summons
393 requiring the owner or custodian, if known, to appear before a general district
394 court at a specified time. The summons shall advise the owner of the nature of
395 the proceeding and the matters at issue. If a law-enforcement officer successfully
396 makes an application for the issuance of a summons, he shall contact a local

397 animal control officer and inform him of the location of the dog and the relevant
398 facts pertaining to his belief that the dog is dangerous. The animal control officer
399 shall confine the animal until such time as evidence shall be heard and a verdict
400 rendered. If the animal control officer determines that the owner or custodian can
401 confine the animal in a manner that protects the public safety, he may permit the
402 owner or custodian to confine the animal until such time as evidence shall be
403 heard and a verdict rendered. The court, through its contempt powers, may
404 compel the owner, custodian or harbinger of the animal to produce the animal. If,
405 after hearing the evidence, the court finds that the animal is a dangerous dog, the
406 court shall order the animal's owner to comply with the provisions of this section.
407 The court upon finding the animal to be a dangerous dog, may order the owner,
408 custodian, or harbinger thereof to pay restitution for actual damages to any person
409 injured by the animal or whose companion animal was injured or killed by the
410 animal. The court, in its discretion, may also order the owner to pay all
411 reasonable expenses incurred in caring and providing for such dangerous dog
412 from the time the animal is taken into custody until such time as the animal is
413 disposed of or returned to the owner. The procedure for appeal and trial shall be
414 the same as provided by law for misdemeanors. Trial by jury shall be as provided
415 in Article 4 (§ 19.2-260 et seq.) of Chapter 15 of Title 19.2 of the Code of Virginia.
416 The burden of proof shall be beyond a reasonable doubt.

417
418 (c) No canine or canine crossbreed shall be found to be a dangerous dog solely
419 because it is a particular breed, *nor is the ownership of a particular breed of*
420 *canine or canine crossbreed prohibited*. No animal shall be found to be a
421 dangerous dog if the threat, injury or damage was sustained by a person who
422 was (i) committing, at the time, a crime upon the premises occupied by the
423 animal's owner or custodian; (ii) committing, at the time, a willful trespass upon
424 the premises occupied by the animal's owner or custodian; or (iii) provoking,
425 tormenting, or physically abusing the animal, or can be shown to have repeatedly
426 provoked, tormented, abused, or assaulted the animal at other times. No police
427 dog that was engaged in the performance of its duties as such at the time of the
428 acts complained of shall be found to be a dangerous dog. No animal that, at the
429 time of the acts complained of, was responding to pain or injury, or was
430 protecting itself, its kennel, its offspring, a person, or its owner's or custodian's
431 property, shall be found to be a dangerous dog.

432
433 (d) If the owner of an animal found to be a dangerous dog is a minor, the custodial
434 parent or legal guardian shall be responsible for complying with all requirements
435 of this section.

436
437 (e) The owner of any animal found to be a dangerous dog shall, within ~~forty-five~~ (45)
438 days of such finding, obtain a dangerous dog registration certificate from the local
439 animal control officer for a fee of ~~one hundred fifty dollars (\$150.00)~~ in addition to

440 other fees that may be authorized by law. The local animal control officer *or*
441 *treasurer* shall also provide the owner with a uniformly designed tag that
442 identifies the animal as a dangerous dog. The owner shall affix the tag to the
443 animal's collar and ensure that the animal wears the collar and tag at all times.
444 By January 31 of each year, until such time as the dangerous dog is deceased,
445 all certificates obtained pursuant to this subsection shall be renewed annually for
446 ~~the same fee~~ *a fee of \$85* and in the same manner as the initial certificate was
447 obtained. The animal control officer shall post registration information on the
448 Virginia Dangerous Dog Registry.

- 449
- 450 (f) All dangerous dog registration certificates or renewals thereof required to be
451 obtained under this section shall only be issued to persons ~~eighteen~~(18) years of
452 age or older who present satisfactory evidence (i) of the animal's current rabies
453 vaccination, if applicable; (ii) that the animal has been neutered or spayed; and
454 (iii) that the animal is and will be confined in a proper enclosure or is and will be
455 confined inside the owner's residence or is and will be muzzled and confined in
456 the owner's fenced-in yard until the proper enclosure is constructed. In addition,
457 owners who apply for certificates or renewals thereof under this section shall not
458 be issued a certificate or renewal thereof unless they present satisfactory
459 evidence that (i) ~~a~~ their residence is and will continue to be posted with clearly
460 visible signs warning both minors and adults of the presence of a dangerous dog
461 on the property and (ii) ~~b~~ the animal has been permanently identified by means of
462 electronic implantation. All certificates or renewals thereof required to be
463 obtained under this section shall only be issued to persons who present
464 satisfactory evidence that the owner has liability insurance coverage, to the value
465 of at least ~~one hundred thousand dollars~~ (\$100,000-00), that covers animal bites.
466 The owner may obtain and maintain a bond in surety, in lieu of liability insurance,
467 to the value of at least ~~one hundred thousand dollars~~ (\$100,000-00).
468
- 469 (g) While on the property of its owner, an animal found ~~by a court~~ to be a dangerous
470 dog shall be confined indoors or in a securely enclosed and locked structure of
471 sufficient height and design to prevent its escape or direct contact with or entry
472 by minors, adults, or other animals. While so confined within the structure, the
473 animal shall be provided for according to § 3.2-6503 of the Code of Virginia.
474 When off its owner's property, an animal found to be a dangerous dog shall be
475 kept on a leash and muzzled in such a manner as not to cause injury to the
476 animal or interfere with the animal's vision or respiration, but so as to prevent it
477 from biting a person or another animal.
478
- 479 (h) The owner of an animal found to be a dangerous dog shall cause the local
480 animal control officer to be promptly notified of (i) the names, addresses, and
481 telephone numbers of all owners; (ii) all of the means necessary to locate the
482 owner and the dog at any time; (iii) any complaints or incidents of attack by the

483 dog upon any person or cat or dog; (iv) any claims made or lawsuits brought as a
484 result of any attack; (v) chip identification information-; (vi) proof of insurance or
485 surety bond; and (vii) the death of the dog.

486
487 (i) After an animal has been found to be a dangerous dog, the animal's owner shall
488 immediately, upon learning of same, cause the local animal control authority to
489 be notified if the animal (i) is loose or unconfined; (ii) bites a person or attacks
490 another animal; or (iii) is sold, is given away, or dies. Any owner of a dangerous
491 dog who relocates to a new address shall, within ~~ten~~(10) days of relocating,
492 provide written notice to the appropriate local animal control authority for the old
493 address from which the animal has moved and the new address to which the
494 animal has been moved.

495
496 (j) Any owner or custodian of a canine or canine crossbreed or other animal is guilty
497 of a:

498
499 (1) Class 2 misdemeanor if the canine or canine crossbreed previously declared
500 a dangerous dog pursuant to this section, when such declaration arose out of a
501 separate and distinct incident, attacks and injures or kills a cat or dog that is a
502 companion animal belonging to another person;

503
504 (2) Class 1 misdemeanor if the canine or canine crossbreed previously declared
505 a dangerous dog pursuant to this section, when such declaration arose out of a
506 separate and distinct incident, bites a human being or attacks a human being
507 causing bodily injury.

508
509 *(3) Class 6 felony if any owner or custodian whose willful act or omission in the*
510 *care, control, or containment of a canine, canine crossbreed, or other animal is*
511 *so gross, wanton, and culpable as to show a reckless disregard for human life,*
512 *and is the proximate cause of such dog or other animal attacking and causing*
513 *serious bodily injury to any person.*

514
515 The provisions of this subsection shall not apply to any animal that, at the time of
516 the acts complained of, was responding to pain or injury, or was protecting itself, its
517 kennel, its offspring, a person, or its owner's or custodian's property, or when the
518 animal is a police dog that is engaged in the performance of its duties at the time of
519 the attack.

520
521 (k) The owner of any animal that has been found to be a dangerous dog who willfully
522 fails to comply with the requirements of this section shall be guilty of a Class 1
523 misdemeanor.

524

525 *Whenever an owner or custodian of an animal found to be a dangerous dog is*
526 *charged with a violation of this section, the animal control officer shall confine the*
527 *dangerous dog until such time as evidence shall be heard and a verdict*
528 *rendered. The court, through its contempt powers, may compel the owner,*
529 *custodian, or harbinger of the animal to produce the animal.*

530
531 *Upon conviction, the court may (i) order the dangerous dog to be disposed of by*
532 *the city pursuant to § 3.2-6562 of the Code of Virginia or (ii) grant the owner up to*
533 *45 days to comply with the requirements of this section, during which time the*
534 *dangerous dog shall remain in the custody of the animal control officer until*
535 *compliance has been verified. If the owner fails to achieve compliance within the*
536 *time specified by the court, the court shall order the dangerous dog to be*
537 *disposed of by the city pursuant to § 3.2-6562 of the Code of Virginia. The court*
538 *in its discretion, may order the owner to pay all reasonable expenses incurred in*
539 *caring and providing for such dangerous dog from the time the animal is taken*
540 *into custody until such time that the animal is disposed of or returned to the*
541 *owner.*

- 542
543 (l) All fees collected pursuant to this section, less the costs incurred by the animal
544 control authority in producing and distributing the certificates and tags required
545 by this section, and the fees due to the state veterinarian for maintenance of the
546 Virginia Dangerous Dog Registry, shall be paid into a special dedicated fund in
547 the treasury of the city for the purpose of paying the expenses of any training
548 course required under Virginia Code § 3.2-6556.

- 549
550 (m) This section is enacted pursuant to Virginia Code § 3.2-6540(M).

551 ...
552 ...
553
554 **Sec. 5-43. – Unlawful care of feral cats.**

- 555 ...
556 ...
557
558 (b) It shall be the duty of an animal control officer or a to issue notice of
559 noncompliance specifying that the caregiver has ~~forty-eight (48)~~ hours to
560 provide a written response including how the colony will be brought into
561 compliance within a ninety-day time period. The caregiver shall make weekly
562 progress reports to the animal control office.

563
564 ...
565
566 **ARTICLE IV. – DOG AND CAT LICENSES**

567

568 ...

569

570 **Sec. 5-53. – Tax imposed.**

571

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

574 (1) Male or female dog or cat \$10.00

575 (2) Unsexed dog or cat (neutered or spayed) \$4.00

576 (3) Kennel for ten (10) or less dogs or cats \$30.00

577 (4) Kennel for eleven (11) to thirty (30) dogs or cats \$40.00

578 (5) Kennel for thirty one (31) to fifty (50) dogs or cats \$50.00

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

581

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

590

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

592

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

595 ~~— (1) — On January first and not later than January thirty-first of each year, the~~
596 ~~owner of any dog or cat four (4) months old or older shall pay such tax.~~

597 ~~(2) If a dog or cat shall become four (4) months of age or comes into the~~
598 ~~possession of any person between January first and November first of any~~
599 ~~year, the license tax for the current calendar year shall be paid forthwith by the~~
600 ~~owner.~~

601 ~~(3) If a dog or cat shall become four (4) months of age or comes into the~~
602 ~~possession of any person between October thirty-first and December thirty-first~~
603 ~~of any year, the license tax for the succeeding calendar year shall be paid~~
604 ~~forthwith by the owner and such license shall be valid from the date of~~
605 ~~purchase.~~

606 *(a) The license tax as prescribed in section 5-53 is due no later than 30 days after a*
607 *dog or cat has reached the age of four (4) months, or not later than 30 days after*
608 *an owner acquires a dog or cat four (4) months of age or older and each year*
609 *thereafter.*

610 *(b) Licensing periods for individual dogs and cats may be equal to and may run*
611 *concurrently with the rabies vaccination effective period. Any kennel license tax*

612 *prescribed pursuant to section 5-53 shall be due on January 1 and not later than*
613 *January 31 of each year.*

614
615
616 **Sec. 5-57 Issuance, composition, and contents of license**
617

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

627 (a) *Any person may obtain a dog license or cat license by making oral or written*
628 *application to the treasurer of the locality where such person resides,*
629 *accompanied by the amount of license tax and current certificate of vaccination*
630 *as required by this article or satisfactory evidence that such certificate has been*
631 *obtained. The treasurer or other officer charged with the duty of issuing dog and*
632 *cat licenses shall only have authority to license dogs and cats of resident owners*
633 *or custodians who reside within the boundary limits of his county or city and may*
634 *require information to this effect from any applicant. Upon receipt of proper*
635 *application and current certificate of vaccination as required by this article or*
636 *satisfactory evidence that such certificate has been obtained, the treasurer or*
637 *other officer charged with the duty of issuing dog and cat licenses shall issue a*
638 *license receipt for the amount on which he shall record the name and address of*
639 *the owner or custodian, the date of payment, the year for which issued, the serial*
640 *number of the tag, whether dog or cat, whether male or female, whether spayed*
641 *or neutered, or whether a kennel, and deliver the metal license tags or plates*
642 *provided for herein. The information thus received shall be retained by the*
643 *treasurer, open to public inspection, during the period for which such license is*
644 *valid. The treasurer may establish substations in convenient locations in the city*
645 *and appoint agents for the collection of the license tax and issuance of such*
646 *licenses.*

647
648 (b) Each dog or cat license shall consist of a license tax receipt and a metal tag.
649 Such receipt shall have recorded thereon the amount of the tax paid, the name
650 and address of the owner or custodian of the dog or cat, the date of payment,
651 the year for which the dog or cat is licensed, the serial number of the tag and
652 whether the license is for a male, female or unsexed male or female dog or cat
653 or for a kennel. This information shall be retained by the treasurer and shall be
654 open for public inspection during the period for which such license is valid.

655
656 (c) The metal tag issued under this section shall be stamped or otherwise
657 permanently marked to show the name of the city, the sex of the dog or cat
658 and the calendar year for which issued and shall bear a serial number.
659

660 **ARTICLE V. – ANIMAL WELFARE**

661 **Sec. 5-77. – Cruelty to animals generally.**

662
663
664 (a) Any person who (i) overrides, overdrives, overloads, tortures, ill-treats,
665 abandons, willfully inflicts inhumane injury or pain not connected with bona fide
666 scientific or medical experimentation, or cruelly or unnecessarily beats, maims,
667 mutilates, or kills any animal, whether belonging to himself or another; (ii)
668 deprives any animal of necessary food, drink, shelter or emergency veterinary
669 treatment; (iii) sores any equine for any purpose or administers drugs or
670 medications to alter or mask such sores for the purpose of sale, show, or
671 exhibition of any kind, unless such administration of drugs or medications is
672 within the context of a veterinary client-patient relationship and solely for
673 therapeutic purposes; (iv) *ropes, lassoes, or otherwise obstructs or interferes with*
674 *one or more legs of an equine in order to intentionally cause it to trip or fall for the*
675 *purpose of engagement in a rodeo, contest, exhibition, entertainment, or sport*
676 *unless such actions are in the practice of accepted animal husbandry or for the*
677 *purpose of allowing veterinary care; (v) willfully sets on foot, instigates, engages*
678 *in, or in any way furthers any act of cruelty to any animal; (vi) carries or causes to*
679 *be carried in or upon any vehicle, vessel or otherwise any animal in a cruel,*
680 *brutal, or inhumane manner, so as to produce torture or unnecessary suffering;*
681 *or (vi) causes any of the above things, or being the owner of such animal permits*
682 *such acts to be done by another, shall be-is guilty of a Class 1 misdemeanor.*
683

684 (b) In addition to the penalties provided in subsection A, the court may, in its
685 discretion, require any person convicted of a violation of subsection A to attend
686 an anger management or other appropriate treatment program or obtain
687 psychiatric or psychological counseling. The court may impose the costs of
688 such a program or counseling upon the person convicted.
689

690 (c) *Any person who: (i) tortures, willfully inflicts inhumane injury or pain not*
691 *connected with bona fide scientific or medical experimentation, or cruelly and*
692 *unnecessarily beats, maims, mutilates or kills any animal whether belonging to*
693 *himself or another; (ii) sores any equine for any purpose or administers drugs*
694 *or medications to alter or mask such sores for the purpose of sale, show, or*
695 *exhibit of any kind, unless such administration of drugs or medications is under*
696 *the supervision of a licensed veterinarian and solely for therapeutic purposes;*
697 *(iii) ropes, lassoes, or otherwise obstructs or interferes with one or more legs of*

698 *an equine in order to intentionally cause it to trip or fall for the purpose of*
699 *engagement in a rodeo, contest, exhibition, entertainment, or sport unless*
700 *such actions are in the practice of accepted animal husbandry or for the*
701 *purpose of allowing veterinary care; (iv) maliciously deprives any companion*
702 *animal of necessary food, drink, shelter or emergency veterinary treatment; (v)*
703 *instigates, engages in, or in any way furthers any act of cruelty to any animal*
704 *set forth in clauses (i) through (iv) or (vi) causes any of the actions described in*
705 *clauses (i) through (v), or being the owner of such animal permits such acts to*
706 *be done by another; and has been within five years convicted of a violation of*
707 *this subsection or subsection A, is guilty of a Class 6 felony if the current*
708 *violation or any previous violation of this subsection or subsection A resulted in*
709 *the death of an animal or the euthanasia of an animal based on the*
710 *recommendation of a licensed veterinarian upon determination that such*
711 *euthanasia was necessary due to the condition of the animal, and such*
712 *condition was a direct result of a violation of this subsection or subsection A.*

713
714 (d) *Nothing in this section shall be construed to prohibit the dehorning of cattle*
715 *conducted in a reasonable and customary manner.*

716
717 (e) *This section shall not prohibit authorized wildlife management activities or*
718 *hunting, fishing or trapping as regulated under other titles of the Code of*
719 *Virginia, including Title 29.1, or to farming activities as provided under this title*
720 *or regulations adopted hereunder.*

721
722 (f) *It is unlawful for any person to kill a domestic dog or cat for the purpose of*
723 *obtaining the hide, fur or pelt of the dog or cat. A violation of this subsection is*
724 *a Class 1 misdemeanor. A second or subsequent violation of this subsection is*
725 *a Class 6 felony.*

726
727 (g) *Any person who: (i) tortures, willfully inflicts inhumane injury or pain not*
728 *connected with bona fide scientific or medical experimentation or cruelly and*
729 *unnecessarily beats, maims or mutilates any dog or cat that is a companion*
730 *animal whether belonging to him or another; and (ii) as a direct result causes*
731 *the death of such dog or cat that is a companion animal, or the euthanasia of*
732 *such animal on the recommendation of a licensed veterinarian upon*
733 *determination that such euthanasia was necessary due to the condition of the*
734 *animal, is guilty of a Class 6 felony. If a dog or cat is attacked on its owner's*
735 *property by a dog so as to cause injury or death, the owner of the injured dog*
736 *or cat may use all reasonable and necessary force against the dog at the time*
737 *of the attack to protect his dog or cat. Such owner may be presumed to have*
738 *taken necessary and appropriate action to defend his dog or cat and shall*
739 *therefore be presumed not to have violated this subsection. The provisions of*

740 *this subsection shall not overrule Sec. 5-42, 5-42.1, or §3.2-6552 of the Code*
741 *of Virginia.*

742
743 (h) Any person convicted of violating this section may be prohibited by the court
744 from possession or ownership of companion animals.

745
746 ...
747

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

749
750 (a) Each owner shall provide for each of his companion animals:
751 (1) Adequate feed;
752 (2) Adequate water;
753 (3) Adequate shelter that is properly cleaned;
754 (4) Adequate space in the primary enclosure for the particular type of animal
755 depending upon its age, size, species, and weight;
756 (5) Adequate exercise;
757 (6) Adequate care, treatment, and transportation; and
758 (7) Veterinary care when needed or to prevent suffering or disease transmission.

759
760 The provisions of this section shall also apply to every pound, *public or private*
761 animal shelter, or other releasing agency, and every foster care provider, dealer, pet
762 shop, exhibitor, kennel, groomer, and boarding establishment. This section shall not
763 require that animals used as food for other animals be euthanized.

764
765 (b) *Violation of this section is a Class 4 misdemeanor. A second or subsequent*
766 *violation of subdivision A 1, 2, 3, or 7 is a Class 2 misdemeanor and a second or*
767 *subsequent violation of subdivision A 4, 5, or 6 is a Class 3 misdemeanor.*

768
769 ...
770

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

772
773 No owner, railroad or other common carrier when transporting any animal shall
774 allow that animal to be confined in any type of conveyance more than ~~twenty-four (24)~~
775 consecutive hours without being exercised, properly rested, fed and watered as
776 necessary for that particular type and species of animal. A reasonable extension of this
777 time shall be permitted when an accident, storm or other act of God causes a delay.
778 Adequate space in the primary enclosure within any type of conveyance shall be
779 provided each animal depending upon the particular type and species of animal. No
780 person shall import into the Commonwealth, nor export from the Commonwealth, for
781 the purpose of sale or offering for sale any dog or cat under the age of eight (8) weeks
782 without its dam. Violation of this section shall be punishable as a Class 1 misdemeanor.
783

784 ...

785

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

787

788 (a) No person shall sell, raffle, or offer for sale as pets or novelties, or offer or give
789 as a prize, premium, or advertising device any living chicks, ducklings, or other
790 fowl under two (2) months old in quantities of less than six (6) or any unweaned
791 mammalian companion animal or any dog *or cat* under the age of seven (7)
792 weeks without its dam *or queen*, ~~or any cat under the age of seven (7) weeks~~
793 ~~without its queen~~. Dealers may offer immature fowl, unweaned mammalian
794 companion animals, dogs or cats under the age of seven (7) weeks for sale as
795 pets or novelties with the requirement that prospective owners take possession
796 of the animals only after fowl have reached two (2) months of age, mammalian
797 companion animals have been weaned, and dogs and cats are at least seven (7)
798 weeks of age. Nothing in this section shall prohibit the sale of an unweaned
799 animal (i) as food for other animals or (ii) with the lactating dam or queen or a
800 lactating surrogate dam or queen that has accepted the animal; *(iii) due to a*
801 *concern for the health or safety of the unweaned animal; or (iv) to animal control,*
802 *a public or private animal shelter, or a veterinarian.*

803

804 (b) *Dealers shall provide all dogs and cats with current vaccinations against*
805 *contagious and infectious diseases, as recommended in writing and considered*
806 *appropriate for the animal's age and breed by a licensed veterinarian, or*
807 *pursuant to written recommendations provided by the manufacturer of such*
808 *vaccines at least five days before any new owner takes possession of the animal.*
809 *For dogs, the vaccinations required by this subsection shall include at a minimum*
810 *canine distemper, adenovirus type II parainfluenza, and parvovirus. For cats, the*
811 *vaccinations required by this subsection shall include at a minimum*
812 *rhinotracheitis, calicivirus, and panleukopenia. Dealers shall provide the new*
813 *owner with the dog's or cat's immunization history.*

814

815 (c) A violation of this section is punishable as a Class 3 misdemeanor.

816

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

818

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

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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.~~

(a) Upon receiving a complaint of a suspected violation of this chapter, any ordinance enacted pursuant to this chapter or any law for the protection of domestic animals, any animal control officer, law-enforcement officer, or State Veterinarian's representative may, for the purpose of investigating the allegations of the complaint, enter upon, during business hours, any business premises, including any place where animals or animal records are housed or kept, of any dealer, pet shop, groomer, or boarding establishment. Upon receiving a complaint of a suspected violation of any law or ordinance regarding care or treatment of animals or disposal of dead animals, any humane investigator may, for the purpose of investigating the allegations of the complaint, enter upon, during business hours, any business premises, including any place where animals or animal records are housed or kept, of any dealer, pet shop, groomer, or boarding establishment. Upon obtaining a warrant as provided for in § 3.2-6568 of the Code of Virginia, the law-enforcement officer, animal control officer, State Veterinarian's representative, or humane investigator may enter upon any other premises where the animal or animals described in the complaint are housed or kept. Attorneys for the Commonwealth and law-enforcement officials shall provide such assistance as may be required in the conduct of such investigations.

873 (b) *If the investigation discloses that a violation of Sec. 5-79 has occurred, the*
874 *investigating official shall notify the owner or custodian of the complaint and of*
875 *what action is necessary to comply with this chapter.*
876

877 **Sec. 5-87. – Impoundment of threatened, neglected, etc.**
878

879 When an ~~approved~~ humane investigator, any law-enforcement officer, an animal
880 control officer or a licensed veterinarian finds that an apparent violation of this article
881 has rendered an animal in such condition as to constitute a direct and immediate threat
882 to its life, safety or health, which the owner or custodian has failed or refuses to remedy,
883 or finds an abandoned, neglected or cruelly treated animal or one that is unfit for use,
884 such approved humane officer, law-enforcement officer, animal control officer or
885 licensed veterinarian may take charge of and impound the animal in a facility which will
886 provide the elements of good care set forth in section 5-79 and shall then proceed to
887 take such steps as are required to dispose of the animal pursuant to section 5-88.
888

889 ...
890

891 **ARTICLE VI. – RABIES CONTROL**
892

893 **Sec. 5-100. – Vaccination of dogs and cats**
894

- 895 (a) The owner or custodian of all dogs and domesticated cats four (4) months of age
896 and older shall have them currently vaccinated for rabies by a licensed
897 veterinarian or licensed veterinary technician who is under the immediate and
898 direct supervision of a licensed veterinarian on the premises. The supervising
899 veterinarian on the premises shall provide the owner *or custodian* of the dog or
900 ~~the custodian of the domesticated~~ cat with a *rabies vaccination* certificate of
901 ~~vaccination~~ *or herd rabies vaccination certificate and shall keep a copy in his own*
902 *files*. The owner *or custodian* of the dog or ~~cat~~ ~~the custodian of the domesticated~~
903 ~~cat~~ shall furnish within a reasonable period of time, upon the request of an animal
904 control officer, humane investigator, law enforcement officer, state veterinarian's
905 representative, or official of the department of health, the certificate of
906 vaccination for such dog or cat. The vaccine used shall be licensed by the United
907 States Department of Agriculture for use in that species. If, however, such
908 vaccination would threaten the physical well-being of such dog or cat, the owner
909 of such dog or cat shall obtain a certificate, signed by a licensed veterinarian,
910 certifying such fact; and the owner shall keep such dog or cat in quarantine until
911 the same is vaccinated.
- 912 (b) Any person transporting a dog or cat into the city from some other jurisdiction
913 shall comply with the requirements of subsection (a) of this section within ~~thirty~~
914 ~~(30)~~ days subsequent to bringing such dog or cat into the city.
- 915 (c) A veterinarian vaccinating a dog or cat as required by this section shall issue to
916 the owner of the dog or cat a certificate of vaccination showing:

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

924
925 **Sec. 5-101. Report of existence of rabid animal.**

926
927 Every person having knowledge of the existence of an animal ~~apparently afflicted~~
928 ~~with rabies~~ *that is suspected to be rabid and that may have exposed a person,*
929 *companion animal, or livestock to rabies* shall report immediately to the health
930 department the existence of such animal, the place where seen, the owner's name, if
931 known, and the symptoms *signs* suggesting rabies.

932
933 **Sec. 5-102. Emergency ordinance requiring confinement or restraint of dogs and**
934 **cats when rabid animal at large.**

935
936 When there is sufficient reason to believe that a ~~rabid animal is at large~~ *the risk*
937 *of exposure to rabies is elevated*, the city council shall have the power to pass an
938 emergency ordinance, which shall become effective immediately upon passage,
939 requiring owners of all dogs and cats in the city to keep the same confined on their
940 premises, unless leashed under restraint of the owner in such a manner that persons or
941 animals will not be subject to the danger of being bitten ~~thereby~~ *by a rabid animal*. Any
942 emergency ordinance enacted pursuant to the provisions of this section shall be
943 operative for a period not to exceed ~~thirty (30)~~ days unless renewed by the city council.

944
945 **Sec. 5-103. – Confinement or destruction of dogs or cats showing signs of, or**
946 **suspected of having, rabies.**

947
948 ~~Dogs or cats~~ *Any dog or cat* showing active signs of rabies or suspected of
949 having rabies *that is not known to have exposed a person, companion animal or*
950 *livestock to rabies* shall be confined under competent observation for such a time as
951 may be necessary to determine a diagnosis. If confinement is impossible or
952 impracticable, such dog or cat shall be euthanized by one ~~(1)~~ of the methods approved
953 by the state veterinarian as provided in Code of Virginia, § 3.2-6546.

954
955 **Sec. 5-104. – Destruction or confinement of dog or cat bitten by rabid animal.**

956
957 Any dog or cat, for which no proof of current rabies vaccination is available, and
958 which is exposed to rabies through a bite, or through saliva or central nervous system
959 tissue, in a fresh open wound or mucous membrane, by an animal believed to be
960 afflicted with rabies, shall be confined in a pound, kennel or enclosure approved by the
961 health department for a period not to exceed six (6) months at the expense of the owner
962 *or custodian in a manner and by a date certain as determined by the health director;*

963 however, if this is not feasible, the dog or cat shall be euthanized by one (1) of the
964 methods approved by the state veterinarian as provided in Code of Virginia, § 3.2-6546.
965 A rabies vaccination shall be administered *by a licensed veterinarian* prior to release.
966 Inactivated rabies vaccine may be administered at the beginning of confinement. Any
967 dog or cat so bitten, or exposed to rabies through saliva or central nervous system
968 tissue, in a fresh open wound or mucous membrane with proof of a valid rabies
969 vaccination, shall be revaccinated *by a licensed veterinarian* immediately following the
970 bite *exposure* and shall be confined to the premises of the owner *or custodian*, or other
971 site as may be approved by the local health department *at the expense of the owner or*
972 *custodian*, for a period of ~~forty-five (45)~~ days. *If the local health director determines that*
973 *isolation is not feasible or maintained, such dog or cat shall be euthanized by one of the*
974 *methods approved by the state veterinarian as provided in § 3.2-6546 of the Code of*
975 *Virginia. The disposition of such dogs or cats not so confined shall be at the discretion*
976 *of the local health director.*

977
978 **Sec. 5-105. – Confinement or destruction of animal which has bitten person.**
979 At the discretion of the *local health* director of a local health department, any animal that
980 has bitten *may have exposed* a person shall be confined under competent observation
981 for ~~ten (10)~~ days *at the expense of the owner or custodian*, unless the animal develops
982 active symptoms of rabies, or expires, *or is euthanized* before that time. A seriously
983 injured or sick animal may be humanely euthanized as provided in Code of Virginia, §
984 3.2-6546, and its head sent to the Division of Consolidated Laboratory Services of the
985 Department of General Services, or the local health department, for evaluation.

986 987 **ARTICLE VII. – HYBRID CANINES**

988
989 **Sec. 5-106. – Definitions.**

990
991 *Adequate confinement* means that, while on the property of its owner and not
992 under the direct supervision and control of the owner or custodian, a hybrid canine shall
993 be confined in a humane manner in a securely enclosed and locked structure of
994 sufficient height and design to: (i) prevent the animal's escape; or if the hybrid canine is
995 determined to be a dangerous dog pursuant to § 3.2-6540 of the Code of Virginia
996 or section 5-42 of this chapter, the structure shall prevent direct contact with any person
997 or animal not authorized by the owner to be in direct contact with the hybrid canine; and
998 (ii) provide a minimum of ~~one hundred (100)~~ square feet of floor space for each adult
999 animal. Tethering of a hybrid canine not under the direct supervision and control of the
1000 owner or custodian shall not be considered adequate confinement.

1001 ...

1002
1003 **Sec. 5-108. – Same- Application fee.**

1004 ...

1005 (b) Any application for a hybrid canine permit shall be accompanied by payment of an
1006 application fee in the amount of ~~fifty dollars (\$50.00)~~.