

1 **Ordinance To Amend and Reenact the City Code of the City of Hampton, Virginia by**
2 **Amending Article IV, Chapter 5 Entitled “Dog and Cat Licenses” to Allow Citizens the**
3 **Option to Purchase a Lifetime License for Their Dogs and/or Cats**
4

5 **BE IT ORDAINED** by the City Council of the City of Hampton, Virginia, that Sections 5-53, 5-54,
6 5-55, 5-57, and 5-58 of Article IV, Chapter 5 of the City Code of the City of Hampton, Virginia be
7 amended to read as follows:

8
9 **CHAPTER 5 – ANIMALS**

10 ...

11
12 **ARTICLE IV. - DOG AND CAT LICENSES**

13 ...

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

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

- 17
18 (1) *Annual license for Male or female dog or cat \$10 per year*
19 (2) *Annual license for Unsexed dog or cat (neutered or spayed) \$4 per year*
20 (3) *Kennel for 10 or less dogs or cats \$30 Lifetime license for dog or cat \$20*
21 (4) *Kennel for 11 to 30 dogs or cats \$40 Kennel for 10 or less dogs or cats \$30*
22 (5) *Kennel for 31 to 50 dogs or cats \$50 Kennel for 11 to 30 dogs or cats \$40*
23 (6) *Kennel for 31 to 50 dogs or cats \$50*
24

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

27
28 (b) No license tax shall be levied on any dog that is trained and serves as a guide dog for a
29 blind person, that is trained and serves as a hearing dog for a deaf or hearing-impaired person
30 or that is trained and serves as a service dog for a mobility-impaired person. As used in this
31 subsection, the term "hearing dog" means a dog trained to alert its owner by touch to sounds of
32 danger and sounds to which the owner should respond and "service dog" means a dog trained
33 to accompany its owner for the purpose of carrying items, retrieving objects, pulling a
34 wheelchair or other such activities of service or support.
35

36 *State law reference: Amount of license tax, Code of Virginia § 3.2-6528.*
37

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

39 (a) The license tax as prescribed in section 5-53 is due no later than 30 days after a dog or cat
40 has reached the age of four (4) months, or not later than 30 days after an owner acquires a dog
41 or cat four (4) months of age or older. ~~and each year thereafter.~~ *Annual licenses expire on*
42 *December 31 of the year for which they are issued. Any tax prescribed pursuant to section 5-53*
43 *for renewal of an annual license shall be due on January 1 and not later than January 31 of*
44 *each year.*
45

46 (b) ~~Licensing periods for individual dogs and cats may be equal to and may run concurrently~~
47 ~~with the rabies vaccination effective period.~~ Any kennel license tax prescribed pursuant
48 to section 5-53 shall be due on January 1 and not later than January 31 of each year.
49

50 (c) *Failure to pay the license tax as prescribed in section 5-53 when it is due shall constitute a*
51 *Class 4 misdemeanor. Payment of such license tax subsequent to a summons to appear*

52 *before a court for failure to do so within the time required shall not operate to relieve such owner*
53 *from the penalties provided for such failure.*

54
55 *(d) Any lifetime license purchased under this article is valid for the lifetime of the dog or cat only*
56 *as long as the owner resides in the City of Hampton and the animal's rabies vaccination is kept*
57 *current. Upon expiration of a rabies vaccination, the lifetime license is not valid and the animal*
58 *is considered to be unlicensed and in violation of this article. The lifetime license will once*
59 *again be valid upon renewal of the animal's rabies vaccination.*

60
61 *(e) Any license tax paid as prescribed in section 5-53 is non-refundable. Any license option*
62 *purchased is valid only for the animal or kennel for which it was purchased and is not*
63 *transferable to another animal or kennel.*

64
65 **State Law reference—** Similar provisions, Code of Virginia, § 3.2-6530-; *Offenses involving*
66 *animals – Class 4 misdemeanors, Code of Virginia 18.2-403.3.*

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

68 ~~It shall be unlawful for any person to fail to pay the dog or cat license tax imposed by this article~~
69 ~~when the same is due. Payment of such license tax subsequent to a summons to appear before a~~
70 ~~court for failure to do so within the time required shall not operate to relieve such owner from the~~
71 ~~penalties provided for such failure. It shall constitute a Class 4 misdemeanor for any dog or cat~~
72 ~~owner to fail to pay any license tax required by this chapter before February 1 for the year in which~~
73 ~~it is due.~~

74 . . .

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

76 (a) Any person may obtain a dog license or cat license by making oral or written application to
77 the treasurer of the locality where such person resides, accompanied by the amount of license
78 tax and current certificate of vaccination as required by this article or satisfactory evidence that
79 such certificate has been obtained. The treasurer or other officer charged with the duty of
80 issuing dog and cat licenses shall only have authority to license dogs and cats of resident
81 owners or custodians who reside within the boundary limits of his county or city and may require
82 information to this effect from any applicant. Upon receipt of proper application and current
83 certificate of vaccination as required by this article or satisfactory evidence that such certificate
84 has been obtained, the treasurer or other officer charged with the duty of issuing dog and cat
85 licenses shall issue a license receipt for the amount on which he shall record the name and
86 address of the owner or custodian, the date of payment, the year for which issued *or if it is a*
87 *lifetime license*, the serial number of the tag, whether dog or cat, whether male or female,
88 whether spayed or neutered, or whether a kennel, and deliver the metal license tags or plates
89 provided for herein. The information thus received shall be retained by the treasurer, open to
90 public inspection, during the period for which such license is valid. The treasurer may establish
91 substations in convenient locations in the city and appoint agents for the collection of the license
92 tax and issuance of such licenses.

93
94 (b) Each dog or cat license shall consist of a license tax receipt and a metal tag. Such receipt
95 shall have recorded thereon the amount of the tax paid, the name and address of the owner or
96 custodian of the dog or cat, the date of payment, the year for which the dog or cat is licensed *or*
97 *if it is a lifetime license*, the serial number of the tag and whether the license is for a male,
98 female or unsexed male or female dog or cat or for a kennel. This information shall be retained
99 by the treasurer and shall be open for public inspection during the period for which such license
100 is valid.

101

102 (c) The metal tag issued under this section shall be stamped or otherwise permanently marked
103 to show the name of the city, ~~the sex of the dog or cat and~~ the calendar year for which issued *or*
104 *if it is a lifetime license*, and shall bear a serial number.

105
106 **State Law reference**— Similar provisions, Code of Virginia, §§ 3.2-6527, 3.2-6526.

107
108 **Sec. 5-58. - Preservation and exhibition of license receipt; tag to be worn by dog;**
109 **exceptions.**

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

113
114 (b) A dog license tag issued under this article shall be securely fastened to a substantial collar
115 by the owner or custodian and worn by the dog for which it was issued. It shall be unlawful for
116 the owner to permit any licensed dog four (4) months old or older to run or roam at large at any
117 time without a license tag. The owner of the dog may remove the collar and license tag required
118 by this section when:

- 119
120 (1) The dog is engaged in lawful hunting.
121 (2) The dog is competing in a dog show.
122 (3) The dog has a skin condition which would be exacerbated by the wearing of a collar.
123 (4) The dog is confined.
124 (5) The dog is under immediate control of the owner.

125
126 (c) Any dog or cat not wearing a collar bearing a license tag for the proper calendar year *or a*
127 *lifetime license* shall *be* prima facie *evidence that the dog or cat is* ~~be deemed to be~~ unlicensed
128 and, in any proceeding under this article, the burden of proof of the fact that the dog or cat has
129 been licensed, or is otherwise not required to bear a tag at the time, shall be on the owner of the
130 dog or cat.

131 **State Law reference**— Similar provisions, Code of Virginia, § 3.2-6531.

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133 . . .