



Legislation Details (With Text)

File #: 17-0265 **Version:** 4 **Name:** Amend/Reenact Chpt. 5 Animal at Large
Type: Ordinance-Coded **Status:** Passed
File created: 7/26/2017 **In control:** City Council Legislative Session
On agenda: 8/9/2017 **Final action:** 8/9/2017
Title: Ordinance To Amend and Reenact Chapter 5 - Animals of the City Code of Hampton, Virginia By Amending Section 5-2 Pertaining to the Definition of "At Large"

Sponsors:

Indexes: animal control, City Attorney's Office

Code sections: Chapter 5 - Animals

Attachments: 1. Chapter 5, 2. Chapter 5 redline, 3. Final at large definition Council approved - red line

Date	Ver.	Action By	Action	Result
8/9/2017	1	City Council Legislative Session		
8/9/2017	1	City Council Legislative Session	presented	
8/9/2017	1	City Council Legislative Session	deferred	Fail
8/9/2017	1	City Council Legislative Session		
8/9/2017	1	City Council Legislative Session	approved	Pass

Ordinance To Amend and Reenact Chapter 5 - Animals of the City Code of Hampton, Virginia By Amending Section 5-2 Pertaining to the Definition of "At Large"

PURPOSE/BACKGROUND:

At its March 28, 2017 meeting, after much research and discussion, the Hampton Animal Control Advisory Committee voted to approve an amendment to the definition of the term "at large" found in Chapter 5- Animals of the Hampton City Code. The proposed amendment to the "at large" definition would specify that while the dog is off the property of its owner/custodian, the owner/custodian must have the canine under his/her immediate control "by leash, rope, or chain attached to a commercial pet collar or harness or contained within a pet carrier, crate, or enclosed pet stroller."

Discussion:

The current definition of "at large" provides that a canine must be "under its owner or custodian's immediate control." The statute does not specify the means by which that control is exercised. Accordingly, dog owners/custodians can currently use voice control, shock collars, or other training techniques to maintain "immediate control" of their canine. The Animal Control Advisory Committee believes that a more limited definition of "at large" will improve public safety and promote safe, unencumbered use of public property for all Hampton citizens. This amendment will also establish a consistent City-wide policy regarding pet control while on City of Hampton property (i.e. the proposed amendment is consistent with current Parks, Recreation and Leisure Services requirement that dogs be leashed at all times while in City parks). Finally, this proposed amendment will protect the animals themselves from exposure to harm and/or diseases while in public places. The City of Hampton currently has two officially designated Bark Parks where dog owners can exercise their dogs off-leash without impeding other citizens' use and enjoyment of public spaces. Additionally, it bears reminding

that this proposed amendment only applies when the animal is not on its owner/custodian's property. The proposed amendment has been reviewed by the City Attorney's Office and it is legally sufficient should City Council be inclined to approve it.

Impact:

N/A

Recommendation:

Approval of the Ordinance (no public hearing required)

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

Chapter 5 - ANIMALS

...

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:

...

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 by leash, rope, or chain attached to a commercial pet collar or harness or contained within a pet carrier, crate or enclosed pet stroller. 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; is off leash in an officially designated Bark Park; or is off leash in a space within a public park defined as an off-leash dog area by the director of parks, recreation, and leisure services and identified by signage as available for off-leash dog activity. At large shall not apply to any person while engaged in law enforcement or search and rescue activity; in a supervised formal obedience training class or show; or during formally sanctioned field trials or field dog training.

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