



## Legislation Text

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**File #:** 17-0324, **Version:** 2

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Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by Amending Article IV, Chapter 5 Entitled "Dog and Cat Licenses" to Allow Citizens the Option to Purchase a Lifetime License for Their Dogs and/or Cats

### **PURPOSE/BACKGROUND:**

On July 1, 2017, the General Assembly revised the state code relative to animal licenses. After putting together a team to investigate and report on the current licensing options, the General Assembly concluded that localities should be allowed to offer the option to their citizens to purchase a lifetime license for their pets. Pursuant to the Code of Virginia, the lifetime license is only valid as long as the animal is up to date on its rabies vaccinations and as long as the owner remains a resident of the locality. See Code of Virginia § 3.2-6528 and § 3.2-6530.

### **Discussion:**

The proposed amendments will allow each pet owner to choose whether to purchase the traditional annual license for a fee of \$10 per year (\$4 per year if neutered or spayed) or to opt for the lifetime license for a fee of \$20. This will give the owners flexibility to decide which option is best for them based upon their finances and the age or condition of the animal. Those citizens who choose the lifetime license will also enjoy the convenience of not having to renew the license each year. The optional lifetime license will also reduce the administrative and financial burden to the Treasurer's office by reducing the amount of annual renewal mailings and other processing costs. Enforcement of the license and rabies vaccination laws by Animal Control will not be affected by those changes. The proposed ordinance changes also make clear that owners who purchase the lifetime license will not receive a refund if the animal were to be lost or passes away. The changes also clearly state the lifetime license is not transferable to another animal and that it only remains valid if the animal's rabies vaccinations are up to date. The annual license fee option does not change any of the requirements for kennel licenses. Some housekeeping revisions to Article IV are also proposed to reorganize the sections to make them easier to read and understand.

### **Impact:**

See Purpose/Background above.

### **Recommendation:**

Approve the Ordinance.

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

## **CHAPTER 5 - ANIMALS**

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## **ARTICLE IV. - DOG AND CAT LICENSES**

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

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

- (1) Annual license for dog or cat ..... \$10 per year
- (2) Annual license for unsexed dog or cat (neutered or spayed) ..... \$4 per year
- (3) Lifetime license for dog or cat .... \$20
- (4) Lifetime license for neutered dog or cat .... \$10
- (5) Kennel for 10 or less dogs or cats ..... \$30
- (6) Kennel for 11 to 30 dogs or cats ..... \$40
- (7) Kennel for 31 to 50 dogs or cats ..... \$50

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

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

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

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

(a) The license tax as prescribed in section 5-53 is due no later than 30 days after a dog or cat

has reached the age of four (4) months, or not later than 30 days after an owner acquires a dog or cat four (4) months of age or older. Annual licenses expire on December 31 of the year for which they are issued. Any tax prescribed pursuant to section 5-53 for renewal of an annual license shall be due on January 1 and not later than January 31 of each year.

(b) Any kennel license tax prescribed pursuant to section 5-53 shall be due on January 1 and not later than January 31 of each year.

(c) Failure to pay the license tax as prescribed in section 5-53 when it is due shall constitute a Class 4 misdemeanor. Payment of such license tax subsequent to a summons to appear before a court for failure to do so within the time required shall not operate to relieve such owner from the penalties provided for such failure.

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

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

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

**Sec. 5-55. - Reserved.**

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

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

which such license is valid. The treasurer may establish substations in convenient locations in the city and appoint agents for the collection of the license tax and issuance of such licenses.

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

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

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

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

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

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

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

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

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

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