

INTRODUCED: January 13, 2020

AN ORDINANCE No. 2020-013

To amend City Code § 4-1, concerning definitions for animal control, for the purpose of revising certain definitions.

Patron – Mayor Stoney

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JAN 27 2020 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That section 4-1 of the Code of the City of Richmond (2015) be and is hereby **amended** and reordained as follows:

Sec. 4-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adoption means the transfer of ownership of a dog or cat from a releasing agency to an individual.

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JAN 27 2020 REJECTED: _____ STRICKEN: _____

Animal means any living vertebrate creature, domestic or wild, male or female, other than *Homo sapiens*.

Animal control officer means a person appointed as an animal control officer pursuant to Code of Virginia, § 3.2-6555.

Animal shelter means a facility operated by a Humane Society, or by the city for the purpose of impounding or caring for animals held under the authority of this chapter.

Cat means any domestic feline animal (*Felis domesticus*), male or female, whether spayed or neutered.

Commercial animal establishment means any pet shop, auction, riding school, stable, kennel, zoological park, circus, hatchery, veterinary hospital, performing animal exhibition, or any lot, building, structure, enclosure, or premises used for the business of buying selling, grooming, breeding, or boarding of animals.

Companion animal means any domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal which is bought, sold, traded, or bartered by any person. Agricultural animals, game species, or any animals regulated under federal law as research animals shall not be considered companion animals for the purposes of this chapter.

Dangerous dog means a dog which has bitten, attacked, or inflicted injury on a person or companion animal, other than a dog, or killed a companion animal.

Department means the office of animal care and control.

Director means the program manager of the department or an authorized representative thereof.

Dog means any domestic animal of the specie canine (*Canis familiaris*), male or female, whether spayed or neutered and includes hybrid canines as defined in section 10-167 of this Code.

Dog or cat license means a privilege granted, on compliance with the terms of chapter 98, to own, keep, harbor or have custody or control of a dog or cat legally within the city during the calendar year.

Dog or cat license tag means a metal tag for attachment to a dog or cat collar, carrying a serial number corresponding to the number of the dog or cat license for such animal, and showing the calendar year the license is in effect and the sex of the dog or cat and the name of the jurisdiction enforcing the license law.

Enclosure means confining a dog indoors or confined in an enclosed and lockable structure of sufficient height and design to prevent its escape from the owner's premises, which may include but is not limited to a fenced yard.

Fowl means all domestic birds and game birds, except pigeons, raised in captivity, including but not limited to chickens, ducks, geese, swans, turkeys and guinea fowl.

Harboring a dog or cat means to knowingly permit a dog or cat to remain on or about the premises occupied by such person and the providing of food, water and/or care for three or more days.

Has been bitten means has been seized with the teeth or jaws so that the skin of the person or animal seized has been nipped or gripped or has been wounded or pierced, including scratches, and includes probable contact of saliva with a break or abrasion of the skin. The term "has been bitten" also includes contact of saliva with any mucous membrane.

Humane investigator means any person designated pursuant to Code of Virginia, § 3.2-

6558.

Impound means to take into custody or to place in the city animal shelter.

Kennel means any establishment in which five or more canines, felines, or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing.

Licensed veterinarian means a veterinarian licensed by the state board of veterinary examiners.

~~[Own]~~ Owner means ~~[to]~~ any person who:

- (1) ~~[Have]~~ Has a right of property in an animal;
- (2) ~~[Keep]~~ Keeps or ~~[harbor]~~ harbors an animal;
- (3) ~~[Have]~~ Has ~~[the care of]~~ an animal in his care; or
- (4) ~~[Act]~~ Acts as a custodian of an animal.

Any person who knowingly permits a dog or cat to remain on or about any premises occupied by such person shall be considered to own the dog or cat. This term does not apply to veterinarians or kennel operators temporarily maintaining on their premises animals owned by others.

~~[Owner means any person who owns an animal.]~~

Provocation means any purposeful act that causes an animal to bite, scratch, or attack in protection of itself, its owner or its owner's premises. Entrance, in any manner, into an area where an animal is properly under restraint in compliance with this chapter or other city ordinances would be considered provocation, irrespective of the reason for such entrance.

Public nuisance means any ~~[dog or cat]~~ animal of an owner which:

- (1) Molests passersby or passing vehicles;
- (2) Attacks other animals;

- (3) Trespasses on school grounds, recreational areas or sites equipped and/or designated as tot lots;
- (4) Is repeatedly at large;
- (5) Damages private or public property; or
- (6) Barks, whines, howls, or makes other annoying noises in an excessive, continuous, or untimely fashion.

Releasing agency means [~~a pound,~~] an animal shelter, humane society, animal welfare [~~society~~] organization, society for the prevention of cruelty to animals, or similar entity or home-based rescue that releases [~~a dog or cat~~] companion animals for adoption.

Restraint means a handheld leash or lead and under the effective and immediate physical control of a responsible person.

Serious injury means an injury having a reasonable potential to cause death or any injury other than a sprain or strain, including serious disfigurement, serious impairment of health, or serious impairment of bodily function and requiring significant medical attention.

Sterilization means a surgical or chemical procedure performed by a licensed veterinarian that renders a dog or cat permanently incapable of reproducing.

To run at large and *running at large* mean to roam, loiter, walk or run on any public property or on any private property not owned, occupied or temporarily or permanently used by the animal's owner in the city.

Vaccination against rabies means the inoculation of an animal with a rabies vaccine licensed for the species by the United States Department of Agriculture and recommended in the current Compendium of Animal Rabies Vaccines prepared by the National Association of State Public Health Veterinarians.

Veterinary hospital means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

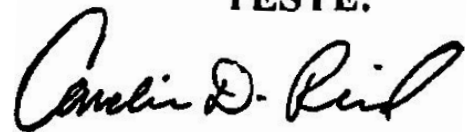
Vicious dog means a dog which has:

- (1) Killed a person;
- (2) Inflicted serious injury to a person; or
- (3) Continued to exhibit the behavior which resulted in a previous finding by

a court that it is a dangerous dog, or, on or before July 1, 2006, by an animal control officer as authorized by ordinance that it is a dangerous dog, provided that its owner has been given notice of that finding.

§ 2. This ordinance shall be in force and effect upon adoption.

**A TRUE COPY:
TESTE:**



City Clerk



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

Received

4-9326
OCT 21 2019

Office of the
Chief Administrative Officer

O&R REQUEST

DATE: 10/21/2019

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor

THROUGH: Lenora Reid, Acting Chief Administrative Officer

THROUGH: Robert Steidel, DCAO for Operations

FROM: Christie Chipps Peters, Director Richmond Animal Care & Control

RE: Defining Owner in Section 4-1. Definitions

ORD. OR RES. No. _____

PURPOSE: To authorize the Chief Administrative Officer to amend Sec. 4-1. Definitions to further and more accurately define a pet "owner".

REASON: This code will allow RACC to define the term owner.

RECOMMENDATION: The administration recommends adoption of this ordinance.

BACKGROUND: RACC had an issue in court yesterday with the term "Owner" where the judge dismissed an Animal Control case. The issue boiled down to "own" and "owner". I would like to recommend we strike the current "owner" definition and instead update "owns" to be the new "owner" definition. See attached mark up.

FISCAL IMPACT / COST: None at this time

FISCAL IMPLICATIONS: None at this time

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: N/A

Handwritten notes and signatures including dates like 11/6/19 and 8/12/19, and initials Cef.

O&R Request

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DESIRED EFFECTIVE DATE: Upon Adoption

REQUESTED INTRODUCTION DATE: January 13, 2020

CITY COUNCIL PUBLIC HEARING DATE: January 27, 2020

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Government Operations

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: N/A

AFFECTED AGENCIES: RACC

RELATIONSHIP TO EXISTING ORD. OR RES.: N/A

REQUIRED CHANGES TO WORK PROGRAM(S): N/A

ATTACHMENTS: N/A

STAFF: Christie Chipps Peters, Richmond Animal Care & Control x5740