

INTRODUCED: October 8, 2018

AN ORDINANCE No. 2018-275

To amend and reordain City Code § 4-96, concerning cruelty to animals, for the purpose of imposing additional restrictions on the tethering of dogs and removing the time limits within which violations are punished as more serious misdemeanors.

Patron – Mayor Stoney

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: NOV 13 2018 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That section 4-96 of the Code of the City of Richmond (2015), as amended, be and is hereby amended and reordained as follows:

Sec. 4-96. Cruelty to animals.

(a) For the purposes of this section, the term “animal” shall be construed to include birds and fowl.

(b) A person shall be guilty of a class 1 misdemeanor if the person:

(1) Overrides, overdrives, overloads, tortures, ill-treats, abandons, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: NOV 13 2018 REJECTED: _____ STRICKEN: _____

experimentation, or cruelly or unnecessarily beats, maims, mutilates, or kills any animal, whether belonging to such person or another;

(2) Deprives any animal of necessary food, drink, shelter or emergency veterinary treatment;

(3) Sores any equine for any purpose or administers drugs or medications to alter or mask such sores for the purpose of sale, show, or exhibition of any kind, unless such administration of drugs or medications is within the context of a veterinary client-patient relationship and solely for therapeutic purposes;

(4) Willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal;

(5) Carries or causes to be carried in or upon any vehicle, vessel or otherwise any animal in a cruel, brutal, or inhumane manner, so as to produce torture or unnecessary suffering; or

(6) Causes any of the things mentioned in subsections (b)(1) through (5) of this section or being the owner of such animal permits such acts to be done by another.

(c) Any person who abandons or dumps any dog, cat or other companion animal in any public place, including the right-of-way of any public highway, road or street, or on the property of another shall be guilty of a class 3 misdemeanor.

(d) It shall be unlawful for any person to fail to provide any dog with adequate space.

(1) As used in this section, the term “adequate space” has the meaning ascribed to that term by Code of Virginia, § 3.2-6500.

(2) It shall be unlawful for any person to tether a dog for more than one hour cumulatively within any twenty-four hour period, whether or not the tethered dog has

been provided adequate space. No dog shall be tethered for any amount of time while the owner or custodian thereof is physically absent from the property where the dog is tethered. No dog shall be tethered for any amount of time in inclement, adverse, or extreme weather conditions.

(3) Each violation of either subdivision (1) or subdivision (2) of this subsection constitutes a separate violation of this subsection. The first violation of this subsection shall be punished as a Class 3 misdemeanor. ~~[However, a]~~ A second violation of this subsection, whether or not involving the same dog, ~~[within one year after conviction of the first violation]~~ shall be punished as a Class 2 misdemeanor. The third and each subsequent violation of this subsection, whether or not involving the same dog, ~~[within one year after conviction of the first violation]~~ shall be punished as a Class 1 misdemeanor.

(e) Nothing in this section shall be construed to prohibit the dehorning of cattle.

(f) This section shall not prohibit authorized wildlife management activities or hunting, fishing or trapping as regulated under other titles of the Code of Virginia, including but not limited to Code of Virginia, tit. 29.1, or to farming activities as provided under Code of Virginia, tit. 3.1 or regulations promulgated thereto.

(g) In addition to the penalties provided in subsection (b) or subsection (d) of this section, the court may, in its discretion, require any person convicted of a violation of subsection (b) or subsection (d) of this section to attend an anger management or other appropriate treatment program or obtain psychiatric or psychological counseling. The court may impose the costs of such a program or counseling upon the person convicted.

(h) It is unlawful for any person to kill a domestic dog or cat for the purpose of

obtaining the hide, fur or pelt of the dog or cat. A violation of this subsection shall constitute a class 1 misdemeanor. A second or subsequent violation of this subsection shall constitute a class 6 felony.

(i) It shall be unlawful for any person to use a bullhook, ankus, baseball bat, axe handle, pitchfork or similar instruments or a tool designed to inflict pain for the purpose of training or controlling the behavior of an elephant. For purposes of this subsection, the term “use” means brandishing, exhibiting or displaying a bullhook, ankus, baseball bat, axe handle, pitchfork or similar instruments or a tool designed to inflict pain in the presence of an elephant or poking an elephant with such an instrument or tool for the purpose of training or controlling the behavior of the elephant. Any person who violates this subsection shall be guilty of a Class 2 misdemeanor.

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



CITY OF RICHMOND

INTRACITY CORRESPONDENCE

O & R REQUEST

4-8144

SEP 04 2018

Office of the
Chief Administrative Officer

RECEIVED
SEP 24 2018
OFFICE OF CITY ATTORNEY

O&R REQUEST

DATE: 8/26/18 **EDITION:** 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor *JS 9/2/18*

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer *SCG*

THROUGH: Lenora Reid, DCAO for Finance & Administration *LR*

THROUGH: Jay Brown, Director of Budget & Strategic Planning *JB*

THROUGH: Robert Steidel, DCAO for Operations *RS*

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

RE: Cruelty to Animals-Updated Tethering Code

ORD. OR RES. No. _____

PURPOSE: To authorize the Chief Administrative Officer to amend Sec. 4-96 to increase restrictions of the current cruelty to animals tethering code.

REASON: Increased restrictions to this code will allow RACC Officers to remove animals from unsafe tethering situations in extreme weather conditions and if the custodian of the animal is not on or about the property.

RECOMMENDATION: The administration recommends adoption of this ordinance.

BACKGROUND: Under the current tethering code RACC Officers have to wait an hour before removing a tethered pet if all other conditions (adequate care) are provided. Adding the extreme/adverse weather and requiring the custodian of the animal be on the property when the pet is tied out will allow our officers to intervene quicker in situations where a tethered pet is in need.

FISCAL IMPACT / COST: None at this time

FISCAL IMPLICATIONS: None at this time

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: N/A

DESIRED EFFECTIVE DATE: Upon Adoption

REQUESTED INTRODUCTION DATE: October 8, 2018

CITY COUNCIL PUBLIC HEARING DATE: November 13, 2018

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: Current code with mock up changes

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