

INTRODUCED: September 9, 2024

AN ORDINANCE No. 2024-240

To amend and reordain City Code § 4-96, concerning cruelty to animals, for the purpose of imposing additional punishments for those convicted of animal cruelty crimes authorized by Va. Code § 3.2-6570.

Patron – Mayor Stoney

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: OCT 15 2024 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That section 4-96 of the Code of the City of Richmond (2020), 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: _____ NOES: _____ ABSTAIN: _____

ADOPTED: _____ 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. A second violation of this subsection, whether or not involving the same dog, shall be punished as a Class 2 misdemeanor. The third and each subsequent violation of this subsection, whether or not involving the same dog, 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.

(j) Any person convicted of a violation of this section may be prohibited by the court from possession or ownership of animals for a period of up to five years, and any person convicted of a violation of § 3.2-6750 of the Code of Virginia that is punishable as a felony may be prohibited by the court from possession or ownership of animals for life. In addition to any other penalty provided for by law, any person who violates the provisions of this subsection shall be punished for contempt of court, and the court shall order that any animal possessed or owned by such person may be (i) sold by the Department, if not a companion animal; (ii) disposed of by the Department pursuant to subsection D of § 3.2-6546 of the Code of Virginia, whether such animal is a companion animal or an agricultural animal; or (iii) delivered to another person with a right of property in the animal.

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

APPROVED AS TO FORM:

CITY ATTORNEY'S OFFICE



City of Richmond

900 East Broad Street
2nd Floor of City Hall
Richmond, VA 23219
www.rva.gov

Master

File Number: Admin-2024-0837

File ID: Admin-2024-0837

Type: Request for Ordinance or Resolution

Status: Regular Agenda

Version: 1

Reference:

In Control: City Clerk Waiting Room

Department:

Cost:

File Created: 08/05/2024

Subject:

Final Action:

Title: To amend and reordain City Code § 4-96, concerning cruelty to animals, for the purpose of imposing ownership restrictions for those convicted of animal cruelty crimes authorized by Va Code § 3.2-6570.

Internal Notes:

Code Sections:

Agenda Date: 09/09/2024

Indexes:

Agenda Number:

Patron(s):

Enactment Date:

Attachments: Admin-2024-0837 WD - Amend Code Sec. 4-96
Animal Cruelty AATF

Enactment Number:

Contact:

Introduction Date:

Drafter: Adam.Hohl@rva.gov

Effective Date:

Related Files:

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
1	1	8/5/2024	Christie Peters	Approve	8/7/2024
1	2	8/5/2024	Adam Hohl - FYI	Notified - FYI	
1	3	8/6/2024	Robert Steidel	Approve	8/7/2024
1	4	8/6/2024	Jeff Gray	Approve	8/8/2024
Notes: Approved: Out of Office					
1	5	8/21/2024	Lincoln Saunders	Approve	8/15/2024
1	6	8/29/2024	Mayor Stoney	Approve	9/6/2024

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File Admin-2024-0837

Title

To amend and reordain City Code § 4-96, concerning cruelty to animals, for the purpose of imposing ownership restrictions for those convicted of animal cruelty crimes authorized by Va Code § 3.2-6570.

Body

O & R Request

DATE: August 4, 2024 **EDITION:** 1
TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor
THROUGH: Lincoln Saunders, Chief Administrative Officer
THROUGH: Robert C. Steidel, Deputy Chief Administrative Officer
FROM: Christie Peters, Director of Animal Care & Control
RE: Amendment to City Code Section 4-96 concerning cruelty to animals

PURPOSE: To amend and reordain City Code § 4-96, concerning cruelty to animals, for the purpose of imposing ownership restrictions for those convicted of animal cruelty crimes authorized by Va Code § 3.2-6570.

BACKGROUND: Under current law, those convicted of animal cruelty have ownership prohibition limited to companion animals and a period equal to the statutory maximum period of incarceration. This new state code provides any person convicted of felony cruelty to animals may be prohibited by the court from possession or ownership of companion or equine animals for life. Additionally, any person convicted of misdemeanor cruelty to animals may be prohibited by the court from possession or ownership of such animals for a period of up to five years. The bill also specifies that a court may order that any animal possessed or owned by such person may be disposed of by a local governing body or delivered to another person with a right of property in the animal. These changes will mirror state code and keep best practices and procedures of Richmond Animal Care and Control in alignment with industry best practices while prioritizing the safety and welfare of City animals and residents.

COMMUNITY ENGAGEMENT: None.

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: Public Safety and Humane Treatment of Animals

FISCAL IMPACT / COST: None.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: September 9, 2024

CITY COUNCIL PUBLIC HEARING DATE: October 15, 2024

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Public Safety Standing Committee (September 24, 2024)

AFFECTED AGENCIES: Richmond Animal Care & Control

RELATIONSHIP TO EXISTING ORD. OR RES.: None.

ATTACHMENTS: None.

STAFF: Christie Peters, Director of Animal Care & Control, 804-646-5740