



Legislation Details (With Text)

File #: ORD. 2024-240 **Version:** 1 **Name:**

Type: Ordinance **Status:** Adopted

File created: 9/10/2024 **In control:** City Council

On agenda: 10/15/2024 **Final action:** 10/15/2024

Title: 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.

Sponsors: Mayor Stoney, Reva Trammell, President Kristen Nye, Nicole Jones, Stephanie Lynch, Vice President Ann-Frances Lambert, Ellen Robertson, Cynthia Newbille

Indexes:

Code sections:

Attachments: 1. Ord. No. 2024-240

Date	Ver.	Action By	Action	Result
10/15/2024	1	City Council		
9/24/2024	1	Public Safety Standing Committee	recommended for approval	
9/9/2024	1	City Council	introduced and referred	

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.

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 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.