



Legislation Text

File #: ORD. 2023-129, Version: 1

To repeal City Code § 4-53, concerning supervision and control of the animal shelter and impoundment and release procedures, to repeal City Code § 4-275, concerning impoundment and violation notice and the fee for board and care, to amend ch. 4, art. II, div. 1 of the City Code by adding therein new §§ 4-53.1 and 4-275.1, and to amend City Code §§ 4-1, concerning definitions, 4-55, concerning hindering, molesting or interfering with an officer, 4-243, concerning prohibition on dogs running at large and penalty, 4-244, concerning care and control of animals and penalties, and 4-372, concerning reporting of bites, for the purpose of modifying the policies and procedures for animal care and control in the city of Richmond.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That sections 4-53 and 4-275 of the Code of the City of Richmond (2020) be and hereby are **repealed** as follows:

~~[Sec. 4-53. Supervision and control of animal shelter; impoundment and release procedures.~~

(a) The Chief Administrative Officer shall cause to be maintained an animal shelter or enclosure of a type to be approved by the Director. The City need not own the facility but may contract for its establishment with a private group or in conjunction with one or more other local governing bodies. The City animal shelter shall be accessible to the public at reasonable hours during the week.

(b) Any dog running at large or in violation of Section 4-243 and any dog or cat without the tag required by Section 4-186 shall be confined in the animal shelter. Any dog or cat which has been so confined shall be kept for a period of not less than five days unless sooner claimed by the owner of the dog or cat. If the dog or cat has not been claimed, it may be humanely destroyed or disposed of by sale or a gift to a Federal agency, State-supported institution, agency of the State, agency of another state or a licensed Federal dealer or by delivery to any local humane society, to any shelter or to any person who is a resident of the City and who will pay the required license tax on such animal. Nothing in this subsection shall prohibit the destruction of a critically injured or critically ill dog or cat for humane purposes.

(c) The Director shall supervise and control the City animal shelter and the property used in connection therewith, with power and authority to employ such personnel or employees as may be necessary.

(d) Unless the owner has purchased a valid breeding permit, no unclaimed dog or cat shall be released for adoption without being sterilized in compliance with Section 4-278.

(e) If, by a license tag or other means, the owner of an impounded dog or cat can be identified, the animal control officer shall immediately upon impoundment notify the owner as specified in Section 4-275(b).

(f) Animals may be impounded in the City animal shelter for reasonable cause as may be determined by the Director, including, but not limited to, any of the following circumstances:

(1) Any dog not kept under restraint as required by this chapter.

(2) Any dog or cat not having affixed to its collar a valid City license tag or rabies vaccination tag.

(3) Any dog or cat for which a valid City license or rabies vaccination certificate has not been issued.

(4) Any animal which constitutes a public nuisance as defined in Section 4-1.

(5) Any animal that a person could reasonably suspect as having any infectious or contagious disease other than rabies and being in the custody of a keeper who fails or refuses to make arrangements satisfactory to the animal control officer concerning the proper treatment of such animal.

(6) Every animal that has rabies or symptoms compatible with rabies or that a person could reasonably suspect as having rabies or that bites, scratches or otherwise attacks another animal or person within the City.

(7) Any animal not kept in conformity with this chapter or State law.

(8) Any animal upon the written request from the owner thereof and to which the animal control officer agrees that such animal be humanely euthanized for the protection of the health and welfare of the public.

~~(g) Any animal which is the subject of a cause of action filed under this chapter or State law shall be impounded until further order of the courts.]~~

~~[Sec. 4-275. Impoundment and violation notice; fee for board and care.~~

~~(a) The Department may confine dogs found unrestrained in violation of section 4-243 that are of unknown ownership or whose owners cannot be located at the time of apprehension.~~

~~(b) If by a license tag the owner of an impounded dog or cat can be identified, the animal control officer shall, immediately following impoundment, seek to notify the owner of the fact of impoundment by the best means reasonably available to that officer.~~

~~(c) An owner reclaiming an impounded dog or cat shall pay a fee of \$25.00 plus \$5.00 for each day or portion of a day the dog or cat has been impounded.~~

~~(d) Any animal not reclaimed by its owner within five days shall be deemed the property of the City and shall be disposed of as provided by State laws or placed with a new owner, subject to Section 4-278 and State laws. The fee for the adoption of dogs, cats, puppies and kittens shall be \$100.00.]~~

§ 2. That Chapter 4, Article II, Division 1 of the Code of the City of Richmond (2020) be and hereby is amended and reordained by **adding therein a new** section numbered 4-53.1 as follows:

Sec. 4-53.1 Supervision and control of animal shelter; impoundment and release procedures.

(a) The Chief Administrative Officer shall cause to be maintained an animal shelter or enclosure of a type to be approved by the Director. The City need not own the facility but may contract for its establishment with a private group or in conjunction with one or more other local governing bodies. The City animal shelter shall be accessible to the public at reasonable hours during the week.

(b) The Director shall supervise and control the City animal shelter and the property used in connection therewith, with power and authority to employ such personnel or employees as may be necessary.

(c) Animals may be impounded in the City animal shelter for reasonable cause as may be determined by the Director, including, but not limited to, any of the following circumstances:

(1) Any dog not kept under restraint as required by this chapter, including any dog running at large or in violation of section 4-243.

(2) Any dog or cat not having affixed to its collar a valid City license tag or rabies vaccination tag, including any dog or cat without the tag required by section 4-186.

(3) Any dog or cat for which a valid City license or rabies vaccination certificate has not been issued.

(4) Any animal which constitutes a public nuisance as defined in Section 4-1.

(5) Any animal that a person could reasonably suspect as having any infectious or contagious disease other than rabies and being in the custody of a keeper who fails or refuses to make arrangements satisfactory to the animal control officer concerning the proper treatment of such animal.

(6) Every animal that has rabies or symptoms compatible with rabies or that a person could reasonably suspect as having rabies or that bites, scratches or otherwise attacks another animal or person within the City.

(7) Any animal not kept in conformity with this chapter or State law.

(8) Any animal upon the written request from the owner thereof and to which the animal control officer agrees that such animal be humanely euthanized for the protection of the health and welfare of the public.

(d) Any animal which has been so confined shall be kept for a period of not less than five days unless sooner claimed by its owner.

(e) If, by a collar, tag, license, tattoo, or other form of identification the owner of an impounded animal can be identified, the animal control officer shall, immediately following impoundment, seek to notify the owner of the fact of impoundment by the best means reasonably available to that officer. If such

identification is found on the animal, the animal shall be held for an additional five-day stray hold period, unless sooner claimed by the rightful owner. If the animal has not been claimed upon expiration of the applicable stray hold period, it shall be offered for adoption or otherwise disposed of in accordance with state law. Nothing in this subsection shall prohibit the destruction of a critically injured or critically ill animal for human purposes.

(f) An owner reclaiming an impounded animal shall pay a fee of \$25.00 plus \$5.00 for each day or portion of a day the animal has been impounded.

(g) Any animal which is the subject of a cause of action filed under this chapter or State law shall be impounded until further order of the courts.

§ 3. That Chapter 4, Article III, Division 5 of the Code of the City of Richmond (2020) be and hereby is amended and reordained by **adding therein a new** section numbered 4-275.1 as follows:

Sec. 4-275.1 Impoundment and violation notice; adoption fee.

Impoundment of dogs and cats shall follow the rules and procedures set forth in section 4-53.1, including violation notices and identification procedures.

Unless the owner has purchased a valid breeding permit, no unclaimed dog or cat shall be released for adoption without being sterilized in compliance with section 4-278.

Any animal not reclaimed by its owner within five days shall be deemed the property of the City and shall be disposed of as provided by State laws or placed with a new owner, subject to section 4-278 and State laws. The fee for the adoption of dogs, cats, puppies and kittens shall be \$100.00.

§ 3. That sections 4-1, 4-55, 4-243, 4-244, and 4-372 of the Code of the City of Richmond (2020) be and are 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.

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

(1) A canine or canine crossbreed that has bitten, attacked, or inflicted injury on a companion animal that is a dog or cat or killed a companion animal that is a dog or cat. A canine or canine crossbreed is not a dangerous dog if, upon investigation, a law enforcement officer or animal control officer finds that (i) no serious physical injury, as determined by a licensed veterinarian, has occurred to the dog or cat as a result of the attack or bite; (ii) both animals are owned by the same

person; or (iii) such attack occurred on the property of the attacking or biting dog's owner or custodian;
or

(2) A canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person. A canine or canine crossbreed is not a dangerous dog if, upon investigation, a law enforcement officer or animal control officer finds that the injury inflicted by the canine or canine crossbreed upon a person consists solely of a single nip or bite resulting only in a scratch, abrasion, or other minor injury.

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 4-213.

Dog or cat license means a privilege granted, on compliance with the terms of Chapter 26, 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~~] the keeping of six 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.

Owner means any person who:

- (1) Has a right of property in an animal;
- (2) Keeps or harbors an animal;
- (3) Has an animal in his care; or
- (4) 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.

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 animal of an owner which does one or more of the following:

- (1) Molests passersby or passing vehicles;
- (2) Attacks other animals, causing injury or death;
- (3) Attacks a person, causing injury, serious injury, or death;

(4) Trespasses on school grounds, recreational areas or sites equipped and/or designated as tot lots;

[(4)] (5) Is repeatedly at large;

[(5)] (6) Damages private or public property; or

[(6)] (7) Barks, whines, howls, or makes other annoying noises in an excessive, continuous, or untimely fashion.

Releasing agency means an animal shelter, humane society, animal welfare organization, society for the prevention of cruelty to animals, or similar entity or home-based rescue that releases 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.

Sec. 4-55. Hindering, molesting or interfering with officer.

[No] Any person [shall hinder, molest or interfere] who hinders, molests, or interferes with any animal control officer or employee in the [performance of any duty in connection with apprehending and impounding an animal] discharge of his rights, powers, and duties as authorized and prescribed by law shall be guilty of a Class 3 misdemeanor.

Sec. 4-243. Dogs running at large prohibited; ~~[penalty]~~ penalties.

(a) Except as otherwise provided in this section, it shall be unlawful for any dog to run at large. For purposes of this section, a dog shall be deemed to run at large while roaming, running, or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control. The term "immediate control," for purposes of this section, means physical restraint or confinement of the dog by a fence, tether, lead or leash. An electronic collar or other similar electronic device does not qualify as a leash, lead, or other means of physical restraint.

(b) The leash, lead, or other means of physical restraint may be removed from a dog in a designated and posted dog exercise area.

(c) The leash, lead, or other means of physical restraint may be removed from a dog on private property other than the property of the owner, provided that the owner or person in control of such private property has permitted such dog to be present without a leash, lead, or other means of physical restraint.

(d) Any person who permits such person's dog to run at large shall be deemed in violation of this section, and upon conviction thereof, shall be guilty of a Class 4 misdemeanor, and shall be guilty of a Class 3 misdemeanor upon conviction of a second or subsequent violation of this section.

Sec. 4-244. ~~[Care]~~ Public nuisance; care and control; penalties.

(a) No owner shall fail to exercise proper care and control of a domestic, companion, wild, or exotic animal to prevent it from becoming a public nuisance.

(b) Every female dog and cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with a male dog or cat except for breeding planned by the owner.

(c) Any person owning or having within such person's possession or control any domestic, companion, wild, or exotic animal suspected of constituting a public nuisance may be proceeded against by warrant or summoned before the General District Court of the City to provide evidence why such domestic, companion, wild, or exotic animal should not be confined, euthanized, or removed or the public nuisance otherwise abated. The animal control officer or owner or custodian of the animal suspected of constituting a public nuisance shall confine the animal until such time as the court has made a final decision in the case. Upon proof that such domestic, companion, wild, or exotic animal constitutes a public nuisance, the domestic, companion, wild, or exotic animal shall, by order of the judge of the General District Court of the City, be confined, euthanized, or removed or the nuisance shall be otherwise abated, as such judge shall order. The court may order the owner of the animal constituting a public nuisance to pay restitution for damages to property or to any person injured by such animal or whose animal was injured or killed by such animal. Such order shall not preclude the injured person from pursuing civil remedies, including damages that accrue after the original finding that the animal constitutes a public nuisance. No person shall fail to comply with such an order.

(d) Any person convicted of a violation of subsection (a) or (b) of this section shall be guilty of a Class [4] 2 misdemeanor. Any person convicted of [~~two or more violations~~] a second or subsequent violation of

subsection (a) of this section [~~within a 24-month period~~] shall be guilty of a Class 1 misdemeanor [~~for every second and subsequent offense within a 24-month period~~]. In addition to any other penalties for a conviction of a violation of subsection (a) or (b) of this section, the owner of any dog or cat that has not been spayed or that has not been neutered and has been determined by the Director to have caused the violation may be ordered by the court to cause such dog or cat to be surgically sterilized within 60 days of said conviction. Such owner shall be required to provide proof of the sterilization to the Department within seven days after the surgery. Failure to comply with any such order shall be a Class 1 misdemeanor.

Sec. 4-372. Report of bites.

(a) Every dog or cat bite of a person which occurs in the City shall be reported within 24 hours of occurrence to the Department. If occurring at night, on weekends or on holidays, the report may be made to the Department of Police.

(b) Such report shall include the following:

- (1) The name and address of the person bitten;
- (2) The name and address of the owner of the biting dog or cat, if known;
- (3) A reasonable description of the dog or cat;
- (4) The date and time of day of the injury and the address where it occurred;
- (5) The part of the body on which the bite was inflicted; and
- (6) If known, whether the biting dog or cat has been vaccinated against rabies.

(c) The responsibility for reporting is mutually charged to attending physicians, veterinarians, emergency responders, and the person bitten, to such person's parent or guardian if a minor, and to the owner of the dog or cat.

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