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NORFOLK, VIRGINIA

R-5 ORDINANCE NO. 49,155

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 6.1 BY ADDING ONE NEW ARTICLE VIII AND AMENDING SECTIONS 6.1-2, 6.1-8, 6.1-50, 6.1-51, 6.1-56, 6.1-61, 6.1-65, 6.1-72, 6.1-75, 6.1-77, 6.1-79, 6.1-82 AND 6.1-89 OF THE NORFOLK CITY CODE, 1979, REGARDING FREE-ROAMING CATS.

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BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That Chapter 6.1 of the Norfolk City Code, 1979, is hereby amended and reordained to add the following new Article:

Article VIII. - Free-roaming Cats

Sec. 6.1-101 Any person or group of persons providing care to a free-roaming cat must comply with the following requirements:

- (1) All managed free-roaming cats must be maintained on private property with appropriate permission.
- (2) All cats that are part of Trap-Neuter-Return must be sterilized, vaccinated against rabies and ear-tipped for easy identification.
- (3) Free-roaming cat caregivers are required to provide necessities to the free-roaming cats, including, but not limited to proper nutrition and medical care as needed.

- (4) Any food provided to free-roaming cats must be provided in accordance with the following:
 - (a) Feeding should be done primarily during daylight hours, no more than twice a day. If feeding is done before or after daylight hours, food must be provided for no more than 30 minutes.
 - (b) The free-roaming cat caregiver must be present and within sight of the feeding while feeding is occurring.
 - (c) Food must not be placed or left unattended in such a manner so as to be accessible to wildlife.
 - (d) Using automatic feeders, dumping food on the ground, and leaving open food packages is not permitted.
- (5) Free-roaming cat caregivers must make every effort to remove free-roaming kittens sixteen (16) weeks or younger for placement with a releasing agency or foster home.
- (6) Free-roaming cat caregivers must maintain the following documentation for each free-roaming cat in their care:
 - (a) The veterinarian issued rabies vaccination; and
 - (b) Written confirmation of sterilization by the veterinarian who performed sterilization.

Section 2:- That Section 6.1-2 of the Norfolk City Code, 1979, is hereby amended and reordained so as to read as follows:

Sec. 6.1-2. Definitions.

The following words as used in this chapter shall have the following meanings:

Abandon means to desert, forsake, or absolutely give up an animal without having secured another owner or custodian for the animal or by failing to provide the elements of basic care as set forth in Virginia Code, Section 3.2-6503, as amended, for a period of four (4) consecutive days.

Adequate care or care means the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health.

Adequate exercise or exercise means the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal.

Adequate feed means access to and the provision of food which is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

Adequate shelter means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and, for dogs and cats, provides a solid surface, resting platform, pad, floormat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors (i) permit the animals' feet to pass through the openings, (ii) sag under the animals' weight, or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter.

Adequate shelter for animals kept outdoors must comply with the following standards:

- (1) The shelter must be a well-constructed structure with a roof, enclosed sides, one of which must contain an entry way and a solid, level floor raised at least two (2) inches from the ground. The entry way openings shall not comprise an entire side of the structure.
- (2) The shelter must have no cracks or openings other than the entrance.
- (3) The shelter must be small enough to allow an animal to warm the interior of the structure and maintain body heat, but large enough to allow the animal to stand, turn and lie down.
- (4) Between November 1 and March 31 and whenever the real or effective temperature is forty-five (45) degrees Fahrenheit or lower, the entryway must be protected by a self-closing door, an offset outer door, or a flexible flap, and a sufficient amount of dry bedding material must be provided to insulate against cold and damp.
- (5) The shelter must be placed where it will be adequately shaded in hot weather and protected from the wind in cold weather.

Adequate space means sufficient space to allow each animal to (i) easily stand, sit, lie, turnabout, and make all other normal body movements in a comfortable, normal position for the animal and (ii) interact safely with other animals in the enclosure. When an animal is tethered, "adequate space" means a tether that permits the above actions and is appropriate to the age, size, and health of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury, with enough room between the collar and the dog's throat through which two (2) fingers may fit, and prevent the animal or tether from becoming entangled with other objects or animals, or from gaining access to public thoroughfares, or from extending over an object or edge that could result in the strangulation or injury of the animal; weighs not more than one-eighth ($\frac{1}{8}$) of the body weight of the animal tethered; and is at least ten (10) feet in length or three (3) times the length of the animal whichever is longer, as

measured from the tip of its nose to the base of its tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space.

Adequate water means provision of and access to clean, fresh, potable water of a drinkable temperature which is provided in a suitable manner, in sufficient volume, and at suitable intervals, appropriate for the weather and temperature, to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles which are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.

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

Adult dog or cat means any dog or cat over the age of four (4) months.

Agricultural animal means all livestock and poultry.

Ambient temperature means the temperature surrounding the animal.

Animal means any nonhuman vertebrate species except those fish captured and killed or disposed of in a reasonable and customary manner.

Animal control officer means the person employed, contracted, or appointed by the City of Norfolk who has attended training in animal welfare programs as recommended and/or certified by the State Veterinarian and the Department of Criminal Justice System, for the purpose of aiding in the enforcement of this law or any other law or ordinance relating to the licensing of dogs and cats, control of animals, cruelty to animals, or seizure and impoundment of animals, and who is appointed as special police officer and who meets the requirements of Virginia Code, section 3.1-796.104. The term "animal control officer" shall also include his designee.

Animal shelter means a facility which is used to house or contain animals, and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

Boarding establishment means a place or establishment other than a pound or animal shelter where companion animals not owned by the proprietor are sheltered, fed, and watered in exchange for a fee or barter.

Collar means a well-fitted device, appropriate to the age and size of the animal, attached to the animal's neck in such a way as to prevent trauma or injury to the animal.

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.

Consumer means any natural person purchasing an animal from a dealer or pet shop or hiring the services of a boarding establishment. The term "consumer" shall not include a business or corporation engaged in sales or services.

Dangerous animal means a canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person or companion animal that is a dog or cat, or killed a companion animal that is a dog or cat.

Dealer means any person whom in the regular course of business for compensation or profit buys, sells, transfers, exchanges, or barter companion animals. Any person who transports companion animals in the regular course of business as a common carrier shall not be considered a dealer.

Deputy animal control officer means any person who is appointed to assist the animal control officer in the performance of his duties who is appointed as a special police officer and who meets the requirements of Virginia Code, section 3.1-796.104.1.

Domestic animal means a dog or cat.

Ear-tipping means the removal of the distal one-quarter of a free-roaming cat's left ear, which is approximately 3/8 inch, or 1 centimeter, in an adult and proportionally smaller in a kitten. This procedure is performed under sterile conditions while the cat is under anesthesia, in compliance with any applicable federal or state law, and under the supervision of a licensed veterinarian. Ear-tips are designed to identify a free-roaming cat as being sterilized and vaccinated for rabies at least one time.

Emergency veterinary treatment means veterinary treatment to stabilize a life-threatening condition, alleviate suffering, prevent further disease transmission, or prevent further disease progression.

Enclosure means a structure used to house or restrict animals from running at large.

Euthanasia means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent which causes painless loss of consciousness, and death during such loss of consciousness as prescribed in state veterinary guidelines.

Exhibitor means any person who has animals for or on public display, excluding an exhibitor licensed by the United States Department of Agriculture.

Exotic animal means any live monkey (nonhuman primate), raccoon, skunk, wolf, wolf-canine hybrid, exotic feline hybrid, squirrel, fox, porcine, leopard, tiger, lion, panther, ratites, or any other warm-blooded animal, poisonous reptile, or nonpoisonous reptile six (6) feet or longer in length which can normally be found in the wild state or any other member of the crocodilian, including, but not limited to, alligators, crocodiles, caimans, and gavials. Ferrets, birds which are normally purchased through pet stores (with the exception of ratites), nonpoisonous reptiles less than six (6) feet in length, domestic rabbits and domestic rodents which have been bred in captivity and which never have known the wild shall be excluded from this definition.

Exposure means any bite, scratch, or other situation where saliva or central nervous system (CNS) tissue or fluid of a rabid animal or potentially rabid animal enters an open fresh wound or comes in contact with a mucous membrane by entering the eyes, nose or mouth.

Free-roaming cat means a domestic, outdoor cat that is (i) unowned, or (ii) lost or abandoned and whose owner cannot be ascertained from a microchip, tag, license, collar, tattoo, or other visible form of identification. Ear-tipped free-roaming cats are sterilized and vaccinated against rabies at least one time.

Free-roaming cat caregiver means a person who, as part of a Trap-Neuter-Return program, provides care to one of more free-roaming cats. This includes providing food, shelter, and medical care to a free-roaming cat or cats.

Groomer means a person who for a fee cleans, trims, brushes, makes neat, manicures, or treats for external parasites any animal.

Housing facility means any room, building, or area used to contain a primary enclosure or enclosures.

Humane means any action taken in consideration of and with the intent to provide for the animal's health and well-being.

Humane society means any chartered, nonprofit organization incorporated under the laws of this commonwealth and organized for the purpose of preventing cruelty to animals and promoting humane care and treatment of animals.

Immediate threat means a situation or condition having a high probability that serious or severe or irreparable harm or injury to an animal is imminent, has already occurred, or may occur again if the animal is not protected from harm or the danger is not removed.

Kennel means any establishment in which five (5) or more canines, felines, or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing.

Leashed or lead control means a suitable restraint no longer than twenty (20) feet in length and in good repair which is affixed to the collar, halter or harness of an animal and is held or controlled by a person capable of exercising adequate control over the animal.

Livestock means one or more of the same species and includes all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; capradae animals; animals of the genus Lama; ratites; fish or shellfish in aquaculture facilities; enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.

Other officer includes all other persons employed or elected by the people of Virginia, or by any municipality, county, or incorporated town thereof, whose duty it is to preserve the peace, to make arrests, or to enforce the law.

Owner means any person who: (i) has a right of property in an animal, (ii) keeps or harbors an animal, (iii) has an animal in his care, or (iv) acts as a custodian of an animal. A free-roaming cat caregiver is not an owner.

Person means any individual, firm, owner, sole proprietorship, partnership, corporation, unincorporated association, governmental body, municipal corporations, executor, administrator, trustee, guardian, agent, occupant, or other legal entity.

Pet shop means an establishment where companion animals are bought, sold, exchanged, or offered for sale or exchange to the general public.

Poultry includes all domestic fowl and game birds raised in captivity.

Pound means a facility operated by the commonwealth, or any political subdivision, for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted animals; or a facility operated for the same purpose under a contract with any county, city, town, or incorporated society for the prevention of cruelty to animals.

Primary enclosure means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, cage, compartment, or hutch. For tethered animals, the term includes the shelter and the area within reach of the tether.

Properly cleaned means that carcasses, debris, food waste and excrement are removed from the primary enclosure with sufficient frequency to minimize the animals' contact with the above-mentioned contaminants; the primary enclosure is sanitized with sufficient frequency to minimize odors and the hazards of disease; and the primary enclosure is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with a stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants.

Properly lighted means sufficient illumination to permit routine inspections, maintenance, cleaning, and housekeeping of the shelter, and observation of the animal; to provide regular diurnal lighting cycles of either natural or artificial light, uniformly diffused throughout the animal facilities; and to promote the well-being of the animals.

Public health officer means the director of public health or his designee.

Quarantine means restriction of the activities of an animal which has been exposed or is suspected of being exposed to a communicable disease during a period of communicability or incubation to prevent further disease transmission. Such quarantines shall meet the criteria set forth by the director of public health or her designee in accordance with the current guidelines in the "Compendium of Animal Rabies Control" and the Virginia Comprehensive Animal Laws, as amended. Absolute or complete quarantine means the restriction of contact between exposed subjects and other animals and/or humans for a period of time not longer than the longest usual incubation of the disease. Modified quarantine means a selective, partial limitation of freedom of movement and contact between exposed and nonexposed humans and/or animal as deemed appropriate to prevent transmission of the disease.

Releasing agency means a pound, animal shelter, humane society, animal welfare society, society for the prevention of cruelty to animals, or other similar entity that releases companion animals for adoption.

Sanitize means to make physically clean and to remove and destroy, to a practical minimum, agents injurious to health.

Sterilize or sterilization means a surgical or chemical procedure performed by a licensed veterinarian that renders an animal permanently incapable of reproducing.

Trap-Neuter-Return means the nonlethal process of humanely trapping, sterilizing, vaccinating for rabies, ear-tipping, and returning free-roaming cats to the location where they were trapped. Such program may include provision of urgent veterinary treatment as needed.

Treatment or adequate treatment means the responsible handling or transportation of animals in the person's ownership, custody or charge, appropriate for the age, species, condition, size and type of the animal.

Veterinary treatment means treatment by or on the order of a duly licensed veterinarian.

Vicious dog means a canine or canine cross breed which has done any of the following: (1) killed a person; (2) inflicted serious injury to a person or animal, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of bodily function; (3) continued to exhibit behavior which resulted in a previous court or administrative finding that the animal is dangerous, provided that the owner or custodian had been given notice of such finding; or (4) has demonstrated a trend towards continually exposing humans to the potential of rabies as recorded through the rabies quarantine program administered by the Norfolk Department of Public Health.

Weaned means that an animal is capable of and physiologically accustomed to ingestion of solid food or food customary for the adult of the species, and has ingested such food, without nursing, for a period of at least five (5) days.

Section 3:- That Section 6.1-8 of the Norfolk City Code, 1979, is hereby amended to read as follows:

Sec. 6.1-8. Limitation on keeping of dogs or cats.

- (a) No more than four (4) adult dogs and four (4) adult cats may be kept in any one dwelling unit or premises within the city limits.
- (b) Prior to October 1, 1999, any person owning or having custody of more than the allowable number of dogs or cats shall apply for licenses for each adult dog or cat and such person shall not be charged with a violation of this section for the

period which the licensed dogs or cats remain in the custody of such person. Only adult dogs or cats licensed by the owner or custodian prior to October 1, 1999, shall be allowed over the limit set by this section. The owner or custodian may not transfer the exemption to other dogs or cats not specifically licensed prior to October 1, 1999. Upon the death, loss or transfer of ownership of the licensed dogs or cats, the owner or custodian is prohibited from owning more dogs or cats than allowed by this section.

- (c) This section shall not apply to licensed kennels, veterinarians, animal shelters or humane societies, licensed temporary exhibits, licensed pet shops or kennels housing law enforcement animals or free-roaming cat caregivers. No other exceptions or exemptions to this section are authorized.

Section 4:- That Section 6.1-50 of the Norfolk City Code, 1979, is hereby amended to read as follows:

Sec. 6.1-50. License for dog or cat required.

- (a) It shall be unlawful for any person other than a releasing agency that has registered as such annually with the animal care and adoption center, to own in the city a dog or a cat four (4) months old or older unless such dog or cat is licensed under the provisions of this article. New residents of the city must obtain the required dog or cat licenses within ten (10) days of bringing the animal into the city. Free-roaming cat caregivers are not required to license free-roaming cats.
- (b) The first violation of this section shall constitute a class 4 misdemeanor. The second violation on the same animal shall constitute a class 3 misdemeanor. Subsequent violations on the same animal shall constitute a class 2 misdemeanor. Upon being found guilty of a third or subsequent violation related to the same animal, the court may also order the confiscation and the proper disposition of the animal.

Section 5:- That Section 6.1-56 of the Norfolk City Code, 1979, is hereby amended to read as follows:

Sec. 6.1-56. Preservation and exhibition of license
receipt; tag to be worn by dog or cat;
exceptions.

- (a) Animal license receipts shall be carefully preserved by the owner or custodian and exhibited promptly on request for inspection by the animal control officer, any deputy animal control officer, police officer or public health officer. Dog or cat license tags shall be securely fastened to a substantial collar by the owner or custodian and worn by such animal. The owner of a licensed animal may remove the collar and license tag required by this section when a dog or cat is:
 - (1) Engaged in lawful hunting;
 - (2) When a dog or cat is competing in a licensed or permitted show;
 - (3) When the dog or cat has a skin condition diagnosed by a licensed veterinarian which would be exacerbated by the wearing of a collar and such is stated in writing and signed by the veterinarian making the diagnosis; or
 - (4) When the dog or cat is confined within the owner's or custodian's dwelling unit.
- (b) Any dog or cat not wearing a collar bearing a license tag of the proper calendar year shall be deemed to be unlicensed, and in any proceedings under this section, the burden of proof of the fact that such dog or cat has been licensed or is otherwise not required to bear a tag at the time is on the owner of the animal. This section does not apply to free-roaming cats.
- (c) Violation of this section shall constitute a class 4 misdemeanor.

Section 6:- That Section 6.1-61 of the Norfolk City Code, 1979, is hereby amended to read as follows:

Sec. 6.1-61. Rabies vaccination or inoculation
certificate and collar tag.

- (a) A suitable and distinctive collar tag and certificate of rabies vaccination or inoculation certifying that the animal in question has been vaccinated or inoculated shall be issued to the owner or custodian at the time of vaccination or inoculation. The collar tag shall be securely affixed to the cat's, dog's or ferret's collar and shall be worn at all times when the animal is not confined within the owner's or custodian's dwelling unit. Proof of rabies inoculation or vaccination in the form of a written certificate must be produced when requested. Free-roaming cats are not required to wear a collar tag.
- (b) A certificate of rabies vaccination or inoculation issued under this section shall mean either: N.A.S.P.H.V. form #50; or veterinary clinic computer printout; or handwritten invoice signed by a veterinarian, any of which must show all of the following:
- (1) Owner's name;
 - (2) Owner's telephone number;
 - (3) Owner's address;
 - (4) Species dog, cat or ferret;
 - (5) Sex of animal;
 - (6) Age of animal;
 - (7) Size of animal;
 - (8) Breed of animal;
 - (9) Colors of animal;
 - (10) Name of animal;
 - (11) First three (3) letters of the vaccine producer's name;
 - (12) Duration of vaccination: one-year or three-year;
 - (13) Vaccination serial (lot) number;
 - (14) Date of vaccination;

(15) Rabies tag number;

(16) Veterinarian's license number; and

(17) Veterinarian's, or authorized representative's, signature. Such certificate shall certify that the cat, dog or ferret has been properly vaccinated with animal rabies vaccine licensed by the U.S. Department of Agriculture as recommended in the current "Compendium of Animal Rabies Control," prepared by the National Association of State Public Health Veterinarians, Inc. All veterinarians doing business in the city shall provide monthly a copy of any issued certificate of rabies vaccination or inoculation to the animal protection unit.

Section 7:- That Section 6.1-65 of the Norfolk City Code, 1979, is hereby amended to read as follows:

Sec. 6.1-65. Quarantine of animals suspected of rabies.

- (a) Any animal suspected of having rabies, showing active signs of rabies, or having been exposed to a suspected rabid animal will be inspected by the director of public health or his designee and may be ordered confined under such conditions as the director of public health or his designee determines are necessary to safely quarantine and observe the animal. If the director of public health or his designee determines that such animal cannot be safely and appropriately confined under the owner's, free-roaming cat caregiver's, or custodian's control, the director of public health or his designee may cause such animal to be impounded at the city animal management center facility or other appropriate facility, including but not limited to at the owner's free-roaming cat caregiver's or custodian's premises if deemed appropriate. The owner, free-roaming cat caregiver, or custodian of the animal will bear the expense of such quarantine for a period between one day and six (6) months unless sooner released by the director of public health or his designee.

- (b) Any animal quarantined pursuant to this section will be so kept as to be available for inspection by any duly authorized officer of the department of public health or the animal protection unit and such quarantined animal will not be removed or released or destroyed by any person or agency from the place of quarantine without the express consent of the director of public health or his designee.
- (c) In the event an animal in quarantine needs to be relocated the owner, custodian, or other person undertaking the relocation will notify the director of public health prior to the relocation occurring. Failure to so notify is a violation of this section.

Section 8:- That Section 6.1-72 of the Norfolk City Code, 1979, is hereby amended to read as follows:

Sec. 6.1-72. Allowing animals to defecate on public property or on private property of other persons.

It is unlawful for any owner or custodian of any animal to allow any animal to defecate on the property of other persons without their consent or that of the authorized agent or persons having control of the premises or on public property. Immediate removal and sanitary disposal of the defecated matter shall not constitute a violation of this section. The defecated matter shall be placed in a container and disposed of in a proper waste receptacle. A violation of this section shall constitute a class 3 misdemeanor.

Section 9:- That Section 6.1-75 of the Norfolk City Code, 1979, is hereby amended to read as follows:

Sec. 6.1-75. Abandonment of animals.

Any person who abandons any 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 2 misdemeanor. Returning free-roaming cats to the location where they were trapped as part of the Trap-Neuter-Return will not be deemed abandonment under this section.

Section 10:- That Section 6.1-79 of the Norfolk City Code, 1979, is hereby amended to read as follows:

Sec. 6.1-79. Animals at large.

- (a) It shall be unlawful for the owner, custodian or other person in charge or control of any animal but not including free-roaming cat caregivers to permit or allow such animal to be at large within the city limits or to negligently fail to prevent such animal from being at large within the city limits. Animals are prohibited from being at large in trailer coach parks, mobile home parks, and apartment complexes and must be maintained in accordance with lease provisions. This section does not apply to law-enforcement animals or to free-roaming cats.
- (b) For the purpose of this section, an animal is deemed to be at large while roaming, running, flying or self-hunting off the property of its owner or custodian and not under the owner's or custodian's immediate leashed or lead control or secured in an appropriate animal carrier. An owner or custodian of an animal which has completed a certified off-leash obedience class may acquire an animal off-leash permit from the animal control officer. The animal control officer shall require proof of such class. Said permit shall be carried by the owner or custodian when the animal is off the owner's or custodian's premises. Said permit shall not apply to those public parks surrounding or adjacent to schools during days and hours that on-leash animals are prohibited pursuant to chapter 25.2 of this Code, 1979, as amended. Said permit shall not be needed when the animal is confined within an area designated by the city manager for having animals off leash. The requirements of this subsection relating to leash control shall not apply to cats.
- (c) Animals are prohibited at public swimming pools.
- (d) Any animal picked up or detained by any city employee or on city property at any time shall become the custodial property of the city. If, after a five-day period commencing the day after it is impounded, an animal is not redeemed by the owner, the animal shall become the property of the city for disposition, except that certain wildlife or non-native species may be delivered to the zoological park for proper care and

disposition. Such animals may be retained by the zoological park for display, exchange or may be reintroduced to the wild if such action is appropriate.

- (e) The first violation of this section shall constitute a class 4 misdemeanor. The second violation on the same animal shall constitute a class 3 misdemeanor and subsequent violations on the same animal shall constitute a class 2 misdemeanor. Any owner cited for three (3) violations of this section may have his animals impounded or spayed and neutered at the owner's or custodian's expense. Costs for spaying or neutering shall be borne by the owner or custodian.

Section 11:- That Section 6.1-82 of the Norfolk City Code, 1979, is hereby amended to read as follows:

Sec. 6.1-82. Authority to impound animals found within city limits.

- (a) The animal control officer is hereby authorized to seize and impound any animal suspected of:
 - (1) Suffering a direct or immediate threat to its life, safety or health which the owner or custodian has failed or refused to remedy;
 - (2) Being abandoned or at large;
 - (3) Being cruelly treated;
 - (4) Being unlicensed;
 - (5) Being used for gaming or other illegal activity;
 - (6) Being a dangerous animal in violation of section 6.1-80;
 - (7) Being a vicious animal in violation of section 6.1-81;
 - (8) A violation of section 6.1-8;
 - (9) A violation of section 6.1-10;
 - (10) A violation of any other state or federal law or regulation concerning animals; or

(11) A violation of section 6.1-76.

(b) Any animal seized pursuant to this section will be impounded at the animal care and adoption center or at another city-designated facility. Animals requiring specialized veterinary or other care may be impounded at another city-designated facility. Any expense incurred in seizure or impoundment including, but not limited to, boarding, veterinary care, or license fee is the responsibility of the owner or custodian of the animal and becomes a lien on the animal impounded and must be discharged before the animal is released from the facility. The city is not required to hold the seized animal for a period longer than thirty (30) days from the date of the seizure unless a bond as provided for in section 6.1-94 has been posted. In the event no bond has been posted, at the expiration of the thirty-day period, the animal may be disposed of, unless the city is holding the animal pursuant to section 6.1-83(d)(2)(e). In those cases, the city shall hold the seized animal until the conclusion of the litigation under the jurisdiction of state or federal laws related to the animal being prohibited or endangered, unless otherwise ordered by the court or circumstances of section 6.1-83(e) apply. The expenses incurred during impoundment without bond shall still be the responsibility of the owner or custodian of the animal, and become a lien of the animal impounded that must be discharged before release.

(c) The impoundment of any animal pursuant to this section is in addition to any other remedy, action, or process available for any violation of this chapter.

Section 12:- That Section 6.1-84 of the Norfolk City Code, 1979, is hereby amended to read as follows:

Sec. 6.1-84. Disposition of vicious and feral animals found at large.

Any vicious or feral animal found at large in the city which, because of its disposition or diseased condition, is too hazardous to apprehend may be destroyed when so ordered by the animal control officer. Any vicious or feral animals found to be at large on Virginia Zoological park property may be destroyed by authorized Virginia Zoological personnel.

Section 13:- That Section 6.1-85 of the Norfolk City Code, 1979, is hereby amended to read as follows:

Sec. 6.1-85. Confinement and disposition of stray animals.

- (a) All stray animals seized by the animal control officer shall be impounded at the city animal care and adoption center or other designated facility. The owner or custodian of the animal shall be responsible for all costs of seizure, impoundment, board and veterinary care for the seized animal. Such costs shall become a lien against the owner or custodian and must be discharged prior to release of the animal. Costs and fees of impoundment may be reduced or waived at the discretion of the city animal care and adoption center or other designated facility.
- (b) It shall be unlawful for any person to harbor or keep a stray or an ownerless animal for more than forty-eight (48) hours without notifying the animal protection unit. This does not apply to a free-roaming cat caregiver.
- (c) An animal confined pursuant to subsection (a) shall be kept for a period of not less than five (5) days, such period to commence on the day immediately following the day the animal is initially confined in the facility, unless sooner claimed by the rightful owner thereof. The animal control officer shall make a reasonable effort to ascertain whether the animal has a collar, tag, license, tattoo, or other form of identification. If such identification is found on the animal, the animal shall be held for an additional five (5) days, unless sooner claimed by the rightful owner. If the rightful owner of the animal can readily be identified, the animal control officer shall make a reasonable effort to notify the owner of the animal's confinement within the next forty-eight (48) hours following the confinement.
- (d) If the rightful owner claims the animal prior to the expiration of the holding period, such owner shall be charged the actual expenses incurred in impoundment and keeping of the animal. Any person claiming to be the owner of an impounded animal shall provide adequate proof of ownership prior to redeeming the animal. It shall be unlawful for any person to present false evidence of ownership in order to redeem or gain possession of an impounded animal. Violations of this subsection shall constitute a class 1 misdemeanor.

- (e) The fee for redeeming an animal shall be fifteen dollars (\$15.00) for the first twenty-four (24) hours or any part thereof and ten dollars (\$10.00) per day thereafter to cover the cost of maintaining and safekeeping the animal. Fee for large livestock or animals requiring special handling shall be fifteen dollars (\$15.00) per twenty-four (24) hours plus any transportation, boarding and other fees incurred by the city in keeping such animals. Owners or custodians of an impounded animal shall be responsible for any medical cost related to such animal. Said fees may be waived at the discretion of the animal control officer.
- (f) If any animal confined pursuant to this section is not claimed by its rightful owner upon expiration of the holding period, such animal shall be deemed abandoned and will become the property of the city. If such abandoned animal did not bear any form of identification when delivered to the animal management center, such animal may be humanely destroyed or disposed of by:
 - (1) Sale or gift to a federal agency, state-supported institution, agency of the commonwealth, or agency of another state, provided that such agency, or institution is not engaged in animal research and agrees to confine the animal for an additional period of not less than five (5) days;
 - (2) Delivery to any humane society or animal shelter within the commonwealth;
 - (3) Adoption by any person provided the animal is spayed or neutered prior to adoption;
 - (4) Adoption by a resident of a neighboring political subdivision of the commonwealth; or

- (5) Delivery, for the purposes of adoption, another live outcome or euthanasia to a humane society or an animal shelter located in and lawfully operating under the laws of another state, provided that such humane society or animal shelter: a) maintains records which would comply with Virginia Code, section 3-796.105; b) requires that adopted dogs and cats be sterilized; and c) has been approved by the State Veterinarian or his designee as a facility which maintains such records, requires adopted dogs and cats to be sterilized, and provides adequate care and euthanasia.

If such abandoned animal did bear a form of identification when delivered to the animal management center, such animal may be humanely destroyed or disposed of only by the methods set forth in paragraphs (2) through (5) above.

- (g) No provision herein shall prohibit the immediate destruction of a critically injured or critically ill animal for humane purposes. Any animal destroyed pursuant to the provisions of this section shall be euthanized by one of the methods prescribed or approved by the State Veterinarian. Neither shall any provision in this section prohibit the immediate destruction, for humane purposes, of any animal not weaned, whether or not the animal is critically injured or critically ill.
- (h) Nothing in this section shall prohibit the immediate destruction or disposal by the methods listed in subsection (g) of an animal that has been delivered voluntarily or released to the city animal management center by the animal's rightful owner after the rightful owner has, in writing, surrendered all property rights in such animal and has read and signed a statement which: 1) certifies that no other person has a right of property in the animal; 2) certifies that the animal has not exposed any person in the last twenty (20) days; and 3) acknowledges that the animal may be immediately euthanized or disposed of by the methods listed in subsection (g).

- (i) Free-roaming cats shall not be impounded as a stray animal pursuant to this section unless ill, injured, or under sixteen (16) weeks of age. If a free-roaming cat is inadvertently impounded as a stray animal, it may be immediately returned to the location it was found or to the free-roaming cat caregiver of that cat.

Section 14:- That this ordinance shall be in effect from and after the date of its adoption.

EXHIBITS: None

ADOPTED BY COUNCIL APRIL 25, 2023
EFFECTIVE APRIL 25, 2023