

## **ORDINANCE #O-2017-12**

First Reading	March 27, 2017
Second Reading	April 24, 2017
Enacted	April 24, 2017
Effective	April 24, 2017
	January 1, 2019 (Amendment to Section 18-89)

### **AN ORDINANCE TO AMEND THE ANIMAL ORDINANCE, CHAPTER 18, ARTICLES I THROUGH VI OF THE CODE OF ORDINANCES OF THE CITY OF MANASSAS, VIRGINIA**

WHEREAS, the City Council of the City of Manassas (hereinafter "City Council") has determined that it would be in the best interest of the citizens of the City of Manassas to amend the Animal Ordinance, Chapter 18, Articles I through VI of the Code of Ordinances; and

WHEREAS, City Council has determined that amending the Animal Ordinance will promote the responsible care and restraint of animals by their owners and custodians, reduce the number of citizen complaints relating to animals, and provide comprehensive laws and regulations related to the governance, care and well-being of animals.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Manassas, Virginia, meeting in regular session this 24th day of April, 2017:

1. That the Code of Ordinances, City of Manassas, Virginia (2002), is hereby amended and reenacted by amending the Animal Ordinance, Chapter 18, Articles I through VI of the Manassas City Code of Ordinances as follows:

#### **ARTICLE 1. – IN GENERAL**

##### **Sec. 18-1. – Definitions.**

The words, terms and phrases used in this chapter shall have the meanings ascribed to them in Code of Virginia §§ 3.2-4400, 3.2-5900, 3.2-6500, 3.2-6528, 3.2-6538, 3.2-6540.1, and 51.5-40.1, including any future amendments thereto, except where the context clearly indicates a different meaning. In addition, 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.

*Animal Shelter* means, unless the context requires otherwise, any facility operated by the City of Manassas Police Department for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted animals; or a facility operated for the same purposes under a contract with the city.

*Cat* means every cat regardless of sex or age.

*Dangerous domestic animal* means an animal which has bitten, attacked, or inflicted injury on a person or companion animal or killed a companion animal. It shall also include any animal designated as such by the animal control officer on the basis of the animal's propensity to attack. However, when a dog attacks or bites a companion animal that is a dog or cat, the attacking or biting dog shall not be deemed dangerous (i) if 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) if both animals are owned by the same person, (iii) if such attack occurs on the property of the attacking or biting dog's owner or custodian, or (iv) for other good cause as determined by the court. No dog shall be found to be a dangerous dog as a result of biting, attacking or inflicting injury on a dog or cat while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event.

*Dog* means every dog regardless of sex or age, including canine crossbreeds.

*Domesticated fowl* means any chicken, turkey, duck, goose, pheasant or peacock.

*Endangered or threatened species* means any creature so designated under federal law (16 USC ch. 35; 50 CFR 17.1 et seq.).

*Pet* shall mean any animal kept for pleasure rather than utility.

*To run at large, running at large, to go at large and going at large* mean to roam, run or self-hunt off the property of the owner or custodian without being caged, physically carried or held by a leash and under the control of a person capable of both physically and mentally controlling the animal.

*Vicious domestic animal* means an animal which has:

- (1) Killed a person;
- (2) Inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or
- (3) Continued to exhibit the behavior which resulted in a previous finding by a court or by an animal control officer that it is a dangerous domestic animal, provided that its owner has been given notice of that finding.

*Wild or exotic animal* means any animal except a dog, cat, hamster, gerbil, guinea pig, mouse, ferret, turtle, nonpoisonous snake less than seven feet in length, nonpoisonous lizards and iguanas less than seven feet in length, domesticated rabbit, laboratory rat, bird, fish, horse, mule, cow, swine, sheep or goat.

#### **Sec. 18-3. - Enforcement.**

The enforcement of this chapter shall be the responsibility of the animal control officer, who shall be vested with all the powers and duties vested in animal control officers pursuant to Code of Virginia, § 3.2-6555 et seq., and the responsibility of the deputy animal control officer and humane investigators. The city police shall have authority to act in any emergency situations.

#### **Sec. 18-4. - Burial or cremation of dead animals or fowl.**

- (a) The owner of any companion animal shall forthwith cremate, bury, or sanitarily dispose of the animal upon its death. If, after notice, any owner fails to do so, the animal control officer or other officer shall bury or cremate the companion animal, and he may recover on behalf of the city from the owner his cost for this service.
- (b) Nothing in this section shall be deemed to require the burial or cremation of the whole or portions of any animal or fowl which is to be used for food or in any commercial manner. Proper disposition of any animal or fowl shall be made within 72 hours of capture.
- (c) It shall be unlawful for any owner to fail to dispose of the body of his companion animals in accordance with this section.

#### **Sec. 18-5. - Cruelty to animals.**

- (a) Any person who:
  - (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 himself 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 a therapeutic purpose;
- (4) Ropes, lassoes, or otherwise obstructs or interferes with one or more legs of an equine in order to intentionally cause it to trip or fall for the purpose of engagement in a rodeo contest, exhibition, entertainment, or sport unless such actions are in the practice of accepted animal husbandry or for the purpose of allowing veterinary care;
- (5) Willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal;
- (6) 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
- (7) Causes any of such things, or being the owner of such animal permits such acts to be done by another;

shall be guilty of a Class 1 misdemeanor.

(b) Any person who:

- (1) Tortures, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly and unnecessarily beats, maims, mutilates or kills any animal whether belonging to himself or another; or
- (2) Sores any equine for any purpose or administers drugs or medications to alter or mask such sores for the purpose of sale, show, or exhibit of any kind, unless such administration of drugs or medications is under the supervision of a licensed veterinarian and solely for therapeutic purposes; or
- (3) Ropes, lassoes, or otherwise obstructs or interferes with one or more legs of an equine in order to intentionally cause it to trip or fall for the purpose of

engagement in a rodeo, contest, exhibition, entertainment, or sport unless such actions are in the practice of accepted animal husbandry or for the purpose of allowing veterinary treatment; or

- (4) Maliciously deprives any companion animal of necessary food, drink, shelter, or emergency veterinary treatment;
  - (5) Instigates, engages in, or in any way furthers any act of cruelty to any animal set forth in subsection (b)(1) through (b)(iv); or
  - (6) Causes any of the actions described in subsections (b)(1) through (b)(3), or being the owner of such animal permits such acts to be done by another; and has been within five years convicted of a violation of this subsection or subsection (a), shall be guilty of a Class 6 felony if the current violation or any previous violation of this subsection or subsection (a) resulted in the death of an animal or the euthanasia of an animal based on the recommendation of a licensed veterinarian upon determination that such euthanasia was necessary due to the condition of the animal, and such condition was a direct result of a violation of this subsection or subsection (a).
- (c) Nothing in this section shall be construed to prohibit the dehorning of cattle conducted in a reasonable and customary manner.
  - (d) For the purposes of this section, the word "animal" shall be construed to include birds and fowl.
  - (e) In addition to the penalties provided in subsection (a) of this section, the court may, in its discretion, require any person convicted of a violation of subsection (a) 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.
  - (f) 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. Except where felony penalties apply under state law, the first violation of this subsection by any person shall constitute a Class 1 misdemeanor.
  - (g) Any person who:

- (1) Tortures, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation or cruelly and unnecessarily beats, maims or mutilates any dog or cat that is a companion animal whether belonging to him or another; and
  - (2) As a direct result causes the death of such dog or cat that is a companion animal, or the euthanasia of such animal on the recommendation of a licensed veterinarian upon determination that such euthanasia was necessary due to the condition of the animal, shall be guilty of a Class 6 felony.
- (h) If a dog or cat is attacked on its owner's property by a dog so as to cause injury or death, the owner of the injured dog or cat may use all reasonable and necessary force against the dog at the time of the attack to protect his dog or cat. Such owner may be presumed to have taken necessary and appropriate action to defend his dog or cat and shall therefore be presumed not to have violated this subsection.
- (i) Any person convicted of violating this section may be prohibited by the court from possession or ownership of companion animals.

#### **Sec. 18-6. – Seizure and impoundment of animals.**

A. Any humane investigator, law-enforcement officer or animal control officer may lawfully seize and impound any animal that has been abandoned, has been cruelly treated, or is suffering from an apparent violation of this chapter that has rendered the animal in such a condition as to constitute a direct and immediate threat to its life, safety or health. The seizure or impoundment of an equine resulting from a violation of clause (iii) of subsection A or clause (ii) of subsection B of § 3.2-6570 may be undertaken only by the State Veterinarian or State Veterinarian's representative who has received training in the examination and detection of sore horses as required by 9 C.F.R. Part 11.7.

B. Before seizing or impounding any agricultural animal, the humane investigator, law-enforcement officer or animal control officer shall contact the State Veterinarian or State Veterinarian's representative, who shall recommend to the person the most appropriate action for effecting the seizure and impoundment. The humane investigator, law-enforcement officer or animal control officer shall notify the owner of the agricultural animal and the local attorney for the Commonwealth of the recommendation. The humane investigator, law-enforcement officer or animal control officer may impound the agricultural animal on the land where the agricultural animal is located if:

1. The owner or tenant of the land where the agricultural animal is located gives written permission;

A general district court so orders; or

3. The owner or tenant of the land where the agricultural animal is located cannot be immediately located, and it is in the best interest of the agricultural animal to be impounded on the land where it is located until the written permission of the owner or tenant of the land can be obtained.

If there is a direct and immediate threat to an agricultural animal, the humane investigator, law-enforcement officer or animal control officer may seize the animal, in which case the humane investigator, law-enforcement officer or animal control officer shall file within five business days on a form approved by the State Veterinarian a report on the condition of the animal at the time of the seizure, the location of impoundment, and any other information required by the State Veterinarian.

C. Upon seizing or impounding an animal, the humane investigator, law-enforcement officer or animal control officer shall petition the general district court in the city or county where the animal is seized for a hearing. The hearing shall be not more than 10 business days from the date of the seizure of the animal. The hearing shall be to determine whether the animal has been abandoned, has been cruelly treated, or has not been provided adequate care.

D. The humane investigator, law-enforcement officer, or animal control officer shall cause to be served upon the person with a right of property in the animal or the custodian of the animal notice of the hearing. If such person or the custodian is known and residing within the jurisdiction wherein the animal is seized, written notice shall be given at least five days prior to the hearing of the time and place of the hearing. If such person or the custodian is known but residing out of the jurisdiction where such animal is seized, written notice by any method or service of process as is provided by the Code of Virginia shall be given. If such person or the custodian is not known, the humane investigator, law-enforcement officer, or animal control officer shall cause to be published in a newspaper of general circulation in the jurisdiction wherein such animal is seized notice of the hearing at least one time prior to the hearing and shall further cause notice of the hearing to be posted at least five days prior to the hearing at the place provided for public notices at the city hall or courthouse wherein such hearing shall be held.

E. The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in Article 4 (§ 19.2-260 et seq.) of Chapter 15 of Title 19.2. The Commonwealth shall be required to prove its case beyond a reasonable doubt.

F. The humane investigator, law-enforcement officer, or animal control officer shall provide for such animal until the court has concluded the hearing. Any locality may require the owner of

any animal held pursuant to this subsection for more than thirty days to post a bond in surety with the locality for the amount of the cost of boarding the animal for a period of time set by ordinance, not to exceed nine months.

G. In no case shall the owner be allowed to purchase, adopt, or otherwise obtain the animal if the court determines that the animal has been abandoned, cruelly treated, or deprived of adequate care. The court shall direct that the animal be delivered to the person with a right of property in the animal, upon his request, if the court finds that the abandonment, cruel treatment, or deprivation of adequate care is not attributable to the actions or inactions of such person.

H. The court shall order the owner of any animal determined to have been abandoned, cruelly treated, or deprived of adequate care to pay all reasonable expenses incurred in caring and providing for such animal from the time the animal is seized until such time that the animal is disposed of in accordance with the provisions of this section, to the provider of such care.

I. The court may prohibit the possession or ownership of other companion animals by the owner of any companion animal found to have been abandoned, cruelly treated, or deprived of adequate care. In making a determination to prohibit the possession or ownership of companion animals, the court may take into consideration the owner's past record of convictions under this chapter or other laws prohibiting cruelty to animals or pertaining to the care or treatment of animals and the owner's mental and physical condition.

J. If the court finds that an agricultural animal has been abandoned or cruelly treated, the court may prohibit the possession or ownership of any other agricultural animal by the owner of the agricultural animal if the owner has exhibited a pattern of abandoning or cruelly treating agricultural animals as evidenced by previous convictions of violating § 3.2-6504 or 3.2-6570. In making a determination to prohibit the possession or ownership of agricultural animals, the court may take into consideration the owner's mental and physical condition.

K. Any person who is prohibited from owning or possessing animals pursuant to subsection I or J may petition the court to repeal the prohibition after two years have elapsed from the date of entry of the court's order. The court may, in its discretion, repeal the prohibition if the person can prove to the satisfaction of the court that the cause for the prohibition has ceased to exist.

L. When a sale occurs, the proceeds shall first be applied to the costs of the sale then next to the unreimbursed expenses for the care and provision of the animal, and the remaining proceeds, if any, shall be paid over to the owner of the animal. If the owner of the animal cannot be found, the proceeds remaining shall be paid into the Literary Fund.

M. Nothing in this section shall be construed to prohibit the humane destruction of a critically injured or ill animal for humane purposes by the impounding humane investigator, law-enforcement officer, animal control officer, or licensed veterinarian.



**Sec. 18-7. - Beekeeping in residential districts.**

(a) No person owning, leasing, occupying or having charge of any premises within any residential district as defined in City Code § 130-41 shall maintain an apiary or keep any bees or hive of bees thereon, unless the location of such bees or hive of bees shall be more than 20 feet from the closest adjoining property line, building, street, road or way or property line of any public park or any public outdoor recreational area, and no less than 50 feet from the nearest dwelling or other place of habitation, other than that of the owner or keeper of such bees or hive of bees.

(b) A violation of this section shall constitute a Class 1 misdemeanor.

**Sec. 18-8. - Allowing animals to urinate or defecate on public property or property of another.**

It shall be unlawful for any person knowingly or willingly to allow any animal belonging to that person to urinate or defecate on any public property, or the private property of another without the consent of the owner of the property or his agent, provided that it shall not be unlawful to allow urination or defecation by such animal within the curb or gutter area of a public street or roadway, and provided that defecation by an animal on public property shall not be unlawful if the owner of the animal removes the animal's excrement immediately and disposes of it in a public trash receptacle or in a public sanitary sewer, or on the owner's own property in a lawful manner.

**Sec. 18-9. - Animals causing unsanitary conditions or odors.**

It shall be unlawful for any person who owns, keeps or controls any animal to keep that animal in such a manner as to cause unsanitary conditions, or in such manner as to cause offensive odors beyond the boundary of that person's own property.

It shall be unlawful for any person to knowingly or recklessly leave food outside for the purpose of feeding stray animals if doing so results in unsanitary conditions or attracts wildlife, with the exception of birds. Prior to prosecution for any offense under this ordinance, the offender shall be given a written warning for the first occasion where a violation is reported

and then observed by an enforcement officer. The written warning shall be addressed to the owner of the property upon which the food is found.

**Sec. 18-11. - Noisy animals.**

- (a) It shall be unlawful to own, keep, possess or harbor any animal which howls, barks, yelps, meows, squawks or makes such other noises or vocalizations for more than ten consecutive or non-consecutive minutes from 7:00 a.m. and 11:00 p.m., or fifteen consecutive or non-consecutive minutes from 11:00 p.m. and 7:00 a.m., if the noise generated by the animal is plainly audible or discernible (i) at a distance of 50 feet across real property boundaries, or (ii) through partitions common to residential dwellings.
- (b) This provision shall not apply when the animal is a police dog that is engaged in the performance of its duties at the time of making the sound, and it shall not apply to any bona fide agricultural activity.
- (c) A second or subsequent conviction for a violation of this section involving the same animal may result in the animal being seized and impounded.

**Secs. 18-12 – Tethering**

- (a) It shall be unlawful to attach an animal to a stationary object by means of a chain, rope, tether, leash, cable or similar restraint:
  - 1) when so doing endangers the animal's life, health, safety or well-being;
  - 2) when so doing exposes the animal to unsafe, inhumane, cruel or unsanitary conditions;
  - 3) when a weather advisory or warning is issued by the federal, state or local authorities, or when outdoor conditions (extreme hot, cold, wind, rain, snow or hail) pose an adverse risk to the health or safety of the animal;

- 4) when the animal cannot reach food, water, shade or dry ground; or
  - 5) when so doing prevents the animal from escaping harm.
- (b) It shall be unlawful for a person to intentionally, knowingly or recklessly tether, fasten, tie or restrain an animal to a doghouse, tree, fence, or any other stationary object by means of a choke collar, pinch collar, prong collar, or a collar that is smaller than the circumference of the animal's neck plus one inch.
- (c) The first conviction for violation of this subsection shall be punished as a Class 3 misdemeanor. However, a second conviction for a 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 conviction for a 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.

## **ARTICLE II. - RABIES CONTROL**

### **Sec. 18-31. - Vaccination.**

- (a) The owner or custodian of all dogs and cats four months of age and older shall have them currently vaccinated for rabies by a licensed veterinarian or licensed veterinary technician who is under the immediate and direct supervision of a licensed veterinarian on the premises unless otherwise provided by regulations. The supervising veterinarian on the premises shall provide the owner or custodian of the dog or the cat with a rabies vaccination certificate or herd rabies vaccination certificate and shall keep a copy in his own files. The owner or custodian of the dog or the cat shall furnish within a reasonable period of time, upon the request of an animal control officer, humane investigator, law-enforcement officer, State Veterinarian's representative, or official of the Department of Health, the certificate of vaccination for such dog or cat. The vaccine used shall be licensed by the United States Department of Agriculture for use in that species. At the discretion of the local health director, a medical record from a licensed veterinary establishment reflecting a currently vaccinated status may serve as proof of vaccination.
- (b) Any person transporting a dog or cat into the city from some other jurisdiction shall be required to conform with this section within 30 days.
- (c) The supervising veterinarian on the premises shall provide the owner of the dog or of the cat with a suitable and distinctive rabies tag and a certificate of vaccination

setting forth the type of vaccine used, the date of inoculation, a brief description of the dog or cat, its sex and breed, and the name of the owner thereof. A copy of the vaccination certificate shall be retained by the supervising veterinarian or other person authorized.

- (d) A certificate issued under this section shall be carefully preserved by the owner of the dog or of the cat, who shall furnish within a reasonable period of time, upon the request of an animal control officer, humane investigator, law enforcement officer, Commonwealth veterinarian's representative, or official of the Commonwealth department of health, the certificate of vaccination for such dog or cat.
- (e) It shall be unlawful for the owner of any dog or cat to allow such dog or cat to run at large within the city without being inoculated or vaccinated against rabies.

**Sec. 18-32. - Emergency declaration of quarantine.**

- (a) When, in the judgment of the health director, an emergency exists in the city, due to a widespread rabies epizootic, for the protection of public health, the health director may declare a quarantine in the city and restrict all dogs and cats to their owner's premises and to the immediate custody of a responsible person, either or both, for the duration of such emergency as is set forth.
- (b) Any person who has been directed by the animal control officer, the health director, or both to confine any animal in accordance with the provisions of this article to prevent the potential spread of rabies, and who disobeys that direction shall be guilty of a Class 1 misdemeanor.

**Sec. 18-33. - Procedure when animal bites person.**

- (a) The owner of an animal which has bitten a person or any person having knowledge of any animal which has bitten a person shall immediately notify the animal control officer or the police department. The animal control officer shall immediately examine such animal, and he, at his discretion, or the health director, at his discretion, shall:
  - (1) Confine the animal in a strong enclosure on the owner's premises, and isolated from all other animals and persons, for a period of ten days, unless the animal develops active symptoms of rabies or expires before that time;

- (2) Impound or board the animal, at the owner's expense, with a licensed kennel or veterinarian hospital, for ten days, unless the animal develops active symptoms of rabies or expires before that time;
  - (3) Impound the animal in the city animal shelter, at the owner's expense, for a period of ten days, unless the animal develops active symptoms of rabies or expires before that time; or
  - (4) Confine the animal under competent observation at some other site as may be approved by the health department for ten days; unless the animal develops active symptoms of rabies or expires before that time.
- (b) A seriously injured or sick animal may be humanely euthanized as provided in Code of Virginia § 3.2-6546.
- (c) If a dog or cat is confined pursuant to this section, and the owner of the animal has no proof of a current rabies vaccine for that animal at the time the animal exposed a person to rabies, then the animal shall be inoculated immediately at the end of the period of confinement. If the animal has been confined to a veterinarian hospital, then the animal shall be inoculated before it is released to its owner. If the animal has been confined in a kennel, or at the county animal shelter, or on the owner's premises, or under competent observation, then the owner must, within two weeks of the release of the animal, present to the animal control officer a valid certificate of rabies vaccination for that animal to the animal control officer. Failure to do so constitutes knowing possession of an unvaccinated dog or cat.
- (d) At the end of the period of confinement under this section, if the animal has not developed active symptoms of rabies, it may be released to its owner. If the animal was confined at the animal shelter, the owner will pay the impoundment fee and daily charges prescribed by the animal shelter, whether the owner redeems the animal or not. If the animal was confined in a kennel or veterinarian hospital, the owner shall pay the standard boarding fee charged by such kennel or hospital, plus a fee to the city in accordance with a fee schedule established by an uncodified ordinance enacted by the city council if the animal was delivered to the kennel or hospital by city personnel. Should an animal confined under this section expire prior to expiration of the ten-day confinement period, the owner shall still be required to pay confinement costs to the date of expiration, and the head or brain shall be sent to the Division of Consolidated Laboratory Services of the Department of General Services or be tested as directed by the local health department.

**Sec. 18-34. - Report of existence of rabid animal.**

Every person having knowledge of the existence of an animal that is suspected to be rabid and that may have exposed a person, companion animal, or livestock to rabies shall report immediately to the police department, animal control division, or the health department the existence of such animal, the place where seen, the owner's name, if known, and the symptoms suggesting rabies.

**Sec. 18-35. - Confinement or euthanization of dog or cat suspected of having rabies.**

Any dog or cat found within the city showing active signs of rabies or suspected of having rabies shall be forthwith taken into custody by the animal control officer or a police officer and confined under competent observation for such a time as may be necessary to determine a diagnosis. If, in the discretion of the animal control officer, confinement is impossible or impracticable, such dog or cat shall be euthanized by one of the methods approved by the State Veterinarian as provided in Code of Virginia § 3.2-6546, and the head or brain shall be delivered to the Division of Consolidated Laboratory Services of the Department of General Services or be tested as directed by the local health department.

**Sec. 18-36. - Confinement or euthanization of dog or cat exposed to rabies.**

Any dog or cat, for which no proof of current rabies vaccination is available, and which is exposed to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, by an animal believed to be afflicted with rabies, shall be confined in an animal shelter, kennel or enclosure approved by the health department for a period not to exceed six months at the expense of the owner or custodian in a manner and by a date certain as determined by the animal control officer; however, if this is not feasible, the dog or cat shall be euthanized by one of the methods approved by the Commonwealth veterinarian as provided in Code of Virginia § 3.2-6546. A rabies vaccination shall be administered prior to release. Inactivated rabies vaccine may be administered at the beginning of confinement. Any dog or cat so bitten, or exposed to rabies through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, with proof of a valid rabies vaccination, shall be revaccinated immediately following the bite or other exposure and shall be confined to the premises of the owner, or other site as may be approved by the health department, for a period of 45 days.

**Sec. 18-37. - Concealing animal to prevent confinement or euthanization.**

It shall be unlawful for any person to conceal any dog or cat or other animal to keep the animal from being euthanized or confined in accordance with this article.

**Secs. 18-38. - Procedure when animal other than a dog or cat exposes person or another animal other than a dog or cat to rabies.**

- (a) When any potentially rabid animal, other than a dog or cat, exposes or may have exposed a person to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, that animal shall be confined at the discretion of the animal control officer or director of the local health department in a manner approved by the state health department or humanely euthanized as provided in Code of Virginia § 3.2-6546. The head or brain of a euthanized animal shall be kept and evaluated by the health department, or sent to the Division of Consolidated Laboratory Services of the Virginia Department of General Services for evaluation.
- (b) When any animal, other than a dog or cat, believed to be afflicted with rabies, exposes another animal, other than a dog or cat, to rabies through a bite or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, that newly exposed animal shall be confined at the discretion of the animal control officer or local health director in a manner approved by the health department or humanely euthanized.

**ARTICLE III. - DOGS AND CATS**

**DIVISION 1. - GENERALLY**

**Sec. 18-61. - Running at large prohibited; sterilization of animals found running at large.**

- (a) It shall be unlawful for the owner of any dog to allow such dog to run at large within the city, even though the dog is both lawfully licensed and vaccinated.
- (b) Upon a person's being convicted for a third time in a 24-month period with the offense of allowing a dog to run at large, the fine shall not be prepayable, and the animal control officer shall provide written notice to the owner (if known to the animal control officer) that the dog must be sterilized, if it has not already been. The owner must arrange for a veterinarian to have the dog sterilized or provide the animal control officer with a notarized statement of a veterinarian identifying the dog and stating that it has been sterilized. The animal control officer shall keep the dog in his custody until the sterilization or proof of sterilization occurs unless, in the animal control officer's reasonable opinion, the dog owner can adequately confine

the dog and will sterilize it or provide proof of sterilization. If the owner does not arrange for sterilization, provide proof of sterilization, or demand trial on the charge of running at large within five days after receiving the written notice, the dog shall be deemed abandoned and the animal control officer may dispose of the animal in any lawful manner. The written notice to the owner shall include this section, and shall state the penalty for its violation.

- (c) If the owner is acquitted of the running at large offense, the dog shall be released to him without being sterilized. If the owner is convicted, and does not provide proof of sterilization, the court shall order him to pay the cost of the dog's sterilization, and the animal control officer shall deliver the dog to a veterinarian for sterilization.

**Sec. 18-62. – City Animal Shelter; confinement and disposition of stray animals.**

- (a) It shall be the duty of the animal control officer and any police officer to seize and impound any dog found running at large in violation of section 18-61, or any dog of unknown ownership that is found to be unlicensed in violation of section 18-81, or any dog or cat which has not been vaccinated as required by section 18-31.
- (b) A dog or cat confined pursuant to this section shall be kept for a period of not less than five days, such period to commence on the day immediately following the day the dog or cat is initially confined in the facility, unless sooner claimed by the rightful owner thereof. The operator or custodian of the animal shelter shall make a reasonable effort to ascertain whether the dog or cat has a collar, tag, license, tattoo, or other form of identification. If such identification is found on the dog or cat, the dog or cat shall be held for an additional five days, unless sooner claimed by the rightful owner. If the rightful owner of the dog or cat can be readily identified, the operator or custodian of the animal shelter shall make a reasonable effort to notify the owner of the dog's or cat's confinement within the next 48 hours following its confinement. The rightful owner may redeem such dog or cat upon proof of ownership, vaccination and licensing of the dog or cat, where necessary to comply with this chapter, and payment to the city of the expenses incurred in keeping the dog or cat impounded, at a rate to be set by the city manager, which rate may provide for one charge for the first day or fraction thereof and a lesser charge for each additional day, but in no case shall the daily rate exceed the city's actual costs of boarding the dog or cat. The city manager shall publicly announce at a regular council meeting any change in the rate before the rate goes into effect.
- (c) If a dog or cat confined pursuant to this section has not been claimed upon expiration



of the appropriate holding period as provided by subsection (b) of this section, it shall be deemed abandoned and become the property of the animal shelter. If such abandoned animal did not, when delivered to the animal shelter, bear a collar, tag, license, tattoo, or other form of identification, it may be humanely euthanized or disposed of by:

1. Release to any humane society, public or private animal shelter, or other releasing agency within the Commonwealth, provided that each humane society, animal shelter, or other releasing agency obtains a signed statement from each of its directors, operators, staff, or animal caregivers specifying that each individual has never been convicted of animal cruelty, neglect, or abandonment and updates such statements as changes occur;
2. Adoption by a resident of the county or city where the shelter is operated and who will pay the required license fee, if any, on such animal, provided that such resident has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment;
3. Adoption by a resident of an adjacent political subdivision of the Commonwealth, if the resident has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment;
4. Adoption by any other person, provided that such person has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment and provided that no dog or cat may be adopted by any person who is not a resident of the county or city where the shelter is operated, or of an adjacent political subdivision, unless the dog or cat is first sterilized, and the shelter may require that the sterilization be done at the expense of the person adopting the dog or cat; or
5. Release for the purposes of adoption or euthanasia only, to an animal shelter, or any other releasing agency located in and lawfully operating under the laws of another state, provided that such animal shelter, or other releasing agency: (i) maintains records that would comply with § 3.2-6557; (ii) requires that adopted dogs and cats be sterilized; (iii) obtains a signed statement from each of its directors, operators, staff, and animal caregivers specifying that each individual has never been convicted of animal cruelty, neglect, or abandonment, and updates such statement as changes occur; and (iv) has provided to the public or private animal shelter or other releasing agency within the Commonwealth a statement signed by an authorized representative specifying the entity's compliance with clauses (i) through (iii), and the provisions of adequate care and performance of humane euthanasia, as necessary in accordance with the provisions of this chapter.

- (d) The animal shelter shall not deliver more than two dogs or cats or a family of dogs or cats during any 30-day period to any one person under subsection (c)(2), (3), or (4). If a dog or cat is required to be sterilized prior to adoption pursuant to subsection (5) of this subsection, the shelter may require that the sterilization be done at the expense of the person adopting the dog or cat.
- (e) Nothing in this section shall prohibit the immediate euthanasia of a critically injured, critically ill, or unweaned dog or cat for humane purposes. Any dog or cat euthanized pursuant to the provisions of this section shall be euthanized by one of the methods prescribed or approved by the State Veterinarian.
- (f) Nothing in this section shall prohibit the immediate euthanasia or disposal by the methods listed in subsections (c)(1) through (5) of this section of an animal that has been delivered voluntarily or released to an animal shelter, animal control officer, or humane society by the animal's rightful owner after the rightful owner has, in writing, surrendered all property rights in such dog or cat and has read and signed a statement: (i) surrendering all property rights in such animal; (ii) stating that no other person has a right of property in the animal; and (iii) acknowledging that the dog or cat may be immediately euthanized or disposed of by the methods listed in subsections (c)(1) through (5) of this section.
- (g) Nothing in this section shall prohibit any feral dog or feral cat not bearing a collar, tag, tattoo, or other form of identification which, based on the written certification of a disinterested person, exhibits behavior that poses a risk of physical injury to any person confining the dog or cat, from being euthanized after being kept for a period of not less than three days, at least one of which shall be a full business day, such period to commence on the day the animal is initially confined in the facility, unless sooner claimed by the rightful owner. The certification of the disinterested person shall be kept with the animal as required by Code of Virginia § 3.2-6577. For purposes of this subsection, a disinterested person shall not include a person releasing or reporting the animal to the facility.
- (h) Nothing in this section shall relieve any owner or keeper of a dog or cat from paying any fine or penalty that may be otherwise provided for the violation of the state law or this chapter.
- (i) The animal shelter shall be operated and maintained in accordance with Virginia law, and it shall be accessible to the public at reasonable hours during the week.

- (j) No person who acquires an animal from an animal shelter shall be able to sell the animal within a period of six months from the time the animal is acquired from the shelter. A violation of this ordinance is a class 1 misdemeanor.

**Sec. 18-63. - Limitation on number of dogs and cats kept per dwelling unit; sanitary conditions required.**

- (a) It shall be unlawful for any person to keep more than four dogs over four months of age or four cats over four months of age, or any combination of dogs and cats over four months of age, not to exceed four, in any dwelling unit, including the yard upon which it is situated, in the city unless authorized by the animal control officer for emergency rescue or foster care. This provision shall not apply to licensed veterinary hospitals or licensed kennels.
- (b) Any person who, on February 27, 2002, is lawfully keeping more than the number of dogs and cats permitted by this section shall be entitled to continue to keep all such dogs and cats, so long as they are duly licensed and inoculated in accordance with this article. However, it shall be unlawful for any such person to keep any dog or cat acquired after February 27, 2002, unless the total number of dogs and cats kept by the person does not exceed the number of dogs and cats permitted by subsection (a) of this section.
- (c) This section shall not apply to any person authorized to operate a kennel, as that term is defined in chapter 130, pertaining to zoning.
- (d) Upon the death or other disposition of any dog or cat in excess of the number permitted under subsection (a) of this section, the owner shall be required to be in compliance with the applicable limitation.
- (e) The structure or building in which any dogs and cats are confined and the lot, compound or enclosure in which they are penned shall be kept in such sanitary condition as not to cause offensive odors or attract flies or other insects.

**Secs. 18-64 – Leash Requirement**

- (a) No dog shall run unrestricted in the city as defined in Section 18-61. Any person who is the owner or custodian of a dog found unrestricted in the city shall be in violation of this Section. This Section shall not apply to any person who uses a dog under his direct supervision:

- (1) while lawfully hunting,
  - (2) while engaged in a supervised formal obedience training class or show,
  - (3) during formally sanctioned field trials,
  - (4) while a dog is in an area owned, leased, controlled, or operated and designated by the city as an off-leash dog exercise area,
  - (5) if a dog is a service animal whose handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe effective performance of work or tasks, and the service animal is otherwise under the handler's control (e.g., voice control, signals, or other effective means).
- (b) Any dog found unrestricted in violation of subsection (a) shall be held in the animal shelter, except that if the rightful owner of the dog can be immediately ascertained and located, then that owner shall be allowed to have custody of the animal, but shall be subject to issuance of a summons for violation of this Section.

## **DIVISION 2. - LICENSE**

### **Sec. 18-81. - Required.**

It shall be unlawful for any person other than a releasing agency that has registered as such annually with local animal control to own a dog four months old or older in the city unless such dog is licensed as required by the provisions of this division.

### **Sec. 18-82. - Procedure for obtaining license.**

- (a) Any resident of the city may obtain a dog license by making oral or written application to the treasurer of the city, accompanied by the amount of license tax and current certificate of vaccination as required by this article, or satisfactory evidence that such certificate has been obtained.
- (b) The treasurer or other officer charged with the duty of issuing dog licenses shall only have authority to license dogs of resident owners or custodians who reside within the boundary limits of the city and may require information to this effect from any applicant.

- (c) It shall be unlawful for any person to make a false statement in order to secure a dog license to which he is not entitled.
- (d) Upon receipt of proper application and current certificate of vaccination as required by this article or satisfactory evidence that such certificate has been obtained, the treasurer or other officer charged with the duty of issuing dog licenses shall issue a license receipt for the amount on which he shall record the name and address of the owner or custodian, the date of payment, the year for which issued, the serial number of the tag, whether male or female, whether spayed or neutered, or whether a kennel, and deliver the metal license tags or plates provided for herein.
- (e) The information thus received shall be retained by the treasurer, open to public inspection, during the period for which such license is valid. The treasurer may establish substations in convenient locations in the county or city and appoint agents for the collection of the license tax and issuance of such licenses.

**Sec. 18-84. - Proof of rabies vaccination required; issuance of receipt and tag.**

- (a) A dog license shall consist of a license receipt and a metal tag. The tag shall be stamped or otherwise permanently marked to show the jurisdiction issuing the license and the calendar year for which issued and bear a serial number. The tag may be stamped or otherwise marked to show the sex of the dog.
- (b) No license tag shall be issued for any dog unless there is presented, to the treasurer or other officer of the city charged by law with the duty of issuing license tags for dogs, at the time application for license is made, evidence satisfactory to him showing that such dog has been inoculated or vaccinated against rabies by a currently licensed veterinarian or currently licensed veterinary technician who was under the immediate and direct supervision of a licensed veterinarian on the premises.
- (c) It shall be unlawful for any person to present such evidence for a dog other than that for which it was issued.
- (d) The tag issued under this section shall be stamped or permanently marked to show the calendar year for which issued and bear a serial number. The receipt issued under this section shall contain the name and address of the owner or custodian of the dog, the date of payment of the license tax, the year for which issued and the serial number of the tag issued for the dog and the description of the dog for which the license is issued.

**Sec. 18-85. - Preservation and display of receipts.**

Dog license receipts shall be carefully preserved by the licensees and exhibited promptly on request for inspection by any animal control officer or other officer.

**Sec. 18-86. - Tag to be affixed to collar worn by dog.**

- (a) Dog license tags shall be securely fastened to a substantial collar by the owner or custodian and worn by such dog.
- (b) Any dog not wearing a collar bearing a valid license tag of the proper calendar year shall prima facie be deemed to be unlicensed, and in any proceeding under this article the burden of proving the fact that such dog has been licensed or is not required to bear a tag at the time shall be on the owner or custodian of the dog.
- (c) The owner of the dog may remove the collar and license tag required by this section when:
  - (1) The dog is engaged in lawful hunting;
  - (2) The dog is competing in a dog show or a cat show;
  - (3) The dog has a skin condition which would be exacerbated by the wearing of a collar;
  - (4) The dog is confined; or
  - (5) The dog is under the immediate control of its owner.

**Sec. 18-87. - Duplicate tags.**

If a dog license tag is lost, destroyed or stolen, the owner or custodian shall at once apply to the treasurer or his agent who issued the original license for a duplicate license tag, presenting the original license receipt. Upon affidavit of the owner or custodian before the treasurer or his agent that the original license tag has been lost, destroyed or stolen, he shall issue a duplicate license tag, which the owner shall immediately affix to the collar of the dog. The treasurer or his agent shall endorse the number of the duplicate and the date issued on

the face of the original license receipt. The fee for a duplicate tag for any dog shall be in accordance with a fee schedule established by an uncodified ordinance enacted by the city council. Such fee shall be reported in the gross dog license collections under section 18-90.

**Sec. 18-89. - Term.**

Any resident of the city may obtain a dog license for the periods of one year or three years based on the certificate of vaccination. If the owner is able to provide proof of the dog's age as eight years or older, they may obtain a license that remains valid for the life of the dog, as long as there is a current vaccination certificate for the dog. All dog licenses issued for one or three years shall be for the calendar year(s), beginning with January 1 and ending with December 31, without proration.

**Sec. 18-90. - Sales records and reports; destruction of unsold tags.**

The city treasurer shall enter in a dog license sales record the date of the sale of dog tags, including those for kennels, the names and addresses of persons to whom sold and the serial number, and shall keep an account of the amount of the license tax paid. The city treasurer shall keep a copy of such dog license sales record in numerical order and, at the close of the calendar year, shall file an annual report of such sales with the city manager. The city manager shall audit such records, accounts and unsold dog license tags, and authorize the city treasurer to destroy unsold tags.

**Sec. 18-91. - Failure to pay license tax.**

- (a) It shall be unlawful for any dog owner to fail to pay any license tax required by this chapter before February 1 for the year in which it is due. In addition, the court may order confiscation and the proper disposition of the dog.
- (b) Payment of the license tax subsequent to a summons to appear before a court for failure to pay the license tax within the time required shall not operate to relieve such owner from the penalties provided.
- (c) It shall be unlawful for any person to conceal or harbor any dog on which any required license tax has not been paid.

**ARTICLE V. - WILD OR EXOTIC ANIMALS**

**Sec. 18-142. - Penalty.**

Any person violating any of the provisions of this article shall be guilty of a Class 3 misdemeanor, except that any violation of section 18-143(b) shall be a Class 2 misdemeanor. For each animal, each day a violation of this article continues constitutes a separate offense. In addition, the court shall order that the defendant dispose of the animal in accordance with section 18-143(c). Any person who is convicted of a second or subsequent violation of this article shall be guilty of a Class 1 misdemeanor.

**Sec. 18-143. - Keeping.**

- (a) *Prohibited; exceptions.* No person shall keep or permit to be kept on his premises any live wild or exotic animal. This section shall not be construed to apply to zoological parks, performing animal exhibitions, circuses or veterinary clinics which are properly licensed by the federal government or the Commonwealth. In no case, however, shall such wild or exotic animals be exhibited or displayed in such a manner that persons other than their handlers can pet, fondle or otherwise come in direct physical contact with such animals.
- (b) *Endangered or threatened animals.* No person shall keep any endangered or threatened animal, live or dead, or any part thereof, except pursuant to an exemption or permit provided for in 16 USC Chapter 35, or in regulations under that chapter.
- (a) *Disposition of illegal animals.* Any person who keeps a wild or exotic animal in contravention of this article shall dispose of the animal by removal of the animal from the city, by giving or selling the animal to a zoological park or by releasing the animal to the animal control officer. The animal control officer is authorized to release the animal to the wild, to a zoological park or to a responsible adult who shall remove the animal from the city or dispose of the animal in some humane manner. The animal control officer is not authorized to release the animal to any person who intends to use the animal for research purposes.

**ARTICLE VI. - DANGEROUS OR VICIOUS DOMESTIC ANIMALS**

**DIVISION 1. - GENERALLY**

**DIVISION 2. – DOMESTIC ANIMALS**

**Sec. 18-192. - Penalties.**



Except where felony penalties apply under state law, the following penalties apply to violations of this division:

- (a) Any owner or custodian of any animal is guilty of a Class 2 misdemeanor if the animal was previously declared a dangerous or vicious domestic animal pursuant to this division, when such declaration arose out of a separate and distinct incident, and attacks and injures or kills a companion animal belonging to another person.
- (b) Any owner or custodian of an animal is guilty of a Class 1 misdemeanor if the animal was previously declared a dangerous or vicious domestic animal pursuant to this division, when such declaration arose out of a separate and distinct incident, and bites a human being or attacks a human being causing bodily injury.
- (c) The provisions of subsections (1) and (2) of this section shall not apply to any animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, or when the animal is a police dog that is engaged in the performance of its duties at the time of the attack.
- (d) The owner of any animal that has been found to be a dangerous or vicious domestic animal who willfully fails to comply with the requirements of this division is guilty of a Class 1 misdemeanor.

**Sec. 18-193. - Procedure for determination that animal is dangerous or vicious.**

- (a) *Issuance of summons.* Any law enforcement officer or animal control officer who has reason to believe that an animal within the city is a dangerous or vicious domestic animal shall apply to a magistrate of the jurisdiction for the issuance of a summons requiring the owner or custodian, if known, to appear before the general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. If a law enforcement officer successfully makes an application for the issuance of a summons, he or she shall contact the local animal control officer and inform him or her of the location of the animal and the relevant facts pertaining to that officer's belief that the animal is dangerous or vicious domestic animal.
- (b) *Confinement and production of the animal.* The animal control officer shall confine the animal until such time as evidence shall be heard and a verdict rendered. If the animal control officer determines that the owner or custodian can confine the animal in a manner that protects the public safety, he may permit the owner or

custodian to confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal.

- (c) *Determination by the court.* If, after hearing the evidence, the court finds that the animal is a dangerous or vicious domestic animal, the court shall order the animal's owner to comply with the provisions of this division. The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in article 4 (§ 19.2-260 et seq.) of chapter 15 of title 19.2 of the Code of Virginia (1950), as amended. The city shall be required to prove its case beyond a reasonable doubt.
- (d) *Conviction by the court.* Upon conviction, the court may (i) order the dangerous or vicious domestic animal to be disposed of by the city pursuant to Code of Virginia § 3.2-6562 or (ii) grant the owner up to 45 days to comply with the requirements of this section, during which time the dangerous or vicious domestic animal shall remain in the custody of the animal control officer until compliance has been verified. If the owner fails to achieve compliance within the time specified by the court, the court shall order the dangerous or vicious animal to be disposed of by the city pursuant to Code of Virginia § 3.2-6562. The court, in its discretion, may order the owner to pay all reasonable expenses incurred in caring and providing for such dangerous or vicious domestic animal from the time the animal is taken into custody until such time that the animal is disposed of or returned to the owner.

**Sec. 18-194. - Criteria for determination that animal is dangerous or vicious.**

- (a) No animal shall be found to be a dangerous or vicious domestic animal solely because it is a particular breed, nor is the ownership of a particular breed of animal prohibited.
- (b) No animal shall be found to be a dangerous dog or vicious domestic animal if the threat, injury or damage was sustained by a person who was:
  - (1) Committing, at the time, a crime upon the premises occupied by the animal's owner or custodian;
  - (2) Committing, at the time, a willful trespass upon the premises occupied by the animal's owner or custodian; or

- (3) Provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times.
- (c) No police dog that was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous or vicious domestic animal.
- (d) No animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, shall be found to be a dangerous or vicious domestic animal.

**Sec. 18-195. - Registration.**

- (a) The owner of any animal found to be a dangerous or vicious domestic animal shall, within ten days of such finding, obtain a dangerous domestic animal registration certificate from the animal control officer or treasurer for a fee established by an uncodified ordinance passed by the city council, in addition to other fees that may be authorized by law. The animal control officer or treasurer shall also provide the owner with a uniformly designed tag that identifies the animal as a dangerous or vicious domestic animal. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained pursuant to this section shall be renewed annually for a fee of \$85 and in the same manner as the initial certificate was obtained. The animal control officer shall provide a copy of the dangerous animal registration certificate and verification of compliance to the state veterinarian.
- (b) All dangerous animal registration certificates or renewals thereof required to be obtained under this division shall only be issued to persons 18 years of age or older who present satisfactory evidence:
  - (1) Of the animal's current rabies vaccination, if applicable;
  - (2) That the animal has been neutered or spayed; and
  - (3) That the animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed.

- (c) Owners who apply for certificates or renewals thereof under this division shall not be issued a certificate or renewal thereof unless they present satisfactory evidence that:
  - (1) Their residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous or vicious domestic animals on the property;
  - (2) The animal has been permanently identified by means of a tattoo on the inside thigh or by electronic implantation; and
  - (3) The owner has liability insurance coverage, to the value of at least \$100,000.00, that covers animal bites. The owner may obtain and maintain a bond in surety, in lieu of liability insurance, to the value of at least \$100,000.00.
- (d) The owner of any dog found to be a dangerous or vicious domestic animal shall register the animal with the Commonwealth of Virginia Dangerous Dog Registry, as established under Code of Virginia § 3.2-6542, within 45 days of such a finding by a court of competent jurisdiction.
- (e) The owner of any animal found to be dangerous or vicious domestic animal shall cause the city's animal control officer to be promptly notified of:
  - (1) The names, addresses, and telephone numbers of all owners;
  - (2) All of the means necessary to locate the owner and the animal at any time;
  - (3) Any complaints or incidents of attack by the animal upon any person or cat or dog;
  - (4) Any claims made or lawsuits brought as a result of any attack;
  - (5) Tattoo or chip identification information or both;
  - (6) Proof of insurance or surety bond; and
  - (7) The death of the animal.

**Sec. 18-196. - Confinement.**

While on the property of its owner, an animal found to be a dangerous or vicious domestic animal shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. The structure shall be designed to provide the animal with shelter from the elements of nature. While so confined within the structure, the animal shall be provided for according to § 3.2-6503. When off its owner's property, an animal found to be a dangerous or vicious domestic animal shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.

**Sec. 18-197. - Responsibility for animals owned by minors.**

If the owner of an animal found to be a dangerous or vicious domestic animal is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this division.

**Sec. 18-198. - Required notifications to animal control officer.**

- (a) After an animal has been found to be a dangerous or vicious domestic animal, the animal's owner shall immediately, upon learning of same, cause the animal control authority to be notified if the animal:
  - (1) Is loose or unconfined; or
  - (2) Bites a person or attacks another animal; or
  - (3) Is sold, given away, or dies.
- (b) Any owner of a dangerous or vicious domestic animal who relocates to a new address shall, within ten days of relocating, provide written notice to the appropriate local animal control authority for the old address from which the animal has moved and the new address to which the animal has been moved.

**Sec. 18-199. - Disposition of fees.**

All fees collected pursuant to this division, less the costs incurred by the animal control officer in producing and distributing the certificates and tags required by this division, shall be paid

into a special dedicated fund in the treasury of the city for the purpose of paying the expenses of any training course required under Code of Virginia, § 3.2-6556.

#### **DIVISION 4. - PET SHOPS, DEALERS & BREEDERS**

##### **Sec. 18-229. - Permit and Inspections.**

It shall be unlawful for any person to operate a pet shop or operate as a dealer in companion animals without first obtaining a permit issued by any animal control officer. The permit shall be obtained on an annual basis no later than January 31 of each year, and the fee for said permit and each renewal thereof shall be charged an uncodified ordinance.

Any animal control officer shall be permitted to inspect and investigate any business premises where animals are kept or housed, including, but not limited to, boarding establishments, pet shops, kennels, and companion animal dealers, and the inspections and investigations shall be conducted in accordance with the applicable provisions of the Code of Virginia.

Upon receiving a complaint of a suspected violation of the Virginia Comprehensive Animal Care law, the animal control officer shall conduct investigations and inspections in accordance with the applicable provisions of the Code of Virginia.

Commercial dog breeding locations shall be subject to inspections by the animal control officer at least twice annually and additionally upon receipt of a complaint or their own motion to ensure compliance with state animal care laws and regulations.

For the purpose of this article, the term “dealer” does not include a person who breeds only one (1) companion animal only once in a calendar year and sells, transfers, exchanges or barter the offspring or litter.

##### **Sec. 18-230. - Recordkeeping by permit holder.**

Any person obtaining a permit pursuant to this section shall be required to maintain records in accordance with the applicable provisions of the Code of Virginia. The records shall be kept by the permittees to be considered by the animal control officer prior to the issuance, renewal or revocation of any such permit, or for the denial of issuance, denial of renewal or for the revocation of such permit for fraudulent practices or inhumane treatment of the animals dealt with by the permittee.

##### **Sec. 18-231. - Denial and revocation of permits.**

The animal control officer may deny issuance or renewals of any permit issued pursuant to this article, or revoke any such permit for fraudulent practices or inhumane treatment of animals dealt with by the permittee.

**Sec. 18-232. - Penalty.**

Operating a pet shop or operating as a dealer in companion animals without having obtained such a permit from the city shall be a class 3 misdemeanor.

**BY ORDER OF THE COUNCIL**

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Harry J. Parrish II                      Mayor  
On Behalf of the City Council of  
Manassas, Virginia

ATTEST:

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Andrea P. Madden                      City Clerk

**MOTION: BASS**  
**SECOND: AVENI**  
**RE: ORDINANCE #O-2017-12**  
**ACTION: ADOPTED**

**April 24, 2017**  
**Regular Council Meeting**  
**Ordinance #O-2017-12**

**Votes:**

**Ayes: Aveni, Bass, Elston, Lovejoy, Sebesky, Wolfe**  
**Nays: None**  
**Absent from Vote: None**  
**Absent from Meeting: None**