

ORDINANCE NO. 7299-16

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 6, ANIMALS AND FOWL, OF THE CODE OF THE CITY OF NEWPORT NEWS.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newport News, Virginia:

That Chapter 6, Animals and Fowl, of the Code of the City of Newport News, Virginia, be, and the same hereby is, amended and reordained as follows:

CHAPTER 6

ANIMALS AND FOWL

ARTICLE I. IN GENERAL

Sec. 6-1. Violations of chapter generally.

Except as otherwise provided in other sections of this chapter, a violation of any provision of this chapter shall constitute a Class 4 misdemeanor.

Sec. 6-1.1. Definitions generally.

For the purposes of this chapter, the following words and terms shall have the meaning respectively ascribed to them:

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 section 6-62 for a period of five 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 that 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 space means sufficient space to allow each animal to: (i) easily stand, sit, lie, turn about, 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 and size 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 and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least three times the length of the animal, 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 that 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 that 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 a cat, or any other companion animal, from a releasing agency to an individual.

Agricultural animals means all livestock and poultry.

Ambient temperature means the temperature surrounding the animal.

Animal means any nonhuman vertebrate species except fish. For the purposes of section 6-58, animal means any nonhuman vertebrate species including fish except those fish captured and killed or disposed of in a reasonable and customary manner.

Animal control officer means a person appointed as an animal control officer or deputy animal control officer.

Aquaculture facility means any land, structure, or other appurtenance that is used for aquaculture, including any laboratory, hatchery, pond, raceway, pen, cage, incubator, or other equipment used in aquaculture.

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

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.

Commercial dog breeder means any person who, during any 12-month period, maintains 30 or more adult female dogs for the primary purpose of the sale of their offspring as companion animals.

Companion animal means any domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird or any feral animal or any animal under the care, custody, or ownership of a person or any animal that 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.

Dealer means any person who in the regular course of business for compensation or profit buys, sells, transfers, exchanges, or barter companion animals. The following shall not be considered dealers: (i) any person who transports companion animals in the regular course of

business as a common carrier or (ii) any person whose primary purpose is to find permanent adoptive homes for companion animals.

Direct and immediate threat means any clear and imminent danger to an animal's health, safety or life.

Dump means to knowingly desert, forsake, or absolutely give up without having secured another owner or custodian any dog, cat, or other companion animal in any public place including the right-of-way of any public highway, road or street or on the property of another.

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 that causes painless loss of consciousness, and death during such loss of consciousness.

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

Facility means a building or portion thereof as designed by the State Veterinarian, other than a private residential dwelling and its surrounding grounds, that is used to contain a primary enclosure or enclosures in which animals are housed or kept.

Farming activity means consistent with standard animal husbandry practices, the raising, management, and use of agricultural animals to provide food, fiber, or transportation and the breeding, exhibition, lawful recreational use, marketing, transportation, and slaughter of agricultural animals pursuant to such purposes.

Foster care provider means a person who provides care or rehabilitation for companion animals through an affiliation with a public or private animal shelter, home-based rescue, releasing agency, or other animal welfare organization.

Foster home means a private residential dwelling and its surrounding grounds, or any facility other than a public or private animal shelter, at which site through an affiliation with a public or private animal shelter, home-based rescue, releasing agency, or other animal welfare organization or rehabilitation is provided for companion animals.

Groomer means any person who, for a fee, cleans, trims, brushes, makes neat, manicures,

or treats any animal for external parasites.

Home-based rescue means an animal welfare organization that takes custody of companion animals for the purpose of facilitating adoption and houses such companion animals in a foster home or a system of foster homes.

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

Humane investigator means a person who has been appointed by a circuit court as a humane investigator.

Humane society means any incorporated, nonprofit organization that is organized for the purpose of preventing cruelty to animals and promoting humane care and treatment or adoptions of animals.

Immediate control means restrained either by leash, cord or chain, not exceeding eight (8) feet in length or under voice control of the owner.

Incorporated means organized and maintained as a legal entity in the Commonwealth.

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

Law enforcement officer means any person who is a full-time or part-time employee of a police department or sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

Livestock 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.

Ordinance means any law, rule, regulation or ordinance adopted by the governing body of any locality.

Other officer includes all other persons employed or elected by the people of Virginia, or by any locality, 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.

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.

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.

Private animal shelter means a facility that is used to house or contain animals and that is owned or operated by an incorporated, nonprofit, and nongovernmental entity, including a humane society, animal welfare organization, society for the prevention of cruelty to animals, or any other organization operating for the purpose of finding permanent adoptive homes for animals.

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 the stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants.

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

Properly lighted when referring to a private residential dwelling and its surrounding grounds means sufficient illumination to permit routine maintenance and cleaning thereof, and observation of the companion animals; and to provide regular diurnal lighting cycles of either natural or artificial light to promote the well-being of the animals.

Public animal shelter means a facility operated by the Commonwealth, or any locality, for the purpose of impounding or sheltering seized, stray, homeless, abandoned, unwanted, or surrendered animals or a facility operated for the same purpose under a contract with any locality.

Releasing agency means (i) a public animal shelter or (ii) a private animal shelter, humane society, animal welfare organization, society for the prevention of cruelty to animals, or other similar entity or home-based rescue that releases companion animals for adoption.

Research facility means any place, laboratory, or institution licensed by the U.S.

Department of Agriculture at which scientific tests, experiments, or investigations involving the use of living animals are carried out, conducted, or attempted.

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

Service animal means a dog trained to accompany its owner with a disability for the purpose of carrying items, retrieving objects, pulling a wheelchair or other such activities of service or support.

Shelter means both public animal shelters and private animal shelters as defined herein.

Sore means, when referring to an equine, that an irritating or blistering agent has been applied, internally or externally, by a person to any limb or foot of an equine; any burn, cut, or laceration that has been inflicted by a person to any limb or foot of an equine; any tack, nail, screw, or chemical agent that has been injected by a person into or used by a person on any limb or foot of an equine; any other substance or device that has been used by a person on any limb or foot of an equine; or a person has engaged in a practice involving an equine, and as a result of such application, infliction, use, or practice, such equine suffers, or can reasonably be expected to suffer, physical pain or distress, inflammation, or lameness when walking, trotting, or otherwise moving, except that such term does not include such an application, infliction, injection, use or practice in connection with the therapeutic treatment of an equine by or under the supervision of a licensed veterinarian. Notwithstanding anything contained herein to the contrary, nothing shall preclude the shoeing, use of pads, and use of action devices as permitted by the Code of Federal Regulations (9 C.F.R. Part 11.2.)

Sterilize or *sterilization* means a surgical or chemical procedure performed by a licensed veterinarian that renders a dog or cat permanently incapable of reproducing.

Treasurer includes the treasurer and his assistants of each county or city or other officer designated by law to collect taxes in such county or city.

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.

Vertebrate means any animal that has a backbone or spinal column.

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

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.

Wild animal means any animal except those defined as companion animals, livestock or poultry.

Sec. 6-2. Location and maintenance of poultry and animal yards.

(a) It shall be unlawful for any person to maintain in the city any poultry or animal yard within one hundred seventy-five (175) feet of any buildings used for residential purposes, or within two hundred fifty (250) feet of any church or school building; provided, however, that the person maintaining such a yard may do so within one hundred seventy-five (175) feet of such person's own personal residence, and further provided, that this subsection shall not apply to the keeping of pigeons.

(b) Notwithstanding the requirements contained in subsection (a) above, keeping up to six (6) chickens shall be allowed under the following conditions:

- (1) Chickens shall be kept and raised for domestic purposes and no commercial activity such as selling eggs or selling chickens for meat shall be allowed;
- (2) No roosters shall be allowed;
- (3) Chickens shall be provided with a covered, predator-proof shelter that is thoroughly ventilated, provides sun, shade, protection from the elements and is designed to be easily accessed and cleaned;
- (4) All pens, coops or cages shall be located in the rear yard only;
- (5) Pens, coops or cages shall be situated at least twenty-five (25) feet from adjoining property lines;
- (6) Pens, coops or cages shall be kept in a neat and sanitary condition at all times. No person shall store, stockpile or permit any accumulation of chicken litter and waste in any manner whatsoever that, due to odor, attraction of flies or other pests, or for any other reason diminishes the rights of adjacent property owners to enjoy reasonable use of their property;
- (7) All feed for the chickens shall be kept in a secure container or location to prevent the attraction of rodents and other animals; and
- (8) Any person desiring to keep chickens pursuant to this subsection shall obtain a permit to do so from the Department of Codes Compliance for a fee of twenty-five dollars (\$25.00).

(c) For the purpose of this section, the term "poultry or animal yard" shall include every yard, pasture, enclosure, shed or structure used to house:

- (1) Live fowl, including in the term "fowl" chickens, ducks, geese and other poultry, except as provided otherwise herein; or
- (2) One or more of the following animals: Cattle, horses, sheep, goats or other domestic animals, other than cats or dogs.

(d) Every person maintaining a poultry or animal yard shall keep the same clean and sanitary, and free from all refuse, decaying food and excrement.

(e) Every poultry or animal yard, except when located in an area zoned agricultural under any existing zoning ordinance, shall be adequately enclosed and free from any rodents. The presence of any rodent in any poultry or animal yard shall be prima facie evidence that such yard is maintained in violation of this section.

(f) Nothing contained in this section shall be construed to authorize the keeping of animals of any kind at any place, irrespective of distances from any buildings, when the keeping of such animals is prohibited by any other ordinance. Conversely, nothing in this section shall be construed to prohibit the keeping of animals of any kind at any place, irrespective of distances from any buildings, when the keeping of such animals is permitted by any other ordinance.

Sec. 6-3. Maintenance of cow stables.

The maintenance of cow stables shall be prohibited within city limits.

Sec. 6-4. Removal of manure at stables.

(a) The word "premises," wherever used in this section, shall be taken to mean the land used in connection with any stable.

(b) The premises shall be properly cleaned and at all times the premises shall be kept in such condition as not to become a nuisance by the breeding of flies or a menace to public health, and the escape of any disagreeable odor therefrom shall be prevented, so far as possible.

(c) All manure shall be removed from all stockyards as often as may be necessary to prevent their becoming a nuisance by the breeding of flies, or becoming otherwise a menace to public health.

Sec. 6-5. Reserved.

Sec. 6-6. Livestock running at large.

(a) No person shall permit any livestock owned or controlled by such person to run at large within the city limits.

(b) Any livestock found running at large in violation of this section shall be taken up by the animal control officer or other officer and impounded at a place provided by the city for such purpose. Such animal shall be held for a period of five (5) days, during which time the owner may redeem the animal, by proving ownership and paying the costs incurred by the city in impounding and caring for such animal. Such costs shall be established by the city manager, but in no event shall they be less than those established by section 6-25(b)(2) for impounded dogs. Such costs shall be paid to the person in charge of the place of impoundment and then turned over to the city treasurer who shall report the same to the auditor at the end of the month.

(c) If an animal is not redeemed by its owner in accord with subsection (b) above, it shall be sold to the highest bidder, after five (5) days' notice of sale posted at the courthouse door and two (2) other conspicuous places in the city. The proceeds of such sale shall be paid to the city treasurer and reported to the auditor at the end of the month.

(d) Neither the impoundment or the sale of any animal under this section shall relieve any person from the payment of any fine imposed for allowing the animal to run at large in the city.

Authority of city to prohibit and impound animals running at large, Code of Virginia, § 3.2-6544.

Sec. 6-7. Poultry running at large.

(a) It shall be unlawful for the owner of poultry to permit, fail to prevent or allow them to range, fly or run at large on or in the streets, parks, squares or other public property of the city.

(b) It shall be deemed a trespass on the part of the owner of the poultry to permit or allow them to range or run on the lands or property of another, without such other's consent or permission, and the owner thereof shall be liable for any damage done by such chickens or other fowl while on the property of another.

Authority of city to prohibit the running at large of fowl, Code of Virginia, § 3.2-6544.

Sec. 6-8. Keeping of wild animals or unconfined pigeons regulated.

(a) It shall be unlawful for any person to maintain any wild animal within the city limits, except as herein provided. It shall also be unlawful to maintain pigeons within the city limits which are at large and not under the control of the owner.

(b) Wild animals may be kept in proper enclosures for public display as an accessory use to a public or private park, animal shelter, or nature related educational facility; provided, however, such park or facility is owned and operated by a governmental body or a nonprofit organization; and further provided, that such park or facility occupies a land area of not less than two (2.0) acres.

(c) Wild animals may be kept in the city by any person licensed as a wildlife rehabilitator by the Commonwealth of Virginia. No such wildlife rehabilitator shall keep more than four (4) such animals, unless such animals are from the same litter, at any one (1) time; nor shall any such animal be kept by a wildlife rehabilitator for more than one hundred twenty (120) days or until the animal is returned to health sufficient for its return to the wild, which ever is shorter.

Sec. 6-9. Reserved.

Sec. 6-10. Disposal of dead animals generally.

The owner or occupant of the premises upon which any dead animal is found shall bury or otherwise dispose of it so that the same shall not become offensive to the inhabitants of any part of the city or of the suburbs thereof, within eight (8) hours after the death of any such animal; provided, however, that the period between 6:00 p.m. and 6:00 a.m. of the next succeeding day shall not be taken into consideration in computing such time. During the whole period from the death of any such animal to the time of the disposal of its body, while in any street, lane or public alley, it shall be, by the owner thereof, kept entirely covered or otherwise hidden from view. No such dead animal shall be dragged or carried through or along any street or alley, except when so carried as to prevent the exposure to view of the same or any part thereof. In the event the owner of a deceased animal fails to dispose of it, as required by this subsection, the city manager or the manager's designee shall have authority to dispose of such carcass at the expense of the owner.

Allowing dead animal to remain unburied, Code of Virginia, § 18.2-323; responsibility of owner, Code of Virginia, § 18.2-510.

Sec. 6-11. Depositing dead animal on street or sidewalk or allowing it to remain unburied.

If any person casts or otherwise deposits any dead animal into a road, alley, or sidewalk, or knowingly permits any dead animal to remain unburied upon his or her property, when offensive to the public, such person shall be guilty of a Class 3 misdemeanor.

Similar provisions, Code of Virginia, § 18.2-323.

Sec. 6-12. Sterilization of dogs and cats obtained from any animal shelter.

(a) Every person residing in the city receiving a dog or cat placed to or with such person by any animal shelter located in the city or receiving funding of any kind from the city shall, within thirty (30) days of receiving such dog or cat, or in the case of a dog or cat less than six (6) months old, within thirty (30) days of the earliest date determined by the placing shelter as safe for sterilization of such dog or cat, have such dog or cat spayed or neutered by a duly licensed veterinarian. Each day such animal is allowed to go unsterilized shall be considered a separate offense. Second and subsequent violations shall constitute a Class 3 misdemeanor; and the animal shelter utilized by the city may additionally revoke the placement and take possession of the unsterilized dog or cat.

(b) Every animal shelter located in the city or receiving funding of any kind from the city shall furnish every person residing in the city with whom a dog or cat is placed, at the time of placement, a form approved by the animal control officer, which shall contain or recite the following:

- (1) The name and address of the person with whom the dog or cat is placed.
- (2) The name and address of the shelter making the placement.
- (3) A description sufficient for identification of the dog or cat placed.
- (4) The date of placement.
- (5) In the case of a female dog or cat less than six (6) months old or male dog or cat less than ten (10) months old, the earliest date upon which sterilization is determined to be safe for such dog or cat.
- (6) A recitation of the responsibility under this section of the person receiving placement for the sterilization of the dog or cat.
- (7) A recitation of the responsibility of the person receiving placement of reporting the sterilization of the dog or cat.
- (8) An acknowledgment that the placed dog or cat has been spayed or neutered, along with a signature and date line for signature by a duly licensed veterinarian who performs the sterilization procedure.
- (9) The name and address of the public animal shelter.

Any placement facility not complying with this subsection shall be subject to a fine of fifteen dollars (\$15.00) for each violation.

(c) Every person residing in the city receiving a dog or cat placed with such person by an animal shelter located in the city or receiving funding of any kind from the city shall have the form provided to him pursuant to subsection (b) above signed and dated by the fully licensed veterinarian neutering or spaying such dog or cat and shall file such form with the pound being utilized by the city, within thirty-seven (37) days of the date he received the animal, or in the case of a female dog or cat less than six (6) months old or a male dog or cat less than ten (10) months old, within thirty-seven (37) days of the date designated upon which sterilization may first be safely performed. Any person violating this subsection shall be subject to a fine of ten dollars (\$10.00).

Sec. 6-13. Animal traps.

(a) The Animal Services Division shall maintain an inventory of various-sized live animal traps, which may be made available to the citizens of Newport News. The Director of Parks, Recreation and Tourism shall set a deposit and usage fee for the use of any animal trap.

(b) When a trap is destroyed, lost or damaged, those persons responsible for the trap shall reimburse the city for the full cost of the repair or replacement of the trap.

(c) Prior to utilizing any trap set for the capture of any wild or fur bearing animal, the person acquiring such trap must first present any required permit issued by the Virginia Department of Game and Inland Fisheries pursuant to Virginia Code, §29-300.1, as amended.

(d) No person may interfere with the lawful use of an animal trap. Tampering shall include, releasing any animal contained therein, damaging or otherwise preventing proper operation of the trap, and removal/relocation of the trap. This subsection will not apply to the animal control officer, the director of public health or his designee, any city employee dealing with a trap placed upon city property without the consent of the city, or a state or federal game warden.

Sec. 6-14. Keeping and display of reptiles.

(a) It shall be unlawful for the owner or keeper of any reptile or type of reptile not native to the Commonwealth of Virginia, to keep the reptile in any manner that will permit its escape or to knowingly permit the reptile to run at large.

(b) The owner of any reptile found running at large shall pay a fee to cover the actual cost in locating and capturing or otherwise disposing of the reptile.

(c) It shall be unlawful for any person to carry or wear any live snake or reptile in public unless such snake or reptile is securely placed in an acceptable animal carrier so as to prevent escape or injury to the snake or reptile, another animal or human being.

Secs. 6-15—6-21. Reserved.

ARTICLE II. DOGS AND CATS GENERALLY

DIVISION 1. GENERALLY

Sec. 6-22. Definitions.

At large. "At large" shall mean any dog or cat which is roaming, running or self-hunting off the property of its owner or custodian, and not under its owner's or custodian's immediate control.

Immediate control. "Immediate control" shall mean restrained either by a leash, cord or chain, not exceeding eight (8) feet in length or under voice control of the owner.

Sec. 6-23. Animal control officer and animal shelter generally.

(a) The city manager shall employ an officer to be known as the "animal control officer", who shall have the power to enforce this chapter and other ordinances and state laws for the protection of domestic animals. Within the limits of the appropriations therefor, the city manager may also employ one (1) or more deputy animal control officers to assist the animal control officer in animal inspection activities and in animal law enforcement.

(b) A public animal shelter shall be established and maintained in the city in accordance with the requirements deemed necessary by the city council and §3.2-6546 of the Code of Virginia, 1950, as amended, and of a type approved by the State Veterinarian. The city need not own such public animal shelter but may contract for its establishment with a private group or in conjunction with one (1) or more other local political subdivisions of the state.

(c) The public animal shelter provided for in this section shall be accessible to the public at reasonable hours during the week.

(d) The city manager may, subject to the approval of city council, contract with a society for the prevention of cruelty to animals or some other qualified entity to provide animal control and/or public animal shelter services.

Sec. 6-24. Dogs and cats deemed personal property; rights relating thereto.

All dogs and cats shall be deemed personal property and may be the subject of larceny and malicious or unlawful trespass, and the owners thereof may maintain any action for the killing of

any such dogs or cats, or injury thereto, or unlawful detention or use thereof, as in the case of other personal property. The owner of any dog or cat which is injured or killed contrary to the provisions of this chapter by any person shall be entitled to recover the value thereof or the damage done thereto in an appropriate action at law from such person. The animal control officer or other officer finding a stolen dog or cat, or a dog or cat held or detained contrary to law, shall have authority to seize and hold such dog or cat pending action before the general district court or other court. If no such action is instituted within seven (7) days, the animal control officer or other officer shall deliver the dog or cat to its owner. The presence of a dog or cat on the premises of a person other than its legal owner shall raise no presumption of theft against the owner of such premises and the animal control officer or other officer may take such dog in charge and notify its legal owner to remove the dog or cat. The legal owner of the dog or cat shall pay a reasonable charge for the keep of such dog or cat while in the possession of the animal control officer.

Sec. 6-25. Running at large; disposal of impounded animals.

(a) It shall be unlawful for the owner, custodian or other person in charge or control of any dog 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. If a dog attacks a person or another companion animal while at large, the owner shall be guilty of a Class 2 misdemeanor. Section 29-50 requires dogs be leashed in public parks.

(b) It shall be unlawful for any person to permit any cat owned or kept by him or her to run or go at large within the city unless said cat is spayed or neutered; this provision shall not apply to kittens who are less than six (6) months of age.

(c) It shall be the duty of the animal control officer or other officer who may find any dog that is running at large or any cat as identified in paragraph (b) above that is running at large to forthwith take said animal into custody. If the owner or keeper is known, or if such animal has upon it the name and address of the owner, and the owner thereof can be reasonably ascertained, then such owner shall be notified within forty-eight (48) hours after such impound.

(d) The animal control officer or other officer may also impound any other stray or feral animal that he finds. If a dog or cat is found without the license required by this Article, it shall be presumed that the dog or cat is stray or feral, unless the animal control officer or other officer has reason to know that it is not stray or feral.

(e) The animal shall be impounded in the public animal shelter, or other appropriate holding facility for a period of at least five (5) days, such period to commence on the day immediately following the day the animal is initially confined in the facility. An animal bearing a collar, tag, license, tattoo or other form of identification shall be held for an additional five (5) days. The owner may, upon proof of ownership redeem the animal immediately.

(f) Any person claiming to be the owner of an impounded animal shall provide adequate proof of ownership prior to redeeming the animal. Proof of ownership shall consist of a current city license, veterinary documentation, bills of sale or other adequate documentation. 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.

(g) If at the end of such period as described in subsection (e) such animal shall not have been redeemed, it may be humanely destroyed or disposed of by sale or gift to a federal agency, state-supported institution, agency of the commonwealth, agency of another state or a licensed federal dealer, or any approved animal rescue agency or organization. No provision herein shall prohibit the destruction of a critically injured or critically ill animal for humane purposes.

(h) Nothing in this section shall prohibit the immediate euthanasia or disposal by the methods listed in subdivisions 1 through 5 of subsection D of Section 3.2-6546 of the Code of Virginia, 1950, as amended, an animal that has been released by the animal's rightful owner after the rightful owner 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 animal may be immediately euthanized or disposed of in accordance with subdivisions 1 through 5 of subsection D of Section 3.2-6546 of the Code of Virginia, 1950, as amended.

(i) This section does not apply to law enforcement animals engaged in the performance of their duties or to animals confined within an area of public property designated by the director of parks, recreation and tourism or private property designated by the owner for having animals off leash.

Sec. 6-25.1. Removal of dog excrement required; exceptions.

It shall be unlawful for any person owning, keeping or having custody or control of a dog to fail to remove immediately the dog's excrement from any public or private property other than property owned or occupied by the person owning, keeping or having custody or control of said dog. Any person who shall violate this section shall be guilty of a Class 4 misdemeanor. The provisions of this section shall not apply to service animals where the owner is unable to remove the excrement due to their disability or to dogs used by police officers for law enforcement or tracking purposes.

Sec. 6-26. Reserved.

Sec. 6-27. Reserved.

Sec. 6-28. Reserved.

Editor's note—

Ord. No. 4073-90, adopted July 10, 1990, repealed § 6-28, which pertained to vicious or dangerous animals and derived from Ord. No. 2521-79.

Sec. 6-29. Female dogs in heat.

No person shall permit any female dog in heat to go at large. Any such dog shall be confined in accordance with section 6-62 to a building, pen, fenced area or other structure built to prevent the escape of such dog and prevent the intrusion of any other dog. It shall be unlawful to tether a female dog in heat. Each day such animal is allowed to go at large or remain improperly confined as described above, shall be considered a separate offense. Second and subsequent violations shall constitute a Class 3 misdemeanor.

Secs. 6-30–6-32. Reserved.

DIVISION 2. LICENSE

Sec. 6-33. License required.

It shall be unlawful for any person to own a dog or cat four (4) months old or older in this city, unless such dog or cat is licensed under the provisions of this division. Each day such animal is allowed to go unlicensed shall be considered a separate offense. Second and subsequent violations shall constitute a Class 3 misdemeanor.

Sec. 6-34. Application; applicant must be city resident.

(a) Any person may obtain a dog or cat license by making oral or written application to the city treasurer, accompanied by the license tax and evidence of vaccination required by this division. The city treasurer shall only have authority to license dogs and cats of resident owners or custodians who reside within the limits of the city and may require information to this effect from any applicant.

(b) It shall be unlawful for any person to make any false statement in or present any false evidence with an application submitted under this section, in order to secure a dog or cat license to which such person is not entitled.

Sec. 6-35. Tax imposed (other than kennel operations).

(a) A license tax is hereby imposed on dogs and cats required to be licensed under this division in the following amounts:

- (1) Unsexed dogs and cats (neutered or spayed) . . . \$5.00
- (2) Male or female dogs and cats . . . 10.00
- (3) Dangerous or vicious dogs . . . 50.00

(b) No license tax shall be levied under this section on any dog that is trained and serves as a guide dog or aid dog for the blind or visually impaired, a hearing dog for a deaf or hearing impaired person or that is trained and serves as a service dog for a mobility impaired person.

(c) A written veterinarian's certification showing that a dog or cat has been spayed or neutered shall be presented at the time of purchase of the license when the lower tax is applied for. Said certificate shall show the species, breed, name, age, and color of said animal and name, address, and signature of a licensed veterinarian. If such certification is not so presented, the dog or cat shall be taxed the fee levied on unneutered and unspayed dogs or cats.

(d) Any person giving false information in the procurement of a dog, cat or kennel license shall be deemed guilty of a Class 1 misdemeanor.

Sec. 6-35.1. Concealing a dog or cat.

It shall be a Class 4 misdemeanor for any person to conceal or harbor any dog or cat on which any required license tax has not been paid.

Sec. 6-36. When tax due and payable.

The license tax imposed on dogs and cats by sections 6-35 and 6-35.1 shall be due and payable as follows:

- (1) On or before January first and not later than January thirty-first of each year, the owner of any dog four (4) months or older shall pay such tax.
- (2) If a dog shall become four (4) months of age or come into the possession of any person between January first and November first of any year, the license tax for the current calendar year shall be paid forthwith by the owner.

- (3) If a dog shall become four (4) months of age or come into the possession of any person between October thirty-first and December thirty-first of any year, the license tax for the succeeding calendar year shall be paid forthwith by the owner, and such license shall protect such dog from the date of purchase.

Sec. 6-37. Failure to pay tax when due.

It shall be unlawful for any person to fail to pay the dog or cat license tax when the same is due. Payment of the license tax subsequent to a summons to appear before a court for failure to do so within the time required shall not operate to relieve such owner from the penalties provided for such failure.

Sec. 6-38. Disposition of taxes; records and reports of city treasurer.

(a) The city treasurer shall deposit all money collected for dog and cat license taxes in a separate account from which the city may use this money annually for any and all of the purposes identified in Section 3.1-796.101 of the Code of Virginia, 1950, as amended.

(b) The treasurer shall enter, in a dog and cat license sales record, the date of the sale of dog and cat tags, 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 treasurer shall keep a copy of such dog and cat license sales record in numerical order and at the close of the fiscal year file an annual report of such sales with the city manager and the city auditor; and the city auditor shall audit such records, accounts and unsold dog and cat license tags and authorize the treasurer to destroy unsold tags.

Sec. 6-39. Issuance, composition and contents of license.

(a) Upon receipt of a proper application and the prescribed license fee, the city treasurer shall issue a dog or cat license; provided, that no such license shall be issued for any dog or cat, unless there is presented to the city treasurer evidence satisfactory to the treasurer that the owner has complied with section 6-88 with respect to such dog or cat.

(b) Each dog or cat license shall consist of a license tax receipt and a city approved tag. Such receipt shall have recorded thereon the amount of the tax paid, the name and address of the owner or custodian of the dog, the date of payment, the year for which the license is issued, the serial number of the tag, and whether the license is for a male, female or unsexed dog or cat. The tag issued hereunder shall be stamped or otherwise permanently marked to show the name of the city and the calendar year for which issued and shall bear a serial number.

Sec. 6-40. Preservation and exhibition of license receipt; tag to be worn by dog or cat; exceptions.

(a) Dog and cat license receipts shall be carefully preserved by the licensees and exhibited promptly on request for inspection by the animal control officer or other officer. Dog and cat license tags shall be securely fastened to a substantial collar by the owner or custodian and worn by such dog or cat. The owner of the dog or cat may remove the collar and license tag required by this section when the dog or cat is engaged in lawful hunting; when the dog or cat is competing in a dog or cat show; when the dog or cat has a skin condition which would be exacerbated by the wearing of a collar and the owner possesses a written veterinarian's diagnoses of the condition; when the dog or cat is confined; or when the dog or cat is under the immediate control of its owner.

(b) Any dog or cat not wearing a collar bearing a license tag of the proper calendar year shall prima facie be deemed to be unlicensed, and in any proceedings under this division, 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 shall be on the owner of the dog or cat.

Sec. 6-41. Removal of tag.

It shall be unlawful for any person, except the owner or custodian, to remove a legally acquired license tag from a dog or cat.

Sec. 6-42. Duplicate tags.

If a dog or cat license tag shall become lost, destroyed or stolen, the owner or custodian shall at once apply to the city treasurer for a duplicate tag, presenting the original license receipt. Upon affidavit of the owner or custodian, before the treasurer, that the original license tag has been lost, destroyed or stolen, the treasurer shall issue a duplicate license tag, which the owner or custodian shall immediately affix to the collar of the dog or cat. The treasurer 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 or cat shall be one dollar (\$1.00).

Sec. 6-43. Substations and agents for collection of tax and issuance of license.

The city treasurer may establish substations in convenient locations in the city and appoint agents for the collection of dog and cat license taxes and issuance of dog and cat licenses.

Sec. 6-44. Reserved.

DIVISION 3. DANGEROUS OR VICIOUS DOGS

Sec. 6-45 - Sec. 6-47. Reserved.

Sec. 6-48. Certain acts prohibited.

No person shall own, harbor, care for, keep or utilize any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purposes of causing or encouraging said dog to make unprovoked attacks upon human beings or domestic animals.

Sec. 6-49. Sales of dangerous or vicious dogs prohibited.

No person shall possess with intent to sell, or offer for sale, sell, breed, or buy or attempt to buy within the city any dangerous or vicious dog.

Sec. 6-50. Dangerous or vicious dog determination hearing; appeal; license; notification of change in status.

(a) As used in this section,

(1) *Dangerous dog* means a canine or canine crossbreed which has bitten, attacked, or inflicted injury on a person or companion animal or killed a companion animal; however, when a dog attacks or bites another dog, 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 other dog as a result of the attack or bite; (ii) both dogs 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 another dog while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event. No dog that has bitten, attacked, or inflicted injury on a person shall be found to be a dangerous dog if the court determines, based on the totality of the evidence before it, that the dog is not dangerous or a threat to the community.

(2) *Vicious dog* means a canine or canine crossbreed which has (i) killed a person; (ii) inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or (iii) continued to exhibit the behavior which resulted in a previous finding by a court that it is a dangerous dog, provided that its owner has been given notice of that finding.

(b) Any animal control officer or law enforcement officer who has reason to believe that a canine or canine crossbreed within his jurisdiction is a dangerous dog or vicious dog shall apply to a magistrate for the issuance of a summons requiring the owner or custodian, if known, to appear before a 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 shall contact the animal control officer and inform him of the location of the dog and the relevant facts pertaining to his belief that the dog is dangerous or vicious. The animal control officer or owner 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. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of this section. If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of Section 3.2-6562 of the Code of Virginia, 1950, as amended.

(c) No canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed prohibited. No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian, (ii) committing, at the time, a willful trespass or other tort upon the premises occupied by the animal's owner or custodian or (iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog which 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 dog or a vicious dog. No animal which, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, or its owner or owner's property, shall be found to be a dangerous dog or a vicious dog.

(d) The owner of any animal found by a court to be a dangerous dog shall, within ten (10) days of such finding, obtain a dangerous dog registration certificate from the animal control officer for a fee of fifty dollars (\$50.00) in addition to other fees that may be authorized by law. The animal control officer shall also provide the owner with a uniformly designed tag which identifies the animal as a dangerous dog. 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 subdivision shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained.

(e) All certificates or renewals thereof required to be obtained under this section shall only be issued to persons eighteen (18) years of age or older who present satisfactory evidence (i) of the animal's current rabies vaccination, if applicable, (ii) 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, and (iii) that the owner has liability insurance coverage, to the value of at least one hundred thousand dollars (\$100,000.00), that covers animal bites. In addition, owners who apply for certificates or renewals thereof under this section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence that (i) their residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property, (ii) the animal has been permanently identified by means of a tattoo on the inside thigh or by electronic implantation, and (iii) that the animal has been neutered or spayed.

(f) While on the property of its owner, an animal found by a court to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure designed 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. When off its owner's property, an animal found by a court to be a dangerous dog shall be under the direct supervision by an adult 18 years of age or older and 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.

(g) If the owner of an animal, found by a court to be a dangerous dog, is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.

(h) After an animal has been found by a court to be a dangerous dog, the animal's owner shall immediately, upon learning of same, notify the animal control officer if the animal (i) is loose or unconfined; (ii) bites a person or attacks another animal; (iii) is sold, given away, or dies; or (iv) has been moved to a different address.

(i) The owner of any animal, which has been found by a court to be a dangerous dog, who willfully fails to comply with the requirements of this section shall be guilty of a Class 1 misdemeanor.

(j) All fees collected pursuant to this section, less the costs incurred by the city in producing and distributing the certificates and tags required by this section, shall be paid into a special dedicated fund for the purpose of paying the expenses of any training course required under Section 3.2-6557 of the Code of Virginia, 1950, as amended.

State law reference: Similar provisions, Code of Virginia §3.2-6540, et seq.

Sec. 6-51. Reserved.

Sec. 6-52. Penalty.

- (a) Whoever violates Division 3 of this chapter shall be guilty of a Class 1 misdemeanor.
- (b) Any dangerous or vicious dog which attacks a human being or another domestic animal may be ordered destroyed when, in the court's judgment, such dangerous or vicious dog represents a continuing threat of serious harm to human beings or other domestic animals.
- (c) Any person found guilty of violating this division shall pay all expenses, including shelter, food, veterinary expenses for identification or certification of the breed of the animal or boarding and veterinary expenses necessitated by the seizure of any dog for the protection of the public, and such other expenses as may be required for the destruction of any such dog.

DIVISION 4. FREE-ROAMING CATS

Sec. 6-53. Unlawful care of free-roaming cats; exception.

- (a) For purposes of this section the following terms shall have the following meanings:
 - (1) The acronym "ACO" shall mean the Newport News Animal Control Officer or designee.
 - (2) The term "colony manager" shall mean a resident of Newport News, Virginia who has been designated as a free-roaming cat colony manager by the ACO pursuant to the provisions of this ordinance, and who accepts responsibility for expenses associated with providing care to free-roaming cats.
 - (3) The term "colony caregiver" shall mean a person who has been designated by the colony manager to assist with the care and feeding of free-roaming cats in a managed colony.
 - (4) The term "cat" shall mean a feline over the age of sixteen (16) weeks.
 - (5) The term "free-roaming cat" shall mean any cat that is not or has never been owned by a person, or was formerly owned and has been abandoned.
 - (6) The term "free-roaming cat colony" shall mean a group of free-roaming cats, whether managed or unmanaged, who generally live outdoors and have little or no human contact.
 - (7) The term "managed colony" shall mean a colony of free-roaming cats that is

registered with the ACO and is maintained by the colony manager using trap, neuter, return methodology.

(8) The term "kitten" shall mean a feline sixteen (16) weeks of age or under.

(8) The term "trap/neuter/return (TNR)" shall mean a humane and non-lethal approach to free-roaming cat population control. It is a comprehensive management plan where healthy free-roaming cats are sterilized and vaccinated, then returned to their habitat and provided with long-term care.

(b) Except as provided in this section, it shall be unlawful for any person to provide food, water, and care to free-roaming cats, unless such person has been designated as, and is currently appointed, a colony manager by the ACO.

(c) City residents desiring to provide food, water and care to free-roaming cats in Newport News shall annually apply to the ACO to be designated as a colony manager, and every person so designated shall comply with the provisions of this section throughout their term of appointment. There is no fee associated with applying for this designation.

(d) Every colony manager shall comply with the following conditions with respect to free-roaming cats or free-roaming cat colonies for which they are a designated colony manager:

(1) Provide documentation of (i) permission by the owner(s), or their agent(s), of property on which free-roaming cats are located to enter upon their property to provide such care, and (ii) a good faith estimate of the number of free-roaming cats and kittens residing in the colony at the time a colony manager's designation is applied for; and (iii) notification to adjacent property owners of the existence of the colony and colony manager's contact information.

(2) Colony managers shall abide by standard guidelines devised by the ACO regarding the provision of food, water, shelter and veterinary care for cats within the managed colony.

(3) Assume personal responsibility and make arrangements for feeding and providing emergency veterinarian treatment as needed to their free-roaming cat or free-roaming cat colony on a regular basis throughout the year, including weekends, holidays, and at such times as the colony manager is unable, for any reason, to provide such care.

(4) Provide regular and frequent trapping of not less than two (2) times per month, through the use of humane box traps of free-roaming cats and kittens over the age of eight (8) weeks who have not been spayed or neutered, vaccinated, and marked as provided herein. The trapped free-roaming cats shall be spayed or neutered.

vaccinated for rabies, and marked by having their ears tipped or notched by a veterinarian professionally licensed by the Commonwealth of Virginia. It is also recommended, but not required, that all trapped free-roaming cats be vaccinated by the veterinarian for distemper.

- (5) Make every attempt to remove kittens for domestication and placement with a person or foster who is willing to be the owner of same.
- (6) Maintain, on an individual cat basis, documentation of all vaccinations, inoculations, medical procedures and sustenance provided to free-roaming cats under their care, and upon request, to provide such documentation to the ACO.
- (7) Authorize veterinarians attending to free-roaming cats or kittens under their care to release copies of all medical records with regard to such free-roaming cats to the ACO.
- (8) Maintain protection for the free-roaming cats and kittens sufficient to shield them from adverse weather conditions, and maintain the surrounding area free and clear of garbage, trash and debris.
- (9) Refuse to accept the introduction of new cats to an existing registered free-roaming cat colony without permission of the ACO.
- (10) Insure that a free-roaming cat colony for which a person has been designated a colony manager does not exceed twenty (20) cats.

(e) In the event a colony manager is found by the ACO to have violated any provision of this chapter, or failed to comply with any of its provisions, the ACO may require the colony manager to cease, desist and rectify their violation, or terminate their designation as a colony manager, depending on the severity of the violation. If abatement of the violation is appropriate, the colony manager shall be issued a notice of non-compliance specifying that the colony manager has five (5) working days within which to provide a written response to the ACO specifying the steps to be taken by the colony manager to come into compliance with the provisions of this chapter within a thirty-day period. The ACO may grant one (1) thirty-day extension if the colony manager demonstrates a good faith effort to comply, and the ACO feels that compliance may be achieved within the thirty-day extension period. The colony manager shall make an action report to the ACO at the end of each thirty-day period or when compliance is achieved, whichever occurs first. If the ACO determines that the violation is sufficiently serious to warrant termination of the colony manager designation, a notice of such termination shall be provided to that person.

(f) If compliance with the provisions of this chapter is not achieved as provided in subsection (d) of this section, or if termination as a colony manager is otherwise warranted, the ACO shall cause a notice of termination to be either personally delivered to the colony manager or

mailed to the colony manager by certified mail, return receipt requested, at the address provided by the colony manager on their current application for such designation. Compliance with this subsection by personal delivery shall be effective upon delivery; compliance with this section by mailing shall be effective on the day first delivered to the recipient's address. Termination of designation as a colony manager by the ACO may be appealed to the city manager's office by such person by providing notice of the appeal in writing stating the basis for the appeal within ten (10) calendar days of delivery of the notice of termination as required in this subsection.

(g) For purposes of this chapter, and except as provided in this section, a person who has been designated as a colony manager shall not be considered an owner or a custodian of the free-roaming cats for which they are providing care.

(h) The provisions of this section do not grant to any colony manager any authority to enter upon the property of others without the property owner's permission.

(i) In the event the ACO becomes aware, either through a complaint or personal observation, of a free-roaming cat or free-roaming cat colony, he/she shall make a reasonable attempt to determine if a suspected free-roaming cat or free-roaming cat colony has a colony manager who will comply with this section. If, after making such an attempt, no colony manager is identified or is willing to comply with the provisions of this section, the ACO shall take all necessary action to obtain permission from the property owner(s) to enter upon the property to capture and remove the free-roaming cats, and to dispose of the captured cats in accordance with the provisions of this chapter for the disposal of impounded animals.

ARTICLE III. ANIMAL WELFARE ORDINANCE

Sec. 6-54. Title.

This article shall be known as the Newport News Animal Welfare Ordinance and may be so cited.

Sec. 6-55. Declaration of policy and purpose.

(a) The city council declares that it is the policy and purpose of this article to insure that animals are provided humane care and treatment by regulating the transportation, sale, purchase, housing, care, handling and treatment of animals. It is the purpose of this article to insure that all animals, wherever found, and especially animals confined in pet shops, boarding kennels, animal shelters, auction markets, research facilities, transportation facilities and vehicles and in other similar places, are provided humane care and treatment. It is also the purpose of this article to protect the owners and purchasers of animals from misleading or fraudulent warranties regarding

animals and from theft of their animals; to prevent the sale or use of stolen animals; and to insure that only animals that appear to be free of infection, communicable disease and abnormalities are released for sale, trade or adoption, unless subsequent veterinary care is assured.

(b) The city council declares that it is the intent of this article to protect the public health, safety and welfare by controlling animals as items of commerce to prevent disease, fraudulent practices and inhumane treatment and conditions.

Sec. 6-56. Reserved.

Sec. 6-57. Exceptions from article.

(a) This article shall not apply to a place or establishment which is operated under the immediate supervision of a duly licensed veterinarian as a hospital or boarding kennel, where animals are harbored, boarded and cared for incident to the treatment, prevention or alleviation of disease processes during the routine practice of the profession of veterinary medicine or to animals boarded under the immediate supervision of a duly licensed veterinarian.

(b) The exception granted by this section shall not apply to sections 6-58, 6-59, 6-60 and 6-61.

Sec. 6-58. Cruelty to animals generally.

(a) Any person who: (i) overrides, overdrives, overloads, tortures, ill-treats, willfully inflicts inhumane injury or pain, not connected with bona fide scientific or medical experimentation to, or cruelly or unnecessarily beats, maims, mutilates or kills, any animal, whether belonging to such person or another, (ii) deprives any animal of necessary food, drink, shelter or emergency veterinary treatment, (iii) sores any equine for any purpose or administers drugs or medications to alter or mask such spring for the purpose of sale, show, or exhibition of any kind, unless such administration of drugs or medications is within the context of a veterinary client-patient relationship and solely for therapeutic purposes; (iv) willfully sets on foot, instigates, engages in or in any way furthers any act of cruelty to any animal, or (v) causes any of the above 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) Nothing in this section shall be construed to prohibit the dehorning of cattle conducted in a reasonable and customary manner.

(c) This section shall not prohibit authorized wildlife management activities or hunting, fishing or trapping or to farming activities as regulated under titles of the Code of Virginia, 1950.

as amended, including Title 29.1.

(d) It is unlawful for any person to kill a domestic dog or cat for the purpose of obtaining the hide, fur or pelt of the dog or cat. A violation of this subsection is a Class 1 misdemeanor.

(e) Any person convicted of violating this section may be prohibited by the court from possession or ownership of companion animals.

Similar provisions, Code of Virginia, § 3.2-6570.

Sec. 6-59. Maiming, killing or poisoning animal.

Except as otherwise provided for by law, if any person maliciously shoots, stabs, wounds or otherwise causes bodily injury to, or administers poison to or exposes poison with intent that it be taken by, any animal of another, with intent to maim, disfigure, disable or kill the same, or if any person does any of the foregoing acts to any animal of his or her own, with intent to defraud any insurer thereof, such person shall be guilty of a Class 1 misdemeanor.

Similar provisions, Code of Virginia, § 18.2-144, which makes similar acts relating to livestock a felony.

Sec. 6-60. Fighting of cocks, dogs, etc.

(a) It shall be unlawful for any person to (i) promote, prepare for, engage in, be employed in or attend an exhibition of the fighting of cocks, dogs or other animals for amusement, sport, money, prize or anything of value, or upon the result of which any money or other thing of value is bet or wagered, or to which an admission fee is charged, directly or indirectly; (ii) authorize or allow any person to undertake any act described in this section on any premises under his charge or control; or (iii) aid or abet any such acts. Except as provided in subsection (b), any person who violates any provision of this subsection is guilty of a Class 1 misdemeanor.

(b) (1) Any animal control officer, as defined in this chapter, shall confiscate any animal that he determines has been, is, or is intended to be used in animal fighting and any equipment used in training such animal or used in animal fighting.

(2) Upon confiscation of an animal, the animal control officer shall petition the appropriate court for a hearing for a determination of whether the animal has been, is, or is intended to be used in animal fighting. The hearing shall be not more than ten (10) business days from the date of the confiscation of the animal. If the court finds that the animal has not been used, is not used and

is not intended to be used in animal fighting, it shall order the animal released to its owner. However, if the court finds probable cause to believe that the animal has been, is, or is intended to be used in animal fighting, the court shall order the animal forfeited to the locality unless the owner posts bond in surety with the locality in an amount sufficient to compensate the locality for its cost of caring for the animal for a period of nine (9) months. He shall post additional bond for each successive nine (9) month period until a final determination by the trial court on any criminal charges brought pursuant to subsections (a) or (b).

(3) Upon a final determination of guilt by the trial court on criminal charges brought pursuant to subsections (a) or (b), the court shall order that the animal be forfeited to the locality. Upon a final determination of not guilty by the trial court on the underlying criminal charges, a confiscated animal shall be returned to its owner and any bond shall be refunded to him.

(c) Any person convicted of violating any provisions of subsection (a) or (b) shall be prohibited by the court from possession or ownership of companion animals or cocks.

(d) In addition to fines and costs, the court shall order any person who is convicted of a violation of this section to pay all reasonable costs incurred for housing, caring for, or euthanizing any confiscated animal. If the court finds that the actual costs are reasonable, it may order payment of actual costs.

(e) The provisions of this section shall not apply to any law enforcement officer in the performance of his duties. This section shall not prohibit (i) authorized wildlife management activities or hunting, fishing, or trapping authorized under any title of the Code of Virginia, 1950, as amended, or regulations promulgated thereto or (ii) farming activities authorized under Title 3.2 of the Code of Virginia, 1950, as amended, or regulations promulgated thereto.

Similar provisions, Code of Virginia, §3.2-6571.

Sec. 6-61. Leaving maimed, diseased, etc., animal in street or other public place.

It shall be unlawful for any person owning or having in custody any maimed, diseased, disabled or infirm animal to leave it to lie or be in a street, road or public place.

Similar provisions, Code of Virginia, § 18.2-323.

Sec. 6-62. Duty of owners to provide feed, water, shelter, etc.

(a) Each owner shall have the duty to provide, for each of such owner's companion animals and pursuant to regulations adopted by the state board of agriculture and commerce:

- (1) Adequate feed;
- (2) Adequate water;
- (3) Adequate shelter that is properly cleaned;
- (4) Adequate space in the primary enclosure for the particular type of animal, depending upon its age, size and weight;
- (5) Adequate exercise;
- (6) Adequate care, treatment, and transportation; and
- (7) Veterinary care when needed to prevent suffering or disease transmission.

The provisions of this section shall also apply to every animal shelter, or other releasing agency, and every foster care provider, dealer, pet shop, exhibitor, kennel, groomer, and boarding establishment. This section shall not require that animals used as food for other animals be euthanized.

(b) Violation of this section is a Class 4 misdemeanor. A second or subsequent violation of subdivision (a)(1), (2), (3) or (7) is a Class 2 misdemeanor and second or subsequent violation of subsection (a)(4), (5) or (6) is a Class 3 misdemeanor.

Sec. 6-63. Care required of dealers and pet shops.

It shall be unlawful for any dealer or owner or operator of a pet shop to fail to adequately house, feed, water, exercise and care for animals in his or her possession or custody. Animals not so provided for shall be subject to seizure and impoundment and, upon conviction of such dealer, owner or operator of violating this section, such animals may be sold or euthanized. Any funds that result from such sale shall be used first to pay the costs of the city for the impoundment and disposition of the animals and any funds remaining shall be paid to the owner, if known. In the event that the owner is not found, the remaining funds shall be paid into the city treasury.

Sec. 6-64. Care of animals being transported.

(a) No owner, railroad or other common carrier, when transporting any animal, shall allow that animal to be confined in any type of conveyance for more than twenty-four (24) consecutive hours, without being exercised, properly rested, fed and watered as necessary for that particular type and species of animal; provided, however, that a reasonable extension of this time shall be permitted when an accident, storm or other act of God causes a delay. Adequate space in the primary enclosure within any type of conveyance shall be provided each animal, depending upon the particular type and species of animal.

(b) No person shall carry or cause to be carried, in or upon any vehicle, vessel or other conveyance, any animal in a cruel, brutal or inhumane manner, so as to produce torture or unnecessary suffering.

(c) Violation of any provision of this section shall constitute a Class 1 misdemeanor.

Sec. 6-65. Reserved.

Sec. 6-66. Reserved.

Sec. 6-67. Misrepresentation of animal's condition.

No person shall misrepresent the physical condition of any animal at the animal's sale, trade, delivery or other method of transfer. For the purpose of this section, misrepresentation shall include selling, trading, delivering or otherwise transferring an animal to another person with the knowledge that the animal has an infection, communicable disease, parasitic infestation, abnormality or other physical defect that is not made known to the person receiving the animal. Violation of this section is a Class 3 misdemeanor.

Sec. 6-68. Abandonment of animal.

No person shall abandon any animal. Violation of this section is a Class 3 misdemeanor.

Sec. 6-69. Procedure when animals left unclaimed with veterinarian or boarding kennel.

Any animal not claimed by its owner from a licensed veterinarian or boarding kennel within fourteen (14) business days after a letter of notice has been sent to the owner, if found, by the veterinarian or boarding kennel, may be sold by the veterinarian or boarding kennel. The animal may be sold at public or private sale for fair compensation to a person capable of providing care consistent with this article. Any expense incurred by the veterinarian or boarding kennel becomes a lien on the animal and the proceeds of the sale shall first be used to discharge this lien. Any

balance of the proceeds shall be paid over to the owner; provided, however, that if the owner cannot be found within the next ensuing thirty (30) days, the balance shall be paid to the city treasury. If no purchaser is found, the animal may be offered for adoption or euthanized.

Sec. 6-70. Rights of veterinarian as to sick or injured animal when owner cannot be located.

If a licensed veterinarian is called, or by his or her own action comes upon an animal that is sick or injured and the owner of such animal cannot be immediately located, then the licensed veterinarian, in his or her professional judgment, may treat, hospitalize or euthanize the animal, without the permission of the owner. In no event shall a licensed veterinarian who has properly exercised professional judgment regarding such animal be subject to liability for his or her actions.

Sec. 6-71. Reserved.

Sec. 6-72. Investigation of complaint of violation of article; corrective action.

(a) Upon receiving a complaint of a suspected violation of this article, the animal control officer or any law enforcement official may, for the purpose of investigating the allegations of the complaint, enter upon the premises of a dealer or pet shop, and upon obtaining a warrant, upon any other premises where the animal or animals described in the complaint are housed or kept. The commonwealth's attorney and law enforcement officials shall provide such assistance as may be required in the conduct of such investigations.

(b) If the investigation provided for in this section discloses that a violation of this article has occurred, the investigator shall notify the owner or custodian of the complaint and of what action is necessary to comply with this article.

(c) This section shall not apply to sections 6-58, 6-59 and 6-60, and investigations and prosecutions for violations of those sections shall be handled as they are for violations of other ordinances of the city.

Sec. 6-73. Seizure and impoundment of animals.

(a) Any 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. Before seizing or impounding any agricultural animal, such humane investigator, law enforcement officer or animal control officer

shall contact the State Veterinarian or a State Veterinarian's representative, who shall recommend to such person the most appropriate action for the disposition of the agricultural animal. The law enforcement officer or animal control officer shall notify the owner of the agricultural animal and the local attorney of the recommendation. The 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;
- (2) 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 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 (5) 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 disposition of the animal, any other information required by the State Veterinarian.

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 ten (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.

(b) The 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 (5) 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, 1950, as amended, shall be given. If such person or the custodian is not known, the humane investigator, the law enforcement officer or animal control officer shall cause to be published in a newspaper in 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 (5) days prior to the hearing at the place provided for public notices at the city hall or courthouse wherein such hearing shall be held.

(c) 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 Commonwealth shall be required to prove its case beyond a reasonable doubt .

(d) The law enforcement officer or animal control officer shall provide for such animal until the court has concluded the hearing. The owner of any animal held pursuant to this subsection for more than thirty (30) days shall post a bond in surety for the amount of the cost of boarding the animal for nine (9) months. The bond shall be forfeited if the owner is found to be not guilty of the violation.

If the court determines that the animal has been neither abandoned, cruelly treated, nor deprived of adequate care, the animal shall be returned to the owner. If the court determines that the animal has been (i) abandoned or cruelly treated, (ii) deprived of adequate care, as that term is defined in this chapter, or (iii) raised as a dog that has been, is or is intended to be used in dogfighting in violation of section 6-60, then the court shall order that the animal be: (a) sold; (b) humanely destroyed, or disposed of by sale or gift to a federal agency, state-supported institution, agency of the Commonwealth, agency of another state, or a licensed federal dealer having its principal place of business located with the Commonwealth; (c) delivered to any local humane society or shelter, or to any person who is a resident of the city where the animal is seized or an adjacent county or city in the Commonwealth and who will pay the required license fee, if any, on such animal; or (d) delivered to the person with a right of property in the animal as provided in subsection (e).

(e) 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 action or inactions of such person.

(f) 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.

(g) 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 and other laws prohibiting cruelty to animals or pertaining to the care and treatment of animals and the owner's mental and physical condition.

(h) 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. 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.

(i) Any person who is prohibited from owning or possessing animals pursuant to subsection (g) or (h) 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.

(j) 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.

(k) 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.

(l) In all cases the owner may, upon proof of ownership, redeem the animal within five (5) days after such seizure upon payment of the sum of twenty-five dollars (\$25.00) for the first twenty-four (24) hours or portion thereof and the sum of fifteen dollars (\$15.00) for each succeeding day or fraction thereof; provided, however, that the minimum payment shall be twenty-five dollars (\$25.00). For each subsequent impoundment, within a twelve-month period, the owner may redeem the animal within five (5) days of seizure upon payment of the sum of fifty dollars (\$50.00) for the first twenty-four (24) hours or portion thereof and the sum of fifteen dollars (\$15.00) for each succeeding day or fraction thereof; provided, however, that the minimum payment in such cases shall be fifty dollars (\$50.00).

State law reference: Similar provisions, Code of Virginia §3.2-3569.

Sec. 6-74. Impoundment records.

The animal control officer or the custodian of the public animal shelter, upon taking custody of any animal in the course of his or her official duties, shall immediately make a record thereof. The record shall include a description of the animal, including color, breed, sex, approximate weight, reason for seizure, location of seizure, the owner's name and address, if known, and all license or other identification numbers, if any. Complete information relating to the disposition of the animal shall be added to the record, immediately after disposition of the animal.

Sec. 6-75. Sale or gift of animals released from public animal shelter generally.

No animal impounded at the city's public animal shelter shall be sold or given away other than by sale or gift directly to federal agencies, state-supported institutions, agencies of the Commonwealth of Virginia, agencies of other states, or by delivery to dealers licensed by federal, state or local authorities, or by delivery to a local humane society shelter or to any person who will pay the required fee, if any, on such animal. Any proceeds deriving from the gift, sale or delivery of such animals shall be paid directly to the city treasurer and no part of such proceeds shall accrue to any individual.

Sec. 6-76. Animal control officer not to sell or give animals to dealers, pet shops, etc.

The animal control officer and such officer's representatives shall not give or sell, or negotiate for the gift or sale, to a pet shop, dealer or research facility, of any animal which may come into his or her custody in the course of carrying out his or her official assignments.

Sec. 6-77. Animal control officer not to be licensed as dealer.

The animal control officer shall not be granted a dealer's license and each application for such license shall include a statement made under oath that neither the applicant nor any member or employee of the firm, partnership or corporation making application is the animal control officer.

Sec. 6-78. Unattended tethering of dogs prohibited; exceptions.

(a) It shall be unlawful to tether any unattended dog for a period exceeding one (1) continuous hour.

(b) When a dog is tethered, the tether must be attached to the dog by a properly applied collar, halter, or harness configured so as to protect the dog from injury and prevent the dog or the tether from becoming entangled with other objects or dogs, or from extending over an object or edge that could result in the strangulation or injury of the dog. Furthermore, the tether must be at least three (3) times the length of the dog, as measured from the tip of its nose to the base of its tail.

(c) Any owner, whose dog has a valid license pursuant to section 6-33 as of February 1, 2015, shall be exempt from the provisions of this section as it relates to each dog owned and licensed prior to February 1, 2015. The exemption provided by this subsection shall be forever forfeit for any dog whose license is not renewed by February 1 of any subsequent year.

(d) Violations of this section shall constitute a Class 3 misdemeanor.

Editor's note—

Section 2 of Ord. No. 7125-14 specifies an effective date of July 1, 2015.

Sec. 6-79. Use of animals as prizes or inducements.

No person shall give away any vertebrate animals as a prize for or as an inducement to enter any contest, a game or other competition or as an inducement to enter a place of amusement or offer such vertebrate as an incentive to enter into any business agreement, whereby the offer was for the purpose of attracting trade.

Sec. 6-80. Animals riding in open vehicles.

(a) It shall be unlawful for the operator of any motor vehicle to place or keep an animal in any portion of such vehicle that is open in such a manner as to permit such animal to jump out of or escape the vehicle or to be thrown from the vehicle by acceleration or stopping of the vehicle or by an accident involving the vehicle. The prohibited portions of a motor vehicle shall include, but not be limited to:

- (1) The open bed of a truck or upon a motorcycle; or
- (2) The rear storage portion of a vehicle with the tailgate, trunk or hatchback portion open or down.

For the purpose of this section, the operator of a motor vehicle shall be deemed to have control of any animal found therein.

- (b) The provisions of this section shall not apply to:
 - (1) Any person who operates a motor vehicle in which an animal is secured in a cage or carrier of adequate design and shape to protect the animal and prevent its escape;
 - (2) Any animal which is properly secured, restrained or tethered;
 - (3) Law enforcement animals; or
 - (4) Animal control vehicles.
- (c) Violations of this section shall constitute a Class 3 misdemeanor.

Secs. 6-81--6-87. Reserved.

ARTICLE IV. RABIES CONTROL

Sec. 6-88. Vaccination or inoculation of cats, dogs and ferrets.

(a) It shall be unlawful for any person to own, keep, hold or harbor any cat or dog over the age of four (4) months within the city unless such cat or dog shall have been vaccinated with a vaccine licensed by the U.S. Department of Agriculture (USDA) as recommended in the Compendium of Animal Rabies Vaccines, prepared by the National Association of State Public Health Veterinarians. It shall be unlawful for any person or dealer to sell, own, keep, hold, or harbor any ferret, three (3) months of age or older, within the city unless such ferret has been vaccinated with a vaccine licensed by the U.S. Department of Agriculture (USDA). If, however, the requirement of vaccination or inoculation threatens the physical well-being of such cat, dog or ferret, the owner of such cat, dog or ferret shall have a certificate signed by a licensed veterinarian certifying the same; and the owner shall keep such cat or dog [or ferret] in quarantine until same is inoculated or vaccinated.

(b) Any person transporting a cat, dog or ferret into the city from some other jurisdiction shall conform with the provisions of this section within thirty (30) days subsequent to bringing such cat, dog or ferret into the city.

(c) At the time of inoculation or vaccination under this section, a suitable and distinctive collar tag and certificate of rabies vaccination or inoculation, certifying that the cat, dog or ferret in question has been inoculated or vaccinated as provided in this section, shall be issued to the owner of the cat, dog or ferret in question. The collar tag shall be affixed to the cat's, dog's or ferret's collar and shall be worn at all times when the cat, dog or ferret is not on the owner's property or in the immediate control of a responsible person.

(d) A certificate of rabies vaccination or inoculation issued under this section shall show the date of injection; sex and breed of cat, dog or ferret; weight of the cat, dog or ferret; color and marks of the cat, dog or ferret; rabies tag number; the owner of the cat, dog or ferret; amount and kind of vaccine injection; and the method of injection. 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 Compendium of Animal Rabies Vaccines, prepared by the National Association of State Public Health Veterinarians.

(e) Each day such animal is allowed to go unvaccinated shall be considered a separate offense.

Sec. 6-89. Report of existence of rabid animals.

Every person having knowledge of the existence of an animal apparently afflicted with

rabies shall report immediately to the city health department the existence of such animal, the place where seen, the owner's name, if known, and the symptoms suggesting rabies.

Sec. 6-90. Emergency ordinance requiring confinement or restraint of cats or dogs when rabid animal at large.

When there is sufficient reason to believe that a rabid animal is at large, the city council shall have the power to pass an emergency ordinance, which shall become effective immediately upon passage, requiring owners of all cats or dogs in the city to keep the same confined on their premises, unless leashed under restraint of the owner in such a manner that persons or animals will not be subject to the danger of being bitten thereby. Any such emergency ordinance enacted pursuant to the provisions of this section shall be operative for a period not to exceed thirty (30) days, unless renewed by the city council.

Sec. 6-91. Confinement or destruction of cats or dogs showing signs of or suspected of having rabies.

Cats or dogs showing active signs of rabies or suspected of having rabies shall be confined under competent observation for such a time as may be necessary to determine a diagnosis. If confinement is impossible or impracticable, such cat or dog shall be destroyed.

Sec. 6-92. Confinement or destruction of cat or dog bitten by rabid animal.

Any cat or dog bitten by an animal believed to be afflicted with rabies shall be destroyed immediately or confined in a public animal shelter, kennel or enclosure approved by the health department for a period not to exceed six (6) months, at the expense of the owner of such cat or dog. If the bitten cat or dog has been vaccinated against rabies within one (1) year, the cat or dog shall be revaccinated and confined to the premises of its owner for thirty (30) days.

Sec. 6-93. Confinement or destruction of animal which has bitten person.

At the discretion of the director of health, any animal which has bitten a person shall be confined under competent observation for ten (10) days, unless the animal develops active symptoms of rabies or expires before that time; provided, that a seriously injured or sick animal may be humanely euthanized and its head sent to the health department for evaluation.

Sec. 6-94. Concealing or harboring animal to prevent its destruction or confinement under article.

(a) It shall be unlawful for any person to conceal or harbor any cat or dog or other animal to keep the same from being destroyed or confined in accord with this article.

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

PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON AUGUST 9, 2016

Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor

A true copy, teste:

City Clerk