

ADOPTED

AUG 12 2008

ORDINANCE NO. 7A-19

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 3, ANIMAL LAWS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 3-1, DEFINITIONS; AND ARTICLE III, IMPOUNDMENT, SECTION 3-45, IMPOUNDMENT GENERALLY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 3, Animal Laws, is hereby amended and reordained by amending Section 3-1, Definitions; and Section 3-45, Impoundment generally.

Chapter 3. Animal Laws

Article I. In General

Sec. 3-1. Definitions.

For the purposes of this chapter, the following words shall have the meaning given herein.

Adequate water. Provision of and access to clean, fresh, potable water of a drinkable temperature which is provided in a suitable manner, in sufficient volume and at suitable intervals, ~~but at least once every 12 hours~~ *appropriate for weather and temperature*, to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles which are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.

State law reference-Similar provisions, Code of Va., § 3.1-796.66.

Article III. Impoundment

Sec. 3-45. Impoundment generally.

(d) The humane investigator, 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 section for more than 30 days shall post a bond in surety with the county for the amount of the cost of boarding the animal for a period of nine months. Such bond shall not prevent the animal's custodian from disposing of such animal at the end of the nine month period covered by the bond unless the person claiming an interest posts an additional bond in surety with the county to secure payment of the costs of caring for the animal for an additional nine months and does so prior to the expiration of the previous nine month period. At the conclusion of the case, the bond shall be forfeited to the county unless there is a finding that the owner is able to adequately provide for the animal and is a fit person to own the animal. If the animal is returned to the owner or other individual despite a violation of this section, the person posting the bond will be entitled to a return of the bond less the incurred expenses of boarding, medical care and impounding the animal.

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 abandoned, cruelly treated, or deprived of adequate care *as defined in section 3-1, or raised as a dog that has been, is, or is intended to be used, in dog fighting in violation of Section 3.1-796.124 of the Code of Virginia*, then the court shall order that the animal be: (i) sold by the county; (ii) 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 within the commonwealth; (iii) delivered to any local humane society or shelter, or to any person who is a resident of the county or 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 (iv) delivered to the person with a right of property in the animal as provided in subsection.

State law reference-Similar provisions, Code of Va., § 3.1-796.115.



Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of August, 2008.

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