

**ADOPTED**

JUL 08 2014

ORDINANCE NO. 7A-23

Board of Supervisors  
James City County, VA

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; BY AMENDING AND RENAMING SECTION 3-8, DANGEROUS AND VICIOUS ANIMALS TO DANGEROUS DOGS; AND BY ADDING SECTION 3-8.1, VICIOUS DOGS; BY AMENDING ARTICLE II, DOGS, DIVISION 1, IN GENERAL, SECTION 3-23, DOGS KILLING OR INJURING LIVESTOCK OR POULTRY; BY AMENDING ARTICLE II, DOGS, DIVISION 2, LICENSES, SECTION 3-32, DISPOSITION OF FUNDS; SECTION 3-38, DOG LICENSE FEE; EXEMPTION FOR CERTAIN DOGS; BY AMENDING ARTICLE III, IMPOUNDMENT, SECTION 3-46, IMPOUNDMENT AND DISPOSITION OF CERTAIN DOGS; BY RENAMING SECTION 3-47, DISPOSITION OF ANIMALS OTHER THAN THOSE IN THE COUNTY POUND; AND BY AMENDING ARTICLE IV, RABIES CONTROL, SECTION 3-60, DESTRUCTION OR CONFINEMENT OF DOG OR CAT BITTEN BY RABID ANIMAL.

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; by amending and renaming Section 3-8, Dangerous dogs; by adding Section 3-8.1, Vicious dogs; by amending Section 3-23, Dogs killing and injuring livestock or poultry; Section 3-32, Disposition of funds; Section 3-38, Dog license fee; exemption for certain dogs; Section 3-46, Impoundment and disposition of certain dogs; by renaming Section 3-47, Disposition of animals other than those in the county pound; and by amending Section 3-60, Destruction or confinement of dog or cat bitten by rabid animal.

## 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.

~~Animal shelter.~~ A facility, other than a private residential dwelling and its surrounding grounds, that is used to house or contain animals and that is owned, operated or maintained by a nongovernmental entity including, but not limited to, 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.

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

~~Foster care provider.~~ An individual who provides care or rehabilitation for companion animals through an affiliation with a ~~pound~~, public or private animal shelter, or other releasing agency.

~~Private Animal Shelter.~~ A facility, other than a private residential dwelling and its surrounding grounds, that is used to house or contain animals and that is owned, operated or maintained by a nongovernmental entity including, but not limited to, 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.

~~Pound.~~ *Public Animal Shelter.* A facility operated by the commonwealth or county for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted animals or a facility operated for the same purpose under a contract with any county, city, town or incorporated society for the prevention of cruelty to animals.

*Releasing agency.* A ~~pound~~, *public or 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.

**State law references**-Similar provisions, Code of Va., § 3.2-5900; § 3.2-6500.

**Sec. 3-8. Dangerous ~~and vicious animals~~ dogs.**

(a) As used in this section:

*“Dangerous dog.”* A canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person or companion animal that is a dog or cat, or killed a companion animal that is a dog or cat. However, when a dog attacks or bites a companion animal that is a dog or cat, the attacking or biting dog shall not be deemed dangerous (i) if no serious physical injury as determined by a licensed veterinarian has occurred to the dog or cat as a result of the attack or bite, (ii) if both animals are owned by the same person, (iii) if such attack occurs on the property of the attacking or biting dog’s owner or custodian, or (iv) for other good cause as determined by the court. No dog shall be found to be a dangerous dog as a result of biting, attacking, or inflicting injury on a dog or cat while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event. A dog that has bitten, attacked, or inflicted injury on a person shall not be found to be dangerous unless the court determines, based on the totality of the evidence before it, that the dog is dangerous or a threat to the community. *No police dog that was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog. No animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner’s or custodian’s property, shall be found to be a dangerous dog.*

*“Vicious dog.”* ~~A canine or canine crossbreed that 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 that resulted in a previous~~

~~finding by a court or, on or before July 1, 2006, by an animal control officer as authorized by local ordinance, that it is a dangerous dog, provided that its owner has been given notice of that finding.~~

(b) Any law-enforcement officer or animal control officer who has reason to believe that a canine or canine crossbreed within the county is a dangerous dog ~~or vicious dog~~ shall apply to a magistrate of the county 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 local 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 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 3-45.~~ The court, upon finding the animal to be a dangerous ~~or vicious~~ dog, may order the owner, custodian, or harbinger thereof to pay restitution for actual damages to any person injured by the animal or whose companion animal was injured or killed by the animal. *The court, in its discretion, may also order the owner to pay all reasonable expenses incurred in caring and providing for such dangerous dog from the time the animal is taken into custody until such time as the animal is disposed of or returned to the owner.* 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 (Section 19.2-260 et seq.) of Chapter 15 of Title 19.2 of the Code of Virginia. The Commonwealth shall be required to prove its case beyond a reasonable doubt.

(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 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 that was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog or a vicious dog. No animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, shall be found to be a dangerous dog or a vicious dog.~~

(d) If the owner of an animal found 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.

(e) The owner of any animal found to be a dangerous dog shall, within 45 days of such finding, obtain a dangerous dog registration certificate from the local animal control officer for a fee of \$150, in addition to other fees that may be authorized by law. The local animal control officer shall also provide the owner with a uniformly designed tag that 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. By January 31 of each year, until such time as the dangerous dog is deceased, all certificates obtained pursuant to this subsection shall be updated and renewed for a fee of \$85 and in the same manner as the initial certificate was obtained. The renewal registration shall include all information contained in the original registration and any updates. The owner shall verify the information is accurate by annual resubmissions. There shall be no change for any updated information provided between renewals. The County shall submit to the State Veterinarian by January 31 of each year \$90 for each dangerous dog it initially registered and \$25 for each dangerous dog for which it renewed registration within the previous calendar year. The animal

control officer shall post registration information on the Commonwealth of Virginia Dangerous Dog Registry, as established under section 3.2-6542 of the Code of Virginia, and any updates on the website.

(f) All dangerous dog registration certificates or renewals thereof required to be obtained under this section shall only be issued to persons 18 years of age or older who present satisfactory evidence (i) of the animal's current rabies vaccination, if applicable, (ii) that the animal has been neutered or spayed, and (iii) 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. 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 and (ii) the animal has been permanently identified by means of ~~a tattoo on the inside thigh or~~ by electronic implantation. All certificates or renewals thereof required to be obtained under this section shall only be issued to persons who present satisfactory evidence that the owner has liability insurance coverage, to the value of at least \$100,000 that covers animal bites. The owner may obtain and maintain a bond in surety, in lieu of liability insurance, to the value of at least \$100,000.

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

(h) The owner shall cause the local animal control officer to be promptly notified of (i) the names, addresses, and telephone numbers of all owners; (ii) all of the means necessary to locate the owner and the dog at any time; (iii) any complaints or incidents of attack by the dog upon any person or cat or dog; (iv) any claims made or lawsuits brought as a result of any attack; (v) ~~tattoo~~ or chip identification information or both; (vi) proof of insurance or surety bond; and (vii) the death of the dog.

(i) After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon learning of same, cause the local animal control authority to be notified if the animal (i) is loose or unconfined; or (ii) bites a person or attacks another animal; or (iii) is sold, given away, or dies. Any owner of a dangerous dog who relocates to a new address shall, within 10 days of relocating, provide written notice to the appropriate local animal control authority for the old address from which the animal has moved and the new address to which the animal has been moved.

(j) Any owner or custodian of a canine or canine crossbreed ~~or other animal~~ is guilty of a:

(1) Class 2 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, attacks and injures or kills a cat or dog that is a companion animal belonging to another person;

(2) Class 1 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, bites a human being or attacks a human being causing bodily injury; or

(3) Class 6 felony if any owner or custodian whose willful act or omission in the care, control, or containment of a canine, ~~or canine crossbreed, or other animal~~ is so gross, wanton, and culpable as to show a reckless disregard for human life, and is the proximate cause of such dog ~~or other animal~~ attacking and causing serious bodily injury to any person.

~~The provisions of this subsection shall not apply to any animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its~~

~~owner's or custodian's property, or when the animal is a police dog that is engaged in the performance of its duties at the time of the attack.~~

(k) The owner of any animal that has been found to be a dangerous dog who willfully fails to comply with the requirements of this section is guilty of a Class 1 misdemeanor.

*Whenever an owner or custodian of an animal found to be a dangerous dog is charged with a violation of this section, the animal control officer shall confine the dangerous dog 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.*

*Upon conviction, the court may (i) order the animal euthanized in accordance with the provisions of section 3-45 or (ii) grant the owner up to 45 days to comply with the requirements of this section, during which time the dangerous dog shall remain in the custody of the animal control officer until compliance has been verified. If the owner fails to achieve compliance within the time specified by the court, the court shall order the animal euthanized in accordance with the provisions of section 3-45. The court, in its discretion, may order the owner to pay all reasonable expenses referenced in subsection (b).*

(l) All fees collected pursuant to this section, less the costs incurred by the animal control authority in producing and distributing the certificates and tags required by this section, shall be paid into a special dedicated fund in the treasury of the county for the purpose of paying the expenses of any training course required pursuant to section 3.2-6556 of the Code of Virginia.

**State law reference**-Control of dangerous ~~or vicious~~ dogs; penalties, Code of Va., § 3.2-6540.

### **Sec. 3-8.1. Vicious dogs.**

(a) *As used in this section:*

*“Serious injury.” means an injury having a reasonable potential to cause death or any injury other than a sprain or strain, including serious disfigurement, serious impairment of health, or serious impairment of bodily function and requiring significant medical attention.*



*“Vicious dog.” means a canine or canine crossbreed that has (i) killed a person, (ii) inflicted serious injury to a person, or (iii) continued to exhibit the behavior that resulted in a previous finding by a court or, on or before July 1, 2006, by an animal control officer as authorized by ordinance that it is a dangerous dog, provided that its owner has been given notice of that finding. No police dog that was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a vicious dog. No animal that, at the time of the acts complained of, was responding to pain or injury or was protecting itself, its kennel, its offspring, a person, or its owner’s or custodian’s property, shall be found to be a vicious dog.*

*(b) Any law-enforcement officer or animal control officer who has reason to believe that a canine or canine crossbreed within his jurisdiction is a vicious dog shall apply to a magistrate serving the jurisdiction 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 local animal control officer and inform him of the location of the dog and the relevant facts pertaining to his belief that the dog is vicious. The animal control officer shall 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 vicious dog, the court shall order the animal euthanized in accordance with the provisions of section 3-45. The court, upon finding the animal to be a vicious dog, may order the owner, custodian, or harbinger thereof to pay restitution for actual damages to any person injured by the animal or to the estate of any person killed by the animal. The court, in its discretion, may also order the owner to pay all reasonable expenses incurred in caring and providing for such vicious dog from the time the animal is taken into custody until such time as the animal is disposed of. 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. The Commonwealth shall be required to prove its case beyond a reasonable doubt.*

*(c) No canine or canine crossbreed shall be found to be a 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 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 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.*

*(d) Any owner or custodian of a canine or canine crossbreed or other animal whose willful act or omission in the care, control, or containment of a canine, canine crossbreed, or other animal is so gross, wanton, and culpable as to show a reckless disregard for human life and is the proximate cause of such dog or other animal attacking and causing serious injury to any person is guilty of a Class 6 felony.*

*State law reference-Vicious dogs; penalties, Code of Va., § 3.2-6540.1.*

## **Article II. Dogs**

### **Division 1. In General**

#### **Sec. 3-20. Running at large prohibited.**

(a) Dogs shall not run at large in the county except in those areas zoned A-1, General Agricultural; provided, however, even within A-1 areas dogs shall not run at large in platted subdivisions consisting of five or more lots, of which at least three lots have occupied dwellings or in manufactured home parks.

(b) For purposes of this section, "at large" shall mean roaming, running or self-hunting off the premises of the owner or custodian and not under the immediate control of the owner or his agent. However, a dog shall not be considered at large if during the hunting season it is on a bona fide hunt in the company of a licensed hunter or during field trials or training periods when accompanied by its owner.

(c) Any dog observed or captured while unlawfully running at large shall be disposed of in accordance with sections 3-45 through 3-47.

(d) For any dog identified as to ownership, if such dog is captured and confined by the animal control officer or other officer appointed under the provisions of this chapter, the owner shall be charged with the actual expenses incurred in keeping the animal impounded. Owners of dogs not impounded shall be issued a summons for violation of this provision. Each day thereafter that this section is not complied with shall be a separate offense.

**State law references**-Governing body of any locality may prohibit dogs from running at large, Code of Va., § 3.2-6538; county or city ~~pounds~~ *public animal shelters*; confinement and disposition of animals; ~~;~~ *affiliation with foster care providers; penalties; injunctive relief*, Code of Va., § 3.2-6546.

### **Sec. 3-23. Dogs killing or injuring livestock or poultry.**

(a) It shall be the duty of the animal control officer or an animal control officer who may find a dog in the act of killing, injuring or chasing livestock or poultry to *seize or* kill such dog forthwith whether such dog bears a tag or not. Any person finding a dog in the act of killing or injuring livestock or poultry shall also have the right to kill such dog on sight as shall any owner of livestock or his agent finding a dog chasing livestock on land utilized by the livestock when the circumstances show that such chasing is harmful to the livestock. Any court shall have the power to order the animal control officer or other officer to kill any dog known to be a confirmed livestock or poultry killer, and any dog killing poultry for the third time shall be considered a confirmed poultry killer. The court, through its contempt powers, may compel the owner, custodian or harbinger of the dog to produce the dog.

(b) If the animal control officer has reason to believe that a dog is killing livestock or poultry, he shall be empowered to seize such dog solely for the purpose of examining such dog in order to determine whether it committed any of the depredations mentioned in this section. The animal control officer or any other person who has reason to believe that a dog is killing livestock or committing any of the depredations mentioned in this section shall apply to a magistrate of the county, who shall issue a warrant requiring the owner, if known, to appear before the general district court at a time and place named therein, at which time evidence shall be heard. If it shall appear that the dog is a livestock killer or has committed any of the depredations mentioned herein, the general district court shall order that the dog be (i) killed immediately by the animal control officer or other officer designated by the court or (ii)

removed to another state which does not border on the commonwealth and prohibited from returning to the commonwealth. Any dog ordered removed from the commonwealth which is later found in the commonwealth shall be ordered by a court to be killed immediately.

**State law reference**-Dogs killing, injuring or chasing livestock or poultry, Code of Va., § 3.2-6552.

## **Article II. Dogs**

### **Division 2. Licenses**

#### **Sec. 3-32. Disposition of funds.**

(a) The county treasurer shall keep all money collected for dog license fees pursuant to section 3-31 in a separate account from all other funds collected by him. The county shall use the dog license funds for the following purposes:

- (1) The salary and expenses of the animal control officer and necessary staff;
- (2) The care and maintenance of a ~~pound~~ *public animal shelter*;
- (3) The maintenance of a rabies control program;
- (4) Payments as a bounty to any person neutering or spaying a dog up to the amount of one year of the license fee as provided in section 3-31;
- (5) Payments for compensation as provided in section 3-24; and
- (6) Efforts to promote sterilization of dogs and cats.

(b) Any part or all of any surplus remaining in such account on December 31 of any year may be transferred into the general fund of the county.

**State law references**-Disposition of funds, Code of Va., § 3.2-6534; supplemental funds, Code of Va., § 3.2-6535.

#### **Sec. 3-38. Dog license fee; exemption for certain dogs.**

(a) The license tax as prescribed in this chapter is due not later than 30 days after a dog has reached the age of four months, or not later than 30 days after an owner acquires a dog four months of age or older and each year thereafter.

(b) Any kennel license tax prescribed pursuant to this chapter shall be due on January 1 and not later than January 31 of each year.

(c) No license tax shall be levied on any dog that is trained and serves as a guide dog for a blind person, that is trained and serves as a hearing dog for a deaf or hearing impaired person or that is trained and serves as a service dog for a mobility-impaired *or otherwise disabled* person.

As used in this section, “hearing dog” means a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond and “service dog” means a dog trained to ~~accompany its owner for the purpose of carrying items, retrieving objects, pulling a wheelchair or other such activities of service or support~~ *do work or perform tasks for the benefit of a mobility-impaired or otherwise disabled person. The work or tasks performed by a service dog shall be directly related to the individual’s disability or disorder. Examples of work or tasks include providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting an individual to the presence of allergens, retrieving items, carrying items, providing physical support and assistance with balance and stability, and preventing or interrupting impulsive or destructive behaviors. The provision of emotional support, well-being, comfort, or companionship shall not constitute work or tasks for the purposes of this definition.*

**State law references**-Amount of license tax, Code of Va., § 3.2-6528; when license tax payable, Code of Va., § 3.2-6530; *Definitions, Code of Va., § 51.5-40.1.*

### **ARTICLE III. IMPOUNDMENT**

#### **Sec. 3-46. Impoundment and disposition of certain dogs.**

(a) The county shall maintain or cause to be maintained a ~~pound~~ *public animal shelter* in which dogs found running at large without the tag required by section 3-35 or dogs found in violation of sections 3-20

or 3-21 shall be confined. Nothing in this section shall be construed to prohibit confinement of other companion animals in such ~~pound~~ *public animal shelter*.

(b) An animal confined pursuant to this section shall be kept for a period of not less than five days, such period to commence on the day immediately following the day the animal is initially confined in the facility, unless sooner claimed by the rightful owner thereof.

The operator or custodian of the ~~pound~~ *public animal shelter* shall make a reasonable effort to ascertain whether the animal has a collar, tag, license, tattoo, or other form of identification. If such identification is found on the animal, the animal shall be held for an additional five days, unless sooner claimed by the rightful owner. If the rightful owner of the animal can be readily identified, the operator or custodian of the ~~pound~~ *public animal shelter* shall make a reasonable effort to notify the owner of the animal's confinement within the next 48 hours following its confinement.

If any animal confined pursuant to this section is claimed by its rightful owner, such owner may be charged with the actual expenses incurred in keeping the animal impounded.

(c) If an animal confined pursuant to this section has not been claimed upon expiration of the appropriate holding period as provided by subsection (b), it shall be deemed abandoned and become the property of the ~~pound~~ *public animal shelter*.

Such animal may be humanely destroyed or disposed of by the methods set forth in subsections (1) through (5). No ~~pound~~ *public animal shelter* shall release more than two animals or a family of animals during any 30-day period to any one person under subsections (2), (3), or (4).

- (1) Release to any humane society, *private* animal shelter, or other releasing agency within the commonwealth, provided that each humane society, *private* animal shelter, or other releasing agency obtains a signed statement from each of its directors, operators, staff, or animal caregivers

specifying that each individual has never been convicted of animal cruelty, neglect, or abandonment and updates such statements as changes occur;

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

For purposes of recordkeeping, release of an animal by a ~~pound~~ *public animal shelter* to a ~~pound~~, *public or private* animal shelter, or other releasing agency shall be considered a transfer and not an adoption. If the animal is not first sterilized, the responsibility for sterilizing the animal transfers to the receiving entity.

(d) Nothing in this section shall prohibit the immediate euthanasia of a critically injured, critically ill, or unweaned animal for humane purposes. Any animal euthanized pursuant to the provisions of this chapter shall be euthanized by one of the methods prescribed or approved by the State Veterinarian.

(e) Nothing in this section shall prohibit the immediate euthanasia or disposal by the methods listed in subsections (1) through (5) of subsection (c) of an animal that has been released to a ~~pound~~, *public or private* animal shelter, other releasing agency, or animal control officer 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 subsections (1) through (5) of subsection (c).

(f) Nothing in this section shall prohibit any feral dog or feral cat not bearing a collar, tag, tattoo, or other form of identification which, based on the written statement of a disinterested person, exhibits behavior that poses a risk of physical injury to any person confining the animal, from being euthanized after being kept for a period of not less than three days, at least one of which shall be a full business day, such period to commence on the day the animal is initially confined in the facility, unless sooner claimed by the rightful owner. The statement of the disinterested person shall be kept with the animal as required by section 3.2-6557 of the Code of Virginia. For purposes of this subsection, a disinterested person shall not include a person releasing or reporting the animal.

(g) No ~~pound~~-*public animal shelter* shall place a companion animal in a foster home with a foster care provider unless the foster care provider has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment, and each ~~pound~~ *public animal shelter* shall update such statement as changes occur. The ~~pound~~ *public animal shelter* shall maintain the original statement and any updates to such statement in accordance with this chapter and for at least so long as the ~~pound~~



*public animal shelter* has an affiliation with the foster care provider.

(h) A ~~pound~~ *public animal shelter* that places a companion animal in a foster home with a foster care provider shall ensure that the foster care provider complies with section 3.2-6503 of the Code of Virginia.

(i) If a ~~pound~~ *public animal shelter* finds a direct and immediate threat to a companion animal placed with a foster care provider, it shall report its findings to the animal control agency in the locality where the foster care provider is located.

“*Animal*” shall not include agricultural animals.

“*Rightful owner*” means a person with a right of property in the animal.

**State law reference**—County or city ~~pounds~~ *public animal shelters*; confinement and disposition of animals; *affiliation with foster care providers*; *penalties*; *injunctive relief*, Code of Va., § 3.2-6546.

**Sec. 3-47. Disposition of animals other than those in the county ~~pound~~ *public animal shelter*.**

(a) No animal bearing a tag, license or tattooed identification shall be used or accepted by any person for the purpose of medical research or experimentation, unless the individual who owns such animal consents in writing.

(b) No person who acquires an animal from an animal shelter in the county shall sell such animal within a period of six months from the time the animal is acquired from the shelter. Violation of this section shall constitute a Class 4 misdemeanor.


**State law references**—Acceptance of animals for research or experimentation; prohibition, Code of Va., § 3.2-6547; Regulation of sale of animals procured from animal shelters, Code of Va. § 3.2-6545.

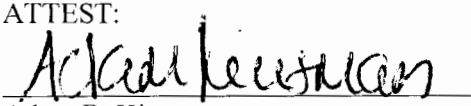
#### ARTICLE IV. RABIES CONTROL

##### **Sec. 3-60. Destruction or confinement of dog or cat bitten by rabid animal.**

Any dog or cat for which no proof of current rabies vaccination is available and which is exposed to rabies through a bite or through saliva or central nervous system tissue in a fresh open wound or mucous membrane by an animal believed to be afflicted with rabies shall be confined in a ~~pound~~ *public animal shelter*, kennel or enclosure approved by the health department for a period not to exceed six months at the expense of the owner; however, if this is not feasible, the dog or cat shall be euthanized as provided in section 3-45 of this chapter. A rabies vaccination shall be administered prior to release. Inactivated rabies vaccine may be administered at the beginning of confinement. Any dog or cat so bitten or exposed to rabies through saliva or central nervous system tissue in a fresh open wound or mucous membrane with proof of a valid rabies vaccination shall be revaccinated immediately following the bite and shall be confined to the premises of the owner, or other site as may be approved by the health department, for a period of 45 days.

**State law reference**-Rabid animals, Code of Va., § 3.2-6522.

  
\_\_\_\_\_  
Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:  
  
\_\_\_\_\_  
Adam R. Kinsman  
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	<u>X</u>	___	___
JONES	<u>X</u>	___	___
MCGLENNON	<u>X</u>	___	___
ONIZUK	<u>X</u>	___	___
HIPPLE	<u>X</u>	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of July, 2014.