

Samples of Relocated and Proposed More Stringent Regulations (More stringent regulations are shaded)

Sec. 4-301 Cruelty to animals; acts that inflict pain, injury, or suffering are prohibited.

Acts of cruelty to animals inflicting specific acts of pain, injury, or suffering are subject to the following:

A. *General acts.* The following acts are unlawful:

1. *Inflicting death, injury, or pain generally.* Any person who overrides, overdrives, overloads, tortures, ill-treats, abandons, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly or unnecessarily beats, maims, mutilates, or kills any animal, whether belonging to himself or another.
2. *Depriving food, drink, shelter, or treatment.* Any person who deprives any animal of necessary food, drink, shelter or emergency veterinary treatment.
3. *Roping, lassoing, or otherwise obstructing or interfering with an equine's legs.* Any person who ropes, lassoes, or otherwise obstructs or interferes with one or more legs of an equine in order to intentionally cause it to trip or fall for the purpose of engagement in a rodeo, contest, exhibition, entertainment, or sport unless the actions are in the practice of accepted animal husbandry or for the purpose of allowing veterinary care.
4. *Soring an equine.* Any person who sores any equine for any purpose or administers drugs or medications to alter or mask the soring for the purpose of sale, show, or exhibition of any kind, unless administering the drugs or medications is within the context of a veterinary client-patient relationship and solely for therapeutic purposes.
5. *Willfully pursuing any act of cruelty.* Any person who willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal.
6. *Transporting animal in manner that produces torture or unnecessary suffering.* Any person who carries or causes to be carried by any vehicle, vessel, or otherwise any animal in a cruel, brutal, or inhumane manner, so as to produce torture or unnecessary suffering.
7. *Causing or permitting another to engage in acts of cruelty.* Any person who causes any of the acts in subsections (A)(1) through (A)(6) or, being the owner of an animal that has been subjected to any of the acts in subsections (A)(1) through (A)(6), permits those acts to be done by another.

Comment: The unlawful acts identified in subsection (A) are the acts delineated in Virginia Code § 3.2-6570.

B. *Specific acts.* The following acts are unlawful:

Comment: The unlawful acts identified in subsection (B) are more stringent than those acts of cruelty delineated in Virginia Code § 3.2-6570.

1. *Shelters*. Any person who:

- a. Provides a shelter for an animal that is composed of metal or plastic barrels, airline crates, or carrying crates.

Comment: This provision is in the definition of “adequate shelter” in current County Code § 4-100.

- b. Provides a shelter for a dog or cat that is without a floor or is not raised off the ground by at least two inches.

Comment: The provision prohibiting a shelter without a floor is in the definition of “adequate shelter” in current County Code § 4-100. The provision prohibiting a shelter being less than two inches off the ground is new.

- c. Provides a shelter for a dog or cat that is located so that it does not receive a least six hours of shade when the ambient temperature during that period exceeds 80 degrees Fahrenheit.

Comment: This provision is new.

- d. Provides a shelter for a dog or cat that is not insulated or otherwise heated when the ambient temperature is below 35 degrees Fahrenheit.

Comment: This provision is new.

- e. Provides shelter for a dog or cat that is infested with mold, insects, or parasites.

Comment: This provision is new.

- f. Provides a shelter for a dog or cat that has vents, cracks, or holes, other than the entrance, that allows rain or other moisture into the shelter.

Comment: This provision is new.

2. *Tethering, any animal*. Any person who places any animal, including any dog, on a tether:

- a. That does not terminate at both ends with a swivel.

Comment: This provision is in the definition of “adequate space” in current County Code § 4-100.

- b. That is shared with other animals.

Comment: This provision is in the definition of “adequate space” in current County Code § 4-100.

- c. For more than two hours cumulative in any 24-hour period.

Comment: This provision is new.

- d. That, if it is on a pulley or running line, restricts movement of the animal.

Comment: This provision is in the definition of “adequate space” in current County Code § 4-100.

- e. That, if it is on a pulley or running line, is inappropriate for the animal’s age and size.

Comment: This provision is in the definition of “adequate space” in current County Code § 4-100.

f. That, if it is on a pulley or running line, is not attached to the animal by a collar.

Comment: This provision is in the definition of “adequate space” in current County Code § 4-100.

g. That, if it is on a pulley or running line, is less than 15 feet in length

Comment: This provision is in the definition of “adequate space” in current County Code § 4-100.

h. That, if it is on a pulley or running line, is more than seven feet above the ground.

Comment: This provision is in the definition of “adequate space” in current County Code § 4-100.

i. That, if it is on a pulley or running line, is configured to allow the animal to be injured, strangled, or entangled with other animals or objects.

Comment: This provision is in the definition of “adequate space” in current County Code § 4-100.

j. During a heat advisory issued by a State or local public entity.

Comment: This provision is new.

k. During a severe weather warning issued by the National Weather Service, including any hurricane warning, tropical storm warning, tornado warning, severe thunderstorm warning, or winter storm warning.

Comment: This provision is new.

l. On uninhabited or abandoned property in the County. For the purposes of this subsection, “abandoned property” means real property in which the owner has relinquished dominion and control with no intention to recover it in the immediate future, regardless of whether the property has a structure on it.

Comment: This provision is new.

3. *Tethering, dogs.* Any person who places any female dog in heat on a tether or tethers a dog that is six months’ old or younger.

Comment: This provision is in the definition of “adequate treatment” in current County Code § 4-100.

4. *Transporting.* Any person who transports an animal in an open-bed truck or similar vehicle either when the animal is tethered or is in a carrier that is not secured to the vehicle so that it is unmovable and allows normal postural movements of the animal.

Comment: This provision is in the definition of “adequate treatment” in current County Code § 4-100.

5. *Water.* Any person who deprives an animal of clean, fresh, potable water that is a drinkable temperature at least once every 12 hours.

Comment: This provision is in the definition of “adequate water” in current County Code § 4-100.

6. *Causing or permitting another to engage in acts of cruelty.* Any person who causes any of the acts in subsections (B)(1) through (B)(5) or, being the owner of an animal that has been subjected to any of the acts in subsections (B)(1) through (B)(5), permits those acts to be done by another.

Comment: This provision mirrors the similar provision in subsection (A).

C. *Penalties.* Any person who commits any of the acts in subsection (A) or (B) is subject to the following:

1. *Class 1 misdemeanor.* A violation of this section is punishable as a class 1 misdemeanor.
2. *Court-ordered treatment.* The court may, in its discretion, require any person convicted of violating subsection (A) or (B), or both, to attend an anger management or other appropriate treatment program or obtain psychiatric or psychological counseling. The court may impose the costs of such a program or counseling upon the person convicted.
3. *Prohibiting possessing or owning companion animals.* The court shall prohibit any person convicted of violating subsection (A) or (B), or both, from possessing or owning companion animals or equine.

D. *Excepted acts.* The following acts are not prohibited by subsections (A) and (B):

1. *Dehorning cattle.* Dehorning cattle that is conducted in a reasonable and customary manner.
2. *Wildlife management activities, hunting, fishing, and trapping.* Authorized wildlife management activities, or hunting, fishing or trapping as regulated under the Virginia Code, including Virginia Code Title 29.1.
3. *Farming activities.* Farming activities as provided by the Virginia Code or the County Code.
4. *Right of an owner to use force to protect a dog or cat against an attack by another dog.* If a dog or cat is attacked on its owner’s property by a dog so as to cause injury or death, the following apply:
 - a. *Owner may use force to protect the dog or cat.* The owner of the injured dog or cat may use all reasonable and necessary force against the dog at the time of the attack to protect his dog or cat.
 - b. *Owner presumed to have taken necessary and appropriate action.* The owner is presumed to have taken necessary and appropriate action to defend his dog or cat and is therefore presumed not to have violated this section.

(Ord. 98-A(1), 8-5-98, § 4-207; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13)

State law references-Va. Code §§ 3.2-6544(B), 3.2-6570.

Sec. 4-306 Seizure, impoundment, and disposition of animals that have been abandoned, cruelly treated, or are suffering.

Any animal subjected to cruelty, abandoned, or which is suffering from a violation of this chapter or Virginia Code § 3.2-6500 *et seq.* that has rendered the animal in a condition that poses a direct and immediate threat to its life, safety, or health may be seized, impounded, and disposed as follows:

- A. *Authority of law enforcement officer or animal control officer to seize and impound animal.* 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 or the Comprehensive Animal Care laws (Virginia Code § 3.2-6500 *et seq.*) that has rendered the animal in a condition that poses a direct and immediate threat to its life, safety, or health.
- B. *Seizing or impounding an agricultural animal.* A law enforcement officer or animal control officer may seize or impound an agricultural animal only as follows:
 1. *Prerequisite to seizure or impoundment; contacting the State Veterinarian and notifying the owner and the Commonwealth's Attorney.* Before seizing or impounding any agricultural animal, the law enforcement officer or animal control officer shall contact the State Veterinarian or the State Veterinarian's representative, who shall recommend to the officer the most appropriate action for effecting the seizure and impoundment. The law enforcement officer or animal control officer shall notify the owner of the agricultural animal and the Commonwealth's Attorney for the County of the recommendation. This subsection does not apply if the agricultural animal is under a direct and immediate threat.
 2. *Seizure when the animal is subject to a direct and immediate threat.* If there is a direct and immediate threat to an agricultural animal, the law enforcement officer or animal control officer may seize the animal. The law enforcement officer or animal control officer shall file within five business days on a form approved by the State Veterinarian a report on the condition of the animal at the time of the seizure, the location of impoundment, and any other information required by the State Veterinarian.
 3. *Impoundment is allowed on the land where the agricultural animal is located.* The law enforcement officer or animal control officer may impound the agricultural animal on the land where the agricultural animal is located in any of the following circumstances:
 - a. *Owner or tenant gives permission.* The owner or tenant of the land where the agricultural animal is located gives written permission;
 - b. *Court order.* The general district court so orders.
 - c. *Owner or tenant cannot be immediately located.* 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.
- C. *Petition and hearing in general district court after seizing or impounding an animal.* Upon seizing or impounding an animal, the law enforcement officer or animal control officer shall petition the County general district court for a hearing.

1. *When the hearing must be held.* The hearing shall be not more than 10 business days after the date the animal was seizure or impounded.
2. *Issue to be determined at the hearing.* The hearing shall be to determine whether the animal has been abandoned, has been cruelly treated, or has not been provided adequate care.
3. *Notice of the hearing.* Notice of the hearing shall be given as provided in Virginia Code § 3.2-6569(D).
4. *Determination and disposition.* The disposition of the hearing is either of the following:
 - a. *Animal not abandoned, cruelly treated, deprived of adequate care.* 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.
 - b. *Animal abandoned, cruelly treated, deprived of adequate care.* If the court determines that the animal has been abandoned, cruelly treated, or deprived of adequate care, or raised as a dog that has been, is, or is intended to be used in dogfighting in violation of Virginia Code § 3.2-6571, then the court shall order that the animal may be: (i) sold by the County, if it is not a companion animal, subject to County Code § 4-307; (ii) disposed of by the County pursuant to County Code § 4-308, whether the animal is a companion animal or an agricultural animal; or (iii) delivered to the person with a right of property in the animal as provided in County Code § 4-309.
5. *Additional authority of the court in disposing of the case if the court determines that the animal has been abandoned, cruelly treated, or deprived of adequate care.* If the court determines that the animal has been abandoned, cruelly treated, or deprived of adequate care:
 - a. *Ordering the owner to pay reasonable expenses.* The court shall order the owner of the animal to pay to the providers of care all reasonable expenses incurred in caring and providing for the animal from the time the animal is seized until the animal is disposed of in accordance with this section and County Code §§ 4-307, 4-308, and 4-309.
 - b. *Prohibiting the owner from owning or possessing other companion animals.* The court shall **[Comment: The change from “may” to “shall” is more stringent]** prohibit the owner from owning or possessing other companion animals if the court determined that the owner had abandoned, cruelly treated, or deprived adequate care to a companion animal. In making a determination to prohibit the owner from owning or possessing other companion animals, the court may take into consideration the owner’s past record of convictions under this chapter, the Comprehensive Animal Care laws (Virginia Code § 3.2-6500 *et seq.*), or other laws prohibiting cruelty to animals or pertaining to the care or treatment of animals and the owner’s mental and physical condition. Any person who is prohibited from owning or possessing animals pursuant to this subsection 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.
 - c. *Prohibiting the owner from owning or possessing other agricultural animals.* The court shall **[Comment: The change from “may” to “shall” is more stringent]** prohibit the owner from owning or possessing any other agricultural animal if the owner has exhibited a pattern of abandoning or cruelly treating agricultural animals as evidenced by previous convictions of

- violating County Code §§ 4-301, 4-303, or 4-304. The court may also take into consideration the owner's mental and physical condition. Any person who is prohibited from owning or possessing animals pursuant to this subsection 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.
- D. *Appeals.* The procedure for appeal and trial is the same as provided by law for misdemeanors. Trial by jury shall be as provided in Virginia Code § 19.2-260 *et seq.* The Commonwealth is required to prove its case beyond a reasonable doubt.
- E. *Care for the animal until the hearing is concluded; cost and bond.* The law enforcement officer or the animal control officer shall provide for the animal until the court has concluded the hearing. The County may require the owner of any animal held pursuant to this section for more than 30 days to post a bond in surety with the County for the amount of the cost of boarding the animal for a period not to exceed nine months.
- F. *Humane destruction of critically injured or sick animal.* This section allows the humane destruction of a critically injured or ill animal for humane purposes by the impounding law enforcement officer or animal control officer, or by a licensed veterinarian.
- (Ord. 98-A(1), 8-5-98, § 4-208; Ord. 09-4(1), 7-8-09; Ord. 11-4(2), 7-6-11)

State law reference-Va. Code § 3.2-6569.

Sec. 4-308 Release, adoption, or euthanization of an animal determined to have been abandoned, cruelly treated, deprived of adequate care, or raised as a dog that has been, is, or is intended to be used in dogfighting.

If the court orders that an animal be disposed of pursuant to County Code § 4-306C)(4)(b)(ii), the following apply:

- A. *Release, adoption or euthanization.* The animal may be disposed by the County by any of the following methods:
1. *Release to a releasing agency.* Release to any humane society, public or private animal shelter, or other releasing agency within the Commonwealth, subject to the requirements of Virginia Code § 3.2-6546(D)(1).
 2. *Adoption by a County resident.* Adoption by a County resident, subject to the requirements of Virginia Code § 3.2-6546(D)(2).
 3. *Adoption by a resident of an adjacent locality.* Adoption by a resident of an adjacent locality, subject to the requirements of Virginia Code § 3.2-6546(D)(3).
 4. *Adoption by any other person.* Adoption by any other person, subject to the requirements of Virginia Code § 3.2-6546(D)(4).
 5. *Release to an out-of-state releasing agency for purposes of adoption or euthanasia.* Release for the purposes of adoption or euthanasia only, to an animal shelter, or any other releasing agency, located in and lawfully operating under the laws of another state, subject to the requirements of Virginia Code § 3.2-6546(D)(5).

6. *Euthanization.* Euthanization, subject to the requirements of Virginia Code § 3.2-6546(D)(¶1).

- B. *Owner may not adopt or otherwise obtain the animal.* The owner determined by the court to have abandoned, cruelly treated, or deprived adequate care to an animal shall **[Comment: The change from “may” to “shall” is more stringent]** not adopt or otherwise obtain the animal.

(Ord. 98-A(1), 8-5-98, § 4-208; Ord. 09-4(1), 7-8-09; Ord. 11-4(2), 7-6-11)

State law reference-Va. Code §§ 3.2-6546(D), 3.2-6569(F), (G).