

Sec. 5-47. City Dog Pound; confinement and disposition of animals.

- (a) Any dog found running at large without the license tag required by section 5-55 or otherwise in violation of this chapter, shall be impounded by the animal control officer or other officer at the city dog pound.
- (b) A dog confined pursuant to subsection (a) shall be kept for a period of not less than five (5) days, such period to commence on the day immediately following the day the dog is initially confined in the facility, unless sooner claimed by its owner thereof, or, if the dog's rightful owner has surrendered all property rights in such dog and has read and signed a statement as required by subsection (g), disposed of as provided in subdivisions (e)(2), (3), (4), and (5).
- (c) Any feral dog not bearing a collar, tag, tattoo or other form of identification which, based on the written certification of a disinterested person, exhibits behavior that poses a risk of physical injury to any person confining the dog, may be euthanized after being kept for a period of not less than three (3) days, at least one of which shall be a full business day, such period to commence on the day the dog is initially confined in the facility, unless sooner claimed by the rightful owner. The certification of the disinterested person shall be kept with the dog as required by Code of Virginia, § 3.1-795.105. For the purposes of this subsection, a disinterested person shall not include a person releasing or reporting the dog to the facility.
- (d) Either custodian of a dog or an individual who has found a dog may qualify as owner and may claim the dog by expressing his desire in writing to claim the dog at the expiration of the period set out in subsection (b) after payment of the required license fee and costs of impoundment set forth in subsection (h) and complying with section 5-47.1 et seq. regarding sterilization. In the event that any dog confined pursuant to this ordinance is claimed by its rightful owner, such owner shall comply with subsection (h). If the rightful owner claims the dog at any time, the custodian or finder shall relinquish possession of the dog to the rightful owner.
- (e) If any dog confined pursuant to this section has not been claimed, it may be humanely destroyed or disposed of by:
  - (1) 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, provided that such agency, institution or dealer agrees to confine the dog for an additional period of not less than five (5) days. The terms and conditions of any sale or gift allowed under this subdivision shall be set by the city council;
  - (2) Delivery to any humane society or shelter within the commonwealth;

- (3) Adoption by any person who is a resident of the city and who will pay the required license fee, if any, and impoundment costs (see subsection H) on such dog and comply with section 5.47.1 et seq. regarding sterilization;
  - (4) Adoption by a resident of an adjacent political subdivision of the Commonwealth who will pay impoundment costs (see subsection H) on such dog and comply with section 5.47-1 et seq. regarding sterilization; or
  - (5) Delivery, for the purposes of adoption or euthanasia only, to a humane society of an animal shelter located in and lawfully operating under the laws of another state, provided that such humane society or animal shelter: (i) maintains records which would comply with the Code of Virginia § 3.1-795.105; (ii) requires that adopted dogs be sterilized; and (iii) has been approved by the State Veterinarian or his designee as a facility which maintains such records, requires adopted dogs to be sterilized, and provides adequate care and euthanasia.
- (f) The operator or custodian of the pound shall make a reasonable effort to ascertain if the dog has a collar, tag, license, or tattooed identification. If such information is found on the dog, a reasonable effort shall be made to return the dog to its owner or place the dog for adoption before humanely destroying the dog. Such dog may not be 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. Such identified dog shall be held for five (5) days more than the holding period prescribed in subsection (a), unless sooner claimed by the rightful owner. If the rightful owner of any dog confined may be identified, the operator or custodian of the pound shall make a reasonable effort to notify the owner of the dog's confinement within the next forty-eight (48) hours following the confinement. At the expiration of the holding period required for such identified dog, the dog may be delivered to any resident who proposes to adopt it as a pet and who will pay the required license fee, if any, and impoundment costs (see subsection H) and comply with section 5-47.1 et seq regarding sterilization, or to any humane society or Commonwealth; however no more than two (2) dogs or a family of dogs shall be delivered during any thirty-day period to any one such person.
- (g) No provision of this ordinance shall prohibit the destruction of a critically injured or critically ill animal for humane purposes or any animal not weaned, whether or not the animal is critically injured or critically ill. Any animal destroyed under the provision of this section shall be euthanized by one of the methods prescribed or approved by the state veterinarian. The city pound shall be accessible to the public during the week on a regular posted schedule, which shall be determined by the city manager. No provision of this chapter shall be construed to prohibit the confinement of other companion animals in the city pound.

Nothing in this section shall prohibit the immediate destruction or disposal by the methods listed in subdivisions (2) through (5) or subsection (e) of any animal that has been delivered voluntarily or released to a pound, animal shelter, animal control officer, or humane society by the animal's rightful owner after the rightful owner has, in writing, surrendered all property rights in such animal and has read and signed a statement (i) certifying that no other person has a right of property in the animal and (ii) acknowledging that the animal may be immediately euthanized or disposed of by the methods listed in subdivisions (2) through (5) of subsection (e).

For purposes of this section, the term "rightful owner" shall mean a person with a right of property in the animal. For purposes of this section, "humane society," when referring to an organization without the Commonwealth, means any nonprofit organization organized for the purpose of preventing cruelty to animals and promoting humane care and treatment or adoption of animals.

- (h) A dog impounded under this ordinance shall be released to the owner within the first five (5) days or at any time thereafter that the dog is still confined in the dog pound, upon the owner showing proof of ownership, current vaccination certificate, and proper licensing of the dog, and upon payment of the cost of impoundment at the rate of thirty dollars (\$30.00) for the first day, and an additional five dollars (\$5.00) for each day thereafter.
- (i) The animal control officer 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 custody in the course of carrying out his official assignments.
- (j) The animal control officer or any deputy animal control officer, upon taking custody of any animal in the course of his official duties, shall immediately make a record of the description of the animal including color, breed, sex, and approximate weight, reason for seizure, time and location of seizure, the owner's name and address, if known, all license or other identification numbers, and the disposition of the animal. Records required by this subsection shall be available for public inspection upon request. An accurate account shall be kept of all moneys collected by the animal control officer or any of his deputies or agents under this section and the same shall be paid to the city treasurer no less frequently than the last day of each month. All such funds shall go in the general fund of the city (Ord. No. 95-9, 9-26-95)

State law reference – Code of Virginia, § 3.1-796.96, §3.1-796.105.