

# VIRGINIA ACTS OF ASSEMBLY -- 2003 SESSION

## CHAPTER 770

*An Act to amend and reenact §§ 3.1-796.96:2, 3.1-796.96:5, and 3.1-796.120 of the Code of Virginia, relating to pounds and animal shelters.*

[S 1045]

Approved March 20, 2003

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 3.1-796.96:2, 3.1-796.96:5, and 3.1-796.120 of the Code of Virginia are amended and reenacted as follows:**

§ 3.1-796.96:2. Animal shelters; confinement and disposition of animals; penalties; injunctive relief.

A. An animal shelter may confine and dispose of animals in accordance with the provisions of subsections B through G of § 3.1-796.96.

B. The State Veterinarian or his designee shall inspect an animal shelter prior to the shelter confining or disposing of animals pursuant to this section. The animal shelter shall meet the requirements of all laws with regard to confinement and disposition of animals before the shelter is approved to receive animals and provide a reasonable and comfortable climate appropriate for the age, species, condition, size, and type of animal.

C. An animal shelter that confines and disposes of animals pursuant to this section shall be accessible to the public at reasonable hours, shall have its telephone number and address listed in a telephone directory, and shall post its contact information, including at least its name, address, and telephone number, in pounds in the localities it serves and update the contact information as changes occur.

D. The operator of an animal shelter that confines an animal that has not been received from its owner or from an authorized releasing agency shall, pursuant to this section, transmit a description of the animal including at least color, breed, size, sex, and other identifications or markings and where the animal was found, to the pound maintained by the county or city where the animal shelter is located and to the pound in the county or city where the animal was found within ~~twenty-four~~ 24 hours of the shelter receiving the animal. No animal shelter shall be operated in violation of any local zoning ordinance.

E. (For effective date - see Editor's note) An animal shelter that confines and disposes of animals pursuant to this section shall be operated in accordance with this chapter. If this chapter is violated, the animal shelter may be assessed a civil penalty by the ~~Department~~ Board or its designee in an amount that does not exceed \$1,000 per violation. Each day of the violation shall constitute a separate offense. In determining the amount of any civil penalty, the Board or its designee shall consider (i) the history of previous violations at the animal shelter; (ii) whether the violation has caused injury to, death or suffering of, an animal; and (iii) the demonstrated good faith of the animal shelter to achieve compliance after notification of the violation. All civil penalties assessed under this section shall be recovered in a civil action brought by the Attorney General in the name of the Commonwealth. Such civil penalties shall be paid into a special fund in the state treasury to the credit of the Department to be used in carrying out the purposes of this chapter.

F. If this chapter or any laws governing animal shelters are violated, the Commissioner may bring an action to enjoin the violation or threatened violation of this chapter or the regulations pursuant thereto regarding animal shelters, in the circuit court where the animal shelter is located. The Commissioner may request the Attorney General to bring such an action, when appropriate.

§ 3.1-796.96:5. Pounds and animal shelters; foster home registration requirements; applications; conditions for registration; inspections.

A. A pound or animal shelter may place an animal in a foster home provided that:

1. The pound or animal shelter has registered the foster home with the Department. Any pound or animal shelter seeking to register a foster home shall apply on a form furnished by the Department. The applicant shall provide all information requested on the form, including, but not limited to, a valid mailing address through which the applicant can be reached, and a valid premises address where records are located. All premises, facilities, or sites where an applicant operates or keeps companion animals shall be shown on the application form. The application shall be filed with the Department and shall be accompanied by any appropriate fee required by the Department.

2. Registrations issued pursuant to this section shall not be transferable.

3. The registration shall be valid for up to one year and expire on December 31st, unless the companion animal rescue agency violates any provision of this chapter. The Department may refuse to renew a registration if a companion animal rescue agency or foster home violates any provision of this chapter.

4. The pound or animal shelter shall inspect the foster home to be used prior to the foster home accepting any companion animal, and shall verify in a report that the foster home meets the requirements set forth in subsection E of § 3.1-796.96:3. The pound or animal shelter shall maintain a copy of this inspection report and file a copy of the inspection report with the State Veterinarian upon approving a foster home.

5. No pound or animal shelter shall place an animal in a foster home if any operator of the foster home has ever been convicted of animal cruelty, neglect, or abandonment.

6. A pound or animal shelter shall notify the Department by mail of any change in the name, address, substantial control or ownership in the operation of the foster home, within ~~fifteen~~ 15 days of the change.

B. A pound or animal shelter that places an animal in a foster home shall ensure that the foster home maintains the standards of care pursuant to subsection E of § 3.1-796.96:3. Each foster home shall complete a self-assessment at least twice a year in a format prescribed by the State Veterinarian. A copy of the self-assessment shall be maintained by the pound or animal shelter and the foster home.

C. If a pound or animal shelter finds a direct and immediate threat to a companion animal in a foster home, the pound or animal shelter shall remove the companion animal from the foster home. The pound shall report its findings to the animal control officer in the area where the foster home is located and the animal control officer shall investigate the allegations. The animal shelter shall report its findings to the animal control agency in the locality where the foster home is located. If a pound violates any provision of this section, it may be subject to a civil penalty as defined in subsection H of § 3.1-796.96. If an animal shelter violates any provision of this section, it may be subject to a civil penalty as defined in subsection ~~C E~~ of § ~~3.1-796.120~~ 3.1-796.96:2.

D. Nothing in this section shall prohibit a pound or animal shelter from placing an animal in a residential home that is not approved as a foster home as long as that home is used no more than twice a year and provided that no person residing in that home has ever been convicted of animal cruelty, neglect or abandonment.

§ 3.1-796.120. Gift, sale, or delivery of animals from pounds or animal shelters.

A. The governing body of any political subdivision shall dispose of impounded animals in accordance with the provisions of § 3.1-796.96. Any proceeds deriving from the gift, sale, or delivery of such animals shall be paid directly to the treasurer of the political subdivision, and no part of such proceeds shall accrue to any individual.

B. The following shall confine and dispose of animals in their custody in accordance with the provisions of § 3.1-796.96:

1. Any humane investigator who has custody of any animal pursuant to his official duties;
2. Any humane society; and
3. Any animal shelter.

Animals that have been confined at a county or city pound as required by § 3.1-796.96 prior to being delivered to a local humane society or animal shelter may be immediately placed for adoption, or humanely euthanized in accordance with methods approved by the State Veterinarian. Any proceeds deriving from the gift, sale, or delivery of such animals shall be paid directly to the clerk or treasurer of the humane society for the expenses of the society and expenses incident to any agreement concerning the disposing of such animal. No part of the proceeds shall accrue to any individual except for the aforementioned purposes. Humane societies, humane investigators and animal shelters shall keep accurate records of all animals handled. Records shall include a description of the animal including color, breed, sex, approximate weight, reason for bringing in, age, owner's or finder's name, address and telephone number, license number or other identifying tags or markings, as well as disposition of the animal. Humane societies and animal shelters shall submit a summary of such records to the State Veterinarian annually in a format prescribed by him.

C. (Effective January 1, 2003) If this chapter or any laws governing the care or protection of animals are violated by an animal shelter, the operator of the shelter may be assessed a civil penalty by the Board in an amount that does not exceed \$1,000 per violation. Each day of the violation shall constitute a separate offense. In determining the amount of any civil penalty, the Board shall consider (i) the history of previous violations at the shelter; (ii) whether the violation has caused injury to, death or suffering of, an animal; and (iii) the demonstrated good faith of the operator to achieve compliance after notification of the violation. All civil penalties assessed under this section shall be recovered in a civil action brought by the Attorney General in the name of the Commonwealth. Such civil penalties shall be paid into a special fund in the state treasury to the credit of the Department to be used in carrying out the purposes of this chapter.

D. If this chapter or any laws governing animal pounds or shelters are violated, the Commissioner may bring an action to enjoin the violation or threatened violation of this chapter or the regulations pursuant thereto regarding animal pounds or shelters, in the circuit court where the animal pound or shelter is located. The Commissioner may request the Attorney General to bring such an action, when appropriate.