

# VIRGINIA ACTS OF ASSEMBLY -- 1994 SESSION

## CHAPTER 936

*An Act to amend and reenact § 3.1-796.96 of the Code of Virginia, relating to disposition of certain companion animals.*

[H 1051]

Approved April 20, 1994

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

**1. That § 3.1-796.96 of the Code of Virginia is amended and reenacted as follows:**

§ 3.1-796.96. County or city pounds; confinement and disposition of stray animals.

A. The governing body of each county or city shall maintain or cause to be maintained a pound or enclosure in accordance with guidelines issued by the Department of Agriculture and Consumer Services and shall require dogs running at large without the tag required by § 3.1-796.92 or in violation of an ordinance passed pursuant to § 3.1-796.93 to be confined therein. The governing body of any county or city need not own the facility required by this section but may contract for its establishment with a private group or in conjunction with one or more other local governing bodies. Such governing body shall require that any animal which has been so confined must 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 (i) claimed by the *rightful* owner thereof, (ii) *adopted by a resident of the county or city for which the pound is operated who will pay the required license fee, if any, on such animal, if the animal's rightful owner has surrendered all property rights in such animal and has read and signed a statement as required by subsection B, or* (iii) *adopted by a resident of an adjacent political subdivision of the Commonwealth, if the animal's rightful owner has surrendered all property rights in such animal and has read and signed a statement as required by subsection B. However, any feral dog or feral cat 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 animal, may be 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 certification of the disinterested person shall be kept with the animal as required by § 3.1-796.105. For purposes of this subsection, a disinterested person shall not include a person releasing or reporting the animal to the facility.*

B. Either a custodian of an animal or an individual who has found an animal may qualify as owner and may claim the animal by expressing his desire in writing to claim the animal at the expiration of the ~~five-day~~ period set out ~~herein~~ *in subsection A* after payment of the required license fee. In the event that any animal confined pursuant to this section is claimed by its rightful owner, ~~the~~ *such* owner shall only be charged with the actual expenses incurred in keeping the animal impounded. If the rightful owner claims the animal at any time, the custodian or finder shall relinquish possession of the animal to the rightful owner. If the animal has not been claimed, it may be 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, provided that such agency, institution or dealer agrees to confine the animal for an additional period of not less than five days, or by delivery to any ~~local~~ humane society; *or shelter, or by delivery to any person who is a resident of the county or city for which the pound is operated and who will pay the required license fee, if any, on such animal, or by delivery to a resident of an adjacent political subdivision of the Commonwealth.* The operator or custodian of the pound shall make a reasonable effort to ascertain if the animal has a *collar*, tag, license, or tattooed identification. If such identification is found on the animal, a reasonable effort shall be made to return the animal to its owner or place the animal for adoption before humanely destroying the animal. Such animal 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 animal shall be held for five days more than the holding period prescribed in subsection A of this section, *unless sooner claimed by the rightful owner.* If the rightful owner of any animal confined may be readily identified, the operator or custodian of the pound shall make a reasonable effort to notify the owner of the animal's confinement within the next forty-eight hours following its confinement. *At the expiration of the holding period required for such identified animal, the animal may also be delivered to any person resident who proposes to adopt it as a pet and who will pay the required license fee, if any, on the animal or to any humane society or shelter, or to a resident of an adjacent political subdivision of the Commonwealth;* however, no more than two animals or a family of animals shall be delivered during any thirty-day period to any one such person.

No provision herein shall prohibit the *immediate* destruction of a critically injured or critically ill

animal for humane purposes. Any animal destroyed pursuant to the provisions of this chapter shall be euthanized by one of the methods prescribed or approved by the State Veterinarian. The governing body shall require that the pound be accessible to the public at reasonable hours during the week. Nothing in this section shall be construed to prohibit confinement of other companion animals in such a pound or enclosure. Neither shall any provision in this section prohibit the *immediate* destruction, for humane purposes, of any animal not weaned, whether or not the animal is critically injured or critically ill. *Nothing in this section shall prohibit the immediate destruction, delivery to any humane society or shelter, or adoption as provided in clauses (ii) and (iii) of subsection A of an animal that has been delivered voluntarily or released to a pound, animal shelter, animal warden, 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, delivered to any humane society or shelter, or adopted as provided in clauses (ii) and (iii) of subsection A.*

For purposes of this section, the term "animal" shall not include agricultural animals. *For purposes of this section, the term "rightful owner" shall mean a person with a right of property in the animal.*