

VIRGINIA ACTS OF ASSEMBLY -- 1997 SESSION

CHAPTER 159

An Act to amend and reenact §§ 3.1-796.96 and 3.1-796.119 of the Code of Virginia, relating to confinement and disposition of stray animals.

[H 2301]

Approved March 6, 1997

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.1-796.96 and 3.1-796.119 of the Code of Virginia are 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. *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.*

B. An animal confined pursuant to ~~subsection A~~ *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; ~~or, 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 G, disposed of as provided in subdivisions E 2, 3, 4, and 5.~~

C. 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.

D. 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 period set out in subsection B after payment of the required license fee. ~~In the event that~~

The operator or custodian of the pound 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 shall make a reasonable effort to notify the owner of the animal's confinement within the next forty-eight hours following its confinement.

~~If any animal confined pursuant to this section is claimed by its rightful owner, 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.~~

~~E. 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 or shelter. If such abandoned animal did not when delivered to the pound bear a collar, tag, license, tattoo, or other form of identification, 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 animal for an additional period of not less than five days;

2. Delivery to any humane society or animal shelter within the Commonwealth;

3. Adoption by 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;

4. Adoption by a resident of an adjacent political subdivision of the Commonwealth; or

5. Delivery, for the purposes of adoption or euthanasia only, to a humane society or 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 § 3.1-796.105; (ii) requires that adopted dogs and cats be sterilized; and (iii) has been approved by the State Veterinarian or his designee as a facility which maintains such records, requires adopted dogs and cats to be sterilized, and provides adequate care and euthanasia.

If such abandoned animal when delivered to the pound bore a collar, tag, license, tattoo, or other form of identification, it may be humanely destroyed or disposed of by the methods described in subdivision 2, 3 or 4 of this subsection.

No pound or shelter shall deliver more than two animals or a family of animals during any thirty day period to any one person under subdivision 3 or 4 of this subsection.

F. 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, 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 be delivered to any 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 animal 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.

G. ~~D.~~ No provision herein *Nothing in this section* shall prohibit the immediate destruction of a critically injured or , critically ill, or *unweaned* 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.*

E. Nothing in this section shall prohibit the immediate destruction or disposal by the methods listed in subdivisions 2 through 5 of subsection ~~E~~ C 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 or disposed of by the methods listed in subdivisions 2 through 5 of subsection ~~E~~ 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 certification 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 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.*

G. For purposes of this section, ~~the term:~~

"Animal" shall not include agricultural animals.

~~For purposes of this section, the term "Rightful owner" shall mean~~ means 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.

§ 3.1-796.119. Capturing, confining, and euthanizing companion animals by animal wardens; approval of drugs, etc., used.

It shall be the duty of the animal warden or any other officer to capture and confine any companion animal of unknown ownership found running at large on which *the license fee* has not been paid. Following the expiration of the holding period prescribed in § 3.1-796.96, the animal warden or other officer may deliver such companion animal to any person in his jurisdiction who will pay the required license fee on such companion animal, ~~with the understanding that should the legal owner thereafter claim the companion animal and prove his ownership, he may recover such companion animal by paying to the person to whom it was delivered by the animal warden, the amount of the license fee paid by him and a reasonable charge for the keep of the companion animal while in his possession.~~ Prior to disposition by euthanasia or otherwise, all the provisions of § 3.1-796.96 shall have been complied with.

For all companion animals not otherwise disposed of as provided for in this chapter, it shall be the duty of the animal warden or any other officer to euthanize such companion animals. Any person, animal warden, or other officer euthanizing a companion animal under this chapter shall cremate, bury, or sanitarily dispose of the same.

All drugs and drug administering equipment used by animal wardens or other officers to capture companion animals pursuant to this chapter shall have been approved by the State Veterinarian.