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SENATE BILL NO. 133

Offered January 9, 2002

Prefiled January 8, 2002

A BILL to amend and reenact § 3.1-796.96:2 of the Code of Virginia, relating to the confinement and disposition of animals by animal shelters; penalties.

Patron—Stolle

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That § 3.1-796.96:2 of the Code of Virginia is amended and reenacted as follows:

§ 3.1-796.96:2. (Effective January 1, 2002) Animal shelters; confinement and disposition of animals; penalties.

A. An animal shelter may in accordance with the provisions of § 3.1-796.96 confine and dispose of (i) dogs running at large without the tag required by § 3.1-796.92 or in violation of an ordinance adopted pursuant to § 3.1-796.93 or § 3.1-796.94:1, (ii) dogs four months old or older not licensed in violation of § 3.1-796.85, or (iii) cats in violation of an ordinance adopted pursuant to § 3.1-796.85 or § 3.1-796.94:1.

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.

C. An animal shelter that confines and disposes of animals pursuant to this section shall be open to the public during reasonable business hours and shall have its telephone number and address listed in a telephone directory. No animal shelter that confines or disposes of an animal pursuant to this section shall be operated in a residential dwelling or in violation of any local zoning ordinance.

D. The operator of an animal shelter that confines an animal pursuant to this section shall, within twenty-four hours of the shelter receiving the animal, transmit the records required by § 3.1-796.120 and a photograph of the animal 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.

E. An animal shelter that confines and disposes of animals pursuant to this section shall be operated in accordance with regulations issued by the Board. If this chapter or such regulations are violated, the animal shelter may be assessed a civil penalty by the 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. However, subsections B, C and E shall not apply to any animal shelter located within the jurisdiction of the City of Virginia Beach.

INTRODUCED

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