

Issue Analysis Form



Date: October 26, 2021
Ordinance Amending Section 6-149 Authorizing the Board of Supervisors to Approve the Schedule of Charges for Animals Confined at the Animal Shelter on an Annual Basis

Lead Department(s): County Attorney

Contact Person(s): Dan Whitten

Description and Current Status

The County Code currently refers to the animal shelter as “pound”, references an old Code of Virginia Section, and list an old schedule of charges for Animals confined at the animal shelter.

The proposed Ordinance amending Section 6-149 changes the reference of “pound” to “shelter”. It will reference the current Code of Virginia relating to county or city public animal shelters. It will also authorize the Board of Supervisors to approve the schedule of charges for animals confined at the animal shelter on an annual basis.

A draft ordinance is attached for consideration; a motion approving authority to advertise the ordinance for a public hearing on November 23, 2021, is requested.

This Ordinance shall be effective immediately.

Sample Motion: I move that the Board approve advertisement of an Ordinance amending Section 6-149 authorizing the Board of Supervisors to approve the schedule of charges for animals confined at the animal shelter on an annual basis.

Government Path

- | | | |
|---|---|--|
| Does this require IDA action? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does this require BZA action? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does This require Planning Commission Action? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does this require Board of Supervisors action? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Does this require a public hearing? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| If so, before what date? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Board of Supervisors
County of Prince George, Virginia

Resolution

At a regular meeting of the Board of Supervisors of the County of Prince George held in the Boardroom, Third Floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia, this 26th day of October, 2021:

Present:

Floyd M. Brown, Jr., Chairman
Marlene J. Waymack, Vice Chair
Alan R. Carmichael
Donald Hunter
T. J. Webb

Vote:

On motion of _____, seconded by _____, which carried unanimously, the following Resolution was adopted:

**RESOLUTION; AUTHORITY TO ADVERTISE AN ORDINANCE TO AMEND
“THE CODE OF THE COUNTY OF PRINCE GEORGE, VIRGINIA,”
AS AMENDED, BY AMENDING §6-149 TO AUTHORIZE THE BOARD OF
SUPERVISORS TO APPROVE THE SCHEDULE OF CHARGES FOR
ANIMALS CONFINED AT THE ANIMAL SHELTER ON AN ANNUAL BASIS**

NOW, THEREFORE, BE IT RESOLVED, that the Board Of Supervisors of the County of Prince George this 26th day of October, 2021, does hereby authorize the advertisement of a public hearing on November 23, 2021, for an Ordinance to Amend “The Code of the County of Prince George, Virginia,” as amended, by amending §6-149 to authorize the Board of Supervisors to approve the schedule of charges for animals confined at the animal shelter on an annual basis.

A Copy Teste:

Percy C. Ashcraft
County Administrator

ORDINANCE TO AMEND "THE CODE OF THE COUNTY OF
PRINCE GEORGE, VIRGINIA", 2005, AS AMENDED, BY
AMENDING § 6-149 TO AUTHORIZE THE BOARD OF SUPERVISORS TO APPROVE
THE SCHEDULE OF CHARGES FOR ANIMALS CONFINED AT THE ANIMAL SHELTER
ON AN ANNUAL BASIS

BE IT ORDAINED by the Board of Supervisors of Prince George County:

*(1) That The Code of the County of Prince George, Virginia, 2005, as amended, is amended
by amending § 6-149, as follows:*

CHAPTER 6 ANIMALS

ARTICLE II. DOGS AND CATS GENERALLY

DIVISION 4. DOGS RUNNING AT LARGE

Sec. 6-149. - Impoundment.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Animal does not include agricultural animals or cat.

Rightful owner means a person with a right of property in the animal.

(b) Unrestrained animals or animals running at large in the designated portion of the county described in this division shall be taken by the animal control officer or such other officers as may be designated and impounded in an animal shelter and there confined in a humane manner. Impounded animals shall be kept not less than five days, such period to commence on the day immediately following the day the animal is initially confined in the animal shelter, unless reclaimed by the owner.

(c) The operator or custodian of the shelter ~~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 ~~shelter pound~~ shall make a reasonable effort to notify the owner of the animal's confinement within the next 48 hours following its confinement. If any animal confined pursuant to this section is claimed by its rightful owner, such owner may be charged with the actual expenses incurred in keeping the animal impounded.

- (d) If an animal confined pursuant to this section has not been claimed upon expiration of the appropriate holding period as provided by subsection (b) of this section, it shall be deemed abandoned and become the property of the ~~shelter pound~~. Such animal may be humanely ~~destroyed~~ **euthanized** or disposed of by the methods set forth in this subsection (d)(1) through (5) of this section. No pound shall release more than two animals or a family of animals during any 30-day period to any one person under this subsection (d)(2), (3) or (4) of this section.

(1) Release to any humane society, animal shelter, or other releasing agency within the commonwealth, provided that each humane society, animal shelter, or other releasing agency obtains a signed statement from each of its directors, operators, staff, or animal caregivers specifying that each individual has never been convicted of animal cruelty, neglect, or abandonment and updates such statements as changes occur;

(2) Adoption by a resident of the county and who will pay the required license tax, if any, on such animal, provided that such resident has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment;

(3) Adoption by a resident of an adjacent political subdivision of the commonwealth, provided that such resident has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment;

(4) Adoption by any other person, provided that such person has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment, and provided that no animal may be adopted by any person who is not a resident of the county or of an adjacent political subdivision, unless the animal

is first sterilized, and the ~~shelter pound~~ may require that the sterilization be done at the expense of the person adopting the animal; or

(5) Release, for the purposes of adoption ~~or euthanasia only~~, to an animal shelter or any other releasing agency located in and lawfully operating under the laws of another state, provided that such animal shelter, or other releasing agency:

a. Maintains records that would comply with Code of Virginia, § ~~3.2-6557~~ 3.1-796.105;

b. Requires that adopted dogs and cats be sterilized;

c. Obtains a signed statement from each of its directors, operators, staff, and animal caregivers specifying that each individual has never been convicted of animal cruelty, neglect, or abandonment, and updates such statement as changes occur; and

d. Has provided to the ~~pound~~, animal shelter, or other releasing agency within the commonwealth a statement signed by an authorized representative specifying the entity's compliance with subsections (d)(5)a. through (d)(5)c. of this section and the provisions of adequate care and performance of humane euthanasia, as necessary in accordance with the provisions of this chapter.

For purposes of recordkeeping, release of an animal by a ~~shelter pound~~ to ~~an a-pound~~, animal shelter or other releasing agency shall be considered a transfer and not an adoption. If the animal is not first sterilized, the responsibility for sterilizing the animal transfers to the receiving entity.

(e) Nothing in this section shall prohibit the immediate euthanasia of a critically injured, critically ill, or unweaned animal for humane purposes. Any animal euthanized pursuant to the provisions of this chapter shall be euthanized by one of the methods prescribed or approved by the state veterinarian.

(f) Nothing in this section shall prohibit the immediate euthanasia or disposal by the methods listed in subsections (d)(1) through (5) of this section of an animal that has been released to a ~~pound~~, animal shelter, other releasing agency, or animal control officer by the animal's rightful owner after the rightful owner has read and signed a statement:

(1) Surrendering all property rights in such animal;

- (2) Stating that no other person has a right of property in the animal; and
- (3) Acknowledging that the animal may be immediately euthanized or disposed of in accordance with subsections (d)(1) through (5) of this section.
- (g) 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 statement 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 statement of the disinterested person shall be kept with the animal as required by Code of Virginia, § 3.2-6557 ~~3.1-796.105~~. For purposes of this subsection, a disinterested person shall not include a person releasing or reporting the animal.
- (h) No shelter pound shall place a companion animal in a foster home with a foster care provider unless the foster care provider has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment, and each shelter pound shall update such statement as changes occur. The shelter pound shall maintain the original statement and any updates to such statement in accordance with this chapter and for at least so long as the shelter pound has an affiliation with the foster care provider.
- (i) A shelter pound that places a companion animal in a foster home with a foster care provider shall ensure that the foster care provider complies with Code of Virginia, § 3.2-6503 ~~3.1-796.68~~.
- (j) If a shelter pound finds a direct and immediate threat to a companion animal placed with a foster care provider, it shall report its findings to the animal control agency in the locality where the foster care provider is located.
- (k) If any animal is claimed by its owner as specified in this section, such owner shall pay expenses for each day the animal is confined. If such owner refuses to pay for these expenses, the animal shall be deemed to be an unclaimed animal.
- (l) **The schedule of charges for animals confined at the animal shelter will be approved by the Board of Supervisors on an annual basis.** ~~The following schedule of charges shall apply for animals confined at the animal shelter:~~

Type of Service	Fee
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- (1) Euthanasia and burial\$25.00
- (2) Pickup
 - (First offense in a calendar year)20.00
 - (Second offense in a calendar year)30.00
 - (Third offense in a calendar year)40.00
- (3) Adoption10.00
- (4) Pound, per day10.00
- (5) Quarantine, per day10.00
- (6) Cruelty impoundment, per day10.00
- (7) Owner surrender fee (per pet or litter)25.00

State Law reference— County or city public animal shelters ~~Confinement of stray dogs in county pounds~~, Code of Virginia, § 3.2-6546 ~~3.1-796.96~~

(2) That the Ordinance shall be effective immediately.