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NOTICE OF A PUBLIC MEETING
TOWN OF RANCHO VIEJO
BOARD OF ALDERMEN
SPECIAL MEETING

March 30, 2010

6:00 P.M.

NOTICE is hereby given of a SPECIAL MEETING of the BOARD OF ALDERMEN of the TOWN OF RANCHO VIEJO, TEXAS, to be held on March 30, 2010 at 6:00 P.M., in the TOWN MUNICIPAL OFFICE, 3301 CARMEN AVENUE, RANCHO VIEJO, TEXAS to consider the following items:

1. Call to Order
2. Roll Call
3. Workshop to Discuss Amendments to Chapter 10 of the Code of Ordinances - Animals Health and Safety Committee Ordinance on Animals and Alternative Ordinance on Animals and any amendments thereto
4. Adjourn


Cheryl J. Kretz
Town Administrator

ALTERNATIVE ORDINANCE

ORDINANCE NO.

AN ORDINANCE AMENDING THE CODE OF ORDINANCE CHAPTER 10 – ANIMALS; ENACTING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY, AND AUTHORIZING PUBLICATION IN CAPTION FORM

WHEREAS, for the health, safety and welfare of the residents of Rancho Viejo, dog and cat regulations are deemed to be in the best interest of the Town of Rancho Viejo.

Chapter 10

Article II, Division 1, Section 10-37 – 10-60.

Definitions:

1. **Domestic/Companion Cat:** A cat living under the custody of an owner, and such custody includes regular human contact and daily care.
2. **Feral Cat:** A cat that was lost or abandoned and has reverted to a wild state, or a cat that was born to a stray or feral mother and has had little or no human contact and can rarely, if ever, be tamed and is not adoptable.
3. **Stray Cat:** A domestic /companion cat that has been abandoned by the owner or has strayed from home and becomes lost. Once a domestic/companion animal, he/she can normally be re-socialized and placed in an adoptive home.
4. **Registered Group/Organization:** A group or organization, which is a party to a written contract with the Town of Rancho Viejo providing authority to said group or organization to provide assistance to the, to the residents of the Town of Rancho Viejo pursuant to this Ordinance.
5. **Cat Owner:** A person, household, registered group or organization having custody/control and providing for the health and well-being of the animal.
6. **Dumping:** Releasing cat(s) within the Town of Rancho Viejo by non-resident individuals.

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Domestic-Companion Cats/Feral-Stray

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Rabies vaccination required.

It shall be the duty of every cat owner to ensure current vaccination against hydrophobia, commonly called "the rabies", by a competent veterinarian duly licensed to practice such profession in the state.

Upon determining that a cat has rabies, the examining veterinarian shall report such case of rabies within 24 hours to the appointed health official and law enforcement.

Certificates required for vaccinated cats.

Every cat owner shall vaccinate his/her cat and obtain a certificate, containing the name of such owner, and the age, color, sex and general description of such cat sufficient to identify such cat.

Tags.

Along with the certificate of vaccination for a cat, the owner shall obtain from the veterinarian a metal tag for such cat containing lettering indicating the proper vaccination and inoculation of said cat, and the year during which said vaccination was administered. Said tag shall be in the owner’s possession and available for display to authorities, if necessary. If tags are lost or destroyed, duplicates must be obtained by the owner.

Collars.

If a domestic/companion cat is let outdoors, the owner shall ear tip the cat and register the cat(s) with the Town of Rancho Viejo, or the owner shall fit their cat with a safe collar identification.

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Registration.

Owners will register their cat if allowed outdoors for any reason with the Town of Rancho Viejo for a fee of \$5.00. (Note: The registration fee will become effective 60 days from the effective date of this ordinance during which time owners may register their pet.)

A rabies vaccination certificate and documentation of spaying/neutering will be required to register. At the time of registration, the owner will be required to complete paperwork to include his/her name, address and telephone number, the breed, color and sex, and color of each cat.

Other Responsibilities of Owners of Domestic/Companion Cats.

Cat owners shall:

1. Follow controlled feeding guidelines established by a registered group or organization if cat(s) is/are fed outdoors. In absence of a registered group or organization providing feeding guidelines, outdoor feeding will not be permitted.
2. Not permit their cat(s) to roam unsupervised if sexually intact (not spayed/neutered),

Feral and Stray Cats

It shall be unlawful to feed feral and stray cats unless done in cooperation with a registered group or organization having expertise in this procedure.

Trapped Cats

- A. Any feral/stray or domestic/companion cat submitted to the Town shall be processed in the following manner:
- 1) If identification of the cat is made, the owner shall be contacted and retrieval shall be completed within seven (7) days.

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- Deleted: ; if not completed, a registered cat group or organization will be notified and given the opportunity to retrieve said cat(s). If unsuccessful, said cat(s) shall be submitted to Cameron County.

- 2) The Town shall keep a current registry of impounded cats.
- 3) If an impounded cat has not been retrieved by an owner after the expiration of seven (7) days, not including the day of impoundment, the Town shall provide a period of seven (7) days for any person other than the owner to redeem an impounded cat.
- 4) If an impounded cat is not redeemed after time periods set forth in this Ordinance, then the Town shall submit such impounded cat to the proper County authority.

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- C. Cats apprehended and turned over to the Town that are not registered, must be registered by the owner and the owner will be in violation of this ordinance.

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 <#>The owner is an active member of a registered cat group or organization,¶
 <#>The cat owner is a registered cat group or organization,¶
 <#>The person retrieving the cat becomes the owner and complies with the ordinance in its entirety.¶

Duty to confine cat suspected of hydrophobia

It shall be the duty of every person who owns a cat or keeps a cat in or on his premises or on premises under his control, within the town, when such cat shows symptoms of hydrophobia, or has been exposed to such disease, or has injured some person or animal, upon such person being notified by the duly designated town health official, animal control official or law enforcement officer of such fact, to at once cause said cat to be confined and secured by a veterinarian for a period of not less than 14 days and until it can be reasonably determined by such town health officer, law enforcement officer or animal control personnel that such cat is not afflicted with such disease.

Cats suspected of hydrophobia

In the event no owner, keeper or person in control of a cat showing such symptoms of hydrophobia, or which has been exposed thereto, or which has injured some person or animal, can be found by the duly designated town health officer, law enforcement officer or animal control personnel, it shall be the duty of the town health officer, law enforcement officer or animal control personnel to confine said cat in a secure place for such period of time until it is determined that such cat is not afflicted with such disease.

Dumping

It shall be unlawful to dump a cat or cats within the Town of Rancho Viejo.

Use of Funds Collected

The Town shall provide funds derived from this ordinance to a registered group or organization for the sole purpose of spaying/neutering, vaccinating, feeding and providing medical treatment, when necessary to feral and /or stray cats given the Town’s finding that such use of public funds provides a significant benefit to the public health, safety , and welfare. The Town has reviewed numerous articles on feral and stray cats and, in its determination, such cats, particularly over-population, present a potential risk to Town residents. The funding amount shall be determined by the Town Administrator after a minimum amount of funds is kept for the purpose of processing cats.

Town Requirements and Regulations for Group or Organization

A group or organization seeking to provide assistance to the residents of the Town of Rancho Viejo pursuant to this Ordinance shall first agree to and perform the following requirements:

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- 1) Said group or organization shall:
 - a) Submit an application to be a registered group or organization under this Ordinance to the Town Administrator;
 - b) Present to the Board a proper charter, which is filed with the Texas Secretary of State’s office;
 - c) Provide proof of insurance to the Board for approval that said insurance conforms with insurance requirements established by the Board for such a group or organization;
 - d) Demonstrate to the Board that it has the ability and expertise required to provide adequate assistance pursuant to this Ordinance and such demonstration shall consist of:
 - i) credentials, certificates, licenses, a summary of the group’s or organization’s history with providing assistance required by this ordinance that illustrates its track record of success or failure, and any other evidence illustrating the professional nature of said group or organization;
 - ii) procedures for trapping feral and stray cats;
 - iii) description of the medical attention provided to trapped cats;
 - iv) guidelines for feeding outdoor domestic/companion cats;
 - v) description of what assistance the group or organization will provide and what it will not provide; and
 - vi) financial capacity.
- 2) Upon approval by the Board of Aldermen that said group or organization fulfilled the requirements of Paragraph 1, the group or organization shall then enter into a written contract with the Town, which outlines the obligations and requirements for said group or organization.
 - a) Failure to enter into said written contract with the Town shall make that group or organization ineligible for providing assistance under this Ordinance despite approval of said group’s or organization’s application.

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b) Said written contract shall provide, in addition to other requirements stated therein and approved by the Board, the absolute requirement that the group or organization provide a monthly progress report to the Board.

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3) Once the group or organization enters into a binding written contract with the Town, said contract shall be presented to the Board for approval.

a) Upon approval of said written contract, the group or organization will constitute a registered group or organization under this Ordinance and therefore allowed to provide assistance pursuant to this Ordinance and subject to restrictions in the written contract.

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Deleted: <#>Any group or organization as defined in this ordinance shall be required to register at the Town Hall.¶
The group or organization shall submit documentation, credentials, certificates, licenses, supporting expertise in providing assistance needed by Rancho Viejo to comply with this ordinance.

Anti-Cruelty

Animal Care and Humane Treatment of Animals.

Animals shall be cared for, treated and transported in a humane manner and not in violation of Section 42.092 of the Texas Penal Code, Chapter 821 of the Health and Safety Code, or any other provision of law, including federal, state and local laws, ordinances, and rules. This includes, but may not be limited to the following;

1. Abandoning unreasonably any animal in the person's custody. Abandoning unreasonably occurs whenever an owner abandon any animal in his/her custody for a period of twenty-four hours without providing for someone to feed, water and check on the animals' condition. No owner shall leave any animal in his/her custody by the roadside or other area, or on either public or private property without the property owner's consent.
2. An owner may not leave a cat outside and unattended by use of a restraint that unreasonably limits the cat's movement between the hours of 10:00 p.m. and 6:00 a.m.; or, in the case of extreme weather conditions, including conditions in which the actual or effective outdoor temperature is below 32 degrees Fahrenheit, a heat advisory has been issued by a local or state authority or jurisdiction, or a hurricane, tropical storm, or tornado warning has been issued for the jurisdiction by the National Weather Service. The following applies except under certain circumstances. If a cat is outside and unattended by use of a restraint that unreasonably limits the cat's movement, food and water must be readily accessible.
3. "Restraint" means a chain, rope, tether, leash, cable, or other device that attaches a cat to a stationary object or trolley system.
4. A restraint unreasonably limits a cat's movement if the restraint:
 - a. Uses a collar that is a pinch-type, prong-type, or choke-type or that is not properly fitted to the cat;
 - b. Is a length shorter than the greater of:
 - i. Five times the length of the cat, as measured from the tip of the cat's nose to the base of the cat's tail; or

Deleted: <#>The group or organization shall submit a detailed plan to the Town outlining the assistance available. The plan shall submit as a minimum the following elements:¶
<#>Contact information for the group or organization,¶
<#>Procedures for trapping feral and stray cats,¶
<#>An outline of the medical attention given to trapped cats,¶
<#>Guidelines for feeding outdoor domestic/companion cats,¶
<#>An outline of what assistance the group provides residents, and what it does not provide,¶
<#>Method for providing progress reports to the town.¶
<#>Financial capacity¶
<#>The Town Administrator shall review and approve such plan upon meeting all requirements.¶
<#>Modifications to an approved plan may be submitted and shall become effective once approved by the Town administration.¶
<#>The group or organization shall present proof of insurance.¶

- ii. 10 feet;
 - c. Is in an unsafe condition; or
 - d. Causes injury to the cat.
- 5. No owner shall fail unreasonably to provide his/her animal with necessary food, water, care, or shelter. Any owner of animals shall maintain a reasonably clean and healthful shelter for any animal being kept, which is free of accumulated waste and debris so that the animal is free to walk or lie down without coming in contact with such waste or debris. All pet living areas must be cleaned and maintained regularly so as to promote the health for the animals kept as well as to not offend neighbors.
- 6. In addition a person commits an offense if:
 - a. A person other than a licensed veterinarian docks an animal's tail or crops an animal's ears.
 - b. A person who is in control of a motor vehicle which strikes a domestic animal fails to report the accident to the town hall or local police.
 - c. A person shall raise or kill a dog or cat for the skin or fur.
 - d. A person mutilates any animal whether such animal is dead or alive. (Medical or veterinary autopsies and reasons are exempt.)
 - e. A person who transports an animal recklessly restrains such animal and the animal consequently leaves or is thrown from the vehicle during normal operation of the vehicle, or the animal inflicts bodily harm to passersby as a result of such recklessness
 - f. It shall be a violation of this ordinance for non-Rancho Viejo persons to dump animals within the town limits.

DIVISION 2. NOISE Sec. 10-62 Complaint Procedure is hereby amended to add:

Section 10-62 Complaint procedure

(d) Owners of domestic/companion cats shall:

Take reasonable action to preventing their cat(s) from creating a nuisance. Any person having a complaint about a cat(s) creating a nuisance, other than noise, must notify the Town Office. The Town Office will notify the registered group or organization to contact the complainant to help find solutions to resolve the problem. If the problem is not resolved, the complainant can contact the Town Office to obtain a humane cage style trap for a refundable deposit of \$50.00 to trap the cat on their property. Once trapped, the cat can be turned over to the Town and the cat will then be submitted to the Cameron County.

DIVISION 1. GENERALLY is hereby amended to add:

Animal Care and Humane Treatment of Animals.

Animals shall be cared for, treated and transported in a humane manner and not in violation of Section 42.092 of the Texas Penal Code, Chapter 821 of the Health and Safety Code, or any other provision of law, including federal, state and local laws, ordinances, and rules. This includes, but may not be limited to the following;

- 2 An owner may not leave a dog outside and unattended by use of a restraint that unreasonably limits the dog's movement between the hours of 10:00 p.m. and 6:00 a.m.; or, in the case of extreme weather conditions, including conditions in which the actual or effective outdoor temperature is below 32 degrees Fahrenheit, a heat advisory has been issued by a local or state authority or jurisdiction, or a hurricane, tropical storm, or tornado warning has been issued for the jurisdiction by the National Weather Service. The following applies except under certain circumstances. If a dog is outside and unattended by use of a restraint that unreasonably limits the dog's movement, food and water must be readily accessible.
- 3 "Restraint" means a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system.
- 4 A restraint unreasonably limits a dog's movement if the restraint:
 - a. Uses a collar that is a pinch-type, prong-type, or choke-type or that is not properly fitted to the dog;
 - b. Is a length shorter than the greater of:
 - i. Five times the length of the dog, as measured from the tip of the dog's nose to the base of the dog's tail; or
 - ii. 10 feet;
 - c. Is in an unsafe condition; or
 - d. Causes injury to the dog.

Article II. Prohibited Animals is amended to add:

Article III. Prohibited Animals

Section 10-85 Prohibited Feeding of Raccoons, Opossums, Armadillos and Skunks

It shall be unlawful to feed raccoons, opossums, armadillos or skunks under any circumstance. Households/individuals feeding such animals shall be deemed in violation of this ordinance. Each violation of this ordinance constitutes a separate offense.

Penalties

Any person violating any provisions of this ordinance shall be charged ~~with either~~ a Class C Misdemeanor by the Town, and upon conviction shall be fined up to \$500.00—unless such violation constitutes an offense more serious than a Class C Misdemeanor under the Texas Penal Code. In these instances, the

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Town shall refer the case to Cameron County for prosecution and conviction. Each day that a violation of this ordinance continues is a separate offense.

If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

A caption that summarizes this ordinance shall be published as required by law and this ordinance shall become effective when published.

PASSED, ADOPTED AND APPROVED on this the _____ day of _____, 2010.

Roberto Medrano, Mayor

ATTEST:

Cheryl J. Kretz, Town Secretary

H + S Ord.

ORDINANCE NO.

AN ORDINANCE OF THE TOWN OF RANCHO VIEJO, TEXAS ESTABLISHING THE REGISTRATION AND LICENSING OF CATS, SETTING UP FEES, ESTABLISHING HOUSING FEES, ESTABLISHING FINES FOR VIOLATION, STRAY CAT PROCEDURES, PROVIDING FOR A PENALTY, PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION IN CAPTION FORM

WHEREAS, for the health, safety and welfare of the residents of Rancho Viejo, dog and/or cat regulations are deemed to be in the best interest of the Town of Rancho Viejo.

Section 1. The owner of any dog or cat shall license and register such owner's dogs and cats yearly. Dog and cat licenses shall be issued by the Town Office upon payment of a yearly license fee of five (\$5.00) dollars for each dog and/or cat. At the time the application is made for such license and upon forms provided for such purposes the owner shall state the owner's name, address and telephone number, and the name, breed, color and sex of each dog and/or cat. Proof of rabies vaccination by a licensed veterinarian must be presented annually.

Every owner shall be required to place and maintain either a collar and identification tag or an "RFID" chip on each dog and/or cat that shall always be worn while outdoors. In case a dog and/or cat identification tag or "RFID" chip is lost or destroyed, a duplicate tag or chip shall be issued with a receipt showing the payment of the license fee for the current year. Dog and/or cat tags and chips shall not be transferable from one dog and/or cat to another and no refund shall be made on any dog and/or cat license fee even in the event of the death of the dog and/or cat or because of an owner's relocation from the town.

Section 2. An owner of a dog and/or cat must vaccinate said animal against rabies in accordance with Texas law. A rabies vaccination tag issued for the dog and/or cat must be attached to the collar of the animal and be worn at all times when outdoors. Rabies tags are not transferable.

Section 3. It shall be unlawful for any person owning a dog and/or cat to permit it to be outside of such owner's premises, unless the dog and/or cat is under the owner's control at all times.

Any dog and/or cat found roaming at large contrary to this ordinance will be apprehended and impounded by _____ at

the Town Hall. If the dog and/or cat has either an identification tag or an "RFID" chip, the owner will be notified to pick up the dog and/or cat and a housing fee of \$25.00 will be charged at that time, in addition to any other fines imposed by this Ordinance. If the dog and/or cat is not picked up by its owner by within 24 hours of the dog and/or cat being impounded, and said owner does not present the Town with a reasonable excuse for failing to pick up his/her animal, then said animal shall be turned over to the Cameron County Department of Health and Human Services for disposition pursuant to its policies. Should an owner commit a second offense under this Section, the Town will charge said owner a housing fee of \$50.00, in addition to any other fines imposed by this Ordinance.

Section 4. Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined up to \$150.00 for the first violation and up to \$200.00 for any subsequent violations. Each day that a violation of this ordinance continues is a separate offense.

Section 5. If any section, paragraph, subdivision, clause, phrase or provision of this Ordinance shall be adjudged, invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

Section 6. This Ordinance shall become effective when published in summary form according to law.

PASSED, ADOPTED, AND APPROVED on this the _____ day of _____, 2010.

Roberto Medrano, Mayor

ATTEST:

Cheryl J. Kretz, Town Secretary

Chapter 10

ANIMALS*

Article I. In General

Secs. 10-1—10-18. Reserved.

Article II. Dogs and Cats

Division 1. Generally

- Sec. 10-19. Dogs running at large; prohibited.
- Sec. 10-20. Rabies vaccination required.
- Sec. 10-21. Certificates required for vaccinated dogs.
- Sec. 10-22. Tags.
- Sec. 10-23. Reporting diseased dog.
- Sec. 10-24. Duty to confine dog suspected of hydrophobia.
- Sec. 10-25. Dogs suspected of hydrophobia.
- Sec. 10-26. Duty to exterminate dangerous dogs.
- Sec. 10-27. Duty to seize dogs.
- Sec. 10-28. Authority to seize and impound dog.
- Sec. 10-29. Duty to make registry of impounded dogs.
- Sec. 10-30. Time for redemption.
- Sec. 10-31. Right to redeem impounded dog.
- Sec. 10-32. Impoundment fee.
- Sec. 10-33. Fee for impoundment of unvaccinated dog.
- Sec. 10-34. Redemption of impounded dog by other than owner.
- Sec. 10-35. Monies for town general fund.
- Sec. 10-36. Health officer may be appointed.
- Secs. 10-37—10-60. Reserved.

Division 2. Noise

- Sec. 10-61. Unlawful keeping of unreasonably loud dogs and cats.
- Sec. 10-62. Complaint procedure.
- Secs. 10-63—10-82. Reserved.

Article III. Prohibited Animals

- Sec. 10-83. Livestock prohibited in town.
- Sec. 10-84. Certain live birds not to be kept in town.

*State law references—Health and safety of animals, V.T.C.A., Health and Safety Code, § 821.001 et seq.; Type A municipality may regulate animals running at large, V.T.C.A., Local Government Code § 215.026.

ARTICLE I. IN GENERAL

Secs. 10-1—10-18. Reserved.

ARTICLE II. DOGS AND CATS**DIVISION 1. GENERALLY****Sec. 10-19. Dogs running at large; prohibited.**

(a) No person shall permit any dog to be at large in the town at any time. Dogs are at large when the animal is in any public street, alley, park or other public grounds or when off the premises of the owner or the person who has custody of said dog and not constrained by a leash or under the immediate physical control of the owner or the person who has custody of said dog. Within one hour when the dog escapes from either the owner or the person who has the custody of the dog, the owner or the custodian of the dog shall report the escape of said dog to the police department.

(b) Any dog found running at large within the town limits may be impounded by any peace officer or by the duly designated health or animal control official and processed as provided by this chapter.

(c) The owner or the person having custody of any dog shall not permit said dog to defecate on any school ground, public street, alley, sidewalk, tree bank, park or any other public grounds or any private property within the town other than the premises of the owner or the person having custody of such dog unless such defecation is removed immediately.
(Ord. No. 15, § 1, 12-9-1980; Ord. No. 15A, § 1, 9-11-1990)

Sec. 10-20. Rabies vaccination required.

It shall be the duty of every person who owns a dog or keeps a dog in or on his premises or on premises under his control, within the town to have said dog properly vaccinated each and every year, against hydrophobia, commonly called "the rabies", by a competent veterinarian duly licensed to practice such profession in the state.

(Ord. No. 15, § 2, 12-9-1980)

State law references—Vaccination of dogs and cats required, V.T.C.A., Health and Safety Code § 826.021; vaccination requirement, 25 Tex. Admin. Code § 169.29.

Sec. 10-21. Certificates required for vaccinated dogs.

Every veterinarian who shall vaccinate a dog against rabies shall furnish the owner of such dog with a certificate thereof, in triplicate, containing the name of such owner and the age, color, sex and general description of such dog sufficient to identify such dog.

(Ord. No. 15, § 3, 12-9-1980)

Sec. 10-22. Tags.

Along with the certificate of vaccination for a dog, the veterinarian vaccinating such dog shall furnish the owner with a metal tag for such dog containing lettering indicating the proper vaccination and inoculation of said dog, and the year during which said vaccination was administered, which said tag shall be attached to the collar of said dog.

(Ord. No. 15, § 4, 12-9-1980)

Sec. 10-23. Reporting diseased dog.

Every veterinarian or other person who is called to examine or professionally attend any dog within this town having rabies, within 24 hours thereafter, shall report to the duly designated health official of the town and to law enforcement the following facts:

- (1) A statement of the location of such diseased animal;
- (2) The name and address of the owner;
- (3) All known humans or animals suspected of having been exposed to the rabid dog.

(Ord. No. 15, § 5, 12-9-1980)

Sec. 10-24. Duty to confine dog suspected of hydrophobia.

It shall be the duty of every person who owns a dog or keeps a dog in or on his premises or on premises under his control, within the town, when such dog shows symptoms of hydrophobia, or has been exposed to such disease, or has injured some person or animal, upon such person being notified by the duly designated town health official, animal control official or law enforcement officer of such fact, to at once cause said dog to be confined and secured by a veterinarian for a period of not less than 14 days and until it can be reasonably determined by such town health officer, law enforcement officer or animal control personnel that such dog is not afflicted with such disease.

(Ord. No. 15, § 6, 12-9-1980)

Sec. 10-25. Dogs suspected of hydrophobia.

In the event no owner, keeper or person in control of a dog showing such symptoms of hydrophobia, or which has been exposed thereto, or which has injured some person or animal, can be found by the duly designated town health officer, law enforcement officer or animal control personnel, it shall be the duty of the town health officer, law enforcement officer or animal control personnel to confine said dog in a secure place for such period of time until it is determined that such dog is not afflicted with such disease.

(Ord. No. 15, § 7, 12-9-1980)

Sec. 10-26. Duty to exterminate dangerous dogs.

It is hereby made the duty of the designated official, officer or animal control personnel as well as any duly designated health official to kill and exterminate any and all dogs at large when said dogs are, or appear to be, affected with hydrophobia or any other infectious, contagious or dangerous disease.

(Ord. No. 15, § 8, 12-9-1980)

Sec. 10-27. Duty to seize dogs.

It shall be the duty of the town health officer, law enforcement officer or animal control personnel to seize and impound, subject to the articles of this chapter, all dogs found in violation of any article of this chapter within this town, whether such dog shall be in the immediate presence of the owner or custodian or otherwise.

(Ord. No. 15, § 9, 12-9-1980)

Sec. 10-28. Authority to seize and impound dog.

The town health officer, law enforcement officer or animal control personnel is hereby authorized to enter upon any unfenced lot, tract or parcel of land for the purpose of seizing and impounding any dog found in violation of this chapter.

(Ord. No. 15, § 10, 12-9-1980)

Sec. 10-29. Duty to make registry of impounded dogs.

The duly designated official, upon impounding or receiving any dog under the provisions of this division, shall make a complete registry of such dog, entering the breed, color and sex of such dog and whether such dog has been vaccinated, and the time and place of taking such dog into custody.

(Ord. No. 15, § 11, 12-9-1980)

Sec. 10-30. Time for redemption.

(a) Should any dog be impounded pursuant to this chapter and should said dog at such time have a metal tag affixed to its collar identifying the owner thereof and his address, then such dog shall not be subject to destruction as set forth by the terms of this chapter, but shall be delivered to a veterinarian for impoundment until the expiration of seven days after notice is mailed to the person and address shown on said tag or such person is otherwise contacted by the duly designated health officer, law enforcement officer or animal control personnel.

(b) All impounded dogs not having a tag affixed as set forth in subsection (a) of this section shall be redeemed within three days after the same were impounded.

(c) Any such dog not redeemed within such time may be sold, destroyed or otherwise disposed of.

(Ord. No. 15, § 12, 12-9-1980)

Sec. 10-31. Right to redeem impounded dog.

The owner of any dog which has been impounded under the provisions of this article shall have the right to redeem the same upon the payment of any and all fees which may be due and payable for the impoundment of such dog; provided, however, the payment of such impoundment fees shall not bar the imposition of any fine which may be imposed for the violation of this chapter.

(Ord. No. 15, § 13, 12-9-1980)

Sec. 10-32. Impoundment fee.

A fee in an amount as is determined from time to time by ordinance shall be charged for the impoundment of any dog under the provisions of this chapter. Whenever any dog is impounded, an additional fee in an amount as is determined from time to time by ordinance shall be charged for each day, or fraction thereof, of impoundment for the feeding and care of such dog.

(Ord. No. 15, § 14, 12-9-1980)

Sec. 10-33. Fee for impoundment of unvaccinated dog.

The owner of any impounded dog which has not been vaccinated as required by this article, upon satisfactory proof of ownership, may redeem his dog by making a deposit in an amount as is determined from time to time by ordinance with the health officer, law enforcement officer or animal control personnel and be allowed 24 hours to get such dog vaccinated. If such owner fails to produce a vaccination certificate within such 24 hours, the deposit shall be forfeited and the dog shall be impounded again. Upon presentation within such period of time of a certificate of vaccination, the deposit shall be refunded.

(Ord. No. 15, § 15, 12-9-1980)

Sec. 10-34. Redemption of impounded dog by other than owner.

If the owner of any dog impounded under this chapter shall fail to redeem his dog within the time allowed for redemption, any other person may, upon complying with all provisions of this chapter, redeem such dog from the pound and be the lawful owner of such dog thereafter.

(Ord. No. 15, § 16, 12-9-1980)

Sec. 10-35. Monies for town general fund.

All monies received and collected under the provisions of this chapter shall be deposited in the general fund of the town.

(Ord. No. 15, § 17, 12-9-1980)

Sec. 10-36. Health officer may be appointed.

The board may from time to time appoint a health officer to act pursuant to this chapter and/or may contract for the services of an individual or corporation to carry out the duties of a health officer as provided herein and to further handle the impounding and disposal of dogs as provided for in this chapter.

(Ord. No. 15, § 18, 12-9-1980)

Secs. 10-37—10-60. Reserved.

DIVISION 2. NOISE

Sec. 10-61. Unlawful keeping of unreasonably loud dogs and cats.

It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls or yelps, or any cat which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood, or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs and cats are hereby declared to be a public nuisance.

(Ord. No. 127, § 1, 1-11-2000)

Sec. 10-62. Complaint procedure.

(a) Whenever any person shall complain to the police department that a dog which habitually barks, howls or yelps or a cat which habitually cries or howls is being kept by any person in the town, the police department shall notify the owner of said dog or cat that a complaint has been received and that the person should take whatever steps necessary to alleviate the howling, yelping or crying.

(b) If the warning given to the person alleged to be keeping a dog or cat as set forth in subsection (a) of this section is ineffective, then any person may present a verified complaint to the police department, alleging that a dog which habitually barks, howls or yelps, or a cat which habitually cries or howls is being kept by any person within the town. The police department shall investigate the complaint, and should the department find that the complaint has a reasonable basis, shall inform the owner of such dog or cat that said complaint has been received and shall cite the owner of the dog or cat for the violation alleged in said complaint.

(c) A person shall be deemed to have knowingly violated the terms of this division if such person shall have received the warning provided for in subsection (a) of this section and shall have failed or refused to correct such disturbance and prevent its recurrence.

(Ord. No. 127, § 2, 1-11-2000; Ord. No. 127A, § 1, 8-9-2005)

Secs. 10-63—10-82. Reserved.

ARTICLE III. PROHIBITED ANIMALS

Sec. 10-83. Livestock prohibited in town.

The keeping of any horses, jacks, jennets, cattle, sheep, swine, goats, hogs or other livestock within the town is declared a nuisance and is prohibited and unlawful.

(Ord. No. 66, § 1, 9-13-1988)

§ 10-84

RANCHO VIEJO CODE OF ORDINANCES

Sec. 10-84. Certain live birds not to be kept in town.

It shall be unlawful for any person to keep any chickens, turkeys, geese, ducks or pigeons within the town limits.

(Ord. No. 66, § 2, 9-13-1988)

Subj: **Fwd: Rancho Viejo Cat Control**
Date: 3/25/2010 12:22:37 P.M. Central Daylight Time
From: Whdorsett@aol.com
To: medrano.roberto@sbcglobal.net
CC: Lisalackner123@att.net, ranchoviejotown@aol.com

Mayor, Bob,

As you know PETA has sent me a messages about this issue for awhile and has sent these proposed ordinances for our consideration. Legally, they should be pretty "clean", so, it will save us some time. Hopefully, this will meet our needs.

WHD

From: TeresaC@peta.org
To: Whdorsett@aol.com
Sent: 3/25/2010 11:56:59 A.M. Central Daylight Time
Subj: RE: Rancho Viejo Cat Control

Hi William, I apologize for the delay in getting this to you. The attached ordinances are both in place in the Virginia cities of Hampton and Newport News. I believe they are both working as intended and they do address some of the most common problems and language.

If I can be of any further assistance, please don't hesitate to ask. Meanwhile, good luck in addressing this serious issue in Rancho Viejo.

Very best,

Teresa Lynn Chagrin

Animal Care & Control Specialist

443-320-1277

From: Whdorsett@aol.com [<mailto:Whdorsett@aol.com>]
Sent: Wednesday, March 10, 2010 11:58 AM
To: Teresa Chagrin
Subject: Re: Rancho Viejo Cat Control

Hi Teresa,

unfortunately, the measure was tabled because of all the side bars that were thrown out. If you have an example of an ordinance that is "workable" please send it to me.

we essentially have a month to come up with something.

Best regards,

William

In a message dated 3/9/2010 1:40:55 P.M. Central Standard Time, TeresaC@peta.org writes:

Thank *you!* Keep us posted!

Teresa Lynn Chagrin

Animal Care & Control Specialist

PETA\501 Front St., Norfolk, VA 23510

Phone 443-320-1277

Fax 757-628-0796

TeresaC@peta.org

From: Whdorsett@aol.com [mailto:Whdorsett@aol.com]

Sent: Monday, March 08, 2010 6:18 PM

To: Teresa Chagrin

Subject: Re: Rancho Viejo Cat Control

Dear Teresa,

thank you for your reply and help! It should help to make people aware of the consequences of having so many "stray" cats in our Town. There are many residents that do not want stray animals on their property and the Town should protect that Right!

Best regards,

Wm

In a message dated 3/8/2010 9:46:51 A.M. Central Standard Time, TeresaC@peta.org writes:

March 8, 2010

The Honorable William Dorset
Mayor Pro Tem
Town Municipal Office
3301 Carmen Ave.
Rancho Viejo, TX

Dear Mayor Pro Tem Dorset:

I hope you are well. I am writing on behalf of People for the Ethical Treatment of Animals (PETA), the world's largest animal rights organization with more than 2 million members and supporters dedicated to animal protection. Per your request, we have reviewed the two animal control ordinances now being considered to address the high number of homeless cats—many of whom are considered a nuisance by citizens—roaming uncared for in Rancho Viejo. As you know, Rancho Viejo is not alone: between six and eight million dogs and cats are turned into animal shelters across the U.S. each year, and countless more homeless and neglected animals live and die terribly on the streets, in ditches and backyards, and under sheds and buildings in every community. PETA applauds and thanks town officials for seeking an effective solution for Rancho Viejo and its animals.

The Alternative Animal Ordinance, which would require groups or organizations to register with the town to become authorized to trap and provide medical treatment to (including spaying and neutering) homeless cats, although surely well-intentioned, has significant shortcomings. The proposed ordinance fails to specify critical information such as the types of credentials, certificates, and licenses required for a group to be registered. It would also require animal control personnel to notify registered groups and turn over all unclaimed cats to them, which is sure to become a considerable burden for workers already pressed for time and resources, put animals in danger, and pose a health and safety risk to the community.

Allowing outside agencies free access to animals is likely to create liability for the Town of Rancho Viejo. Such access must not be considered before the town puts in place standards and policies and the proper process to require and screen for compliance with those requirements. Otherwise, a system to appease and accommodate well-meaning individuals is sure to result in disasters such as animal hoarding, warehousing, abandonment and neglect, and the public safety risks inherent to those. In addition, the proposed ordinance requires that the groups submit a "method for providing progress reports to the town," but fails to identify any oversight mechanisms for these groups. The ordinance does not outline a registration revocation process, and should, if such registration remains desirable.

Finally, the Alternative Animal Ordinance only prohibits "sexually intact" cats from roaming outside unsupervised. Spayed and neutered cats who are allowed to roam outdoors are equally vulnerable to the dangers of traffic, poisons, disease, other animals, and cruel humans. They also give the town the duty to catch, identify, and return them to their guardians. Animal welfare experts agree that owned cats must be kept indoors for their own safety as well as the public's. I am attaching some recent articles about stray cats who contracted rabies and bit or scratched citizens, many of them feeding and trapping the animals. Please consider also that cat feeding stations attract wild animals such as raccoons, opossums, and others, who are also often considered a nuisance and can contribute to the spread of disease. Wildlife experts also point out the widespread decimation of native wildlife species who are killed by cats. The American Bird Conservancy (ABC) has put together a nine minute video that takes a quick but in-depth look at the impact of roaming cats on songbird populations. The video can be seen [here](#).

PETA generally supports the Health & Safety ordinance, which would require the registration and identification of both dogs and cats, as well as require the safe and humane containment of owned cats. We are not familiar with the group PAWS and caution that it is not recommended to name specific groups in the town's ordinances. Nonprofit groups sometimes dissolve, change management, positions and tactics, and/or become overwhelmed and unable to satisfy commitments. Simply put, legally requiring that animals be turned over to any outside group is inviting tragedy for animals and the public. Trained, professional animal control personnel must be allowed to make the ultimate disposition decision in each individual animal's case.

I am attaching just a couple of articles about recent raids on so-called "no-kill" animal shelters where animals suffered chronically in crowded cages because of policies instituted to end euthanasia of animals before reducing the number of unwanted animals born in the community. **We strongly recommend removing any language from the ordinance that would require the city to simply hand over unclaimed animals to PAWS or any other group.** PETA recommends working with placement agencies via well-written and strongly-enforced contracts that can be quickly ended if trouble develops.

I hope the information herein is helpful and that you will let me know if PETA can be of further assistance. Meanwhile, thank you again for all of your hard work for the citizens and animals of Rancho Viejo.

Sincerely,



Teresa Lynn Chagrin

Animal Care & Control Specialist

443-320-1277

Thursday, March 25, 2010 AOL: RanchoViejoTown

Enclosures:

"Beaufort County residents alerted about danger of rabies; advised to vaccinate pets," Aug 21, 2008, SC DHEC Press Release

"Rabid cat found in Lower Mifflin Twp.," Nov 20, 2009, Pennlive.com

"Rabid Cat Attacks: Six People Bitten, Scratched Or Exposed To Rabies," Oct 29, 2009, Northescambia.com

"Rabid Cat Bites Wichita Woman," Nov 2009, KSCW.com

"Packed animal shelter closed," Jan 26, 2010, ClarionLedger.com

"County shuts down animal shelter because of health issues,"
Mar 5, 2008, Associated Press

"101 Animals Rescued from 'Animal Rescue Service,'" Dec 29, 2006, Associated Press

From: Whdorsett@aol.com [mailto:Whdorsett@aol.com]

Sent: Tuesday, March 02, 2010 12:21 PM

To: Teresa Chagrin

Subject: Rancho Viejo Cat Control

Hi Teresa,

it's been over a year and it looks like TNR may become part of Rancho Viejo, as one of the proposals would sanction the group. My 2 year involvement in this leads me to believe that the proposal (Leash Law) from our 2 committees that were formed for this purpose, is the best choice. However, our new Mayor is now siding with TNR. I am attaching the 2 proposed ordinances and would like your opinion. I will share this at our meeting, if you are agreeable to this. I almost forgot that our current ordinance is also included.

Best regards,

William H. Dorsett

(956) 350-0938

Thursday, March 25, 2010 AOL: RanchoViejoTown

CODE
City of
HAMPTON, VIRGINIA

Codified through
Ord. No. 1406, enacted July 13, 2005.
(Supplement No. 42)

Sec. 5-38. Running at large.

(b) *Cats.*

(1) It shall be unlawful for any person to permit any cat owned or kept by him to run or go at large within the city unless the cat is spayed or neutered and properly licensed in accordance with Article IV, sections 5-51 through 5-60 of the Hampton City Code.

(2) However, it shall be unlawful for any person to permit any cat owned or kept by him to run at large if said cat habitually causes destruction or damage to the property of another or habitually creates a nuisance.

(3) The first violation of this section shall constitute a Class 4 misdemeanor. The second violation on the same animal shall constitute a Class 3 misdemeanor and subsequent violations on the same animal shall constitute a Class 2 misdemeanor. Any owner cited for three (3) violations of this section, may have his animals impounded or spayed and neutered at the owner's or custodian's expense.

(c) It shall be the duty of the animal control officer or other officer who may find any dog or cat running at large in violation of section 5-38(a) and (b), respectively, to forthwith take the animal into custody and dispose of it in the following manner

(1) The dog or cat shall be impounded in the animal shelter for a period of not less than five (5) 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. The operator or custodian of the animal shelter shall make a reasonable effort to ascertain whether the animal has a collar, tag, license, tattoo, or other form of identification and make a reasonable effort to notify the owner of the animal's confinement within the next forty-eight (48) hours following its confinement. If such identification is found on the animal, the animal shall be held for an additional five (5) days, unless sooner claimed by the rightful owner. If the owner or keeper of the dog or cat is known, or the owner can be reasonably ascertained through a collar, tag, license, tattoo or other form of identification, the animal control officer or deputy animal control officer shall issue a summons within twenty-four (24) hours to such owner directing him to appear in court and answer charges for violation of this section. If the identity of the owner cannot be ascertained at the time of impoundment, then the summons shall be issued at such time as the owner shall reclaim the dog or cat.

(2) In all cases under this section, the owner may, upon proof of ownership, redeem the dog within the prescribed period of time as stated in subsection (1) and upon proof of ownership and payment of the actual expenses incurred in keeping the animal impounded. The fee for redeeming the dog shall be the sum of twenty dollars (\$20.00) for the first twenty-four (24) hours or portion thereof and the sum of five dollars (\$5.00) for each succeeding day or fraction thereof; provided, however, that the minimum payment shall be twenty dollars (\$20.00). For each subsequent

impoundment within a twelve-month period, the owner may redeem the dog within the prescribed period of time as stated in subsection (1) upon payment of the sum of twenty-five dollars (\$25.00) for the first twenty-four (24) hours or portion thereof and the sum of five dollars (\$5.00) for each succeeding day or fraction thereof; provided, however, that the minimum payment in such cases shall be twenty-five dollars (\$25.00).

(3) In all cases under this section, the owner may redeem the cat, within the prescribed period of time as stated in subsection (1), upon proof of ownership, payment of the actual expenses incurred in keeping the animal, and proof of proper rabies inoculation in accordance with section 5-100 of the Hampton City Code. The fee for redeeming the cat shall be the sum of twenty dollars (\$20.00) for the first twenty-four (24) hours or portion thereof and the sum of five dollars (\$5.00) for each succeeding day or fraction thereof; provided, however, that the minimum payment shall be twenty dollars (\$20.00). For each subsequent impoundment within a twelve-month period, the owner may redeem the cat within the prescribed period of time as stated in subsection (1) upon payment of the sum of twenty-five dollars (\$25.00) for the first twenty-four (24) hours or portion thereof and the sum of five dollars (\$5.00) for each succeeding day or fraction thereof; provided, however, that the minimum payment in such cases shall be twenty-five dollars (\$25.00).

(4) If at the end of the prescribed holding period the dog or cat in question shall have not been redeemed, such animal shall be deemed abandoned and disposed of in accordance with the provisions of section 3.1-796.96 of the Code of Virginia. No animal shall be released to any person, organization, or agents hereof, for the purposes of scientific or medical experimentation. No provision herein shall prohibit the destruction of a critically ill dog or cat for humane purposes. Any cat disposed of under this section shall be spayed or neutered prior to release for adoption from the animal shelter.

(5) Cats identified as part of a managed feral cat colony in accordance with the provisions of section 5-43 shall be exempted from the requirements of section 5-38(b)(1) only.

(Ord. No. 735, § 4-14, 11-10-82; Ord. No. 764, § 4-14, 12-14-83; Ord. No. 1128, 9-28-94; Ord. No. 1385, 10-13-04)

State law references: Authority of city to prohibit dogs running at large and to impound such dogs, Code of Virginia, §§ 3.1-796.93, 3.1-796.96 and 3.1-796.100.

State law references: Authority of city to prohibit dogs running at large and to impound such dogs, Code of Virginia, §§ 3.1-796.93, 3.1-796.100 and 15.1-870.

Sec. 5-43. Unlawful care of feral cats.

(a) Any person intentionally providing food, water, or other forms of sustenance to a feral cat or feral cat colony must furnish a signed statement to the animal control officer agreeing to comply with the following conditions. Those persons who have furnished a signed statement to the animal control officer agreeing to comply with the conditions contained in this section are exempt from the requirements of Article IV of this chapter, entitled Dog and Cat Licenses.

(1) Annual registration with the animal control officer as a person caring for feral cat(s) or a feral cat colony. There will be no costs associated with this registration. The registrant shall be deemed the owner or custodian of the cat(s) for purposes of this chapter.

- (2) Provide documentation of support by surrounding neighbors of proposed location for feral cat colony.
 - (3) Assure responsibility and arrangements for feeding and providing emergency veterinarian treatment as needed to the cat or cat colony regularly throughout the year, including weekends, holidays and vacations and in the absence of the caregiver.
 - (4) Regular and frequent trapping through use of humane box traps of cats over the age of eight (8) weeks to have them spayed or neutered.
 - (5) It is highly recommended that all trapped cats be tested for feline leukemia, and to have those who test positive humanely euthanized or isolated indoors.
 - (6) Identify all sterile cats by tipping their ears (tipping to be done by a licensed veterinarian); micro chipping is recommended but not required.
 - (7) Arrange to have all trapped cats spayed or neutered and vaccinated for rabies in addition to any other vaccination or immunization requirement imposed by the Commonwealth. It is recommended that such cats be vaccinated for distemper.
 - (8) Any animal known to have an infectious, untreated disease shall not be released back to the colony or any other outdoor environment where the disease can be spread to uninfected animals.
- (b) It shall be the duty of the animal control officer or a deputy animal control officer to issue notice of non-compliance specifying that the caregiver has forty-eight (48) hours to provide a written response including how the colony will be brought into compliance within a ninety-day time period. The caregiver shall make weekly progress reports to the animal control officer.
 - (c) Failure to comply with any provision of this section shall constitute a violation of this section as well as section 5-38 and subject to penalties thereof.
(Ord. No. 1385, 10-13-04)

Editor's note: Animal laws, Code of Virginia, §§ 3.1-796.93--3.1-796.100; authority of city to adopt ordinance paralleling state dog laws, § 3.1-796.94.

Secs. 5-44--5-50. Reserved.

Sec. 5-51. Required.

It shall be unlawful for any person to own a dog or cat four (4) months or older in this city, unless such dog or cat is licensed under the provisions of this article.

(Ord. No. 735, § 4-16, 11-10-82; Ord. No. 1128, 9-28-94; Ord. No. 1385, 10-13-04)

State law references: Similar provisions, Code of Virginia, § 3.1-796.85.

Sec. 5-52. Application; applicant must be city resident.

(a) Any resident of the city may obtain a dog or cat license by making oral or written application to the city treasurer, accompanied by the amount of the license tax, the certificate referred to in section 5-57 and proof that the dog or cat has been spayed or neutered, when applicable. The

treasurer shall only have authority to license dogs or cats of resident owners or custodians who reside within the limits of the city and may require information to this effect from any applicant.

(b) It shall constitute a Class 4 misdemeanor for any person to make any false statement in, or present any false evidence with, an application submitted under this section, in order to secure a dog or cat license to which such person is not entitled.

(Ord. No. 735, §§ 4-19, 4-26, 11-10-82; Ord. No. 1385, 10-13-04)

Sec. 5-53. Tax imposed.

(a) A license tax is hereby imposed on dogs and cats required to be licensed under this article in the following amounts:

- (1) Male or female dog or cat . . . \$10.00
- (2) Unsexed dog or cat (neutered or spayed) . . . 4.00
- (3) Kennel for ten (10) or less dogs or cats . . . 30.00
- (4) Kennel for eleven (11) to thirty (30) dogs or cats . . . 40.00
- (5) Kennel for thirty-one (31) to fifty (50) dogs or cats . . . 50.00

Kennel to be defined in accordance with section 5-2 of the Hampton City Code for the purposes of this section.

(b) No license tax shall be levied on any dog that is trained and serves as a guide dog for a blind person, that is trained and serves as a hearing dog for a deaf or hearing-impaired person or that is trained and serves as a service dog for a mobility-impaired person. As used in this subsection, the term "hearing dog" means a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond and "service dog" means a dog trained to accompany its owner for the purpose of carrying items, retrieving objects, pulling a wheelchair or other such activities of service or support.

(Ord. No. 735, § 4-20, 11-10-82; Ord. No. 1385, 10-13-04)

Sec. 5-54. When tax due and payable.

(a) The license tax on dogs and cats imposed by section 5-53 shall be due and payable as follows:

- (1) On January first and not later than January thirty-first of each year, the owner of any dog or cat four (4) months old or older shall pay such tax.
- (2) If a dog or cat shall become four (4) months of age or comes into the possession of any person between January first and November first of any year, the license tax for the current calendar year shall be paid forthwith by the owner.
- (3) If a dog or cat shall become four (4) months of age or come into the possession of any person between October thirty-first and December thirty-first of any year, the license tax for the succeeding calendar year shall be paid forthwith by the owner and such license shall protect such dog or cat from the date of purchase.

(Ord. No. 735, § 4-21, 11-10-82; Ord. No. 1128, 9-28-94; Ord. No. 1385, 10-13-04)

State law references: Similar provisions, Code of Virginia, § 3.1-796.88.

Sec. 5-55. Failure to pay tax when due.

It shall be unlawful for any person to fail to pay the dog or cat license tax imposed by this article when the same is due. Payment of such license tax subsequent to a summons to appear before a court for failure to do so within the time required shall not operate to relieve such owner from the penalties provided for such failure. It shall constitute a Class 4 misdemeanor for any dog or cat owner to fail to pay any license tax required by this chapter before February 1 for the year in which it is due.

(Ord. No. 735, § 4-18, 11-10-82; Ord. No. 1385, 10-13-04)

State law references: Similar provisions, Code of Virginia, §§ 29-213.33, 29-213.34.

Sec. 5-56. Disposition of taxes collected.

All taxes collected pursuant to this article shall be used to defray the costs of animal control in accordance with Section 3.1-796.101 of the Code of Virginia and shall be kept separate from other funds collected by the treasurer.

(Ord. No. 735, § 4-20, 11-10-82; Ord. No. 1385, 10-13-04)

State law references: Authority for above section, Code of Virginia, § 29-213.17:1.

Sec. 5-57. Issuance, composition and contents of license.

(a) Upon receipt of a proper application and the prescribed license tax, the treasurer shall issue a dog or cat license receipt; provided, however, that no such license shall be issued, unless the applicant presents to the treasurer an unexpired certificate, signed by a licensed veterinarian, issued pursuant to section 5-100, certifying the dog or cat to be licensed has been vaccinated in accordance with the provisions of such section or is exempted as set forth in such section. Upon the issuance of the licensereceipt, the treasurer shall make a notation of the date of such issuance on such certificate and return the certificate to the applicant.

(b) Each dog or cat license shall consist of a license tax receipt and a metal tag. Such receipt shall have recorded thereon the amount of the tax paid, the name and address of the owner or custodian of the dog or cat, the date of payment, the year for which the dog or cat is licensed, the serial number of the tag and whether the license is for a male, female or unsexed male or female dog or cat or for a kennel. This information shall be retained by the treasurer and shall be open for public inspection during the period for which such license is valid.

(c) The metal tag issued under this section shall be stamped or otherwise permanently marked to show the name of the city, the sex of the dog or cat and the calendar year for which issued and shall bear a serial number.

(Ord. No. 735, §§ 4-19, 4-25, 11-10-82; Ord. No. 1385, 10-13-04)

State law references: Similar provisions, Code of Virginia, §§ 29-213.10, 29-213.14, 29-213.20.

Sec. 5-58. Preservation and exhibition of license receipt; tag to be worn by dog; exceptions.

(a) A dog or cat license receipt issued under this article shall be carefully preserved by the person to whom issued and exhibited promptly on request for inspection by the animal control officer or other officer.

(b) A dog license tag issued under this article shall be securely fastened to a substantial collar by the owner or custodian and worn by the dog for which it was issued. It shall be unlawful for the owner to permit any licensed dog four (4) months old or older to run or roam at large at any time without a license tag. The owner of the dog may remove the collar and license tag required by this section when:

(1) The dog is engaged in lawful hunting.

(2) The dog is competing in a dog show.

(3) The dog has a skin condition which would be exacerbated by the wearing of a collar.

(4) The dog is confined.

(5) The dog is under immediate control of the owner.

(c) Any dog or cat not wearing a collar bearing a license tag for the proper calendar year shall prima facie be deemed to be unlicensed and, in any proceeding under this article, the burden of

proof of the fact that the dog or cat has been licensed, or is otherwise not required to bear a tag at the time, shall be on the owner of the dog or cat.

(Ord. No. 735, § 4-22, 11-10-82; Ord. No. 1385, 10-13-04)

State law references: Similar provisions, Code of Virginia, §§ 29-213.13, 29-213.16.

Sec. 5-59. Duplicate tags.

If a dog or cat license tag shall become lost, destroyed or stolen, the owner or custodian shall at once apply to the treasurer for a duplicate license tag, presenting the original license receipt. Upon affidavit of the owner or custodian before the treasurer that the original tag has been lost, destroyed or stolen, the treasurer shall issue a duplicate license tag, which the owner or custodian shall immediately affix to the collar of the dog. The treasurer shall endorse the number of the duplicate and the date issued on the face of the original license receipt. The fee for the duplicate tag for any dog or cat shall be one dollar (\$1.00).

(Ord. No. 735, § 4-19, 11-10-82; Ord. No. 1385, 10-13-04)

State law references: Similar provisions, Code of Virginia, § 29-213.15.

Sec. 5-60. Disposition of unlicensed dogs and cats found running at large.

(a) It shall be the duty of the animal control officer or other officer (1) to capture any dog found running at large on which the license tax imposed by this article has not been paid and deliver such animal to the pound or shelter, and (2) to capture any cat found running at large on which the license tax imposed by this article has not been paid and has not been spayed or neutered in accordance with section 5-38(b) and deliver such animal to the pound or shelter. Such animal shall be disposed of in accordance with Virginia Code § 3.1-796.96.

(b) Any person, animal control officer or other officer euthanizing a dog or cat under this section shall cremate, bury or sanitarily dispose of the same.

(c) Prior to the disposition, by euthanization or otherwise, of any dog or cat under this section, all of the provisions of section 5-38 shall be complied with.

(Ord. No. 735, § 4-23, 11-10-82; Ord. No. 1385, 10-13-04)

State law references: Similar provisions, Code of Virginia, § 29-213.26.

Secs. 5-61--5-70. Reserved.

**CODE OF ORDINANCES
CITY OF
NEWPORT NEWS, VIRGINIA**

Codified through

Ord. No. 6174-05, adopted Nov. 22, 2005.

(Supplement No. 1)

Sec. 6-25. Running at large; disposal of impounded animals.

(a) It shall be unlawful for any person to permit any dog owned or kept by him or her to run or go at large within the city, whether such dog is licensed or not.

(b) It shall be the duty of the animal control officer or other officer who may find any dog that is running at large to forthwith take the dog into custody. The animal control officer or other officer may also impound any other stray or feral animal that he finds. If a dog or cat is found without the license required by this article, it shall be presumed that the dog or cat is stray or feral, unless

the animal control officer or other officer has reason to know that it is not stray or feral. The animal control officer shall deal with and may dispose of any impounded animal in the following manner:

The animal shall be impounded in the pound for a period not to exceed five (5) days. If the owner or keeper is known, or if such animal has upon it the name and address of the owner, and the owner thereof can be reasonably ascertained, then such owner shall be notified within twenty-four (24) hours after such seizure. In all cases the owner may, upon proof of ownership redeem the animal within five (5) days after such seizure upon payment of the sum of twenty dollars (\$20.00) for the first twenty-four (24) hours or portion thereof and the sum of five dollars (\$5.00) for each succeeding day or fraction thereof; provided however, that the minimum payment shall be twenty dollars (\$20.00). For each subsequent impoundment, within a twelve-month period, the owner may redeem the animal within five (5) days of seizure upon payment of the sum of twenty-five dollars (\$25.00) for the first twenty-four (24) hours or portion thereof and the sum of five dollars (\$5.00) for each succeeding day or fraction thereof; provided, however, that the minimum payment in such cases shall be twenty-five dollars (\$25.00). If at the end of such five (5) days such animal shall not have been redeemed, 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, or by delivery to any local humane society or shelter for placement with any person who is a resident of the city and who will pay the cost herein prescribed and the required license fee, if any, on such animal. No provision herein shall prohibit the destruction of a critically injured or critically ill animal for humane purposes.

(Ord. No. 760, § 1; Code 1961, § 4-15.2; Ord. No. 2549-79, § 1; Ord. No. 2577-79; Ord. No. 3208-84; Ord. No. 5862-02, § 1; Ord. No. 6020-04, § 1)

Sec. 6-53. Unlawful care of feral cats; exception.

(a) For purposes of this section the following terms shall have the following meanings:

- (1) The acronym "ACO" shall mean the Newport News Animal Control Officer or designee.
- (2) The term "caregiver" shall mean a resident of Newport News, Virginia who has been designated as a feral cat caregiver by the ACO pursuant to the provisions of this ordinance, and who accepts responsibility for expenses associated with providing care to feral cats.
- (3) The term "cat" shall mean a feline over the age of sixteen (16) weeks.
- (4) The term "feral cat" shall mean any cat that is not or has never been owned by a person, or was formerly owned and has been abandoned.
- (5) The term "feral cat colony" shall mean a group of feral cats who generally live outdoors and have little or no human contact.
- (6) The term "kitten" shall mean a feline sixteen (16) weeks of age or under.

(b) Except as provided in this section, it shall be unlawful for any person to provide food, water, or other forms of sustenance and care to feral cats, unless such person is a resident of Newport News and has been designated as, and is currently appointed, a caregiver by the ACO.

(c) City residents desiring to provide food, water and other forms of sustenance and care to feral cats in Newport News shall annually apply to the ACO to be designated as a caregiver, and every person so designated shall comply with the provisions of this section throughout their term of appointment. There is no fee associated with applying for this designation.

(d) Every caregiver shall comply with the following conditions with respect to feral cats or feral cat colonies for which they are a designated caregiver:

(1) Provide documentation of (i) support by occupants of all property adjacent to the property on which feral cats will be cared for, (ii) permission by the owner(s), or their agent(s), of property on which feral cats are located to enter upon their property to provide such care, and (iii) a good faith estimate of the number of feral cats and kittens residing in the colony at the time a caregiver's designation is applied for.

(2) Assume personal responsibility and make arrangements for feeding and providing emergency veterinarian treatment as needed to their feral cat or feral cat colony on a regular basis throughout the year, including weekends, holidays, and at such times as the caregiver is unable, for any reason, to provide such care.

(3) Provide regular and frequent trapping of not less than two (2) times per month, through the use of humane box traps of feral cats and kittens over the age of eight (8) weeks who have not been spayed or neutered, vaccinated, and marked as provided herein. The trapped feral cats shall be spayed or neutered, vaccinated for rabies, and marked by having their ears tipped by a veterinarian professionally licensed by the Commonwealth of Virginia. It is also recommended, but not required, that all trapped feral cats be vaccinated by the veterinarian for distemper. Implantation of a micro chip for identification purposes is also recommended, but not required.

(4) Make every attempt to remove kittens from the colony between the age of eight (8) weeks and sixteen (16) weeks for domestication and placement with a person who is willing to be the owner of same.

(5) If possible, have all trapped feral cats and kittens tested for feline leukemia and feline immunodeficiency virus; and to have those which test positive for same humanely euthanized.

(6) Assure that any feral cat or kitten known to have an infectious disease is not released to the outdoors.

(7) Maintain, on an individual cat basis, documentation of all vaccinations, inoculations, medical procedures and sustenance provided to feral cats under their care, and upon request, to provide such documentation to the ACO.

(8) Authorize veterinarians attending to feral cats or kittens under their care to release copies of all medical records with regard to such feral cats to the ACO.

(9) Maintain protection for the feral cats and kittens sufficient to shield them from adverse weather conditions, and maintain the surrounding area free and clear of garbage, trash and debris.

(10) Refuse to accept the introduction of new cats to an existing registered feral cat colony without permission of the ACO.

(11) Insure that a feral cat colony for which a person has been designated a caregiver does not exceed twenty (20) cats.

(e) In the event a caregiver is found by the ACO to have violated any provision of this chapter, or failed to comply with any of its provisions, the ACO may require the caregiver to cease, desist and rectify their violation, or terminate their designation as a caregiver, depending on the severity of the violation. If abatement of the violation is appropriate, the caregiver shall be issued a notice of non-compliance specifying that the caregiver has forty-eight (48) hours within which to provide a written response to the ACO specifying the steps to be taken by the caregiver to come into compliance with the provisions of this chapter within a thirty-day period. The ACO may grant one (1) thirty-day extension if the caregiver demonstrates a good faith effort to comply, and the ACO feels that compliance may be achieved within the thirty-day extension period. The caregiver shall make an action report to the ACO at the end of each thirty-day period or when compliance is achieved, whichever occurs first. If the ACO determines that the violation is sufficiently serious to warrant termination of the caregiver designation, a notice of such termination shall be provided to that person.

(f) If compliance with the provisions of this chapter is not achieved as provided in subsection (d) of this section, or if termination as a caregiver is otherwise warranted, the ACO shall cause a notice of termination to be either personally delivered to the caregiver or mailed to the caregiver by certified mail, return receipt requested, at the address provided by the caregiver on their current application for such designation. Compliance with this subsection by personal delivery shall be effective upon delivery; compliance with this section by mailing shall be effective on the day first delivered to the recipient's address. Termination of designation as a caregiver by the ACO may be appealed to the city manager's office by such person by providing notice of the appeal in writing stating the basis for the appeal within ten (10) calendar days of delivery of the notice of termination as required in this subsection.

(g) For purposes of this chapter, and except as provided in this section, a person who has been designated as a caregiver shall not be considered an owner or a custodian of the feral cats for which they are providing care.

(h) The provisions of this section do not grant to caregivers any authority to enter upon the property of others without the property owner's permission.

(i) In the event the ACO becomes aware, either through a complaint or personal observation, of a feral cat or feral cat colony, he shall make a reasonable attempt to determine if a suspected feral cat or feral cat colony has a caregiver who will comply with this section. If, after making such an attempt, no caregiver is identified or is willing to comply with the provisions of this section, the ACO shall take all necessary action to obtain permission from the property owner(s) to enter upon the property to capture and remove the feral cats, and to dispose of the captured cats in accordance with the provisions of this chapter for the disposal of impounded animals.

(j) Neither feral cats nor feral cat colonies may be maintained on property owned or controlled by the city.

(Ord. No. 6107-05, § 1)