

**Edward B. Bish, Jr.  
920 Dogwood Drive  
Colonial Heights, Virginia 23834**

August 6, 2009

**RECEIVED**

**City of Colonial Heights  
Honorable Mayor Scott Davis and City Council Members  
201 James Avenue  
Colonial Heights, Virginia 23834**

**AUG 06 2009**

**CITY CLERK'S OFFICE**

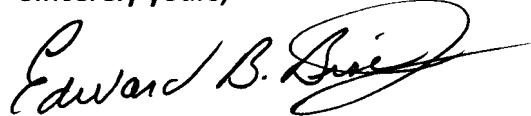
Dear Mayor Davis and Council Members,

The City of Colonial Heights formed the Local Emergency Planning Committee (LEPC) approximately thirteen years ago and the City was very fortunate to have Deputy Fire Chief Ed Snyder to steer this committee in the correct path. Deputy Chief Snyder will be retiring from our city's fire department in September and he will certainly be missed with all his knowledge and leadership.

The LEPC is asking City Council to present a resolution on behalf of the LEPC, we feel without his expertise the committee would not be what it is today. Virginia has 114 local emergency planning committees. These include cities or towns, counties or joint LEPC'S (which include a cooperating group of a county and one or more cities or towns). The City of Colonial Heights may not have the largest LEPC, but we certainly do have one the most active LEPC'S and a lot of this goes to the determination of Deputy Chief Snyder.

Please consider our request and we wish you and City Council the very best.

Sincerely yours,



**Edward B. Bish, Jr.  
LEPC Chairman**

*Copy to Council Manager & Attorney 8/6/09*

A RESOLUTION NO. 09-38

Recognizing John E. Snyder for outstanding service to the City of Colonial Heights.

WHEREAS, John E. Snyder ("Ed") began his career with the City of Colonial Heights in February, 1987 as a Firefighter/Paramedic; and

WHEREAS, Ed also worked with the Colonial Heights' Sheriff's Office as a part-time Deputy from 1982 to 1993; and

WHEREAS, Ed was appointed as the Deputy Fire Chief of Colonial Heights Fire & EMS in July, 1993; and

WHEREAS, Chief Snyder served as the Incident Commander of the tornado that struck Wal-Mart and surrounding businesses in August, 1993; and

WHEREAS, Chief Snyder reorganized and activated the City's Local Emergency Planning Committee ("LEPC") in 1993; and

WHEREAS, during his tenure with the City of Colonial Heights, Chief Snyder served on various boards and committees, including but not limited to, Crater EMS Council, the City of Colonial Heights' LEPC, Old Dominion Emergency Medical Service Alliance, State of Emergency Management Committee, Governor's Advisory Board, and Financial Assistance Review Committee; and

WHEREAS, Chief Snyder started the Colonial Heights High School EMT class in 1995; and

WHEREAS, as Chief Snyder retired from City employment on September 1, 2009, Council finds this an appropriate time to recognize him for his service and commitment to the citizens of Colonial Heights; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLONIAL HEIGHTS:

1. That Council hereby expresses, on behalf of the City, its gratitude to John E. Snyder for his valuable service, commitment, and devotion to the well-being of the City of Colonial Heights and its citizens, and extends to him best wishes as he enjoys his retirement.

2. That, in attestation of the high regard in which John E. Snyder is held by this Council, this resolution is hereby read into the minutes of this meeting and the

permanent record of the City of Colonial Heights, this 8th day of September, 2009; and the members of Council unanimously affix their signatures.

\s\ C. Scott Davis  
Mayor  
\s\ Milton E. Freeland, Jr.      \s\ Kenneth B. Frenier  
Councilman  
\s\ W. Joe Green, Jr.      \s\ Elizabeth G. Luck  
Councilman  
\s\ John T. Wood      \s\ Diane H. Yates  
Councilman  
Councilwoman

Approved:

Attest: \_\_\_\_\_ Mayor  
City Clerk

\*\*\*\*\*

I certify that the above resolution was:

Adopted on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.

The Honorable Milton E. Freeland, Jr., Councilman: \_\_\_\_\_.

The Honorable Kenneth B. Frenier, Councilman: \_\_\_\_\_.

The Honorable W. Joe Green, Jr., Councilman: \_\_\_\_\_.

The Honorable Elizabeth G. Luck, Vice Mayor: \_\_\_\_\_.

The Honorable John T. Wood, Councilman: \_\_\_\_\_.

The Honorable Diane H. Yates, Councilwoman: \_\_\_\_\_.

The Honorable C. Scott Davis, Mayor: \_\_\_\_\_.

\_\_\_\_\_ City Clerk

Approved as to form:

  
Hugh P. Foster, III  
City Attorney

# AUGUST 2009 EMPLOYEE OF THE MONTH



**NAME:** Rebecca (Beckie) R. Childers

**POSITION:** Recreation Specialist III

**EMPLOYMENT**

**HISTORY:** Mrs. Childers began her employment with the City in May of 1983 as the Senior Citizens' Site Coordinator of the Recreation and Parks Department.

**NARRATIVE:** Beckie Childers has been a City employee at the Senior Center for 26 years. She has called the Senior Center "Her Baby" for many years. She has a passion and love for her work which is basically assisting our senior citizens have fuller, more rewarding lives. With her expertise in arts and crafts, we have been able to expand many activities like Christmas with Santa, Back to School Festival, and the Easter Egg Hunt. Her expertise in sewing is utilized by Recreation and the Auxiliary Police, who have Beckie sew the Babe Ruth and Auxiliary Police patches on their uniforms.

Over the last eight months, with the renovation of the Community Building into the Community Center, Beckie had to reschedule numerous activities into different and smaller locations. She was able to utilize a local church for Exercise Classes, the American Legion for Tap Classes, and a bank in Petersburg for Duplicate Bridge. Beckie and staff had to use the Senior Center, which was half the size as the old Community Building for Bridge, Senior

Citizen Club Meetings, Exercise Classes, Arts & Crafts, Bingo, Movies, Meetings and rentals. This meant a lot of rearranging of furniture and four to five different set-ups per day in the Center. Beckie was able to multi-task and get the job completed in addition to her regular duties of planning and scheduling activities, answering telephones, talking to seniors, dealing with issues, and actually conducting programs.

With her expertise on the facility, she was an asset to the contractor on the renovation of the old facility and addition of the new. Her knowledge amazed the contractors. Beckie should be recognized and commended for her long term service to the City and our senior citizens. She is also commended for making the most of our senior programs while the Community Center was being expanded.

AN ORDINANCE NO. 09-FIN-15

To amend the General Fund Budget for the fiscal year beginning July 1, 2009, and ending June 30, 2010, to appropriate \$9,605, consisting of \$4,150 in grant funding from the Virginia Department of Alcoholic Beverage Control to the Office on Youth and Human Services; \$1,450 in donated funds to Recreation and Parks in support of the Back to School Festival; and \$4,005 in donated funds to Public Safety for the maintenance/care of a new narcotics K-9.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That Sections 1, 2 and 3 of Ordinance No. 09-FIN-4, the General Fund Budget, be, and are hereby amended and reordained as follows:

1. That the budget designated the General Fund Budget for the fiscal year beginning July 1, 2009, and ending June 30, 2010, is hereby adopted; and that, subject to transfers by resolution pursuant to § 6.15 of the City Charter, funds hereby appropriated shall be used for the following purposes:

Legislative (City Council)	\$ 147,397
Administrative (City Manager)	310,461
Legal (City Attorney)	203,878
Tax Collections & Assessments	602,256
Finance	5,834,116
Information Technologies	187,249
Board of Elections	130,309
Judicial	4,279,017
Public Safety	7,607,838 7,611,843
Public Works	2,814,385
Health and Social Services	643,750
Parks and Recreation	1,401,494 1,402,944
Cultural Enrichment	91,787
Library	598,942
Community Development	535,209
Grant Programs	353,392 357,542
Nondepartmental	510,930
Debt Service	3,217,341
Operating Transfers Out	19,037,766

2. That the sum of \$48,507,517 48,517,122 is appropriated for the fiscal year beginning July 1, 2009.

3. That the foregoing appropriation is based upon the following revenue estimates for the fiscal year beginning July 1, 2009:

General Property Taxes	\$ 21,216,669
Other Local Taxes	14,403,852
Licenses, Permits & Fees	3,394,794
Fines and Forfeitures	556,500
Use of Money & Property	427,000

Intergovernmental Revenues	6,112,303	6,116,453
Charges for Current Services	1,138,401	
Miscellaneous	4,256,648	1,257,648
Reserve – Fire/EMS Donations	1,350	
<i>Restricted Fund Balance –</i>		
<i>Civic Organizations</i>	450	
<i>Restricted Fund Balance –</i>		
<i>Police Assets</i>	4,005	
<b>TOTAL</b>	<b>\$ 48,507,517</b>	<b>48,517,122</b>

2. That this ordinance shall be in full force and effect upon its passage on second reading.

Approved:

Attest:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

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I certify that the above ordinance was:

Adopted on its first reading on August 11, 2009.

Ayes: 6 Nays: 0 Absent: 1 Abstain: 0

The Honorable Milton E. Freeland, Jr., Councilman:

Aye

The Honorable Kenneth B. Frenier, Councilman:

Aye

The Honorable W. Joe Green, Jr., Councilman:

Abst

The Honorable Elizabeth G. Luck, Vice Mayor:

Aye

The Honorable John T. Wood, Councilman:

Aye

The Honorable Diane H. Yates, Councilwoman:

Aye

The Honorable C. Scott Davis, Mayor:

Aye

Adopted on its second reading on \_\_\_\_\_.

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_ Absent: \_\_\_\_\_ Abstain: \_\_\_\_\_

The Honorable Milton E. Freeland, Jr., Councilman: \_\_\_\_\_

The Honorable Kenneth B. Frenier, Councilman: \_\_\_\_\_

The Honorable W. Joe Green, Jr., Councilman: \_\_\_\_\_

The Honorable Elizabeth G. Luck, Vice Mayor: \_\_\_\_\_

The Honorable John T. Wood, Councilman: \_\_\_\_\_

The Honorable Diane H. Yates, Councilwoman: \_\_\_\_\_

The Honorable C. Scott Davis, Mayor: \_\_\_\_\_

---

City Clerk

Approved as to form:

Hugh P. Foster, III  
City Attorney



OFFICE OF THE  
CITY ATTORNEY

CITY OF COLONIAL HEIGHTS  
201 JAMES AVENUE  
P. O. BOX 3401  
COLONIAL HEIGHTS, VIRGINIA 23834-9001  
(804) 520-9316 / FAX 520-9398

HUGH P. FISHER, III

CITY ATTORNEY

TAMARA L. DRAPER  
LEGAL ASSISTANT

August 24, 2009

**RECEIVED**

**VIA FACSIMILE 861-9452**

AUG 24 2009

The Progress-Index  
15 Franklin Street  
Petersburg, VA 23803

**CITY CLERK'S OFFICE**

Attention: Legal Advertisements

Dear Madam or Sir:

I have enclosed for publication in the legal advertisements section of your newspaper a notice of City Council holding a public hearing to accept public comment on and consider the adoption of Ordinance No. 09-19.

You are requested to publish the notice on **August 28, 2009**.

Please send a certificate of publication to the Office of the City Clerk in City Hall so that we may have evidence that legal requirements have been met.

If there is any problem in publishing the notice on the date requested, please notify this Office immediately so that we may make other arrangements for publication.

Thank you for your assistance.

Very truly yours,

Hugh P. Fisher, III  
City Attorney

Enclosure

cc: The Honorable C. Scott Davis, Mayor  
Richard A. Anzolut, Jr., City Manager  
✓Kimberly J. Rollinson, City Clerk  
Jeffrey W. Faries, Chief of Police

## **NOTICE OF PUBLIC HEARING**

### **CITY OF COLONIAL HEIGHTS, VIRGINIA**

Notice is hereby given to all persons affected or interested that at the Colonial Heights City Council meeting to be held on **Tuesday, September 8, 2009, at 7:00 P.M.**, in Council Chambers of City Hall, 201 James Avenue, Colonial Heights, Virginia, the City Council shall hold a public hearing to accept comments on the following:

#### **AN ORDINANCE NO. 09-19**

**To repeal and replace the current provisions of Chapter 98, Animals, of the Colonial Heights City Code. The Ordinance comprehensively updates the City's animal control laws to ensure conformity with the Code of Virginia and provides that violators of its provisions are subject to criminal sanctions or civil penalties, depending on the particular violation.**

A copy of the proposed ordinance is on file for public examination during regular business hours in the City Clerk's Office in City Hall, 201 James Avenue, Colonial Heights, Virginia. All persons affected or interested are invited to be present at the public hearing of the City Council, to be held at the time and place stated above, when an opportunity will be given for them to be heard.

**Hugh P. Fisher, III**  
**City Attorney**

Any interested party whose participation in this meeting would require reasonable accommodation of a handicap should contact the City Manager's Office at 520-9265 at least six days in advance.

AN ORDINANCE NO. 09-19

To repeal and replace the current provisions of Chapter 98, Animals, of the Colonial Heights City Code.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That the current provisions of Chapter 98, Animals, of the Colonial Heights City Code are hereby repealed and are replaced by the following provisions:

***Chapter 98. ANIMALS***

***Article I. General***

**§98-1. Definitions.**

**§98-2. Enforcement of animal laws.**

**§98-3. Dogs and cats deemed personal property.**

**§98-4. Wild animals not to be brought into or kept within the City.**

**§98-5. Exotic or poisonous animals prohibited from running at large.**

**§98-6. Nuisances.**

**§98-7. Disposal of dead animals.**

**§98-8. Dangerous and vicious animals.**

**§98-9. Cruelty to animals.**

**§98-10. Number of companion animals per residence limited.**

**§98-11. Penalties.**

***Article II. Dogs***

**§98-12. Running at large prohibited.**

**§98-13. Dog injuring or killing other companion animals.**

**§98-14. Barking or howling dogs.**

**§98-15. Removal of defecated material left by any dog on public or private property.**

***Article III. Licenses***

**§98-16. Unlicensed dogs and cats prohibited.**

**§98-17. Dog and cat licenses.**

**§98-18. Disposition of funds.**

**§98-19. Veterinarians to provide Treasurer with rabies certificate information; civil penalty.**

**§98-20. Evidence showing inoculation for rabies prerequisite to obtaining dog or cat license.**

**§98-21. Display of license and receipt.**

**§98-22. Duplicate license tags.**

**§98-23. Annual tax imposed on dogs, cats, and kennels.**

**§98-24. Dog, cat, and kennel license tax; exemption for certain dogs.**

**§98-25. Presumption for dog or cat not wearing collar.**

***Article IV. Impoundment***

**§98-26. Impoundment generally.**

**§98-27. Impoundment and disposition of certain dogs.**

**§98-28. Animal pound established.**

**§98-29. Revenues applied to animal control expenses.**

**§98-30. Breaking into City pound unlawful.**

**§98-31. Disposition of animals other than those in the City pound.**

## **Article V. Rabies Control**

**§98-32. Report of existence of rabid animal.**

**§98-33. Vaccination of dogs and cats.**

**§98-34. Emergency ordinance requiring confinement or restraint of dogs and cats when rabid animal at large.**

**§98-35. Running at large without current rabies vaccination prohibited.**

**§98-36. Confinement or destruction of dogs or cats showing signs of or suspected of having rabies.**

**§98-37. Destruction or confinement of dog or cat bitten by rabid animal.**

**§98-38. Confinement or destruction of animal which has bitten a person or been exposed to rabies.**

## **Article VI. Sterilization.**

**§98-39. Sterilization of adopted dogs and cats; enforcement; sterilization agreements; civil penalties.**

## **Article VII. Hogs, Poultry, Birds; Miscellaneous Items.**

**§98-40. Hogs; Stock pens.**

**§98-41. Permission required for keeping certain animals.**

**§98-42. Keeping poultry or fowl.**

**§98-43. Maintenance of stables, pens and coops.**

**§98-44. City-designated bird sanctuary; exceptions.**

**§98-44. Control of wild animals.**

## **ARTICLE I. GENERAL**

### **§98-1. Definitions.**

*For the purposes of this chapter, the following words shall have the meaning given herein.*

**Abandon.** To desert, forsake, or to absolutely give up an animal without having secured another owner or custodian or failing to provide the following basic elements of care for a period of five consecutive days: adequate feed, water, shelter, exercise, space in the primary enclosure for the particular type of animal depending on its age, size and weight; care, treatment, and transportation; and veterinary care when needed to prevent suffering or disease transmission.

**Adequate care or care.** The responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia appropriate for the age, species, condition, size and type of the animal, and the provision of veterinary care when needed to prevent suffering or impairment of health.

**Adequate exercise.** The opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size and condition of the animal.

**Adequate feed.** The access to and the provision of food which is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

**Adequate shelter.** The provision of and access to shelter that is suitable for the species, age, condition, size and type of each animal; provides adequate space for

*each animal, is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry except when detrimental to the species; and, for dogs and cats, provides a solid surface, resting platform, pad, floor mat or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid or slat floors (i) permit the animals' feet to pass through the openings, (ii) sag under the animals' weight or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter.*

*Adequate space. Inside: sufficient space in a crate or cage means to allow each animal to (i) easily stand, sit, lie, turn about and make all other normal body movements in a comfortable, normal position for the animal and (ii) interact safely with other animals in the enclosure. Outdoors: Confinement in an area of at least 100 square feet in an area which allows for sufficient movement by the animal. When an animal is tethered, "adequate space" means a tether that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least 10 feet. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space.*

*Adequate water. Provision of and access to clean, fresh, potable water of a drinkable temperature which is provided in a suitable manner, in sufficient volume and at suitable intervals, appropriate for weather and temperature, to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles which are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.*

*Adoption. The transfer of ownership of a dog or cat or any other companion animal from a releasing agency to an individual.*

*Agricultural animals. Livestock and poultry.*

*Animal. Any nonhuman vertebrate species except fish. For the purposes of Article V, "animal" means any animal susceptible to rabies. For the purposes of §98-9, "animal" means any nonhuman vertebrate species including fish except those fish captured and killed or disposed of in a reasonable and customary manner.*

*Animal Control Officer. A person appointed by the City Manager or his designee as an Animal Control Officer or Police Officer.*

*Animal shelter. A facility, other than a private residential dwelling and its surrounding grounds, that is used to house or contain animals and that is owned, operated or maintained by a nongovernmental entity including, but not limited to, a humane society, animal welfare organization, society for the prevention of cruelty to animals, or any other organization operating for the purpose of finding permanent adoptive homes for animals.*

*Boarding establishment. A place or establishment other than a pound or animal shelter where companion animals not owned by the proprietor are sheltered, fed and watered in exchange for a fee.*

*Clearly visible sign. A sign that is (i) unobstructed from view, (ii) contains legible writing, and (iii) may be read by an ordinary person without assistance while standing ten feet away from the sign.*

*Companion animal.* Any domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal, any animal under the care, custody, or ownership of a person, or any animal that is bought, sold, traded, or bartered by any person. Agricultural animals, game species, or any animals regulated under federal law as research animals shall not be considered companion animals for the purposes of this chapter.

*Direct and immediate threat.* Any clear and imminent danger to an animal's health, safety or life.

*Dump.* Knowingly desert, forsake, or absolutely give up without having secured another owner or custodian any dog, cat, or other companion animal in any public place including the right-of-way of any public highway, road or street or on the property of another.

*Emergency veterinary treatment.* Veterinary treatment to stabilize a life-threatening condition, alleviate suffering, prevent further disease transmission, or prevent further disease progression.

*Enclosure.* A structure used to house or restrict animals from running at large.

*Euthanasia.* The humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia produced by an agent which causes painless loss of consciousness and death during unconsciousness.

*Foster care provider.* An individual who provides care or rehabilitation for companion animals through an affiliation with a pound, animal shelter, or other releasing agency.

*Kennel.* Any establishment in which five or more canines, felines, or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing.

*Livestock.* Includes all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; capradae animals; animals of the genus *Lama*; ratites; fish or shellfish in aquaculture facilities, as defined in §3.2-2600 of the Code of Virginia; enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.

*Owner.* Any person who:

- (1) Has a property right in an animal;
- (2) Keeps or harbors an animal;
- (3) Has an animal in his care; or
- (4) Acts as a custodian of an animal.

*Person.* Any individual, partnership, firm, joint stock company, corporation, association, trust, estate or other legal entity.

*Poultry.* Includes all domestic fowl and game birds raised in captivity.

*Pound.* A facility operated by the Commonwealth or City for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted animals or a facility operated for the same purpose under a contract with any county, city, town or incorporated society for the prevention of cruelty to animals.

*Primary enclosure.* Any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, cage, or compartment. For tethered

*animals, this term includes the shelter and the area within reach of the tether.*

*Properly cleaned. Carcasses, debris, food waste and excrement are removed from the primary enclosure with sufficient frequency to minimize the animals' contact with the above-mentioned contaminants; and the primary enclosure is sanitized with sufficient frequency to minimize odors and the hazards of disease.*

*Releasing agency. A pound, animal shelter, humane society, animal welfare organization, society for the prevention of cruelty to animals, or other similar entity or home-based rescue, that releases companion animals for adoption.*

*Sterilize or sterilization. A surgical or chemical procedure performed by a licensed veterinarian that renders an animal permanently incapable of reproducing.*

*Treatment or adequate treatment. The responsible handling or transportation of animals in the person's ownership, custody or charge, appropriate for the age, species, condition, size and type of the animal.*

*Veterinary treatment. Treatment by or on the order of a duly licensed veterinarian.*

**State law references**-Similar provisions, Code of Va., §3.2-5900; §3.2-6500.

#### **§98-2. Enforcement of animal laws.**

*Enforcement of this chapter is vested in Animal Control Officers or Police Officers appointed by the City Manager or his designee. When in uniform or upon displaying a badge or other credentials of office, such officers shall have the power to issue a criminal summons or a civil penalty violation notice to any person found violating this chapter.*

**State law reference**-Position of Animal Control Officer created, Code of Va., §3.2-6555.

#### **§98-3. Dogs and cats deemed personal property.**

A. *All dogs and cats shall be deemed personal property and may be the subject of larceny and malicious or unlawful trespass. Owners may maintain any action for the killing of any such animal, or injury thereto, or unlawful detention or use thereof as in the case of other personal property. The owner of any dog or cat which is injured or killed contrary to the provisions of this chapter by any person shall be entitled to recover the value thereof or the damage done thereto in an appropriate action at law from such person.*

B. *An Animal Control Officer or Police Officer finding a stolen dog or cat, or a dog or cat held or detained contrary to law, shall have authority to seize and hold such animal pending action before a General District Court or other Court. If no such action is instituted within seven days, the Animal Control Officer or Police Officer shall deliver the dog or cat to its owner.*

C. *The presence of a dog or cat on the premises of a person other than its legal owner shall raise no presumption of theft against the owner and the Animal Control Officer or Police Officer may take such animal in charge and notify its legal owner to remove it. The legal owner of the animal shall pay the actual cost of keeping such animal while the animal is in the possession of the Animal Control Officer or Police Officer.*

**State law reference**-Similar provisions, Code of Va., §3.2-6585.

#### **§98-4. Wild animals not to be brought into or kept within the City.**

*It shall be unlawful for any person to bring or keep any wild animals within the City; provided, however, that wild animals shall be permitted to be brought into and kept within the City for purposes of exhibit or as a part of a permanent animal show when the wild animals are located within a thematic park situated in the City. As used in this section, "wild animals" means any animal which by nature or disposition is untamed.*

**State law reference-** Powers of Cities and Towns Chapter 11 of Title 15.2 of the Code of Va.; Regulation of keeping of animals and fowl, Code of Va. §3.2-6544.

#### **§98-5. Exotic or poisonous animals prohibited from running at large.**

- A. *Exotic or poisonous animals shall not run at large in the City. For purposes of this section, "at large" shall mean roaming, running, or self-hunting off the premises of the owner or custodian and not under the immediate control of the owner or his agent.*
- B. *Any exotic or poisonous animal observed or captured while unlawfully running at large shall be disposed of in accordance with §§98-26 and 98-27.*
- C. *For any exotic or poisonous animal identified as to ownership, if such exotic or poisonous animal is captured and confined by an Animal Control Officer or Police Officer appointed under the provisions of this chapter, the owner shall be charged with the City's actual expenses incurred in locating, capturing, and impounding or otherwise disposing of the animal.*

**State code reference-**Similar provision, Code of Va., §3.2-6544.

#### **§98-6. Nuisances.**

- A. *All animal owners shall exercise proper care and control of their animals to prevent them from becoming a public nuisance. Molesting passersby, biting or attacking any person without provocation on one or more occasions, chasing vehicles, habitually attacking other domestic animals, trespassing upon school grounds, or trespassing upon private property in such manner as to damage property shall be deemed a nuisance. Repeated running at large after citation of the owner by any Animal Control Officer or Police Officer shall also be deemed a nuisance.*
- B. *Any person owning any animal constituting a nuisance may be summoned before the General District Court to show cause why such animal should not be confined, destroyed, removed, or the nuisance otherwise abated; and upon proof that the animal constitutes a public nuisance, the animal in question shall, by order of the General District Court, either be confined, destroyed, removed or the nuisance otherwise be abated as such Court shall order. The Court may also impose a fine up to \$100.00 to be paid by the owner or custodian of such animal. It shall be unlawful and shall constitute contempt of court for any person to harbor or conceal any animal which has been ordered destroyed or removed by the General District Court or to fail to confine or restrain an animal when such an order has been entered by the Court.*
- C. *If any Animal Control Officer or Police Officer has reason to believe that any animal has, without provocation, attacked or bitten any person, such animal may be taken into custody and confined by the Animal Control Officer or Police Officer pending the Court's determination pursuant to this section.*
- D. *Any person who owns any dog, cat or other animal that has been adjudged a nuisance pursuant to this section by the General District Court and who appeals that decision to the Circuit Court shall be responsible for the fees connected with the impounding of the animal by the Animal Control Officer or Police Officer. The Animal Control Officer, Police Officer, or owner shall confine such dog, cat or other animal during pendency of the appeal to prevent a reoccurrence of the nuisance. If on appeal*

the Circuit Court determines that the dog, cat or other animal is not a nuisance, no such fees for the impounding of the animal shall be imposed.

**State law reference-** Powers of Cities and Towns, Chapter 11 of Title 15.2 of the Code of Va.

**§98-7. Disposal of dead animals.**

A. *Companion animals.* The owner of any companion animal which has died from disease or other cause shall forthwith cremate, bury, or sanitarily dispose of the same. If, after notice, any owner fails to do so, an Animal Control Officer or Police Officer shall bury or cremate the companion animal, and he may recover on behalf of the City from the owner his cost for this service.

B. *Other animals.* When the owner of any animal or grown fowl other than a companion animal which has died knows of such death, such owner shall forthwith have its body cremated or buried; and if he fails to do so, any judge of a General District Court, after notice to the owner if he can be ascertained, shall cause any such dead animal or fowl to be cremated or buried by an officer or other person designated for the purpose. Such officer or other person shall be entitled to recover of the owner of every such animal so cremated or buried the actual cost of the cremation or burial, not to exceed \$75.00, and of the owner of every such fowl so cremated or buried the actual cost of the cremation or burial, not to exceed \$5.00, to be recovered in the same manner as officers' fees are recovered. Nothing in this subsection shall be deemed to require the burial or cremation of the whole or portions of any animal or fowl which is to be used for food or in any commercial manner.

C. *Penalty.* Any person violating the provisions of this section shall be guilty of a Class 4 misdemeanor.

**State law references-**Disposal of dead companion animals, Code of Va., §3.2-6554; burial or cremation of animals or fowl which have died, Code of Va., §18.2-510.

**§98-8. Dangerous and vicious animals.**

A. *As used in this section:*

“Dangerous dog” shall mean: A canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person or companion animal that is a dog or cat, or killed a companion animal that is a dog or cat. However, when a dog attacks or bites a companion animal that is a dog or cat, the attacking or biting dog shall not be deemed dangerous (i) if no serious physical injury as determined by a licensed veterinarian has occurred to the dog or cat as a result of the attack or bite, (ii) if both animals are owned by the same person, (iii) if such attack occurs on the property of the attacking or biting dog’s owner or custodian, or (iv) for other good cause as determined by the Court. No dog shall be found to be a dangerous dog as a result of biting, attacking, or inflicting injury on a dog or cat while engaged with an owner or custodian as part of lawful hunting or participation in an organized, lawful dog handling event.

“Vicious dog” shall mean: A canine or canine crossbreed that has (i) killed a person; (ii) inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or (iii) continued to exhibit the behavior that resulted in a previous finding by a Court.

B. Any Police Officer or Animal Control Officer who has reason to believe that a canine or canine crossbreed within the City is a dangerous dog or vicious dog shall apply to a magistrate of the City for the issuance of a summons requiring the owner or custodian, if known, to appear before a General District Court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. If a Police Officer successfully makes an application for the issuance of a

summons, he shall contact an Animal Control Officer and inform him of the location of the dog and the relevant facts pertaining to his belief that the dog is dangerous or vicious. The Police Officer or Animal Control Officer shall confine the animal until such time as evidence shall be heard and a verdict rendered. If the Police Officer or Animal Control Officer determines that the owner or custodian can confine the animal in a manner that protects the public safety, he may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered. The Court, through its contempt powers, may compel the owner, custodian or harborer of the animal to produce the animal. If, after hearing the evidence, the Court finds that the animal is a dangerous dog, the Court shall order the animal's owner to comply with the provisions of this section. If, after hearing the evidence, the Court finds that the animal is a vicious dog, the Court shall order the animal euthanized in accordance with the provisions of §98-26. The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in Article 4 (§19.2-260 et seq.) of Chapter 15 of Title 19.2 of the Code of Virginia. The Commonwealth shall be required to prove its case beyond a reasonable doubt.

C. No canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed prohibited. No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian, (ii) committing, at the time, a willful trespass upon the premises occupied by the animal's owner or custodian, or (iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog that was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog or a vicious dog. No animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, shall be found to be a dangerous dog or a vicious dog.

D. If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.

E. The owner of any animal found to be a dangerous dog shall, within 10 days of such finding, obtain a dangerous dog registration certificate from a local Animal Control Officer for a fee of \$50.00, in addition to other fees that may be authorized by law. The Animal Control Officer shall also provide the owner with a uniformly designed tag that identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained pursuant to this subsection shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained. The Animal Control Officer shall provide a copy of the dangerous dog registration certificate and verification of compliance to the State Veterinarian.

F. All dangerous dog registration certificates or renewals thereof required to be obtained under this section shall only be issued to persons 18 years of age or older who present satisfactory evidence (i) of the animal's current rabies vaccination, if applicable, (ii) that the animal has been neutered or spayed, and (iii) that the animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed. For the purposes of this subsection, "fenced-in yard" shall mean a yard completely enclosed by a physical fence rather than an electronic fence. In addition, owners who apply for certificates or renewals thereof under this section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence that (i) their residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property and (ii) the animal has been permanently identified by means of a tattoo on the inside thigh or by electronic implantation. All certificates or renewals thereof required to be obtained under this section shall only be issued to persons who

present satisfactory evidence that the owner has liability insurance coverage, to the value of at least \$100,000 that covers animal bites. The owner may obtain and maintain a bond in surety, in lieu of liability insurance, to the value of at least \$100,000.

G. While on the property of its owner, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. The structure shall be designed to provide the animal with shelter from the elements of nature. When off its owner's property, an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.

H. The owner of any dog found to be dangerous shall register the animal with the Commonwealth of Virginia Dangerous Dog Registry, as established under §3.2-6542 of the Code of Virginia, within 45 days of such a finding by a Court of competent jurisdiction. The owner shall also cause a local Animal Control Officer to be promptly notified of (i) the names, addresses, and telephone numbers of all owners; (ii) all of the means necessary to locate the owner and the dog at any time; (iii) any complaints or incidents of attack by the dog upon any person or cat or dog; (iv) any claims made or lawsuits brought as a result of any attack; (v) tattoo or chip identification information or both; (vi) proof of insurance or surety bond; and (vii) the death of the dog.

I. After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon learning of same, cause the local animal control authority to be notified if the animal (i) is loose or unconfined; or (ii) bites a person or attacks another animal; or (iii) is sold, given away, or dies. Any owner of a dangerous dog who relocates to a new address shall, within 10 days of relocating, provide written notice to the appropriate local animal control authority for the old address from which the animal has moved and the new address to which the animal has been moved.

J. Any owner or custodian of a canine or canine crossbreed or other animal is guilty of a:

- (1) Class 2 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, attacks and injures or kills a cat or dog that is a companion animal belonging to another person;
- (2) Class 1 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, bites a human being or attacks a human being causing bodily injury; or
- (3) Class 6 felony if any owner or custodian whose willful act or omission in the care, control, or containment of a canine, canine crossbreed, or other animal is so gross, wanton, and culpable as to show a reckless disregard for human life, and is the proximate cause of such dog or other animal attacking and causing serious bodily injury to any person.

The provisions of this subsection shall not apply to any animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, or when the animal is a police dog that is engaged in the performance of its duties at the time of the attack.

K. The owner of any animal that has been found to be a dangerous dog who willfully fails to comply with the requirements of this section is guilty of a Class 1 misdemeanor.

L. All fees collected pursuant to this section, less the costs incurred by the animal control authority in producing and distributing the certificates and tags required by this section, shall be paid into a special dedicated fund in the treasury of the City for the purpose of paying the expenses of any training course required pursuant to §3.2-6556 of the Code of Virginia.

**State law reference**-Control of dangerous or vicious dogs; penalties, Code of Va., §3.2-6540.

**§98-9. Cruelty to animals.**

A. Any person who (i) overrides, overdrives, overloads, tortures, ill-treats, abandons, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly or unnecessarily beats, maims, mutilates or kills any animal, whether belonging to himself or another; (ii) deprives any animal of necessary food, drink, shelter, or emergency veterinary treatment; (iii) leaves an animal in an automobile without adequate ventilation or in unsafe weather conditions; (iv) sores any equine for any purpose or administers drugs or medications to alter or mask such sores for the purposes of sale, show, or exhibition of any kind, unless such administration of drugs or medications is within the context of veterinary client-patient relationship and solely for therapeutic purposes; (v) willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal; (vi) carries or causes to be carried in or upon any vehicle, vessel or otherwise any animal in a cruel, brutal, or inhumane manner so as to produce torture or unnecessary suffering; or (vii) causes any of the above things, or being the owner of such animal permits such acts to be done by another, shall be guilty of a Class 1 misdemeanor.

B. Any person who (i) tortures, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly and unnecessarily beats, maims, mutilates or kills any animal whether belonging to himself or another; (ii) sores any equine for any purpose or administers drugs or medications to alter or mask such sores for the purpose of sale, show, or exhibit of any kind, unless such administration of drugs or medications is under the supervision of a licensed veterinarian and solely for therapeutic purposes; (iii) maliciously deprives any companion animal of necessary food, drink, shelter or emergency veterinary treatment; (iv) instigates, engages in, or in any way furthers any act of cruelty to any animal set forth in clauses (i) through (iv); or (v) causes any of the actions described in clauses (i) through (iv), or being the owner of such animal permits such acts to be done by another; and has been within five years convicted of a violation of this subsection or subsection A, shall be guilty of a Class 6 felony if the current violation or any previous violation of this subsection or subsection A resulted in the death of an animal or the euthanasia of an animal based on the recommendation of a licensed veterinarian upon determination that such euthanasia was necessary due to the condition of the animal; and such condition was a direct result of a violation of this subsection or subsection A.

C. Nothing in this section shall be construed to prohibit the dehorning of cattle.

D. For purposes of this section, the word "animal" shall be construed to include birds and fowl.

E. This section shall not prohibit authorized wildlife management activities or hunting, fishing or trapping as regulated under other titles of the City Code or the Code of Virginia, or to farming activities as provided by the City Code or the Code of Virginia.

F. In addition to the penalties provided in subsection A, the Court may, in its discretion, require any person convicted of a violation of subsection A to attend an anger management or other appropriate treatment program or obtain psychiatric or psychological counseling. The Court may impose the costs of such a program or counseling upon the person convicted.

G. It is unlawful for any person to kill a domestic dog or cat for the purpose of obtaining the hide, fur or pelt of the dog or cat. A violation of this subsection shall constitute a Class 1 misdemeanor. A second or subsequent violation of this subsection shall constitute a Class 6 felony.

H. Any person who (i) tortures, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation or cruelly and unnecessarily beats, maims or mutilates any dog or cat that is a companion animal whether belonging to him or another and (ii) as a direct result causes the death of such dog or cat that is a companion animal, or the euthanasia of such animal on the recommendation of a licensed veterinarian upon determination that such euthanasia was necessary due to the condition of the animal, shall be guilty of a Class 6 felony. If a dog or cat is attacked on its owner's property by a dog so as to cause injury or death, the owner of the injured dog or cat may use all reasonable and necessary force against the dog at the time of the attack to protect his dog or cat. Such owner may be presumed to have taken necessary and appropriate action to defend his dog or cat and shall therefore be presumed not to have violated this subsection. The provisions of this subsection shall not overrule §98-8 or §98-13.

I. Any person convicted of violating this section may be prohibited by the Court from possession or ownership of companion animals.

**State law references**-Cruelty to animals; penalties, Code of Va., §3.2-6570.

**§98-10. Number of companion animals per residence limited.**

A. Except as otherwise provided herein, it shall be unlawful for any person to own, house, keep, board or have more than four companion animals at any one residence within the City unless permission to do so shall have first been obtained from City Council or unless there shall be at such residence a structure or other means reasonably suited for the provision of permanent shelter to the extent required in §98-42 herein; any such required structure or other means being more than 300 feet from any other residence. The City Council shall consider the grant of such permission in those cases where the keeping of such animals does not create a health hazard. When it is proposed to keep more than four companion animals at any one residence within the City, application shall be made by the owner to the City Council, setting forth the number of such companion animals, the location of a kennel or other structure, if any, and the plans for its construction; and if, in the opinion of the City Council it is proper so to do so permission may be granted for the construction of such kennel or other structure in accordance with the plans submitted and for the keeping of the companion animals, under such reasonable conditions as the City Council deems proper. The kennel or other structure shall be subject to inspection by an Animal Control Officer to ascertain compliance with the permit at any hour during the daytime, and the permit so granted by the City Council shall be revocable at any time when, in the sole discretion of the City Council, it is proper to do so in the protection of the public health.

B. For the purposes of this section, if any companion animal at any one residence gives birth to a litter, then an animal in that litter will not be considered as a companion animal at that residence until the animal in the litter exceeds the age of three months.

C. If City Council grants permission, then it shall be unlawful for any person to own, house, keep, board or have more companion animals at any one residence than Council has agreed to allow.

**§98-11. Penalties.**

A. Unless otherwise specified, any violation of a provision of this chapter shall constitute a Class 4 misdemeanor, punishable by a fine of up to \$250.00.

B. Payment of the annual dog and cat license tax required by this chapter subsequent to a summons to appear before a Court for failure to pay such fee within the time specified in §98-24 shall not operate to relieve the owner from the penalties provided.

C. Civil penalties:

(1) A civil penalty in the amount listed on the schedule below shall be assessed for a violation of the respective offense:

a. Not displaying a current City dog license:

[1]	First offense .....	\$ 20.00
[2]	Second offense.....	\$ 30.00
[3]	Third and subsequent offenses.....	\$ 40.00

b. No current rabies vaccination:

[1]	First offense .....	\$ 20.00
[2]	Second offense.....	\$ 45.00
[3]	Third and subsequent offenses.....	\$ 60.00

c. Barking or howling dog:

[1]	First offense .....	\$ 50.00
[2]	Second offense.....	\$ 100.00
[3]	Third and subsequent offenses.....	\$ 150.00

(2) The assessment of any civil penalty for a violation shall be in lieu of criminal prosecutions for that violation.

**State law references**-Payment of license tax, subsequent to summons, Code of Va., §3.2-6436; Governing body of any locality may adopt certain ordinances, Code of Va., §3.2-6543.

## ARTICLE II. DOGS

### §98-12. Running at large prohibited.

A. Dogs shall not run at large in the City. For purposes of this section, "at large" shall mean roaming, running or self-hunting off the premises of the owner or custodian and not on a leash or under the immediate control of the owner or his agent. However, a dog shall not be considered at large if during the hunting season it is on a bona fide hunt in the company of a licensed hunter or during field trials or training periods when accompanied by its owner.

B. Any dog observed or captured while unlawfully running at large shall be disposed of in accordance with §98-26 through §98-31.

C. For any dog identified as to ownership, if such dog is captured and confined by an Animal Control Officer or Police Officer, the owner shall be charged with the actual expenses incurred in keeping the animal impounded. Owners of dogs not impounded shall be issued a summons for violation of this provision. Each day thereafter that this section is not complied with shall be a separate offense.

**State law references**-Governing body of any locality may prohibit dogs from running at large, Code of Va., §3.2-6538; county or city pounds, confinement and disposition of animals, Code of Va., §3.2-6546.

### **§98-13. Dog injuring or killing other companion animals.**

*The owner of any companion animal that is injured or killed by a dog shall be entitled to recover damages consistent with the provisions of §98-3 from the owner of such dog in an appropriate action at law if (i) the injury occurred on the premises of the companion animal's owner, and (ii) the owner of the offending dog did not have the permission of the companion animal's owner for the dog to be on the premises at the time of the attack.*

**State law reference**-Similar provisions, Code of Va. §3.2-6586.

### **§98-14. Barking or howling dogs.**

*The harboring or keeping of any dog which, by loud, frequent or habitual barking or howling, shall cause annoyance and disturb the peace and quiet of another person shall be considered a violation of this chapter; and any such dog may, after due notice has been given to the owner or keeper, if known, be impounded and confined in the City pound by the Animal Control Officer or any Police Officer.*

### **§98-15. Removal of defecated material left by any dog on public or private property.**

*The owner or person in control of any dog shall immediately remove defecated material left by the dog on any public or private property in the City, other than the owner's property, and dispose of it in a safe and sanitary manner.*

## **ARTICLE III. LICENSES**

### **§98-16. Unlicensed dogs and cats prohibited.**

*It shall be unlawful for any person to own a dog or cat four months old or older in the City unless the dog or cat is licensed, as required by the provisions of this article.*

**State law references**-Unlicensed dogs prohibited, Code of Va., §3.2-6524.

### **§98-17. Dog and cat licenses.**

A. *Required; application. Every owner of a dog or cat over the age of four months owned, possessed, or kept in the City shall obtain a license by making an oral or written application with the City Treasurer or his designee.*

B. *License tax and rabies vaccination certificate. Each application shall be accompanied by the amount of the license tax and current certificate of rabies vaccination as required by this chapter or satisfactory evidence that such certificate has been obtained.*

C. *Authority of Treasurer, issuance of license receipt. The Treasurer, or his designee, shall only have authority to license dogs and cats of resident owners who reside within the boundary limits of the City and may require information to this effect from any applicant. Upon receipt of proper application and rabies vaccination certificate, the Treasurer or his designee shall issue a license receipt on which he shall record the name and address of the owner, the date of payment, the amount of payment, the year for which issued, the serial number of the tag, whether male or female, whether spayed or neutered, whether a kennel; and he shall deliver the metal license tags or plates provided for herein. Each tag shall be stamped or otherwise permanently marked to show the name of the City and bear a serial number or other identifying information.*

D. *Retention of information; Treasurer to destroy unsold tags. The information thus received shall be retained by the Treasurer, open to public inspection during the period for which such license is valid. All unsold tags shall be recorded and the unissued tags destroyed by the Treasurer at the end of each calendar year.*

E. *False statements. It shall be unlawful for any person to make a false statement verbally or on an application in order to secure a dog or cat license to which he is not entitled.*

**State law references**-Unlicensed dogs prohibited, Code of Va., §3.2-6524; How to obtain licenses, Code of Va., §3.2-6527; what dog or cat licenses shall consist of, Code of Va., §3.2-6526.

**§98-18. Disposition of funds.**

A. *The City Treasurer shall keep all money collected for dog and cat license taxes pursuant to §98-17 in a separate account from all other funds collected by him. The City shall use the dog and cat license funds for the following purposes:*

- (1) *The salary and expenses of one or more Animal Control Officers and necessary staff;*
- (2) *The care and maintenance of a pound;*
- (3) *The maintenance of a rabies control program;*
- (4) *Efforts to promote sterilization of dogs and cats.*

**State law references**-Disposition of funds, Code of Va., §3.2-6534; supplemental funds, Code of Va., §3.2-6535.

**§98-19. Veterinarians to provide Treasurer with rabies certificate information; civil penalty.**

*Each veterinarian who vaccinates a dog against rabies or directs a veterinary technician in his employ to vaccinate a dog against rabies shall provide the owner a copy of the rabies vaccination certificate. The veterinarian shall forward within 45 days a copy of the rabies vaccination certificate or the information contained in such certificate to the Treasurer of the locality in which the vaccination occurs.*

*The rabies vaccination certificate shall include at a minimum the signature of the veterinarian, the animal owner's name and address, the species of the animal, the sex, the age, the color, the primary breed, the secondary breed, whether or not the animal is spayed or neutered, the vaccination number, and expiration date. The rabies vaccination certificate shall indicate the locality in which the animal resides.*

*It shall be the responsibility of the owner of each vaccinated animal that is not already licensed to apply for a license for the vaccinated dog. If the Treasurer determines, from review of the rabies vaccination information provided by veterinarians, that the owner of an unlicensed dog has failed to apply for a license within 90 days of the date of vaccination, the Treasurer shall transmit an application to the owner and request the owner to submit a completed application and pay the appropriate fee. Upon receipt of the completed application and payment of the license fee, the Treasurer or other agent charged with the duty of issuing the dog licenses shall issue a license receipt and a permanent tag.*

*The Treasurer shall remit any rabies vaccination certificate received for any animal owned by an individual residing in another locality to the local Treasurer for the appropriate locality.*

*Any veterinarian that willfully fails to provide the Treasurer with a copy of the rabies*

vaccination certificate or the information contained in such certificate shall be subject to a civil penalty of \$10.00 per certificate. Monies raised pursuant to this subsection shall be placed in the City's general fund for the purpose of animal control activities, including but not limited to spay or neuter programs.

**State law reference**-Similar provision, Code of Va., §3.2-6529.

**§98-20. Evidence showing inoculation for rabies prerequisite to obtaining dog or cat license.**

No license tag shall be issued for any dog or cat unless there is presented to the Treasurer or his designee satisfactory evidence that such dog or cat has been inoculated or vaccinated against rabies by a currently licensed veterinarian or currently licensed veterinary technician who was under the immediate and direct supervision of a licensed veterinarian on the premises.

**State law reference**-Rabies inoculation of dogs and domesticated cats, Code of Va., §3.2-6521.

**§98-21. Display of license and receipt.**

Dog and cat license receipts shall be carefully preserved by licensees and exhibited promptly upon request for inspection by an Animal Control Officer or Police Officer. The Animal Control Officer or Police Officer may check such receipts door-to-door at any time during the license year. Dog license tags shall be securely fastened to a substantial collar by the owner or custodian and worn by such dog. It shall be unlawful for the owner to permit any licensed dog four 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 (i) the dog is engaged in lawful hunting, (ii) the dog is competing in a dog show, (iii) the dog has a skin condition which would be exacerbated by the wearing of a collar, (iv) the dog is confined; or (v) the dog is under the immediate control of its owner.

**State law reference**-Similar provision, Code of Va., §3.2-6531.

**§98-22. Duplicate license tags.**

If a dog or cat license tag is lost, destroyed or stolen, the owner or custodian shall at once apply to the City Treasurer, or his designee, for a duplicate license tag, presenting the original license receipt. Upon affidavit of the owner before the City Treasurer, or his designee, that the original license tag has been lost, destroyed, or stolen, the Treasurer shall issue a duplicate license tag which shall be immediately affixed to the collar of the dog by its owner. The Treasurer, or his designee, shall endorse the number of the duplicate license tag and the date of issuance on the face of the original license receipt. The fee for a duplicate tag for any dog or cat shall be \$1.00.

**State law reference**-Similar provisions, Code of Va., §3.2-6532.

**§98-23. Annual tax imposed on dogs, cats, and kennels.**

It shall be unlawful for any person to own a dog or cat four (4) months old or older in the City, unless such dog or cat is licensed under the provisions of this Section. The owner of any such dog or cat shall obtain a current license for the dog or cat and pay the license tax imposed herein. The license shall be valid for a period of one year.

The license tax upon all dog kennels and all dogs and cats over the age of four months which are owned, possessed or kept in the City shall be as follows:

Unneutered or unspayed pedigree dog or cat .....	\$ 10.00
Unneutered or unspayed non-pedigree dog or cat .....	\$ 15.00
Neutered or spayed dog or cat .....	\$ 2.00
Kennel for up to ten dogs .....	\$ 50.00
Two or more blocks of kennels, each consisting of 10 dogs or less .....	\$100.00
Duplicate for lost, destroyed or stolen tag .....	\$ 1.00

**State law references**-Amount of license tax, Code of Va., §3.2-6528; duplicate license tags, Code of Va., §3.2-6532.

**§98-24. When license tax due; exemption for certain dogs.**

- A. The license tax as prescribed in this chapter is due not later than 30 days after a dog or cat has reached the age of four months, or not later than 30 days after an owner acquires a dog or cat four months of age or older, and each year thereafter.
- B. Any kennel license tax prescribed pursuant to this chapter shall be due annually on January 1 and not later than January 31 of each year. If any person shall fail to remit to the City Treasurer the applicable license tax for a dog, cat, or kennel when due, a penalty of 25% shall be added to such tax.
- C. 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 section, "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.

**State law references**-Amount of license tax, Code of Va., §3.2-6528; when license tax payable, Code of Va., §3.2-6530.

**§98-25. Presumption for dog or cat not wearing collar.**

Any dog or cat not wearing a collar bearing a valid license tag shall *prima facie* be deemed to be unlicensed, and in any proceedings under this chapter the burden of proof of the fact that such 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.

**State law reference**-Effect of dog or cat not wearing a license tag as evidence, Code of Va., §3.2-6533.

**ARTICLE IV. IMPOUNDMENT**

**§98-26. Impoundment generally.**

- A. Any Police Officer or Animal Control Officer may lawfully seize and impound any animal that has been abandoned, has been cruelly treated, or is suffering from an apparent violation of this chapter that has rendered the animal in such a condition as to constitute a direct and immediate threat to its life, safety, or health. Before seizing or impounding any agricultural animal, such Police Officer or Animal Control Officer shall contact the State Veterinarian or a State Veterinarian's representative, who shall recommend to such person the most appropriate action for the disposition of the agricultural animal; provided, however, that the seizure or impoundment of an equine resulting from a violation of subdivision (A) (iii) or subdivision (B) (ii) of §98-9 may be

*undertaken only by the State Veterinarian or State Veterinarian's representative who has received training in the examination and detection of sore horses equivalent to that required by 9 C.F.R. Part 11.7 and that is approved by the State Veterinarian. The Police Officer or Animal Control Officer shall notify the owner of the agricultural animal and the local Attorney for the Commonwealth of the recommendation. The Police Officer or Animal Control Officer may impound the agricultural animal on the land where the agricultural animal is located if:*

- (1) The owner or tenant of the land where the agricultural animal is located gives written permission;*
- (2) A General District Court so orders; or*
- (3) The owner or tenant of the land where the agricultural animal is located cannot be immediately located, and it is in the best interest of the agricultural animal to be impounded on the land where it is located until the written permission of the owner or tenant of the land can be obtained.*

*If there is a direct and immediate threat to an agricultural animal, the Police Officer or Animal Control Officer may seize the animal, in which case he shall file, within five business days on a form approved by the State Veterinarian, a report on the condition of the animal at the time of the seizure, the disposition of the animal, and any other information required by the State Veterinarian.*

*Upon seizing or impounding an animal, the Police Officer or Animal Control Officer shall petition the General District Court for a hearing. The hearing shall be not more than ten business days from the date of the seizure of the animal. The hearing shall be to determine whether the animal has been abandoned, has been cruelly treated, or has not been provided adequate care.*

*B. The Police Officer or Animal Control Officer shall cause to be served upon the person with a right of property in the animal or the custodian of the animal notice of the hearing. If such person or the custodian is known and residing within the jurisdiction wherein the animal is seized, written notice shall be given at least five days prior to the hearing of the time and place of the hearing. If such person or the custodian is known but residing out of the jurisdiction where such animal is seized, written notice by any method or service of process as is provided by the Code of Virginia shall be given. If such person or the custodian is not known, the Police Officer or Animal Control Officer shall cause to be published in a newspaper of general circulation in the jurisdiction wherein such animal is seized notice of the hearing at least one time prior to the hearing and shall further cause notice of the hearing to be posted at least five days prior to the hearing at the place provided for public notices at the City Courthouse wherein such hearing shall be held.*

*C. The procedure for appeal and trial shall be the same as provided by law for misdemeanors; if requested by either party on appeal to the Circuit Court, trial by jury shall be as provided in Article 4 of Chapter 15 of Title 19.2 of the Code of Virginia; and the Commonwealth shall be required to prove its case beyond a reasonable doubt.*

*D. The Police Officer or Animal Control Officer, shall provide for such animal until the Court has concluded the hearing. The owner of any animal held pursuant to this section for more than 30 days shall post a bond in surety with the City for the amount of the cost of boarding the animal for a period of nine months. Such bond shall not prevent the animal's custodian from disposing of such animal at the end of the nine month period covered by the bond unless the person claiming an interest posts an additional bond in surety with the City to secure payment of the costs of caring for the animal for an additional nine months and does so prior to the expiration of the previous nine month period. At the conclusion of the case, the bond shall be forfeited to the City unless there is a finding that the owner is able to adequately provide for the animal and is a fit person to own the animal. If the animal is returned to the owner or other individual despite a violation of this section, the person posting the bond will be entitled to a return of the bond less the incurred expenses of boarding, medical care*

and impounding the animal.

*If the Court determines that the animal has been neither abandoned, cruelly treated, nor deprived of adequate care, the animal shall be returned to the owner. If the Court determines that the animal has been abandoned, cruelly treated, deprived of adequate care as defined in §98-1, or raised as a dog that has been, is, or is intended to be used, in dog fighting in violation of §3.2-6571 of the Code of Virginia, then the Court shall order that the animal be: (i) sold by the City; (ii) humanely destroyed, or disposed of by sale or gift to a federal agency, state-supported institution, agency of the Commonwealth, agency of another state, or a licensed federal dealer having its principal place of business located within the Commonwealth; (iii) delivered to any local humane society or shelter, or to any person who is a resident of the county or city where the animal is seized or an adjacent county or city in the Commonwealth and who will pay the required license fee, if any, on such animal; or (iv) delivered to the person with a right of property in the animal.*

*E. In no case shall the owner be allowed to purchase, adopt, or otherwise obtain the animal if the Court determines that the animal has been abandoned, cruelly treated, or deprived of adequate care; however, the Court shall direct that the animal be delivered to the person with a right of property in the animal, upon his request, if the Court finds that the abandonment, cruel treatment, or deprivation of adequate care is not attributable to the actions or inactions of such person.*

*F. The Court shall order the owner of any animal determined to have been abandoned, cruelly treated, or deprived of adequate care to pay all reasonable expenses incurred in caring and providing for such animal from the time the animal is seized until such time that the animal is disposed of in accordance with the provisions of this section, to the provider of such care.*

*G. The Court may prohibit the possession or ownership of other companion animals by the owner of any companion animal found to have been abandoned, cruelly treated, or deprived of adequate care. In making a determination to prohibit the possession or ownership of companion animals, the Court may take into consideration the owner's past record of convictions under this chapter or other laws prohibiting cruelty to animals or pertaining to the care or treatment of animals and the owner's mental and physical condition.*

*H. If the Court finds that an agricultural animal has been abandoned or cruelly treated, the Court may prohibit the possession or ownership of any other agricultural animal by the owner of the agricultural animal if the owner has exhibited a pattern of abandoning or cruelly treating agricultural animals as evidenced by previous convictions. In making a determination to prohibit the possession or ownership of agricultural animals, the Court may take into consideration the owner's mental and physical condition.*

*I. Any person who is prohibited from owning or possessing animals pursuant to subsection (g) or (h) may petition the Court to repeal the prohibition after two years have elapsed from the date of entry of the Court's order. The Court may, in its discretion, repeal the prohibition if the person can prove to the satisfaction of the Court that the cause for the prohibition has ceased to exist.*

*J. When a sale occurs, the proceeds shall first be applied to the costs of the sale, then next to the unreimbursed expenses for the care and provision of the animal, and the remaining proceeds, if any, shall be paid over to the owner of the animal. If the owner of the animal cannot be found, the proceeds remaining shall be paid into the Literary Fund of the State treasury.*

*K. Nothing in this section shall be construed to prohibit the humane destruction of a critically injured or ill animal for humane purposes by the impounding Police Officer Animal Control Officer, or licensed veterinarian.*

L. The pound shall assess the owner a \$10.00 fee for any dog or cat older than four months of age, which has not had a rabies vaccination, that the owner voluntarily and permanently surrenders to the pound. The pound shall assess the owner a \$30.00 fee for each litter of dogs or cats under the age of four months, unless the owner provides proof that the mother of the litter has been sterilized.

M. Any person adopting a dog or cat from the pound shall pay a \$10.00 fee prior to the adoption.

**State law reference-Similar provisions, Code of Va., §3.2-6569.**

**§98-27. Impoundment and disposition of certain dogs.**

A. Dogs found running at large without the tag required by §98-21 or dogs found in violation of §98-12 shall be confined in the City pound. Nothing in this section shall be construed to prohibit confinement of other companion animals in such pound.

B. An animal confined pursuant to 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.

*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 48 hours following its confinement.*

*If any animal confined pursuant to this section is claimed by its rightful owner, such owner may be charged an impoundment fee of \$20.00 for the animal's first 24 hours; and thereafter, \$5.00 per day for its subsistence and care during its impoundment period.*

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.

*Such animal may be humanely destroyed or disposed of by the methods set forth in subsections (1) through (5). No pound shall release more than two animals or a family of animals during any 30-day period to any one person under subsections (2), (3), or (4).*

- (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 City resident who will pay the required license fee, 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 City resident, or a citizen of an adjacent political subdivision, unless the animal is first sterilized; and the 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: (i) maintains records that would comply with §3.2-6557 of the Code of Virginia; (ii) requires that adopted dogs and cats be sterilized; (iii) 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 (iv) has provided to the pound a statement signed by an authorized representative specifying the entity's compliance with clauses (i) through (iii), 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 pound to 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.*

*D. 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.*

*E. Nothing in this section shall prohibit the immediate euthanasia or disposal by the methods listed in subsections (1) through (5) of subsection (C) 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 (i) surrendering all property rights in such animal, (ii) stating that no other person has a right of property in the animal, and (iii) acknowledging that the animal may be immediately euthanized or disposed of in accordance with subsections (1) through (5) of subsection (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 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 §3.2-6557 of the Code of Virginia. For purposes of this subsection, a disinterested person shall not include a person releasing or reporting the animal.*

*G. The pound shall not 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 pound shall update such statement as changes occur. The 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 pound has an affiliation with the foster care provider.*

H. Before the pound places a companion animal in a foster home with a foster care provider, it shall ensure that the foster care provider complies with §3.2-6503 of the Code of Virginia.

I. For purposes of this section:

"Animal" shall not include agricultural animals.

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

**State law reference**-County or city pounds, confinement and disposition of animals, Code of Va., §3.2-6546.

**§98-28. Animal pound established.**

A. There shall be an animal pound, operated by the City and located in such place within or beyond the corporate limits of the City as the City Council may designate, for the purpose of impounding or harboring seized, stray, homeless or abandoned animals, where impoundment is found necessary or advisable by an Animal Control Officer or Police Officer in the performance of his duties pursuant to this chapter. Such pound shall provide, to the extent required by law and authorized by Council, the following:

- (1) Adequate feed and water;
- (2) Adequate bedding and shelter, including but not limited to shelter against moisture, wind, and sun; and
- (3) Adequate space and humane treatment.

B. Such pound shall also be for the purpose of impounding any unwanted animal owned by a resident of the City and brought to the pound by its owner. Upon such impoundment, unwanted animals shall be provided for and disposed of as otherwise provided in this chapter.

C. The pound operated by the City pursuant to this section shall be opened to public access under the supervision of an Animal Control Officer or his designee a minimum of 20 hours per week and shall also be available to public access by publicly listed telephone, which shall be manned on a continuous basis or which shall, by means of recording, instruct the public as to the means of continuous access.

**§98-29. Revenues applied to animal control expenses.**

All revenues accruing to the City from fees and fines imposed pursuant to this chapter shall, in each fiscal year, be applied to the payment of expenses incurred by the City as a result of animal control and to other expenses related to the duties and responsibilities of the Animal Control Office. To this purpose, the revenues shall be segregated from all other City funds; and proper records and accounts shall be kept therefor separate from all other municipal records and accounts, to the extent permissible by law. In the event that the total revenue from such fiscal year is not expended or encumbered for such purposes, the fund balance shall not lapse but shall remain segregated from all other City funds for application to such purposes in future fiscal years.

**§98-30. Breaking into City pound unlawful.**

It shall be unlawful for any person to break open, aid, counsel, or advise the breaking open of the City pound to take or let out, or attempt to take or let out, any animal placed therein pursuant to this chapter unless such act is done by an officer duly authorized by law; and it shall also be unlawful to hinder or oppose any officer in taking up any dog or other animal, in accordance with provisions of this chapter.

**§98-31. Disposition of animals other than those in the City pound.**

A. No animal bearing a tag, license or tattooed identification shall be used or accepted by any person for the purpose of medical research or experimentation, unless the individual who owns such animal consents in writing.

B. No person who acquires an animal from an animal shelter in the City shall sell such animal within a period of six months from the time the animal is acquired from the shelter. Violation of this section shall constitute a Class 4 misdemeanor.

**State law references**-Acceptance of animals for research or experimentation; prohibition, Code of Va., §3.2-6547; Regulation of sale of animals procured from animal shelters, Code of Va. §3.2-6545.

**ARTICLE V. RABIES CONTROL**

**§98-32. Report of existence of rabid animal.**

Every person having knowledge of the existence of an animal apparently afflicted with rabies shall report immediately to the Health Department the existence of such animal, the place where seen, the owner's name, if known, and the symptoms suggesting rabies.

**State law reference**-Similar provision, Code of Va., §3.2-6522.

**§98-33. Vaccination of dogs and cats.**

A. Vaccination required; exception. The owner or custodian of all dogs and domesticated cats four months of age and older shall have them currently vaccinated for rabies by a licensed veterinarian or licensed veterinary technician who is under the immediate and direct supervision of a licensed veterinarian on the premises. The supervising veterinarian on the premises shall provide the owner of the dog or the custodian of the domesticated cat with a certificate of vaccination. The owner of the dog or the custodian of the domesticated cat shall furnish within a reasonable period of time, upon the request of an Animal Control Officer, Police Officer State Veterinarian's representative, or official of the Department of Health, the certificate of vaccination for such dog or cat. The vaccine used shall be licensed by the United States Department of Agriculture for use in that species.

B. Application to persons transporting dogs/cats into City. Any person transporting a dog or domesticated cat into the City from some other jurisdiction shall comply with the requirements of subsection A of this section within 30 days subsequent to bringing such animal into the City.

C. Issuance of certificate. A veterinarian vaccinating a dog or domesticated cat as required by this section shall issue to the owner of the animal a rabies vaccination certificate showing:

- (1) Date of vaccination;
- (2) Expiration date of vaccination;
- (3) Sex and breed of the animal;
- (4) The animal's weight, color and marks;
- (5) Name of the owner;
- (6) Amount and kind of vaccine injection;

- (7) *Method of injection; and*
- (8) *The signature of the licensed veterinarian.*

D. *Preservation and exhibition of certificate. Rabies vaccination certificates shall be carefully preserved by owners of dogs and domesticated cats and exhibited promptly upon request for inspection by an Animal Control Officer or Police Officer. An Animal Control Officer or Police Officer may check such certificates door-to-door at any time during the year.*

E. *Inoculation of adopted dogs/cats by animal technicians. Dogs and domesticated cats being adopted from an animal shelter during the period an emergency ordinance is in force, as provided in §98-34, may be inoculated for rabies by a certified animal technician at such shelter, if the certified animal technician is under the immediate and direct supervision of a licensed veterinarian.*

**State law references**-Rabies inoculation of dogs and domesticated cats, Code of Va., §3.2-6521; inoculation for rabies at animal shelters, Code of Va., §3.2-6523; regulations to prevent spread of rabies, Code of Va., §3.2-6525.

**§98-34. Emergency ordinance requiring confinement or restraint of dogs and cats when rabid animal at large.**

*When there is sufficient reason to believe that a rabid animal is at large, the City Council shall have the power to pass an emergency ordinance, which shall become effective immediately upon passage, requiring owners of all dogs and cats in the City to keep dogs and cats confined on their premises unless leashed under restraint of the owner in such a manner that persons or animals will not be subject to the danger of being bitten by the rabid animal. Any emergency ordinance enacted pursuant to the provisions of this section shall be operative for a period not to exceed 30 days unless City Council renews it.*

**State law reference**-Rabid animals, Code of Va., §3.2-6522.

**§98-35. Running at large without current rabies vaccination prohibited.**

- A. *Dogs or cats shall not run at large in the City without a valid rabies vaccination as required by this chapter.*
- B. *For purposes of this section, "at large" shall mean roaming, running, or self-hunting off the premises of the owner or custodian and not under the immediate control of the owner or his agent.*
- C. *For any dog or cat identified as to ownership, if such dog or cat is captured and confined by an Animal Control Officer or Police Officer appointed under the provisions of this chapter, the owner shall be charged with the actual expenses incurred in keeping the animal impounded.*
- D. *A violation of this section shall constitute a Class 4 misdemeanor.*

**State law reference**-Rabid animals, Code of Va., §3.2-6522.

**§98-36. Confinement or destruction of dogs or cats showing signs of or suspected of having rabies.**

*At the discretion of the local Health Director, dogs or cats showing active signs of rabies or suspected of having rabies shall be confined under competent observation for such a time as may be necessary to determine a diagnosis. The local Health Director shall determine the location and conditions of confinement for such animal. If*

confinement is impossible or impracticable, such dog or cat shall be euthanized by one of the methods prescribed or approved by the state veterinarian.

**State law reference**-Rabid animals, Code of Va., §3.2-6522.

**§98-37. Destruction or confinement of dog or cat bitten by rabid animal.**

Any dog or cat for which no proof of current rabies vaccination is available and which is exposed to rabies through a bite or through saliva or central nervous system tissue in a fresh open wound or mucous membrane by an animal believed to be afflicted with rabies shall be confined in a pound, kennel or enclosure approved by the Health Department for a period not to exceed six months at the expense of the owner; however, if this is not feasible, the dog or cat shall be euthanized as provided in §98-26 of this chapter. A rabies vaccination shall be administered prior to release. Inactivated rabies vaccine may be administered at the beginning of confinement. Any dog or cat so bitten or exposed to rabies through saliva or central nervous system tissue in a fresh open wound or mucous membrane with proof of a valid rabies vaccination shall be revaccinated immediately following the bite and shall be confined to the premises of the owner or other site as may be approved by the Health Department, for a period of 45 days.

**State law reference**-Rabid animals, Code of Va., §3.2-6522.

**§98-38. Confinement or destruction of animal which has bitten a person or been exposed to rabies.**

A. At the discretion of the Director of Health, any animal which has bitten a person shall be confined under competent observation for at least ten days, unless the animal develops active symptoms of rabies or expires before that time. A seriously injured or sick animal may be humanely euthanized as provided in §98-26 of this chapter and its head sent to the Division of Consolidated Laboratory Services of the Department of General Services, or the local Health Department, for evaluation. The Director of Health shall determine the location and conditions of confinement for such animal.

B. When any potentially rabid animal, other than a dog or cat, exposes or may have exposed a person to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, that animal shall be confined at the discretion of a local Health Director in a manner approved by the Health Department or humanely euthanized as provided in §98-26 of this chapter and its head sent to the Division of Consolidated Laboratory Services of the Department of General Services or the local Health Department for evaluation.

C. When any animal, other than a dog or cat, is exposed to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, by an animal believed to be afflicted with rabies, that newly exposed animal shall be confined at the discretion of a local Health Director in a manner approved by the Health Department or humanely euthanized pursuant to §98-26 of this chapter.

**State law reference**-Rabid animals, Code of Va., §3.2-6522.

**ARTICLE VI. STERILIZATION.**

**§98-39. Sterilization of adopted dogs and cats; enforcement; sterilization agreements; civil penalties.**

A. Every new owner of a dog or cat adopted from a releasing agency shall cause to be sterilized the dog or cat pursuant to the agreement required by subsection (b)(2) of this section.

B. *A dog or cat shall not be released for adoption from a releasing agency unless:*

- (1) *The animal has already been sterilized; or*
- (2) *The individual adopting the animal signs an agreement to have the animal sterilized by a licensed veterinarian (i) within 30 days of the adoption, if the animal is sexually mature, or (ii) within 30 days after the animal reaches 6 months of age, if the animal is not sexually mature at the time of adoption.*

C. *A releasing agency may extend for 30 days the date by which a dog or cat must be sterilized on presentation of a written report from a veterinarian stating that the life or health of the adopted animal may be jeopardized by sterilization. In cases involving extenuating circumstances, the veterinarian and the releasing agency may negotiate the terms of an extension of the date by which the animal must be sterilized.*

D. *Any agreement used by a releasing agency under this section shall contain:*

- (1) *The date of the agreement;*
- (2) *The names, addresses, and signatures of the releasing agency and the new owner;*
- (3) *A description of the dog or cat to be adopted;*
- (4) *The date by which the dog or cat is to be sterilized; and*
- (5) *A statement printed in conspicuous, bold print, that sterilization of the dog or cat is required under this section; that a person who violates this section is subject to a civil penalty; and that the new owner may be compelled to comply with the provisions of this section.*

E. *Each new owner who signs a sterilization agreement shall, within seven days of the sterilization, cause to be delivered or mailed to the releasing agency written confirmation signed by the veterinarian who performed the sterilization. The confirmation shall briefly describe the dog or cat; include the new owner's name and address; certify that the sterilization was performed; and specify the date of the procedure. Any person who violates this subsection shall be subject to a civil penalty not to exceed \$150.00.*

F. *If an adopted dog or cat is lost, stolen or dies before the animal is sterilized and before the date by which the dog or cat is required to be sterilized, the new owner shall, within seven days of the animal's disappearance or death, notify the releasing agency of the animal's disappearance or death. Any person who violates this subsection shall be subject to a civil penalty not to exceed \$25.00.*

G. *This section shall not apply to:*

- (1) *An owner reclaiming his dog or cat from a releasing agency; and*
- (2) *The City pound for animals disposed of by sale or gift to a federal agency, state-supported institution, agency of the Commonwealth, agency of another state, or licensed federal dealer having its principal place of business located within the Commonwealth.*

H. *A releasing agency may charge and collect from the new owner a deposit before releasing a dog or cat for adoption to ensure sterilization.*

I. *Nothing in this section shall preclude the sterilization of a sexually immature dog or cat upon the written agreement of the veterinarian, the releasing agency, and the new owner.*

J. Upon the petition of an Animal Control Officer, the State Veterinarian or State Veterinarian's representative to the City's general district court, the court may order the new owner to take any steps necessary to comply with the requirements of this section. This remedy shall be exclusive of and in addition to any civil penalty which may be imposed under this section.

K. Any person who violates subsection (a), (b), or (d) of this section shall be subject to a civil penalty not to exceed \$50.00.

L. Any Animal Control Officer, the State Veterinarian, or State Veterinarian's representative shall be entitled to bring a civil action for any violation of this section which is subject to a civil penalty. Any civil penalty assessed pursuant to this section shall be paid into the Treasury of the City and used for the purpose of defraying the costs of local animal control, including efforts to promote sterilization of cats and dogs.

## **ARTICLE VII. HOGS, POULTRY, BIRDS; MISCELLANEOUS ITEMS.**

### **§98-40. Hogs; stock pens.**

Except as provided in §98-41, it shall be unlawful for any person to keep any live hog or pig within the City except for immediate shipment, nor shall any person maintain any stock pen or similar place within 100 yards of any dwelling within the city.

### **§98-41. Permission required for keeping certain animals.**

*It shall be unlawful for any person to keep any potbellied pig weighing more than 150 pounds, horse, mule, pony, cow, bull, goat or sheep within the City, unless permission to do so is first obtained from City Council. The City Council shall consider whether the keeping of such animals is likely to create a health hazard. When it is proposed to keep one or more horses, mules, ponies or cows within the City, the owner shall submit an application to the City Council setting forth the number of such animals, the location of the stable or barn, and the plans for its construction. If in the opinion of the City Council it is proper to do so, permission may be granted for the construction of such barn or stable in accordance with the plans submitted and for the keeping of such horses, mules, ponies or cows in such barn, subject to any conditions that the Council prescribes. The barn or stable shall be subject to inspection by the Director of the local Health Department or his designee at any hour during the daytime; and the permission granted by the City Council shall be revocable at any time when, in the sole discretion of the City, it is proper to do so.*

### **§98-42. Keeping poultry or fowl.**

A. It shall be unlawful for any person to own, operate or engage in the business of raising, feeding, keeping and selling any chickens over 15 days old, hens, poultry or fowl of any kind for commercial purposes or to keep more than a total of three of all such poultry or fowl at any house, yard or pen, for any purpose in the City, unless the City Council grants permission to engage in such a commercial business or keep more than three such poultry or fowl. The City Council may impose, as a part of such permission, conditions as to the location, construction and maintenance of pens, yards, or houses where such poultry or fowl are kept and as to the maximum number of poultry and fowl to be kept.

B. This section shall not be construed in any way to define, for the purposes of Chapter 286, Zoning, of this Code, the keeping of poultry and fowl as a permitted primary or accessory use in any district; for which purpose of definition, the only applicable provisions of this Code shall be those contained within Chapter 286, Zoning.

C. It shall be unlawful for any person to permit chickens or other fowl to run at large in the City.

**§98-43. Maintenance of stables, pens and coops.**

*Each stable, pen, coop or other place within the City where any animal or fowl is kept shall be maintained by the keeper at all times in a clean and sanitary condition and free of offensive odors and solid and liquid waste matter. No enclosure intended primarily for the keeping of any animal or fowl shall be constructed, maintained, or substantially reconstructed on or after December 9, 1987, within 10 feet of any lot line. Any place where an animal or fowl is kept which is found to be in violation of this section shall be deemed to be a public nuisance, subject to abatement by the City at the expense of the person responsible therefor or the owner of the property whereon it exists.*

**§98-44. City-designated bird sanctuary; exceptions.**

*The territory within the corporate limits of the City is hereby designated a bird sanctuary; and it shall be unlawful for any person to kill, trap, hunt, shoot or attempt to shoot or molest in any manner bird or wild fowl or to rob bird or wild fowl nests of their eggs within the City, provided that:*

- A. *If starlings or similar birds are found to be congregating in such numbers in a particular locality within the City that they constitute a nuisance or menace to health or property in the opinion of the proper health authorities of the City, such health authorities shall meet with representatives of the bird club, garden club or humane society, or as many of such clubs as exist in the City, after having given at least three days' actual notice of the time and place of the meeting to the representatives of such clubs.*
- B. *If, as a result of the meeting, no satisfactory alternative is found to abate such nuisance, such birds may be disposed of in such numbers and in such manner as is deemed advisable by an Animal Control Officer.*

**§98-45. Control of wild animals.**

- A. *In the control of wild animals, an Animal Control Officer shall use the destruction thereof, or means which may reasonably be expected to result in their destruction, whether by hunting, trapping or otherwise, only as techniques of last resort; and except in the case of an emergency presenting an imminent threat to the public health, safety and welfare, he shall not do so without the specific prior authorization of the City Manager in each instance.*
- B. *The City Manager shall promulgate, pursuant to this section and in accordance with its standards, a list of approved (humane) techniques and a procedure for response to emergencies.*
- C. *For the purposes of this section, the term "humane techniques" shall not be taken to include the use of steel-jaw leghold traps or chemicals which reasonably can be expected to result in any instance in a slow, painful death.*

2. That this ordinance shall be in full force and effect upon its passage on second reading.

Approved:

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Mayor

Attest:

\_\_\_\_\_  
City Clerk

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I certify that the above ordinance was:

Adopted on its first reading on August 11, 2009.

Ayes: 6. Nays: 0. Absent: 1. Abstain: 0.

The Honorable Milton E. Freeland, Jr., Councilman: Aye.

The Honorable Kenneth B. Frenier, Councilman: Aye.

The Honorable W. Joe Green, Jr., Councilman: Absent.

The Honorable Elizabeth G. Luck, Vice Mayor: Aye.

The Honorable John T. Wood, Councilman: Aye.

The Honorable Diane H. Yates, Councilwoman: Aye.

The Honorable C. Scott Davis, Mayor: Aye.

Adopted on its second reading on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.  
\_\_\_\_\_. \_\_\_\_\_.

The Honorable Milton E. Freeland, Jr., Councilman: \_\_\_\_\_.

The Honorable Kenneth B. Frenier, Councilman: \_\_\_\_\_.

The Honorable W. Joe Green, Jr., Councilman: \_\_\_\_\_.

The Honorable Elizabeth G. Luck, Vice Mayor: \_\_\_\_\_.

The Honorable John T. Wood, Councilman: \_\_\_\_\_.

The Honorable Diane H. Yates, Councilwoman: \_\_\_\_\_.

The Honorable C. Scott Davis, Mayor: \_\_\_\_\_.

\_\_\_\_\_  
City Clerk

Approved as to form:

Hugh P. Foster III  
City Attorney



OFFICE OF THE  
CITY ATTORNEY

CITY OF COLONIAL HEIGHTS  
201 JAMES AVENUE  
P. O. BOX 3401  
COLONIAL HEIGHTS, VIRGINIA 23834-9001

(804) 520-9316 / FAX 520-9398

HUGH P. FISHER, III  
CITY ATTORNEY  
TAMARA L. DRAPER  
LEGAL ASSISTANT

August 31, 2009

**VIA FACSIMILE 861-9452**

The Progress-Index  
15 Franklin Street  
Petersburg, VA 23803

Attention: Legal Advertisements

Dear Madam or Sir:

I have enclosed for publication in the legal advertisements section of your newspaper a notice of City Council holding a public hearing to accept public comment on and consider the adoption of Ordinance Nos. 09-21 and 09-22.

You are requested to publish the notice on **September 1, 2009**.

Please send a certificate of publication to the Office of the City Clerk in City Hall so that we may have evidence that legal requirements have been met.

If there is any problem in publishing the notice on the date requested, please notify this Office immediately so that we may make other arrangements for publication.

Thank you for your assistance.

Very truly yours,

Hugh P. Fisher, III  
City Attorney

Enclosure

cc: The Honorable C. Scott Davis, Mayor  
Richard A. Anzolut, Jr., City Manager  
✓ Kimberly J. Rollinson, City Clerk  
Jeffrey W. Faries, Chief of Police  
Ken Strickler, City Assessor

**NOTICE OF PUBLIC HEARINGS**  
**CITY OF COLONIAL HEIGHTS, VIRGINIA**

Notice is hereby given to all persons affected or interested that at the Colonial Heights City Council meeting to be held on **Tuesday, September 8, 2009, at 7:00 P.M.**, in Council Chambers of City Hall, 201 James Avenue, Colonial Heights, Virginia, the City Council shall hold public hearings to accept comment on the following:

**AN ORDINANCE NO. 09-21**

To amend and reordain the Colonial Heights City Code by adding therein a new Chapter 129, Damage to or Defacement of Public or Private Property, consisting of §§129-1 through 129-6.

This Ordinance defines “defacement” as “graffiti”; prohibits the defacement of public or private property; and provides that violations thereof are a Class 1 misdemeanor. The Ordinance also authorizes a court to sentence violators to community service work and provides procedures for removal of graffiti.

**AN ORDINANCE NO. 09-22**

That Article IIA of Chapter 258, Taxation, of the Colonial Heights City Code, be renamed “Partial Real Estate Tax Exemption for Certain Substantially Rehabilitated, Renovated or Replaced Commercial Structures”; and to repeal and replace the provisions of such Article.

The Ordinance provides that commercial structures within the newly-created Boulevard Commercial Tax Exemption District whose assessed value is increased by at least twenty-five percent may be eligible for a real estate tax exemption. Also, the Ordinance provides that rehabilitated commercial structures within a newly-created Southpark Commercial Structure Tax Exemption District may be eligible for a real estate tax exemption based on the cost of a structure’s rehabilitation. Exemptions last for five years, and the increase in assessed value or the amount spent on which an exemption is based is capped at \$2,000,000.

Copies of the proposed Ordinances are on file for public examination during regular business hours in the City Clerk's Office in City Hall, 201 James Avenue, Colonial Heights,

Virginia. All persons affected or interested are invited to be present at the public hearings of the City Council, to be held at the time and place stated above, when an opportunity will be given for them to be heard.

Hugh P. Fisher, III  
City Attorney

Any interested party whose participation in this meeting would require reasonable accommodation of a handicap should contact the City Manager's Office at 520-9265 at least six days in advance.

AN ORDINANCE NO. 09-21

To amend and reordain the Colonial Heights City Code by adding therein a new Chapter 129, Damage to or Defacement of Public or Private Property, consisting of §§129-1 through 129-6.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That the Colonial Heights City Code be, and is hereby, amended and reordained by adding therein a new Chapter 129, Damage to or Defacement of Public or Private Property, consisting of §§129-1 through 129-6, as follows:

**CHAPTER 129**

**DAMAGE TO OR DEFACEMENT OF PUBLIC OR PRIVATE PROPERTY**

**§129-1. Purpose and intent.**

*It is the purpose and intent of this section to make unlawful the willful and malicious damage to or defacement of any public buildings, facilities, walls, fences, structures, or personal property, or of any private buildings, facilities, walls, fences, structures, or personal property, and to establish a procedure for the remediation of any damage or defacement, including graffiti, from public and private property, to provide for the recovery of costs of any cleaning, covering, repairing, replacing, removing without limitation and to provide a measure of rehabilitation, through community service, for those persons guilty of violations of this section.*

**§129-2. Definitions.**

*Community Service Supervisor shall be the City Manager or his designee who shall have the authority to supervise the court ordered community service program authorized by this section.*

*Defacement shall have the same meaning as graffiti.*

*Graffiti shall mean the unauthorized application by any means of any writing, painting, drawing, etching, scratching, or marking of an inscription, word, figure, or design of any type.*

*Remediate or Remediation shall mean the removing, repairing, covering, cleaning, or replacing the defacement or damage to property.*

**§129-3. Damage or defacement of public or private property prohibited; criminal penalty.**

A. *It shall be unlawful for any person to deface or damage any public buildings, facilities, walls, fences, structures, or personal property, or any private buildings, facilities, walls, fences, structures, or personal property.*

B. *Any person convicted of a violation of subsection A shall be guilty of a Class 1 misdemeanor. The punishment for any such violation in which the defacement or damage is (i) more than 20 feet off the ground, (ii) on a railroad or highway overpass, or (iii) committed for the benefit of, at the direction of, or in association with any criminal street*

Ordinance No. 09-21

street gang, as that term is defined by Virginia Code §18.2-46.1 (Definitions, Criminal Street Gang Participation), shall include a mandatory minimum fine of \$500.

C. Upon a finding of guilt under this section in any case tried before the court without a jury, in the event the violation constitutes a first offense that results in property damage or loss, the court, without entering a judgment of guilt, upon motion of the defendant, may defer further proceedings and place the defendant on probation pending completion of a plan of community service work. If the defendant fails or refuses to complete the community service as ordered by the court, the court may make final disposition of the case and proceed as otherwise provided. If the community service work is completed as the court prescribes, the court may discharge the defendant and dismiss the proceedings against him. Discharge and dismissal under this section shall be without adjudication of guilt, and is a conviction only for the purposes of applying the provisions of this section in subsequent proceedings.

D. Community service work prescribed by the court under subsection C shall include, to the extent feasible, the remediation of any damage or defacement to property within the City, and may include clean-up, beautification, landscaping, or other appropriate community service within the City. Any remediation which is to be done on private property will require the property owner to release the City and its officers and employees from any liability that might arise during the course of performing community service activities on such property. Should the property owner not agree to such a release, the Community Services Supervisor shall report to the Court that the community service plan can not be fulfilled according to the orders prescribed by the Court.

E. Community service work prescribed by the court under subsection D shall be performed under the supervision of the Community Services Supervisor, who shall report on such work to the court imposing the community service work requirement at such times and in such manner as the court may direct.

F. At or before the time of sentencing under this section, the court shall receive and consider any plan for making restitution or performing community service submitted by the defendant, as well as the recommendations of the community service supervisor concerning the plan.

G. The court may order any person convicted of unlawfully defacing property to pay full or partial restitution to the City of Colonial Heights for costs incurred by the City in remediating the defacement. An order of restitution pursuant to this subsection shall be docketed as provided in §8.01-446 when so ordered by the court or upon written request of the City of Colonial Heights and may be enforced by the City in the same manner as a judgment in a civil action.

H. No person convicted of a violation of this section shall be placed on probation or have his sentence suspended unless such person shall make at least partial restitution for such property damage or is compelled to perform community services, or both.

I. If the City seeks to remediate the damage or defacement, the City shall give notice to the owner and lessee, if any, of any private property that has been damaged or defaced that, within 15 days of receipt of such notice, if the owner or lessee does not remediate, or object to the remediation of the damage or defacement, the City may remediate the damage or defacement at the City's expense through its employees and/or agents. In exercising such duties, such agents or employees shall have any and all immunity normally provided to an employee of the City under Virginia Code §15.2-908 and any other immunity provided by law.

**§129-4. Parental liability for damages.**

A. In the event that damage to, or defacement or destruction of, public property is perpetrated by a minor who is living with either or both parents or a legal guardian, the City may institute an action to recover from the parents of the minor, or either of them, or from the legal guardian, the costs for damages suffered by reason of the willful destruction or defacement of, or damage to, public property by the minor. The action by the City shall be subject to any limitation on the amount of recovery set forth in Virginia Code §8.01-43 (Action against parent for damage to public property by minor) or other applicable state law.

B. In the event that damage to, or defacement or destruction of, private property is perpetrated by a minor who is living with either or both parents or a legal guardian, the property owner may institute an action, and recover from the parents of the minor, or either of them, or from the legal guardian, the costs for damages suffered by reason of the willful destruction or defacement of, or damage to, private property by the minor. The action by the owner shall be subject to any limitation on the amount of recovery set forth in Virginia Code §8.01-44 (Action against parent for damage to private property by minor) or other applicable state law.

**§129-5. Remediation of damage to or defacement of buildings, facilities, walls, fences, structures, and personal property.**

A. The City Manager or his designee is authorized to undertake or contract for the remediation of the damage to or defacement of any public property.

B. The City Manager or his designee is also authorized to undertake or contract for the remediation of the damage to or defacement of any private property visible from any public right-of-way, in accordance with the following procedures:

- (1) Prior to such remediation of any damage to or defacement of occupied private property that is visible from a public right-of-way, the City Manager or his designee shall issue notice to the property owner and the lessee, if any, by posting in a conspicuous place on the offending premises and by regular mail, or service by a special conservator of the peace to the last known address of the owner and to the lessee. Such notice shall provide: the street address and legal description of the property; that the owner or lessee should take corrective action to remediate the damage or defacement within 15 days of receipt of the notice; and that if the damage or defacement is not remediated within the 15-day period, the City will begin remediation procedures.
- (2) If the defacement occurs on a private building, wall, fence, or other structure located on unoccupied property, and the City through its own agents or employees, remediates the defacement after complying with the notice provisions of this section, the actual cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the locality as taxes are collected. No lien shall be chargeable to the owners of such property unless the City has given a minimum of 15 days' notice to the property owner prior to the removal of the defacement.
- (3) Every charge authorized by subsection (2) above with which the owner of any such property has been assessed and that remains unpaid shall constitute a lien against such property, ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3 and 4 of Title 58.1 of the Code of

Virginia (§§58.1-3940 *et seq.*). The City may waive and release such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

(4) Before entering upon private property for the purpose of remediating defaced property, the City shall attempt to obtain the consent of the property owner or lessee.

C. Where property is owned by a public entity other than the City, the remediation of the damage or defacement by the City is authorized only after securing the consent of an authorized representative of the public entity having jurisdiction over the property.

**§129-6. Reimbursement of costs from property owner for remediation of damage or defacement.**

If the City undertakes to remediate any damage or defacement from private property after complying with the notice provisions set forth above, the City may seek from the property owner recovery of the total cost for such remediation.

2. That this Ordinance shall be in full force and effect upon its passage on second reading.

\*\*\*\*\*

Approved:

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

\*\*\*\*\*

I certify that the above ordinance was:

Adopted on its first reading on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.

The Honorable Milton E. Freeland, Jr., Councilman: \_\_\_\_\_.

Ordinance No. 09-21

The Honorable Kenneth B. Frenier, Councilman: \_\_\_\_\_.

The Honorable W. Joe Green, Jr., Councilman: \_\_\_\_\_.

The Honorable Elizabeth G. Luck, Vice Mayor: \_\_\_\_\_.

The Honorable John T. Wood, Councilman: \_\_\_\_\_.

The Honorable Diane H. Yates, Councilwoman: \_\_\_\_\_.

The Honorable C. Scott Davis, Mayor: \_\_\_\_\_.

Adopted on its second reading on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.

The Honorable Milton E. Freeland, Jr., Councilman: \_\_\_\_\_.

The Honorable Kenneth B. Frenier, Councilman: \_\_\_\_\_.

The Honorable W. Joe Green, Jr., Councilman: \_\_\_\_\_.

The Honorable Elizabeth G. Luck, Vice Mayor: \_\_\_\_\_.

The Honorable John T. Wood, Councilman: \_\_\_\_\_.

The Honorable Diane H. Yates, Councilwoman: \_\_\_\_\_.

The Honorable C. Scott Davis, Mayor: \_\_\_\_\_.

---

City Clerk

Approved as to form:

  
\_\_\_\_\_  
City Attorney

AN ORDINANCE NO. 09-22

That Article IIA of Chapter 258, Taxation, of the Colonial Heights City Code, be renamed "Partial Real Estate Tax Exemption for Certain Substantially Rehabilitated, Renovated or Replaced Commercial Structures"; and to repeal and replace the provisions of such Article.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That Article IIA of Chapter 258, Taxation, be and is hereby renamed and that the current provisions of such Article are hereby repealed and replaced by the following provisions:

**ARTICLE IIA. PARTIAL REAL ESTATE TAX EXEMPTION FOR CERTAIN SUBSTANTIALLY REHABILITATED, RENOVATED OR REPLACED COMMERCIAL STRUCTURES.**

**§ 258-16.1. Definitions.**

*For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:*

**Assessor:** *The City Assessor for Colonial Heights, Virginia.*

**Base assessed value:** *The assessed value of the structure as of January 1 of the year in which the rehabilitation, renovation or replacement of the structure begins.*

**Commercial structure:** *Any structure or other improvement that is lawfully being used or may be used for a commercial purpose. If any such structure is lawfully being used for both a commercial and a non-commercial use, it shall be deemed to be a commercial structure if more than fifty percent of its total square footage is used for commercial purposes.*

**Rehabilitation, renovation, or replacement:** *Expenditures associated with any internal or external, structural, mechanical, or electrical improvements necessary to rehabilitate, renovate, expand, or replace a commercial structure, and excavations, grading, paving, driveways, roads, sidewalks, landscaping, or other land improvements; including, but not limited to, costs associated with demolition, carpentry, sheetrock, plaster, painting, ceilings, fixtures, doors, windows, fire suppression systems, roofing and flashing, exterior repair, cleaning, and cleanup.*

*Rehabilitation, renovation, or replacement shall not include:*

- (1) *The cost of acquiring any real property or building;*
- (2) *The cost of furnishings; any expenditure associated with appraisal, architectural, engineering and interior design fees; loan fees, points, or capitalized interest; legal, accounting, realtor, sales and marketing, or other professional fees; bids, insurance, exterior signage, utilities, bonding, copying, rent loss, or temporary facilities incurred during construction; utility hook-up or access fees; or outbuildings; and*
- (3) *The cost of rehabilitating, renovating, or replacing a structure damaged by explosion, fire, earthquake, tornado, hurricane, flood, or other acts of God.*

**§ 258-16.2. Partial exemption from taxation for certain rehabilitated, renovated, or replaced commercial structures.**

A. *The Boulevard District. There is hereby created a Boulevard Commercial Structure Tax Exemption District (the "Boulevard District"), which shall consist of all commercial structures fronting on the Boulevard (Route 1) within the Colonial Heights City limits or contained within the Boulevard Overlay District as provided in Chapter 286 of this Code. Any commercial structure at least twenty years old within the Boulevard District whose base assessed value is increased by at least twenty-five percent due to rehabilitation, renovation, or replacement shall be eligible for an exemption from real estate tax equal to the increase in assessed value attributable to the rehabilitation, renovation, or replacement. Such exemption shall commence on January 1 of the year following completion of the rehabilitation, renovation, or replacement, and shall run with the real estate for five years.*

B. *The Southpark District. There is hereby created a Southpark Commercial Structure Tax Exemption District (the "Southpark District"), which shall consist of all commercial structures within the geographic boundaries depicted on an exhibit maintained by the Assessor entitled "The Southpark Commercial Structure Tax Exemption District". Payment of the real estate tax attributable to any structure at least twenty years old within the Southpark District may be exempted by an amount up to fifty percent of the cost of the structure's rehabilitation, renovation, or replacement. Such exemption shall commence on January 1 of the year following completion of the rehabilitation, renovation, or replacement, and shall run with the real estate for five years.*

**§ 258-16.3. Application procedure and processing fee.**

A. *The owner of an eligible commercial structure within the Boulevard District or the Southpark District shall file an application for exemption with the Assessor on a form prescribed by the Assessor and provided for such purpose. A separate application shall be submitted for each commercial structure for which an exemption is requested.*

B. *All building or demolition permits shall be acquired prior to the filing of the application and the beginning of the rehabilitation, renovation or replacement.*

C. *The Assessor shall require the applicant to submit all documentation deemed necessary to establish eligibility for an exemption. All such requested documentation shall be furnished to the Assessor before an application will be considered complete and ready to be processed.*

D. *An owner shall pay a processing fee of fifty dollars (\$50) to the City with each application.*

E. *The exemption shall not automatically attach to any commercial structure. Exemptions shall be granted only after the requirements of this article have been met as determined by the Assessor.*

**§ 258-16.4. Inspections; notification to Assessor.**

A. *Upon receipt of a completed application for an exemption pursuant to this article and prior to commencement of the proposed rehabilitation, renovation or replacement, the Assessor shall physically inspect the structure for which an exemption is requested.*

B. An owner shall notify the Assessor in writing within thirty (30) days after the rehabilitation, renovation or replacement of the structure is complete.

C. During the period of time between the receipt of a completed application and completion of the rehabilitation, renovation or replacement, the structure shall be subject to taxation upon the full assessed value thereof.

D. No structure shall be eligible for an exemption if the Assessor has been denied access to any portion thereof, either before, during or after the rehabilitation, renovation or replacement for which an exemption is requested, provided that the requested access is for the purposes of assessing the structure and determining whether the requirements of this article have been met.

**§ 258-16.5. Commencement of exemption; land books.**

A. The exemption shall commence on January 1 of the year following completion of the rehabilitation, renovation, or replacement of the structure; inspection thereof by the Assessor; and verification by the Assessor that the rehabilitation, renovation, or replacement described in the application has been fully completed.

B. Nothing in this article shall be construed to permit the Assessor to list upon the land book any reduced assessed value due to the exemption created by this article.

**§ 258-16.6. Miscellaneous.**

A. During each of the five years of the exemption period specified in §258-16.2, no annual exemption in tax shall be granted for that portion of any increase in assessed value, or that portion of the cost of a structure's rehabilitation, renovation, or replacement, whichever is applicable, exceeding \$2,000,000.

B. An exemption shall not be permitted for any year if a structure's assessed value for such year falls below its base assessed value.

C. An exemption shall continue only while the rehabilitated, renovated, or replaced structure is a commercial structure.

D. No improvements upon vacant land shall be eligible for an exemption under this article.

E. The Assessor may promulgate written rules and regulations, consistent with this article, he deems necessary for effective administration hereof.

F. The Assessor, in his sole discretion, shall administer this article and make decisions pursuant to its provisions.

2. That this Ordinance shall be in full force and effect on and after January 1, 2010.

\*\*\*\*\*

Approved:

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

\*\*\*\*\*

I certify that the above ordinance was:

Adopted on its first reading on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.

The Honorable Milton E. Freeland, Jr., Councilman: \_\_\_\_\_.

The Honorable Kenneth B. Frenier, Councilman: \_\_\_\_\_.

The Honorable W. Joe Green, Jr., Councilman: \_\_\_\_\_.

The Honorable Elizabeth G. Luck, Vice Mayor: \_\_\_\_\_.

The Honorable John T. Wood, Councilman: \_\_\_\_\_.

The Honorable Diane H. Yates, Councilwoman: \_\_\_\_\_.

The Honorable C. Scott Davis, Mayor: \_\_\_\_\_.

Adopted on its second reading on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.

The Honorable Milton E. Freeland, Jr., Councilman: \_\_\_\_\_.

The Honorable Kenneth B. Frenier, Councilman: \_\_\_\_\_.

The Honorable W. Joe Green, Jr., Councilman: \_\_\_\_\_.

The Honorable Elizabeth G. Luck, Vice Mayor: \_\_\_\_\_.

The Honorable John T. Wood, Councilman: \_\_\_\_\_.

The Honorable Diane H. Yates, Councilwoman: \_\_\_\_\_.

The Honorable C. Scott Davis, Mayor: \_\_\_\_\_.

---

City Clerk

Approved as to form:

Hugh P. Foster, III  
City Attorney



CITY OF  
**COLONIAL HEIGHTS,  
VIRGINIA**

JAN 1964 - Revised JULY 2007

LEGEND

The diagram illustrates a road map with several labeled features:

- Interstate Hwy**: A road marked with a shield containing a star.
- U.S. Hwy**: A road marked with a shield containing a number.
- State Hwy**: A road marked with a shield containing a number.
- Unnumbered Hwy Or Driveway**: A road marked with a shield containing a question mark.
- Residential**: A road marked with a shield containing a house icon.
- City Limits**: A boundary line marked with a dashed line and a circle.
- County Line**: A boundary line marked with a dashed line and a circle.
- Parks**: A boundary line marked with a dashed line and a circle.
- Industrial Park**: A boundary line marked with a dashed line and a circle.

KEY



**CITY OF COLONIAL HEIGHTS**  
DEPARTMENT OF PUBLIC WORKS  
*ENGINEERING & DEVELOPMENT DIVISION*

**201 JAMES AVENUE | COLONIAL HEIGHTS, VA. 23834**  
**TEL 804.520.9334 FAX 804.520.9237**  
[www.colonial-heights.com](http://www.colonial-heights.com)

## CITY MAP

Members of city council, it recently has come to my attention that there is a 4 dog limit within city limits.

I was never aware of this since I have never owned over two dogs at a time. I never intentionally set out to break this city ordinance. The additional 5 dogs were rescued from starvation and horrible abuse.

I took these dogs from a couple of different owners because they were not caring for the dogs and were going to kill them because they did not suite there purpose. My intentions are to rehabilatate and care for them properly, eventually finding good homes. Rehabilatation is taking much longer than expected.I will need more time to train them to a household nature. All dogs are physically healthy now due to the quality of care I am able to provide at my residence. I have spoken with all my adjoining nieghbors and made them aware of my intentions , none of them seem to have any concerns with me taking on this task.

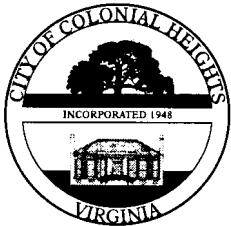
SO my request is to allow me to continue caring for the additional 5 dogs at 515 walnut ave. along with my other 2 house dogs. that is a total of 7 dogs requesting extra 3 to be allowed. THANK YOU FOR TIME AND ATTENTION.

SINCERELY, MARK A CIMBURKE

**RECEIVED**

AUG 01 2009

**CITY CLERK'S OFFICE**



# CITY OF COLONIAL HEIGHTS

P.O. Box 3401  
COLONIAL HEIGHTS, VA 23834-9001  
[www.colonial-heights.com](http://www.colonial-heights.com)

---

## Office of the City Manager

**TO:** The Honorable Mayor and Members of City Council

**FR:** Richard A. Anzolut, Jr. *[Handwritten signature]* City Manager

**DATE:** September 4, 2009

**SUBJ:** Annual Year End School Budget Amendments

Historically, the Office of the Superintendent of Schools processes a budget amendment once the fiscal year is over so the categorical appropriations for the School Division match adjusted revenue and expense figures. Attached is a letter from the Assistance Superintendent of Schools outlining numerous categorical appropriation changes for the year ended June 30, 2009. The total rearrangement of appropriations totals \$483, 866 for FY09.

Attached is Ordinance 09-FIN-16 that would adjust the FY09 School Fund Budget as outlined on the attachment. It is recommended that this Ordinance be given first reading during the Council Meeting of September 8, 2009. A representative of the School Division will be present during the Council Meeting to assist with this matter.

If any questions arise prior to the Council Meeting, please do not hesitate to contact me.

Attachment

cc: Hugh P. Fisher, III, City Attorney  
William E. Johnson, Director of Finance and Engineer  
Dr. Joseph E. Cox, Superintendent of Schools

CC: Bill



**RECEIVED**

**Colonial Heights Public Schools**  
SCHOOL ADMINISTRATION OFFICES  
512 Boulevard  
COLONIAL HEIGHTS, VIRGINIA 23834-3798  
(804) 524-3400  
Fax Number (804) 526-4524  
[www.colonialhts.net](http://www.colonialhts.net)

Dr. Joseph O. Cox Jr.  
Superintendent

July 29, 2009

SCHOOL BOARD  
Sandra B. Coleman, Chairman  
Leslie P. Fryar, Vice Chairman  
J. Chris Kollman, III  
Bill Reade  
Cynthia G. Shortridge  
Barbara Lunsford, Clerk

**City Manager's Office**

July 28, 2009

Richard A. Anzolut, Jr., City Manager  
City of Colonial Heights  
201 James Avenue  
Colonial Heights, VA 23834

Dear Mr. Anzolut:

The School Board approved a decrease of \$483,866.31 to our School Fund Budget effective June 30, 2009, decreasing it from \$36,390,760 to \$35,906,893.69. Please amend our 2008-2009 Final School Fund Budget to account for decreases in state and other funds. The following categories were affected:

Decrease Instructional Expenditures	\$ (1,312,971.52)
Decrease Administrative Expenditures	(54,494.64)
Decrease Transportation Expenditures	(89,508.83)
Decrease Maintenance Expenditures	(344,365.24)
Increase Food Service Expenditures	6,146.92
Increase Debt Service/ Transfers to City	301,327.00
Increase CIP/Contingency Reserves	<u>1,010,000.00</u>
Net Decrease	\$ (483,866.31)
Increase City Funds	\$ 25,963.00
Decrease Other Funds	(139,499.56)
Decrease State Funds	(415,880.57)
Increase Federal Funds	<u>45,550.82</u>
Net Decrease	\$ (483,866.31)

Sincerely,

Troy E. Hedblom  
Assistant Superintendent for Business Services

AN ORDINANCE NO. 09-FIN-16

To amend and reordain the School Fund Budget for the fiscal year beginning July 1, 2008, and ending June 30, 2009 modifying the Budget by \$483,866; pursuant to School Board action of June 30, 2009.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That Sections 2 and 3 of Ordinance No. 08-FIN-5, the School Fund Budget, be, and are hereby amended and reordained, as follows:

2. That the sum of \$36,390,760 35,906,894 be, and the same is hereby, appropriated from the resources and revenues of the City of Colonial Heights School Fund for the fiscal year beginning July 1, 2008.

School Expenditures	<u>\$ 36,390,760</u>	35,906,894
TOTAL	<u>\$ 36,390,760</u>	35,906,894

3. That the foregoing appropriation is based upon the following estimates of revenue and transfers for the fiscal year beginning July 1, 2008.

Federal Funds	\$ 1,299,625	1,345,176
State Funds	14,841,098	14,425,217
City Funds	18,550,162	18,576,125
School Debt	191,774	
Other Funds	953,076	813,577
Fund Balance	<u>555,025</u>	
TOTAL	<u>\$36,390,760</u>	35,906,894

2. That this ordinance shall be in full force and effect upon its passage on second reading.

Approved:

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

\*\*\*\*\*

I certify that the above ordinance was:

Adopted on its first reading on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.

The Honorable Milton E. Freeland, Jr., Councilman: \_\_\_\_\_.

The Honorable Kenneth B. Frenier, Councilman: \_\_\_\_\_.

The Honorable W. Joe Green, Jr., Councilman: \_\_\_\_\_.

The Honorable Elizabeth G. Luck, Vice Mayor: \_\_\_\_\_.

The Honorable John T. Wood, Councilman: \_\_\_\_\_.

The Honorable Diane H. Yates, Councilwoman: \_\_\_\_\_.

The Honorable C. Scott Davis, Mayor: \_\_\_\_\_.

Adopted on its second reading on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.

The Honorable Milton E. Freeland, Jr., Councilman: \_\_\_\_\_.

The Honorable Kenneth B. Frenier, Councilman: \_\_\_\_\_.

The Honorable W. Joe Green, Jr., Councilman: \_\_\_\_\_.

The Honorable Elizabeth G. Luck, Vice Mayor: \_\_\_\_\_.

The Honorable John T. Wood, Councilman: \_\_\_\_\_.

The Honorable Diane H. Yates, Councilwoman: \_\_\_\_\_.

The Honorable C. Scott Davis, Mayor: \_\_\_\_\_.

\_\_\_\_\_  
City Clerk

Approved as to form:

  
\_\_\_\_\_  
City Attorney



# CITY OF COLONIAL HEIGHTS

P.O. Box 3401  
COLONIAL HEIGHTS, VA 23834-9001  
[www.colonial-heights.com](http://www.colonial-heights.com)

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## Office of the City Manager

**TO:** The Honorable Mayor and Members of City Council

**FR:** Richard A. Anzolut, Jr., City Manager

**DATE:** September 4, 2009

**SUBJ:** September 2009 Budget Amendment

As a prelude to this discussion, attached is a brief report from the Director of Finance that estimates the year-end financial performance for FY09 before all audit adjustments have been made. Staff is commended for reducing actual expenses to a level where the City earned more than it spent even with revenue performance well below estimated and budgeted levels.

The FY10 Budget Amendment for September 2009 is summarized as follows:

1. The Director of Finance annually produces Budget Amendment material to carry-forward open purchase orders from the prior year. The attached report outlines our total open encumbrances (i.e. purchase orders) at the end of FY09. The Director of Finance has closed a number of open-ended or blanket purchase orders for materials and supplies commonly used throughout each fiscal year by numerous departments. Revenues less than we projected for FY09 necessitate the closing of numerous blanket purchase orders because revenue to back them was not actually earned in FY09. However, we still have \$305, 505 in open items on which purchases were made or the project or appropriation were still in process. Therefore, since these purchases have been made and recorded as expenses on the books in FY10, funds reserved to back these purchase orders from FY09 need to be carried forward into the FY10 Budget. As we always say, June 30<sup>th</sup> is just the day on the calendar when the annual books close. Business operations are continuous and some are in progress before and after June 30<sup>th</sup>. This is an accounting measure that simply brings authorized appropriation (and cash) from the prior year into current year because the expenses were legitimately incurred or in process as the fiscal year ended.

2. At the end of FY08, the City had an unexpended balance of state street and maintenance money appropriated. As is the case every year, the Director of Finance reserves this revenue for carry forward into the next future year. Usually, it takes our staff and VDOT staff a number of months to completely reconcile eligible expenses from a given fiscal year. While that reconciliation was completed for FY08 in early FY09, we did not carry forward the unexpended state funds into the FY09 budget. Since we are handling other carry forward items from FY09 into FY10 on this Budget Amendment, namely the open encumbrances, we should also appropriate the unexpended street maintenance funding so we can maximize payment management activities in FY10. The attached report from the Director of Finance outlines \$132,000 of previously reserved state street maintenance funding from FY08 that is requested to be reappropriated into FY10. This appropriation does not effect our current financial standing since the state revenues were appropriately recorded for FY08 and held in reserve.
3. The Director of Recreation and Parks is reporting \$1,160 in donations given to the City by nonprofit type agencies and service clubs to support our second annual Back to School Festival. The Festival itself was a success and numerous school children and their families were served. Expenses for the Festival were based on these donations, so it is necessary to appropriate these funds to cover those expenses. Staff expresses its appreciation to the numerous donors listed on the attachment for their contributions to the Back to School Festival.
4. The Director of Recreation and Parks is also reporting a \$250 donation from the Optimist Club of Colonial Heights toward expenses associated with the Teen Center. The September Budget Amendment includes the appropriation of this \$250 donation into the accounts of the Department of Recreation and Parks to provide for the Center's expenses. The staff expresses its appreciation to the Optimist Club for this donation.
5. The Director of the Office on Youth is reporting a refund from the Virginia Alcoholic Beverage Control Grant based on attendance at a recent conference. The staff is requesting the appropriation of \$200 in rebated conference expenses to the budget for the Office on Youth.

Attached is Ordinance No. 09-FIN-17 that would provide for all of these appropriations. It is recommended that Council provide first reading of the ordinance during the Council Meeting of September 8, 2009. Staff associated with these requests will be available during the Council Meeting to assist with this matter.

If any questions arise on this matter prior to the September 8<sup>th</sup> Council Meeting, please do not hesitate to contact me.

Attachments

cc: Hugh P. Fisher, III, City Attorney  
William E. Johnson, Director of Finance  
Department Directors



# CITY OF COLONIAL HEIGHTS

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## FINANCIAL ADMINISTRATION

**To:** Richard A. Anzolut, Jr., City Manager  
**From:** William E. Johnson, Director of Finance *WSJ*  
**Date:** 8/28/2009  
**RE:** Preliminary View of FY 2009 General Fund Results

While it is too early to give a detailed final accounting, the General Fund will most likely end in the black for Fiscal Year 2009 and maintain the targeted 15% Unrestricted Fund Balance goal for this year. With the required 45 day revenue accrual period ending on August 15<sup>th</sup>, numerous entries including tax receivable reconciliations have not been completed or audited; however the raw data indicates that we will have a positive result. Included in my preliminary estimate, is the full \$150,000 transfer to CIP for future Fire Apparatus purchases, 2<sup>nd</sup> year of restricting \$60,000 of telephone savings for future capital replacement, and reserving \$196,000 for the possible increase in Street Maintenance funding. The calculation also includes the reappropriation of prior year encumbrances required by current accounting requirements.

My current estimate also includes an estimated \$400,000 revenue return from the School System based on the Revenue Sharing Agreement. This amount exceeds the previously estimated \$300,000 figure, but this calculation does not include any property tax receivable adjustments. In the past these adjustments have benefited the School's final distribution amount. The maintaining of a 15% reserve of Fund Balance is helped this year by the reduced growth in the current budget on which this number is calculated.

If you have any questions, or need additional information or clarification, I am available at your convenience.



# CITY OF COLONIAL HEIGHTS

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**RECEIVED**

AUG 27 2009

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## FINANCIAL ADMINISTRATION

### City Manager's Office

**To:** Richard A. Anzolut, Jr., City Manager

**From:** William E. Johnson, Director of Finance *MSJ*

**Date:** 8/27/2009

**Re:** Budgetary Basis Encumbrance Revisions

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Under the guidelines established by the Government Accounting Standards Board (GASB) the budgetary basis of accounting on the City's Financial Statements were modified to show expenditures when the actual payment was made not when originally budgeted. As a result of this change, departmental budgets could show over expenditures in a current year if payments were made from a budgeted prior year purchase order.

The carry over of these encumbrances have been generally authorized by the City's original budget ordinances, but they are not allowed to be reflected in our Comprehensive Annual Financial Report (CAFR) by GASB unless specifically reappropriated. This reappropriation is also my recommendation in order to eliminate any showing of departmental overages due to this procedure and it will give a better view of a budgetary presentation as passed by City Council.

At June 30<sup>th</sup> the 2009 General Fund Encumbrances were \$694,073 and were reduced during the preliminary closing period to \$417,838 due to accounts payables being processed and the elimination of expired blanket purchase orders. We also have \$112,333 in addition blanket purchase orders that can now be eliminated which brings our needed reappropriation to \$305,505. These remaining encumbrances are obligations of the City and will be part of the restricted Fund Balance shown in the 2009 CAFR. This compares to \$450,304 needed for fiscal year 2009.

It is my recommendation that the re-appropriation of these encumbrances reflect this reduction and a departmental summary is attached for your review. If any additional information or clarification is needed, I am available at your convenience.

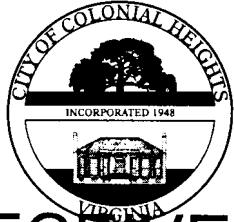
City of Colonial Heights  
Encumbrance Carryover  
Fiscal Year 2010

	2009 Encumbrances 6/30/2009	Expenditures Period 13	Deleted PO/ Non PO Expenditures Period 13	Closed After Period 13	Budget Carry-Over Total
Legislative	896	(490)	364		770
Administrative	165	(55)	55	(37)	128
Legal	3,700	(569)	569		3,700
Tax Collections & Assessment	934	(2,258)	2,171	(37)	810
Finance	38,727	(132,538)	122,360	(2,214)	26,335
Information Technologies	42,209	(23,451)	1,860		20,618
Board of Elections	57	(519)	465	(3)	0
Judicial	9,229	(220,625)	219,214	(91)	7,727
Public Safety	44,090	(19,555)	71,523	(962)	95,096
Public Works	313,177	(230,911)	(33,761)	(26,605)	21,900
Health & Social Services	151,713	(2,505)		(75,208)	74,000
Parks & Recreation	40,696	(13,061)	464	(5,448)	22,651
Cultural Enrichment	2,122	(375)		(1,277)	470
Library	16,210	(3,038)	1,177	(78)	14,271
Community Development	7,810	(1,521)	995	(289)	6,995
Non Departmental	2,993	7,190	(7,190)		2,993
Grant Programs	14,345	(36,107)	28,887	(84)	7,041
Debt Service	5,000	(4,589)	(411)		0
	<b><u>694,073</u></b>	<b><u>(684,977)</u></b>	<b><u>408,742</u></b>	<b><u>(112,333)</u></b>	<b><u>305,505</u></b>

ENCUMBR	DEPART	ACCOUNT	NAME	ORIGINAL	CARRYOVER	DEPARTMENTAL		DEPARTMENT
						TOTAL		
92823-01	1011	5242	C W WARTHEN CO	770.00	770.00		770.00	Legislative
90834-01	1051	5223	TREASURER OF VIRGINIA	359.28	127.75		127.75	Administrative
92818-01	1101	5203	GARY M. DOMENICO	3,700.00	3,700.00		3,700.00	Legal
90752-01	1152	5223	TREASURER OF VIRGINIA	2,506.80	208.90			
92617-01	1152	5242	POLK CITY DIRECTORIES	315.00	315.00			
90833-01	1153	5223	TREASURER OF VIRGINIA	1,025.40	85.95			
92666-01	1153	5242	FRANK JONES MAILING EQUI	200.00	200.00		809.85	Tax
90834-01	1201	5223	TREASURER OF VIRGINIA	246.00	55.59			
92612-01	1201	5242	RIBBONS & ROLLS INC	20.50	20.50			
81851-01	1201	5516	SUNGARD PUB SECTOR PENTA	18,485.00	2,735.00			
92355-01	1206	5216	B W WILSON PAPER COMPANY	2,542.40	2,542.40			
91858-01	1206	5242	B W WILSON PAPER COMPANY	52.86	52.86			
92569-01	1207	5203	GALL'S INC	405.00	405.00			
92572-01	1207	5220	PRO ACTIVE INFORMATION M	20,523.66	20,523.66		26,335.01	Finance
91025-01	1253	5216	SONICWALL SERVICES	300.00	300.00			
90189-01	1253	5223	VERIZON	360.00	337.17			
92827-01	1253	5242	CDWG	400.00	400.00			
92827-01	1253	5248	CDWG	440.00	440.00			
91517-01	1253	5514	PRO ACTIVE INFORMATION M	5,660.63	5,660.63			
92031-01	1253	5514	PRO ACTIVE INFORMATION M	3,406.39	3,406.39			
92635-01	1253	5514	PRO ACTIVE INFORMATION M	10,073.85	10,073.85		20,618.04	IT
92062-01	1351	5216	PITNEY BOWES INC	1,092.00	819.00			
92717-01	1351	5242	EFFICIENT OFFICE SOLUTIO	3,289.00	3,289.00			
92840-01	1351	5242	NATIONAL MARKING PRODUCT	173.25	173.25			
90007-01	1351	5516	PITNEY BOWES GLOBAL FIN.	1,113.00	278.25			
92816-01	1351	5516	RICOH AMERICAS CORPORATI	252.16	131.42			
92757-01	1354	5242	RIBBONS & ROLLS INC	268.00	268.00			
92767-01	1354	5242	THE SUPPLY ROOM COMPANIE	864.76	260.00			
91185-01	1355	5216	DATA TECHNOLOGIES OF VIR	450.00	47.59			
90209-01	1355	5223	NEXTEL COMMUNICATIONS	955.20	862.00			
90336-01	1356	5223	NEXTEL COMMUNICATIONS	2,997.48	28.37			
91590-01	1356	5242	SOUTHERN POLICE EQUIPMEN	203.00	8.00			
92617-01	1356	5242	POLK CITY DIRECTORIES	315.00	315.00			
92707-01	1356	5242	HEROES APPAREL, LLC	114.00	114.00			
92721-01	1356	5242	HEROES APPAREL, LLC	275.00	275.00			
90833-01	1357	5284	TREASURER OF VIRGINIA	5,720.00	858.00		7,726.88	Judicial
91983-01	1401	5209	CODE BLUE TECHNOLOGY SOL	440.00	440.00			
90256-01	1401	5214	CARLTON'S AUTO CARE INC.	2,000.00	375.00			
92530-01	1401	5217	M & E SERVICES	200.00	200.00			
91394-01	1401	5242	MCGEORGE'S ROLLING HILLS	1,209.50	1,209.50			
92104-01	1401	5242	HEROES APPAREL, LLC	30.00	30.00			
92254-01	1401	5242	GALL'S INC	122.45	14.14			
92314-01	1401	5242	GUN SHOP	3,764.00	3,764.00			
92528-01	1401	5242	TOWN POLICE SUPPLY	96.27	96.27			
92594-01	1401	5242	PRINTECH INC	1,510.00	1,510.00			
92628-01	1401	5242	SOUTHERN POLICE EQUIPMEN	565.00	565.00			
92761-01	1401	5242	HEROES APPAREL, LLC	744.40	744.40			
92762-01	1401	5242	GALL'S INC	105.00	105.00			
92770-01	1401	5242	DANCES SPORTING GOODS	239.98	239.98			
92785-01	1401	5242	TOWN POLICE SUPPLY	900.35	819.10			
92838-01	1401	5242	HEROES APPAREL, LLC	298.00	298.00			
92854-01	1401	5242	SOUTHERN POLICE EQUIPMEN	82.96	82.96			
92858-01	1401	5242	SOUTHERN POLICE EQUIPMEN	50.25	50.25			
92881-01	1401	5242	NATIONAL IMPRINT CORP	678.00	678.00			
90008-01	1401	5246	CENTRAL VA WASTE MANAGEM	856.44	41.30			
90617-01	1401	5246	COLONIAL HEIGHTS VET HOS	600.00	600.00			
92175-01	1401	5263	JAMES E SMITH	50.00	50.00			
92917	1402	5516	COMMTRONICS OF VA	52,947.92	52,947.92			
91347-01	1402	5203	ACS GOVERNMENT SYSTEMS	2,949.84	2,212.35			
92911-01	1402	5203	PRIMEARRAY SYSTEMS, INC.	476.00	476.00			
90107-01	1402	5216	SINGER ASSOCIATES FIRE E	152.00	152.00			
90833-01	1402	5216	TREASURER OF VIRGINIA	4,248.84	726.14			
91613-01	1402	5216	AIR SPECIALISTS OF VIRGI	2,200.00	261.00			
91904-01	1402	5216	BATTERY BARN OF VA INC	323.90	323.90			
92530-01	1402	5216	M & E SERVICES	200.00	200.00			
82460-01	1402	5223	VERIZON WIRELESS	6,831.44	188.97			
91777-01	1402	5223	NEXTEL COMMUNICATIONS	6,645.00	2,513.77			
91001-01	1402	5225	RAM ELECTRONICS INDUSTRI	89.00	89.00			
90901-01	1402	5242	ZOLL MEDICAL CORPORATION	375.00	375.00			
92900-01	1402	5242	BOUND TREE MEDICAL LLC	2,628.71	2,628.71			
91399-01	1402	5250	SINGER ASSOCIATES FIRE E	139.20	75.00			
73320-01	1402	5263	NOTIFICATION TECH INC	61,543.06	11,250.00			
92910-01	1402	5263	SOUTHERN COMPUTER WAREHO	3,958.05	3,958.05			
92912-01	1402	5263	PRIMEARRAY SYSTEMS, INC.	3,503.00	3,503.00			
92694-01	1402	5506	NFPA	323.50	323.50			
90598-01	1404	5216	COUNTY OF CHESTERFIELD-T	207,771.96	43.34			
90851-01	1404	5216	COUNTY OF CHESTERFIELD-T	110.10	110.10			

ENCUMBR	DEPART	ACCOUNT	NAME	ORIGINAL	CARRYOVER	DEPARTMENTAL TOTAL	DEPARTMENT
92530-01	1404	5216	M & E SERVICES	200.00	200.00		
90358-01	1404	5223	VERIZON-BELL ATLANTIC	700.00	194.05		
90615-01	1404	5223	NEXTEL COMMUNICATIONS	1,254.88	180.86		
91021-01	1404	5242	NEXTEL COMMUNICATIONS	25.60	25.60		
90359-01	1404	5281	COLUMBIA GAS COMPANY INC	600.00	39.47		
90633-01	1404	5516	CANON USA INC	1,570.04	185.39	95,096.02	Public Safety
91537-01	1453	5223	NEXTEL COMMUNICATIONS	139.98	100.00		
90491-01	1453	5242	COLUMBIA GAS OF VIRGINIA	505.01	505.01		
92096-01	1453	5242	ELECTRONIC SYSTEMS INC	144.00	108.00		
91852-01	1453	5249	SHORT PAVING COMPANY INC	6,000.00	5,843.52		
91915-01	1453	5249	VULCAN MATERIALS COMPANY	6,856.00	74.31		
92897-01	1453	5249	CUSTOM CAPS & CREATIONS	450.00	450.00		
92725-01	1455	5216	RGA INC	2,600.00	2,600.00		
92745-01	1455	5242	KORMAN SIGNS INC	2,527.00	89.30		
92846-01	1455	5515	VER-MAE INC	1,775.00	1,775.00		
90017-01	1456	5223	VERIZON WIRELESS	1,547.64	119.34		
92626-01	1456	5516	CADZATION	300.00	300.00		
92699-01	1457	5203	PETERSBURG ALARM COMPANY	1,350.00	1,350.00		
91467-01	1457	5213	L M GRAVITTE & SON, INC.	500.00	500.00		
92637-01	1457	5216	EAGLE FIRE INC	770.00	770.00		
92867-01	1457	5216	AIR EXCELLENCE INC	2,526.00	2,526.00		
92868-01	1457	5216	AIR EXCELLENCE INC	1,820.45	1,820.45		
92375-01	1457	5217	CARRAWAY GLASS COMPANY	355.00	355.00		
92907-01	1457	5217	BARRANGER & COMPANY INC	300.00	300.00		
90327-01	1457	5281	COLUMBIA GAS COMPANY INC	55,000.00	420.79		
91071-01	1457	5281	PARKER OIL COMPANY INC	1,800.00	1,800.00		
90834-01	1458	5223	TREASURER OF VIRGINIA	119.40	92.88	21,899.60	Public Works
90243-01	1503	5203	CHESTERFIELD COUNTY - TR	185,729.00	74,000.00	74,000.00	Health
90834-01	1601	5223	TREASURER OF VIRGINIA	604.20	181.57		
92499-01	1601	5224	DIXIE SPORTING GOODS INC	559.36	539.36		
92502-01	1601	5224	OLDE DOMINION SCREENPRIN	171.75	171.75		
92503-01	1601	5224	DIXIE SPORTING GOODS INC	472.68	472.68		
92792-01	1601	5242	JAMES E SMITH	42.00	42.00		
92807-01	1601	5242	SAM'S CLUB DIRECT	2,398.69	2,398.69		
92807-01	1601	5520	SAM'S CLUB DIRECT	1,650.56	1,650.56		
92887-01	1602	5242	BEST PRICED PRODUCTS	67.49	67.49		
92902-01	1602	5242	DELL USA LP	486.65	486.65		
92863-01	1602	5520	IKEA DIRECT	2,626.71	2,626.71		
92884-01	1602	5520	IKEA DIRECT	119.98	119.98		
92888-01	1602	5520	PC MALL GOV INC	769.05	769.05		
92896-01	1602	5520	TRI-CITY OFFICE PRODUCTS	1,944.00	435.20		
92906-01	1602	5520	SUPERIOR SIGN	875.00	875.00		
92908-01	1602	5520	SOFTWARE HOUSE INTL INC.	938.79	938.79		
90244-01	1603	5217	GLEN ALLEN NURSERY & GAR	1,000.00	747.92		
91412-01	1603	5217	SWIFT CREEK BEERY FARM	500.00	145.50		
90238-01	1603	5223	VERIZON WIRELESS	515.88	152.22		
92897-01	1603	5242	CUSTOM CAPS & CREATIONS	90.00	90.00		
92864-01	1603	5250	HERETICK FEED AND SEED	493.20	493.20		
91251-01	1604	5216	SMITH TURF & IRRIGATION	1,008.21	1,008.21		
90451-01	1604	5217	ELITE FENCE INC	402.52	323.61		
92508-01	1604	5217	D C BERBERICH	481.50	329.00		
92882-01	1604	5217	WAYNE COOK ELECTRIC INC	3,500.00	3,500.00		
92866-01	1604	5242	DELL USA LP	486.65	486.65		
92893-01	1604	5242	NORTHERN TOOL & EQUIPMEN	999.99	999.99		
82806-01	1604	5520	VIRGINIA CIVIL WAR TRAIL	2,600.00	2,600.00	22,651.78	Parks & Rec
91719-01	1651	5217	FIRE-X CORPORATION	750.00	375.00		
92256-01	1651	5217	WALL SHEET METAL INC	95.00	95.00	470.00	Cultural
92253-01	1701	5212	XEROX CORPORATION	100.00	100.00		
92253-01	1701	5216	XEROX CORPORATION	842.40	772.20		
90833-01	1701	5224	TREASURER OF VIRGINIA	6,864.00	572.00		
91511-01	1701	5242	PRO ACTIVE INFORMATION M	1,403.38	1,403.38		
92729-01	1701	5248	BAKER & TAYLOR BOOKS W51	1,185.53	1,185.53		
92781-01	1701	5248	AZURADISC INC	450.00	450.00		
92797-01	1701	5248	BAKER & TAYLOR BOOKS W51	595.62	595.62		
92800-01	1701	5248	AMAZON.COM CREDIT PLAN	227.01	227.01		
92802-01	1701	5248	AMAZON.COM CREDIT PLAN	46.68	46.68		
92803-01	1701	5248	AMAZON.COM CREDIT PLAN	22.25	22.25		
92804-01	1701	5248	INGRAM LIBRARY SERVICES	5.00	5.00		
92805-01	1701	5248	BAKER & TAYLOR BOOKS W51	214.47	214.47		
92832-01	1701	5516	DELL USA LP	2,596.47	2,596.47		
92836-01	1701	5516	PRO ACTIVE INFORMATION M	1,700.00	1,700.00		
92837-01	1701	5516	CDWG	4,380.00	4,380.00	14,270.61	Library
92698-01	1751	5203	TMH ASSOCIATES	16,082.00	6,771.00		
90834-01	1752	5223	TREASURER OF VIRGINIA	488.00	143.46		
90846-01	1752	5223	NEXTEL COMMUNICATIONS	1,210.80	81.04	6,995.50	Com Dev
90834-01	1801	5223	TREASURER OF VIRGINIA	419.40	76.11		
91203-01	1804	5223	NEXTEL COMMUNICATIONS	699.87	131.20		

ENCUMBR	DEPART	ACCOUNT	NAME	ORIGINAL	CARRYOVER	DEPARTMENTAL		DEPARTMENT
						TOTAL	TOTAL	
92899-01	1804	5242	DELL USA LP	1,475.85	1,475.85			
92120-01	1808	5203	GRIFFITH HEATING & COOLI	500.00	500.00			
92302-01	1808	5203	HERTLESS BROTHERS ROOFIN	11,270.00	4,607.50			
92763-01	1810	5242	TODD RESNICK ENTERTAINME	250.00	250.00	7,040.66		Grants
92656-01	1902	5253	GAME ON SPORTS, INC.	2,992.99	2,992.99	2,992.99		Nondeptmental
92889-01	1952	5648	BASSETT FINANCIAL MGMT L	5,000.00				
			<b>TOTAL</b>	<b>826,970.32</b>	<b>305,504.69</b>			<b>305,504.69</b>



# CITY OF COLONIAL HEIGHTS

P.O. Box 3401  
COLONIAL HEIGHTS, VA 23834-9001  
www.colonial-heights.com

cc: Tammy  
Bill —

for Sept. B.A.  
AA  
8/21

**RECEIVED**

AUG 20 2009

FINANCIAL ADMINISTRATION

**City Manager's Office**

To: Richard A. Anzolut, Jr., City Manager

From: William E. Johnson, Director of Finance *WSJ*

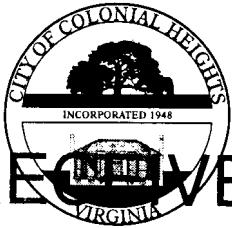
Date: 8/20/09

RE: Budget Modifications

The City receives annual lane mile payments for our use in street maintenance from the Department of Transportation. These monies are based on the City's eligible lane mileage as of July 1<sup>st</sup> of each fiscal year. These funds must be used on eligible roadways and for specific purposes, or be returned to the Commonwealth upon the results of the final audit. At the end of Fiscal Year 2008, I restricted some surplus funds from the Street Maintenance budget to ensure appropriate funds were available if we were in noncompliance. During that period, we had extraordinary turnover in personnel that resulted in less street projects being completed.

We were in compliance with all funding requirements, so the \$132,000 I restricted is now available for the current budget.

If you have any questions or need additional clarification, please advise.



RECEIVED

# CITY OF COLONIAL HEIGHTS

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6: Bill  
Tammy

for Sept P.A.

AA  
8/20

AUG 19 2009

August 18, 2009  
City Manager's Office

To: Richard Anzolut Jr., City Manager  
From: Sean E. Gleason, Director of Recreation & Parks  
*ASD*  
Subject: Back to School Festival Donations

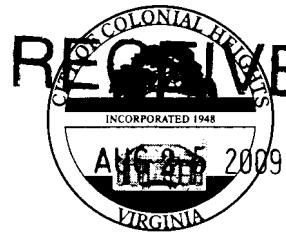
The City of Colonial Heights Recreation & Parks Department have received several donations since July 29, 2009 letter regarding the 2<sup>nd</sup> Annual Back to School Festival on August 20, 2009.

We have received the following additional donations: CH Chamber of Commerce-\$60.00; Mount Pleasant Baptist Church - \$500.00; Colonial Heights Women of the Moose #131- \$25.00; Colonial Heights Moose Lodge - \$100.00; T.O.D.A.Y.S. Youth Services LLC - \$200.00; Colonial Heights Federated Women's Club - \$50.00; American Association of Retired Person Chapter 1041 - \$25.00; and Optimist Club of Colonial Heights - \$200.00 for a total of \$1,160.00

We would like to have the donated money transferred from 10-3205 to 4280-5242 for the Back to School Festival at September City Council Meeting.

Cc: William E. Johnson, Director of Finance

cc: Tammy  
B.I.



# RECEIVED CITY OF COLONIAL HEIGHTS

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Sept B.A please

AA  
8/26

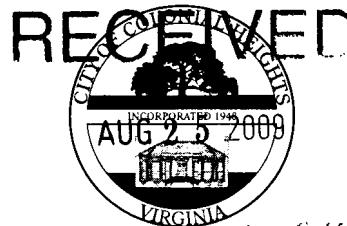
## City Manager's Office

August 19, 2009

To: Rick Anzolut, City Manager  
From: Sean E Gleason, Director of Recreation & Parks

Subject: Agenda Item –September 2009 City Council Meeting

The Recreation & Parks Department has received a \$ 250.00 donation from the Optimist Club of Colonial Heights for “Pete’s Place”. We would like money transferred from 10-3205 (Donations) to 1602-5224 (Teen Center Activities).



RECEIVED

# CITY OF COLONIAL HEIGHTS

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www.colonial-heights.com

cc Tammy  
Bill

Sept 3, A. please.

AA  
8/25

City Manager's Office

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## Office on Youth & Human Services 520-9286

### MEMORANDUM

TO: ✓Richard A. Anzolut, Jr., City Manager  
William Johnson, Director of Finance

FROM: Eileen M. Brown, Director *Eileen M. Brown*  
Office on Youth

SUBJECT: \$200 Rebate (YADAPP Conference)

DATE: August 24, 2009

Funds from the VA ABC Grant sent two teams and two staff to the YADAPP Conference held at Longwood University during the week of July 20-23, 2009.

The first 50 teams, who registered, were given a \$100 rebate. Both of the teams we sent were within the first 50. Therefore, finance has received a \$200 rebate check from YADAPP.

This rebate has been put into revenue account 10-4648. Thank you for bringing this to the attention of City Council. We are requesting approval for the return of this money to Account Number 1810-5242.

EMB/pc

AN ORDINANCE NO. 09-FIN-17

To amend the General Fund Budget for the fiscal year beginning July 1, 2009, and ending June 30, 2010, to appropriate \$439,115, consisting of \$305,505 for FY2009 encumbrance carryover funds to various departments; \$132,000 in street maintenance funding from the Department of Transportation to restricted fund balance; \$1,160 in donated funds to Recreation and Parks in support of the Back to School Festival; \$250 in donations to Recreation and Parks in support of "Pete's Place"; and \$200 in rebate funds from YADAPP Conference to the Office on Youth and Human Services.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That Sections 1, 2 and 3 of Ordinance No. 09-FIN-4, the General Fund Budget, be, and are hereby amended and reordained as follows:

1. That the budget designated the General Fund Budget for the fiscal year beginning July 1, 2009, and ending June 30, 2010, is hereby adopted; and that, subject to transfers by resolution pursuant to § 6.15 of the City Charter, funds hereby appropriated shall be used for the following purposes:

Legislative (City Council)	\$ 147,397	148,167
Administrative (City Manager)	310,461	310,589
Legal (City Attorney)	203,878	207,578
Tax Collections & Assessments	607,032	607,842
Finance	5,847,320	5,873,655
Information Technologies	187,249	207,867
Board of Elections	130,159	
Judicial	4,280,731	4,288,458
Public Safety	7,612,404	7,707,500
Public Works	2,890,262	3,044,162
Health and Social Services	643,750	717,750
Parks and Recreation	1,402,369	1,426,430
Cultural Enrichment	91,787	92,257
Library	598,942	613,213
Community Development	535,209	542,204
Grant Programs	353,392	360,633
Nondepartmental	557,282	560,275
Debt Service	3,217,341	
Operating Transfers Out	19,037,766	

2. That the sum of \$48,654,734 49,093,846 is appropriated for the fiscal year beginning July 1, 2009.

3. That the foregoing appropriation is based upon the following revenue estimates for the fiscal year beginning July 1, 2009:

General Property Taxes	\$ 21,216,669
Other Local Taxes	14,403,852
Licenses, Permits & Fees	3,409,794
Fines and Forfeitures	556,500

Use of Money & Property	427,000	
Intergovernmental Revenues	6,239,517	6,239,717
Charges for Current Services	1,138,401	
Miscellaneous	4,256,648	1,258,058
Reserve – Fire/EMS Donations	1,350	
Restricted Fund Balance Fire/EMS	5,000	
<i>Restricted Fund Balance – Streets</i>	<i>132,000</i>	
<i>Fund Balance</i>	<i>305,505</i>	
<b>TOTAL</b>	<b>\$ 48,654,731</b>	<b>49,093,846</b>

2. That this ordinance shall be in full force and effect upon its passage on second reading.

Approved:

Attest:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

\*\*\*\*\*

I certify that the above ordinance was:

Adopted on its first reading on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.

The Honorable Milton E. Freeland, Jr., Councilman: \_\_\_\_\_.

The Honorable Kenneth B. Frenier, Councilman: \_\_\_\_\_.

The Honorable W. Joe Green, Jr., Councilman: \_\_\_\_\_.

The Honorable Elizabeth G. Luck, Vice Mayor: \_\_\_\_\_.

The Honorable John T. Wood, Councilman: \_\_\_\_\_.

The Honorable Diane H. Yates, Councilwoman: \_\_\_\_\_.

The Honorable C. Scott Davis, Mayor: \_\_\_\_\_.

Adopted on its second reading on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.

The Honorable Milton E. Freeland, Jr., Councilman: \_\_\_\_\_.

The Honorable Kenneth B. Frenier, Councilman: \_\_\_\_\_.

The Honorable W. Joe Green, Jr., Councilman: \_\_\_\_\_.

The Honorable Elizabeth G. Luck, Vice Mayor: \_\_\_\_\_.

The Honorable John T. Wood, Councilman: \_\_\_\_\_.

The Honorable Diane H. Yates, Councilwoman: \_\_\_\_\_.

The Honorable C. Scott Davis, Mayor: \_\_\_\_\_.

---

City Clerk

Approved as to form:

  
Hugh P. Parker, III  
City Attorney



# CITY OF COLONIAL HEIGHTS

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## Office of the City Manager

**TO:** The Honorable Mayor and Members of City Council

**FR:** Richard A. Anzolut, Jr. *(Handwritten signature)*

**DATE:** September 4, 2009

**SUBJ:** Correction of Transient Occupancy Tax Ordinance

During the August 25, 2009 Work Session, the staff presented an error in the City Code relating to Transient Occupancy Taxes. As Council will recall, the concept of an extended-stay hotel was presented by the Colonial Heights Baptist Church Reuse Committee. This reminded staff of the 30 day limit on the definition of a "transient" as contained in the State Code. When staff checked Section 258-52 of the City Code, we found an inaccuracy. Our City Code states that Transient Occupancy Taxes are not chargeable on hotel stays in excess of 90 days. As Council recalls, the State Code defines transient as a stay that does not exceed 30 days. Council agreed that this minor housekeeping matter should be corrected as soon as possible when it was discussed during the August 25<sup>th</sup> Work Session.

Attached is Ordinance 09-20 that would rectify this housekeeping matter. The Ordinance amends section 258-52 of the City Code and would make the definition of transient read, "Any person who, for a period of less than 30 consecutive days . . .". This will align City Code with the State Code authority. It is recommended that Council provide the first reading to this Ordinance.

If any questions arise on this matter prior to the Council Meeting of September 8, 2009, please do not hesitate to contact me.

Attachment

cc: Hugh P. Fisher, III, City Attorney  
William E. Johnson, Director of Finance

AN ORDINANCE NO. 09-20

To amend and reordain §258-52 of Chapter 258, Taxation, of the Colonial Heights City Code, to change the definition of "Transient".

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That §258-52 of Chapter 258, Taxation, of the Colonial Heights City Code, be and is hereby, amended and reordained as follows:

**§ 258-52. Definitions.**

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

**COMMISSIONER** -- The Commissioner of the Revenue of the City and any of his duly authorized deputies and agents.

**HOTEL** -- Any public or private hotel, inn, hostelry, tourist home or house, motel, rooming house or other lodging place within the City offering lodging, as defined in this section, for compensation to any transient, as hereinafter defined.

**LODGING** -- Room or space furnished any transient.

**PERSON** -- Any individual, corporation, company, association, firm, copartnership or any group of individuals acting as a unit.

**TRANSIENT** -- Any person who, for a period of ~~not more less~~ than 90 ~~30~~ consecutive days, either at his own expense or at the expense of another, obtains lodging at any hotel.

**TREASURER** -- The Treasurer of the City and any of his duly authorized deputies and agents.

2. That this Ordinance shall be in full force and effect upon its passage on second reading.

\*\*\*\*\*

Approved:

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

\*\*\*\*\*

I certify that the above ordinance was:

Adopted on its first reading on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.

The Honorable Milton E. Freeland, Jr., Councilman: \_\_\_\_\_.

The Honorable Kenneth B. Frenier, Councilman: \_\_\_\_\_.

The Honorable W. Joe Green, Jr., Councilman: \_\_\_\_\_.

The Honorable Elizabeth G. Luck, Vice Mayor: \_\_\_\_\_.

The Honorable John T. Wood, Councilman: \_\_\_\_\_.

The Honorable Diane H. Yates, Councilwoman: \_\_\_\_\_.

The Honorable C. Scott Davis, Mayor: \_\_\_\_\_.

Adopted on its second reading on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.

The Honorable Milton E. Freeland, Jr., Councilman: \_\_\_\_\_.

The Honorable Kenneth B. Frenier, Councilman: \_\_\_\_\_.

The Honorable W. Joe Green, Jr., Councilman: \_\_\_\_\_.

The Honorable Elizabeth G. Luck, Vice Mayor: \_\_\_\_\_.

The Honorable John T. Wood, Councilman: \_\_\_\_\_.

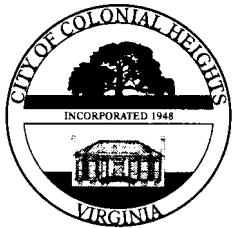
The Honorable Diane H. Yates, Councilwoman: \_\_\_\_\_.

The Honorable C. Scott Davis, Mayor: \_\_\_\_\_.

\_\_\_\_\_  
City Clerk

Approved as to form:

Hugh P. Drucker, III  
\_\_\_\_\_  
City Attorney



# CITY OF COLONIAL HEIGHTS

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## Office of the City Manager

**TO:** The Honorable Mayor and Members of City Council

**FR:** Richard A. Anzolut, Jr., City Manager

**DATE:** September 4, 2009

**SUBJ:** VDOT Revenue Sharing Application – Dimmock Parkway and Jennick Drive Traffic Signal

Members of City Council are generally familiar with the VDOT Revenue Sharing Program. Applications are endorsed by a local governing body and filed with VDOT to qualify for a limited pool of revenue sharing funding. The program provides for an equal match between local transportation funding and state revenue sharing funding. In other words, projects accomplished with VDOT revenue sharing are 50% state and 50% locally funded. One of the components of the Boulevard Modernization Project is VDOT Revenue Sharing. We also used the program for part of the funding for the North Boulevard Fifth Lane Project.

Some members of Council are also familiar with our longstanding negotiations with property owners around the Dominion Auto Group Dealerships to ultimately share the cost of the traffic signal installation at the Dimmock Parkway and Jennick Drive. Council also knows of the recent reserve of \$60,000 toward the traffic signal expenses by agreement with the Roslyn Farms Corporation on the Value Place Hotel project. We recently learned that the owner of the Dominion Auto Group has funds reserved to make a contribution of between \$60 – 70,000 toward the signal installation. Staff is now in a position to take \$60,000 from Roslyn Farms and whatever from Dominion Auto and request \$135,000 from the VDOT Revenue Sharing Program. If such is successful, we will have funded the traffic signal installation without a significant contribution of City money. Some members of Council may recall an earlier negotiation where the City would be responsible for at least \$60,000 of local funding and perhaps as much as \$100,000 for the signal. We may now need only \$5 – 15,000 of City money to get the signal installed and improve traffic conditions in that area.

Attached is a copy of a Revenue Sharing Grant Application that requires City Council's formal authorization prior to its official acceptance by VDOT. Due to the August application deadline, staff has prepared and the City Manager has signed the application so we could meet that deadline. Application is null and void unless City Council authorizes it. Attached is Resolution 09-39 that would provide City Council's formal authorization to the application. It is recommended that Council authorize the Resolution during the Council Meeting of September 8, 2009.

The Director of Public Works and Engineering will be available during the Council Meeting to assist with this matter. If any questions arise prior to the meeting, please do not hesitate to contact me.

Attachments

cc: Hugh P. Fisher, III, City Attorney  
William E. Johnson, Director of Finance  
William E. Henley, Director of Public Works and Engineer



A RESOLUTION 09-39

Supporting an allocation of funds of up to \$135,000 from the Virginia Department of Transportation.

WHEREAS, the City Council of the City of Colonial Heights desires to submit an application for an allocation of funds of up to \$135,000 through the Virginia Department of Transportation Fiscal year 2009-2010, Revenue Sharing Program; and

WHEREAS, the \$135,000 of funds are requested to fund the traffic signalization at Charles Dimmock Parkway and Jennick Drive; and

WHEREAS, there is a significant need for the traffic signalization at the intersection of Charles Dimmock Parkway and Jennick Drive; NOW THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLONIAL HEIGHTS:

1. That the City Council of the City of Colonial Heights hereby supports this application for an allocation of \$135,000 through the Virginia Department of Transportation Revenue Sharing Program.

2. That this resolution shall be in full force and effect upon its passage.

Approved:

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

\*\*\*\*\*

I certify that the above resolution was:

Adopted on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.

The Honorable Milton E. Freeland, Jr., Councilman: \_\_\_\_\_.

The Honorable Kenneth B. Frenier, Councilman: \_\_\_\_\_.

Resolution No. 09-39

The Honorable W. Joe Green, Jr., Councilman: \_\_\_\_\_.

The Honorable Elizabeth G. Luck, Vice Mayor: \_\_\_\_\_.

The Honorable John T. Wood, Councilman: \_\_\_\_\_.

The Honorable Diane H. Yates, Councilwoman: \_\_\_\_\_.

The Honorable C. Scott Davis, Mayor: \_\_\_\_\_.

---

City Clerk

Approved as to form:

  
Hugh P. Shadley, III  
City Attorney



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## Office of the City Manager

**TO:** The Honorable Mayor and Members of City Council

**FR:** Richard A. Anzolut, Jr., City Manager

**DATE:** September 4, 2009

**SUBJ:** Southbound I-95 Ramp at Temple Avenue

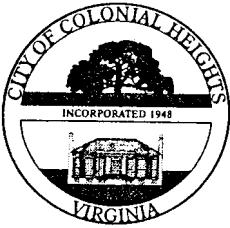
During the Council Meeting of August 11, 2009, the Director of Public Works and Engineering presented options being explored by VDOT for the Southbound I-95 ramp improvements at Temple Avenue. As Council Members will recall, VDOT has decided upon Option No. 8 which is basically additional travel lanes on the existing exit ramps. City Council generally expressed its dissatisfaction with that Option when it was discussed at the August 11<sup>th</sup> Meeting. Council requested the opportunity to get additional information from VDOT and discuss other possible options, including the original design plan for a new southbound exit ramp over the Old Town Creek.

Staff has scheduled representatives from VDOT to appear at the September 8, 2009 Meeting. Materials we used during the August 11<sup>th</sup> Meeting are attached to assist Council with this matter.

If any questions arise for staff prior to the September 8<sup>th</sup> Council Meeting, please do not hesitate to contact me.

Attachment

cc: Hugh P. Fisher, III, City Attorney  
William E. Johnson, Director of Finance  
William E. Henley, Director of Public Works and Engineer



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---

## Office of the City Manager

**TO:** The Honorable Mayor and Members of City Council  
**FR:** Richard A. Anzolut, Jr. *RMK* City Manager  
**DATE:** August 7, 2009  
**SUBJ:** Southbound I-95 Exit Ramp at Temple Avenue

As Council will generally recall, the final improvement to the Temple Avenue Interchange at Interstate 95 was included, for the first time, in the FY07 VDOT Six Year Plan. The original concept for the off-ramp would carry southbound traffic off of I-95 just north of the Temple Avenue overpass. This ramp would provide for westbound Temple Avenue traffic toward the Boulevard only. After some struggle, the final FY07 Six Year Plan contained an allocation of approximately \$8 million to fund the exit ramp. Originally, funds for the ramp would be accumulated over the next three years with construction expected to be completed in 2012.

For about the last year, the Director of Public Works and Engineering and his staff have been working with VDOT staff as they attempted to identify other options for southbound I-95 traffic exiting at Temple Avenue. After a great deal of review, VDOT staff has decided that the original concept for the ramp and many other considerations are not affordable. In addition, the environmental impact of crossing the Old Town Creek is also undesirable. VDOT is now saying it will only build improvements to the existing Temple Avenue exit where northbound and southbound traffic exit and merge together just south of the Temple Avenue overpass. Some Members of Council may remember this configuration as one requested numerous times in the past by the Roslyn Farm Corporation.

A brief portion of the agenda for the Council Meeting of August 11, 2009 has been scheduled for the Director of Public Works and Engineering to present this matter to Council. At this point, the City Manager and the Director of Public Works and Engineering do not consider this to be an adequate improvement to the overall Temple Avenue interchange. While we can certainly recognize the financial situation with transportation funding at the State level, we do not believe sufficient area exist for north

The Honorable Mayor and Members of City Council

August 7, 2009

Page 2

or southbound exiting traffic to change lanes to go east or west on Temple Avenue in the area of the exit ramp. A visual presentation should assist with this matter. Two exhibits prepared by the Department of Public Works and Engineering are included in this packet as preliminary information. Option 1 is the original version that has existed for almost 40 years. Option 8 is what VDOT is saying it will build. The City still has plenty of time to comment on this matter should it object. Staff simply wants Council to be aware of the change in direction on this matter.

If any questions arise on this matter prior to its presentation during the August 11<sup>th</sup> Council Meeting, please do not hesitate to contact me.

Attachment

cc:     Hugh P. Fisher, III, City Attorney  
          William E. Johnson, Director of Finance  
          William E. Henley, Director of Public Works and Engineering

## Option # 1 – 95 South Off Ramp to Westbound Temple Ave



## Option # 8 – Intersection Realignment

