



## **CITY OF POQUOSON**

**Office of the City Manager**  
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September 11, 2017

**To:** City Council  
**From:** Steven Clarke, Treasurer  
**Through:** Randy Wheeler, City Manager  
**Subject:** **Changing dog tag licensing from yearly to lifetime**

The City deems it unlawful to own or keep a dog four months old or older without having a proper City issued license. Current code provisions require renewal of this license on a yearly basis and our fee structure for these are \$5 for a male or female dog and \$3 for a spayed or neutered dog. We also sell kennel licenses for \$25 which includes up to 20 dogs. This fee structure has been the same since at least 1982.

This past year, the General Assembly passed provisions which allow the localities to issue these tags individually on a lifetime basis. If enacted, once issued, the tags will be valid so long as a dog's rabies vaccination is kept current. Should a rabies vaccination lapse, the City license would no longer be valid. However, the license would return to valid standing upon renewal of the rabies vaccination. This provision makes no changes in regard to kennel licenses. Kennel licenses will continue to need to be renewed on an annual basis. Owners with kennels could choose to license their dogs individually, however, by purchasing individual lifetime licenses for each dog.

The General Assembly allows for the fee for a lifetime tag to be set between \$0 and \$50. Likewise, kennel licenses may not exceed \$50.

My recommendation is to set the tax for a lifetime license at \$5 per individual dog with no differentiation for male, female, spayed or neutered.

Attached for your consideration are proposed changes to the City Code allowing the issuance of lifetime dog licenses.

**ORDINANCE NO. \_\_\_\_\_**  
**ORDINANCE AMENDING THE CODE OF ORDINANCES**  
**OF THE CITY OF POQUOSON, VIRGINIA BY AMENDIGN CHAPTER 14 ANIMALS**  
**DIVISION 2 AS IT PERTAINS**  
**TO LICENSING**

**BE IT ORDAINED** by the Council of the City of Poquoson, Virginia:

**Section 1:** That Chapter 14, Division 2 of the Code of Ordinances be amended to read as follows:

**Chapter 14**  
**Animals Division 2 License**

**Section 14-101 Required**

It shall be unlawful for any person to own or keep a dog four months old or older within this city, unless such dog is properly licensed pursuant to the provisions of this article.

**Section 14-102 Application; applicant must be a city resident**

- (a) Any resident of this city may obtain a dog license by making oral or written application to the treasurer, accompanied by the license tax, and a certificate of rabies vaccination, as required by this division, ~~and certificate that the dog has been neutered, if the applicant is apply for a license for a neutered dog.~~ The treasurer shall have authority to license only dogs of owners or custodians who reside within the limits of this city and may require information to establish the location of the residence of any applicant.
- (b) It shall be unlawful for any person to make any false statement in, or present any false evidence with, on application made under this section, in order to secure a dog license to which he is not entitled.

**Section 14-103 Tax imposed**

- (a) ~~An annual~~ Effective November 1, 2017 a license tax is hereby imposed on the ownership of dogs required to be licensed under this division, in the following amounts:
  - (1) For each ~~male or female~~ individual dog: \$5.00
  - (2) ~~For each neutered dog: \$3.00. To qualify for a license for a neutered dog, the owner of such dog must present the treasurer with a statement from a veterinarian that the dog has been neutered.~~

In lieu of the tax prescribed in this section, the owner of a kennel may pay a license tax of \$25.00 annually to cover all dogs in the kennel, which number cannot exceed 20.

- (b) No license tax shall be levied under this section on any dog that is trained and serves as a guide dog for a blind person or 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 mobility-impaired person. As used in this subsection, the term "hearing dog" shall mean a dog trained to alert its owner, by touch, to sounds of dangers and sounds to which the owner should respond. Notwithstanding the provision of this subsection, the owner of a guide dog, hearing dog or service dog must obtain a dog license and shall comply with the other provisions of this division. Such license shall be obtained at the time specified by section 14-104 for payment of the license tax.

#### **Section 14-104 License year; when tax due and payable**

- (a) Effective November 1, 2017, Dog licenses shall be valid for the lifetime of the dog as long as the dog's rabies vaccination is kept current. Upon expiration of a rabies vaccination, a dog license is no longer valid. The lifetime license will once again be valid upon renewal of the dog's rabies vaccination. a calendar year, beginning from January 1 and ending December 31, inclusive.

Kennel licenses shall be valid for one calendar year, namely from January 1 to December 31, inclusive.

- (b) The tax imposed by section 14-103 shall be due on January 1 and shall be paid not later than January 31 of each year. any dog four (4) months old or older and the owner shall pay the prescribed \$5.00 individual license fee within ninety (90) days after the dog has been vaccinated. Such fee shall cover the lifetime of the licensed dog, as long as the dog's rabies vaccination is kept current and the dog's owner remains a resident of City of Poquoson.
- (c) If a dog shall become four months of age or if an unlicensed dog over four months of age shall come into the possession of any person residing within the city, between January 1 and October 31 of any year, the license tax for the current calendar year shall be paid forthwith by the owner or keeper of the dog. The prescribed fee for a kennel license shall be paid no later than January 31 of each year. Such fee shall cover a license period of one (1) calendar year.
- (d) If a dog shall become four months of age or, if an unlicensed dog over four months of age shall come into the possession of any person residing within the city, between November 1 and December 31 of any year, the license tax for the next succeeding calendar year shall be paid forthwith by the owner or keeper of the dog and the dog shall be considered properly licensed from the date of payment of the tax.

#### **Section 14-105 Failure to pay tax when due**

- (a) It shall be unlawful for any owner liable for the tax imposed by this division to fail to pay the same when it is due. Payment of such tax subsequent to a summons to appear before a court for failure to do so within the time required shall not operate to relieve such owner from the penalties provided for such failure.
- (b) Any person convicted of a violation of this section shall be required to obtain the proper license forthwith, in addition to any fine imposed by the court. Unless the fine and license tax are immediately paid, the court may order the dog disposed of by the

animal control officer or other officer, but the disposal of such dog shall not relieve its owner of the payment of the fine and license tax already due.

### **Section 14-106 Concealing or harboring dog on which tax not paid**

It shall be unlawful for any person to conceal or harbor any dog on which the license tax prescribed by this division has not been paid.

### **Section 14-107 Issuances**

- (a) Upon receipt of a proper application and the prescribed license tax, the treasurer shall issue a dog license; provided, that no such license shall be issued for any dog unless there is presented to the treasurer a current certificate of rabies vaccination, properly executed and signed by a licensed veterinarian, certifying that the dog for which the tag is to be issued has been properly vaccinated, as proved in section 14-82, within a period of 60 days, with a killed rabies vaccine, or within a period of one year, with an approved modified live rabies vaccine, prior to the date the license is issued. Such certification shall show the date of vaccination, the rabies tag number, the sex and breed of the dog and the name of the owner thereof. Upon the issuance of the license, the treasurer shall make notation of the date of such issuance on such certificate and return the certificate to the licensee. In lieu of a current certificate, the treasurer may accept as verification correspondence from a veterinarian that states the date of vaccination, the rabies tag number, the sex and breed of the dog and the name of the owner thereof.
- (b) Notwithstanding the provisions of subsection (a) of this section, the owner of any dog which cannot be vaccinated for rabies because of a health problem determined by a veterinarian may obtain a license for such dog, upon presentation to the treasurer of a completed Rabies Vaccination Exemption for Licensing and Inspection Purposes form from the Virginia Department of Health. ~~certification from a veterinarian as to the reason why the vaccination cannot be given. Such owner must sign a certification, on a form proved by the treasurer, that he will accept full responsibility and liability, if the dog bites a person. The certification from the veterinarian and the certification signed by the owner shall be maintained on file in the treasurer's office and must be renewed at the beginning of each calendar year.~~
- (c) No person making application for a dog license shall present a certificate or any certification required by this section, which has been issued for a dog other than the dog for which the license is sought.

### **Section 14-108 Composition and contents**

Each dog license shall consist of a license tax receipt and a metal tag. For individual dogs, sSuch receipt shall have recorded thereon the amount of the tax paid, the name and address of the owner or custodian of the dog, the date of payment, the year for which the license is issued, the name of the dog, and the serial number of the tag and whether the license is for a male, female or neutered dog or for a kennel. Kennel license receipts will additionally indicate the year for which the license is issued. The metal tag issued under this section shall be of a style and design approved by the treasurer. Such tag shall be

stamped or otherwise permanently marked to show the name of the city and the calendar year for which issued and shall bear a serial number.

**Section 14-109 Preservation and exhibition of license receipt; tag to be worn by dog; exceptions**

- (a) Dog license receipts shall be carefully preserved by the owner or custodian of the dog licensed and exhibited promptly on request for inspection by the properly designated animal control authorities. A dog license tag shall be securely fastened to a substantial collar by the owner or custodian and worn by such dog. The owner of the dog may remove the collar and license tag required by this section when the dog is engaged in lawful hunting; when the dog is competing in a dog show; when the dog has a skin condition which would be exacerbated by the wearing of a collar; when the dog is confined; or when the dog is under the immediate control of its owner.
- (b) Any dog not wearing a collar bearing a license tag of the proper calendar year shall prima facie be deemed to be unlicensed and, in any proceedings under this division, the burden of proof of the fact that the dog has been licensed, or is otherwise not required to bear a tag at the time, shall be on the owner of the dog.

**Section 14-110 Unlawful removal of tag**

It shall be unlawful for any person, except the owner or custodian, to remove a legally acquired license tag from a dog without the permission of the owner or custodian.

**Section 14-111 Duplicate tags**

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

**Section 14-112 Special provision for kennels**

- (a) The owner of a kennel shall securely fasten the license tag issued to him under this division to the kennel enclosure, in full view, and keep on of the identification plates provided therewith attached to the collar of or harness of each dog authorized to be kept enclosed in the kennel. Any identification plates not so in use must be kept by the owner or custodian and promptly shown to the animal control officer or other officer upon request.
- (b) A kennel dog shall not be permitted to stray beyond the limits of the enclosure, but this shall not prohibit removing dogs therefrom temporarily while under the control of the owner or custodian for the purpose of exercising, hunting, breeding, trial or show.

- (c) A kennel shall not be operated in such manner as to defraud the city of the license tax applying to dogs which cannot be legally covered thereunder or in any manner to violate other provisions of this article. If the owner of the kennel is found to have violated sections of this article through negligence or carelessness, the court may, in addition of the prescribed penalty, revoke the kennel license and the owner shall thereupon be required to obtain an individual license for each do.

**Section 14-113 Recordkeeping**

The treasurer shall enter in their accounting software, the sale of all dogs' tags including a dog license sales record book, containing original and duplicate sheets, the date of sale of dog tags, the names and addresses of person to whom sold, the serial numbers and the amount of the license tax paid.

~~Sec. 14-114. Destruction of unsold tags.~~

~~On December 31 of each year, the treasurer shall destroy all unsold dog license tags for that calendar year and shall report to the city manager, within ten days thereafter, the number of tags so destroyed.~~

**Section 2:** That the second reading of this ordinance is hereby dispensed with and the provisions contained herein shall become effective immediately upon adoption.

**ADOPTED:** \_\_\_\_\_

**TESTE:** \_\_\_\_\_

## Dog License

### History

- Created to promote rabies compliance
- Funding source for locality
- Tags offered a mechanism to identify a dog's owner

### With the passage of time

- Costs have increased but maximum fee of \$10 annually (per state code) has not
- Our licensing fees have not changed since 1982.
- Many localities do not charge the maximum allowable fee (we do not)
- Many offer discounts for spayed/neutered dogs (we do)
- Costs have steadily increased (stamps, labor, tags)
- by default, and wanting owners to buy a license, revenue/money is no longer a driving force

### Poquoson

- For the last 5 years, we have averaged 1520 individual license sales per year and 11 kennel licenses
- Annual gross revenue is approximately \$5447. Estimated profit after tags, postage, envelopes and printing is \$3000. Not factoring in staff time. That's approximately \$2 a transaction.

### Recent history

- Veterinarians are required to submit copies of all rabies vaccination forms to local government
- Therefore, localities should know of every dog vaccinated in Virginia, and the annual licensing process loses much of its importance.

### This past year

- The 2016 session of the VA General Assembly authorized a study of the animal licensing process
- Study group consisted of State Health departments, animal control and law enforcement officers, treasurers, veterinarians, animal rights and health groups

## Results of the study group

- Current law/process was actually burdensome on law abiding citizens
- licensing process could be simplified
- No significant public health danger with life-time tags (only 1 or 2 dogs a year statewide contract rabies)

## Results

- Legislation was passed by the 2017 General Assembly to allow for the local government option to implement a life-time dog license for individual dogs (no impact on kennel or dangerous dog process).
- State left in place the requirement for veterinarians to send rabies vaccination forms to local governments, and the requirement for local governments to send out 'late notices'

## Options

- Leave program as is
- Give life-time dog license away for free
- Charge a one-time fee up to \$50

## Recommendation

- To offer life-time dog licenses for \$5. No differentiation on spay/neuter or age. Kennel owners will have the option to buy an annual kennel license or buy a single lifetime tag for each dog.
- This provides for a reasonable one-time fee for the work involved
- Reduces workload (will be one-time instead of annual)
- Reduces burden on citizens