

ORDINANCE NO. 2516

AN ORDINANCE to amend Chapter 4 of The Code of the City of Alexandria, Virginia, 1963, as amended, by adding a new article numbered III-A; which Chapter 4 relates to ANIMALS AND FOWL and which new Article III-A relates to SECURITY DOGS.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter 4 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding a new Article III-A to read as follows:

Article III-A. Security Dogs.

Sec. 4-22.11.1. Permit required.

It shall be unlawful to keep, maintain or use any dog in the city for the purpose of protecting any commercially or industrially used property or person on such property unless a permit for the same shall have been obtained from the director in accordance with the provisions of this article and unless such permit shall remain unsuspended and unrevoked.

Sec. 4-22.11.2. Definitions.

Unless expressly stated otherwise, or the context clearly indicates a different intention, the following terms shall have the meanings indicated for the purposes of this article:

Director. The director of the department of transportation and environmental services or his or her duly authorized representative. Such representative shall include the chief of the animal control division of the department of transportation and environmental services.

Patrol dog. A dog that is trained or conditioned to attack or otherwise respond aggressively, but only upon command from a handler either off or on lead.

Security dog. Any dog used, kept or maintained in the city for the purpose of protecting any person or property on property used commercially or industrially. Any such dog shall be further classified as a patrol dog, sentry dog or watch dog.

Sentry dog. A dog that is trained or conditioned to attack or otherwise respond aggressively without command.

Valid permit. A permit that has been properly issued or renewed pursuant to this article and is currently not suspended, revoked, expired or otherwise terminated.

Watch dog. A dog that barks and threatens to bite any intruder and that has not been specially trained or conditioned for that purpose.

Sec. 4-22.11.3. Permit application.

(a) An application for a security dog permit for a particular location at which a security dog will be used, kept or maintained shall be made by the dog's owner or agent to the director on a form prescribed by the director. An investigation shall then be conducted by the director which may include inspection of the premises where the animal is to work and a physical inspection of the dog. A fee of ten dollars (\$10.00) shall be charged to cover the cost of investigation of matters relevant to the permit. Upon the determination of the director that the requirements of this article have been met and are capable of continuing to be met during the term of the permit, a permit for no more than one (1) year shall be issued to the applicant only for a particular dog or dogs and only for the particular property. An additional dog or dogs may be added to the permit, but only upon the approval of the director.

(b) The following information and/or documents must be provided for each dog on or with the application for a permit:

- (1) The property, premises and location where the dog will be used, maintained and/or kept.
- (2) Name, address and telephone number of a veterinarian engaged, responsible, available for or familiar with the veterinary care and treatment of the dog.
- (3) Name, address and telephone number of the owner or custodian.
- (4) A copy of the record of rabies inoculation by a licensed veterinarian that includes the date given and when it expires.
- (5) Description of the dog (breed, sex, color), identification marks, dog's name and tattoo number or symbol, if any.
- (6) What type of training the dog has undergone.
- (7) Purpose for having the dog on the property.
- (8) A copy of distemper shot receipts showing the dates given.
- (9) Proof that the dog is properly licensed as required by state law.

Sec. 4-22.11.4. Premises requirements.

No permit shall be issued until nor remain valid unless the director is satisfied that the premises and location where the dog will be used, maintained or kept meet the following minimum requirements:

(a) Any area where the dog may run free on the premises shall be completely surrounded by a fence at least six (6) feet in height with attached anti-climbers or other suitable escape barrier or shall be completely covered.

(b) All gate entrances accessible to the dog shall be locked when the dog is on the premises and shall be checked regularly to ensure there is no breakage or opening that could permit escape.

(c) There shall be a building, structure or enclosure that is accessible to and that provides adequate protection against extreme weather conditions for each dog. Each such building, structure or enclosure shall be kept clean, dry and in a sanitary condition, shall have adequate ventilation, a burlap front flap or suitable substitute, a slanted roof, space large enough for normal postural adjustments by each dog for which it is intended and a floor that is at least six (6) inches off the ground.

(d) Fresh water shall be available at all times to each dog.

(e) The premises shall be posted with readable signs which give notice of the presence of such dog or dogs and include an emergency telephone number. The sign must be of weatherproof material with red letters at least two (2) inches high on a white background. Language such as the following shall be deemed satisfactory: "Danger Warning: Security Dog Loose on Premises; In Case of Emergency Call: (Telephone Number)."

Sec. 4-22.11.5. Patrol dog requirements.

No permit for a patrol dog shall be issued until nor remain valid unless the director is satisfied that the following requirements have been and are being met:

(a) Each dog shall be tattooed with an individual identification number on the inside of the hind leg. The director is hereby authorized to establish an appropriate numbering system for this purpose; provided, however, that no dog shall be required to be tattooed a second time in order to comply with this article and any clear symbol or symbols previously tattooed on a dog shall be deemed satisfactory for the purpose of this article.

(b) The dog shall have and wear at all times a collar to which is attached a metal tag with the name, address and telephone number of its owner and/or custodian imprinted on it. Either the collar must be a substantial one and of bright orange

color or the metal tag must be at least one and one-half (1½) inches in diameter and of bright orange color.

(c) The dog is able to respond to the following commands by its handler, each of which shall be given the weight indicated in parentheses:

(1) At the handler's side and on lead:

"Sit" (Semi-critical).
"Down" (Semi-critical).
"Heel" (Semi-critical).
"Stay" (Critical).

(2) At a distance of ten (10) feet from the handler and off lead or a combination of on and off lead:

a. Same as above.

b. On a command of "Stay," the dog must remain in a heel or sit position off leash and not attack when approached within four (4) feet by a person (Critical).

c. The dog must cease pursuit of an agitator upon command, e.g., "Stop," "Halt" or "Out," etc., (Critical) and then return to the handler on the command of "Heel" (Semi-critical).

(3) One (1) physical correction per four (4) commands is allowed. Dogs failing to respond to commands deemed critical shall not be evaluated as satisfactory for the purpose of this section. The director may require evaluation of any patrol dog at least annually and as often as he or she deems necessary to ensure the public health, safety and welfare.

(d) The handler or handlers of the patrol dog shall be registered as a guard dog handler with the Virginia Department of Commerce pursuant to the provisions of the Code of Virginia (1950), as amended, and shall also be registered with the director. The permit for the patrol dog shall be restricted to use in the city only by and with such a registered handler.

Sec. 4-22.11.6. Permit conditions.

Every permit shall be issued upon the condition that the applicable requirements and provisions of this chapter shall at all times be complied with and that the permit holder shall comply with and not violate any of the provisions of the Code of Virginia that relate to dogs or cruelty to animals.

Sec. 4-22.11.7. Suspension and revocation of permit.

(a) The director may suspend a permit upon the following grounds:

(1) False information provided in any application for a permit.

(2) Violation or failure to maintain or comply with the applicable requirements and provisions of this chapter.

(b) Such suspension of a permit shall continue until the grounds therefor have been corrected to the satisfaction of the director.

(c) The director may revoke a holder's permit or permits upon the following grounds:

(1) Three (3) or more suspensions of a holder's permit, whether they be for the same dog or not, within one (1) year.

(2) Conviction of a permit holder of violation of any provision of article 7, chapter 8, title 18.2 of the Code of Virginia (1950), as amended, (section 18.2-392, et seq.; cruelty to animals).

(d) No such suspension or revocation shall be effective until the director shall have provided notice of the reasons therefor to the permit holder and afforded the holder an opportunity for a hearing on same.

Sec. 4-22.11.8. Appeal from denial, suspension, etc., of permit.

(a) In the event that any person is aggrieved by a denial, revocation, suspension of or refusal to reinstate a permit under this article, such person may appeal from the action of the director to the pet shop appeal board by filing a written request with the board within ten (10) days after service of notice of such action. Upon receipt of such a request, the board shall, within thirty (30) days after the filing of such request, hold a hearing and either affirm, rescind or modify the director's decision. Filing of an appeal shall stay suspension of a license, but shall not stay denial or revocation unless, upon application, the board shall grant a stay. Failure on the part of the applicant or permittee to appear at the hearing, except for good cause, shall be deemed a waiver of the right to a hearing.

(b) Further appeal shall be to the Circuit Court of the City of Alexandria for judicial review.

Sec. 4-22.11.9. Penalty.

Any person violating any provision of this article shall, upon conviction, be punished by a fine of not more than three hundred dollars (\$300.00).

Section 2. That the title of and an informal memorandum explaining this ordinance shall be published in a newspaper of general circulation published in the city not later than five

days following its introduction together with a notice containing the time and place for a public hearing. The city clerk shall have the full text of this ordinance printed in sufficient numbers to supply copies to meet request. The city clerk shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

CHARLES E. BEATLEY, JR.
Mayor

Final Passage: September 23, 1980