

ORDINANCE NO. 1752

AN ORDINANCE to amend Chapter 4 of The Code of the City of Alexandria, Virginia, 1963, as amended, by adding thereto a new article numbered IV; which Chapter 4 relates to ANIMALS AND FOWL, and which new Article IV relates to PET SHOPS, PERMITS, MINIMUM STANDARDS FOR PET SHOPS AND TREATMENT OF ANIMALS, and PENALTIES.

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 thereto a new article numbered IV to read as follows:

ARTICLE IV. Pet Shops.

Sec. 4-23. Definitions.

For the purpose of this article, the following phrases and words shall have the meaning assigned below, except in those instances when the context clearly indicates a different meaning:

Animals. Every species of animals, including but not limited to fish, fowl and primates.

Pet Shop. Any commercial establishment, maintained separately or in connection with another business enterprise, except for a licensed kennel, that sells or displays animals.

Executive Director. The animal shelter executive director or his duly authorized representative.

Director. The director of public health of the city or his duly authorized representative.

Cage. Any enclosure of limited space, except a fish tank, enclosed on the bottom and on all four sides by either solid walls or otherwise in which animals are placed for purposes of confinement.

Sanitary. A condition of good order and cleanliness and proper air circulation.

Rodent proof. A state or condition not conducive to entry, feeding or harboring of rodents.

Sec. 4-24. Animal shelter executive director to administer article.

The executive director is hereby authorized and directed to administer and enforce this article, except for quarantines.

Sec. 4-25. Annual pet shop permit required.

On or after June 1, 1972, it shall be unlawful for any person to operate, establish or maintain within the city a pet shop without a valid non-suspended, non-revoked annual pet shop permit. No permit shall be transferrable and every permit shall expire at the end of the calendar year for which it was issued unless sooner suspended or revoked as hereinafter provided. The permit required by this section shall be in addition to other permits and licenses required by local and state laws.

Sec. 4-26. Application for permit.

Before an annual pet shop permit shall be issued, an application therefor shall be made to the executive director on such form as may be prescribed by the executive director and an investigation shall be conducted by the executive director, which shall include an inspection of the premises whereon the pet shop is to be operated, established or maintained. A fee of ten dollars shall be deposited with the city collector to defray the costs of investigation and matters incident to the permit.

Sec. 4-27. Zoning.

No permit for a pet shop shall be issued under this article unless the land upon which the pet shop is proposed to be operated, established or maintained or is operated, established or maintained is so zoned as to admit of the use intended.

Sec. 4-28. Issuance of permit.

If the executive director shall be satisfied that the premises upon which the pet shop is to be operated, established or maintained complies with the standards of this article and all other pertinent local and state laws and that the application is otherwise in order, he shall issue or cause to be issued a permit authorizing the establishment, maintenance and operation of a pet shop.

Sec. 4-29. Denial of permit.

The executive director shall refuse to issue a permit if he finds the applicant has willfully withheld or falsified any information on the application or if he finds that the premises (including equipment) whereon the pet shop is intended to be operated, established or maintained does not comply with the standards contained in this article and pertinent state laws.

Sec. 4-30. Revocation and suspension of permit; reinstatement.

The executive director may suspend a permit upon his finding that (1) the pet shop for which the permit has been issued is in violation of the standards contained in this article, or (2) that the permittee has refused the executive director or director the right to inspect the premises or to examine the records required by this article. The executive director may revoke a permit for a period of at least one year upon a finding that (1) the permittee has been convicted of a violation of any state or local law dealing with pedigree, pet shops, or the humane treatment of animals, or (2) that the permittee has been convicted of fraud or willful misrepresentation in connection with the sale of animals. Before any permit may be revoked or suspended, the executive director shall afford the permittee an opportunity to appear at a hearing before the executive director and show cause why such permit should not be revoked or suspended. Any such revocation or suspension shall be in writing and served on the permittee either personally or by certified mail. The executive director may reinstate a suspended permit if no fact or condition any longer exists which would warrant the executive director to refuse to grant a permit under the provisions of this article and other applicable local laws.

Sec. 4-31. Pet shop appeal board; functions.

There is hereby created the City of Alexandria, Virginia, Pet Shop Appeal Board consisting of the director and four citizen members, one of which shall be a veterinarian and one of which shall be a representative of a local humane organization. The four citizen members shall be appointed by City Council. As decided by lot, two of the four citizen members shall serve an initial term of one year. Otherwise, the term shall be two years. The chairman shall be designated by the members of the Board. Upon written request of the applicant or permittee, the Board shall meet at the call of the chairman to hear, consider and decide appeals from permit denials, revocations, suspensions, and refusals to reinstate.

Sec. 4-32. Appeal from permit denial, revocation, suspension or refusal to reinstate.

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 executive director to the Pet Shop Appeal Board by filing a written request with the Board within ten days after service of notice of such action. Upon receipt of such a request, the Board shall, within thirty days after the filing of such request, hold a hearing and either affirm, rescind, or modify the executive 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.

Sec. 4-33. Minimum standards for pet shop premises.

No pet shop shall be operated, established or maintained that does not comply with the following requirements:

(a) The premises shall be kept in a rodent-proof and sanitary condition, free of vermin and objectionable odors.

(b) All cages and enclosures are to be of a non-porous material for easy cleaning and disinfecting. All cages or enclosures shall at all times be equipped with food and water receptacles mounted or structured so that the animal cannot overturn, defecate or urinate therein, but must be removable for cleaning. Each cage must be of sufficient size so as to allow each animal to make normal postural adjustment with adequate freedom of movement. Proper screening shall be provided for cages to avoid contact with animals not kept therein. Cages shall have floors of solid construction.

(c) There shall be sufficient clean, dry bedding to meet the needs of each individual animal.

(d) The room temperature shall be maintained at a level which is appropriate and healthful for each particular species of animal kept therein. Adequate ventilation shall be maintained.

(e) There shall be available hot water at a minimum temperature of 160° Fahrenheit for washing cages and disinfecting, and cold water easily accessible to all animals at all times.

(f) Each bird cage shall contain at least two horizontal perches and provide sufficient perch space for every bird confined therein. Perches shall be placed horizontal to each other in the same cage, and shall not be aligned vertically. Bird cages shall be cleaned daily and disinfected each time a bird is sold.

(g) For purposes of health and sanitation, fish tanks shall be equipped with an efficient circulating pump and filter. The water temperature in a fish tank shall be maintained at a constant level appropriate for the fish confined therein.

(h) Cages or tanks in which turtles of the amphibious type are confined must contain an amount of water sufficient for each turtle to drink and moisten itself. The floor area of tanks in which turtles are confined must contain a dry area sufficient for each turtle confined therein.

Sec. 4-34. Minimum standards for treatment of animals.

All pet shops shall comply with the following standards concerning treatment of animals:

(a) Every reasonable precaution shall be taken to insure that no animal be teased, abused, mistreated, annoyed, tormented or in any manner made to suffer by any person or by any means.

(b) No condition shall be maintained that is injurious to the animals kept on the premises.

(c) No animal shall be given any alcoholic beverage, unless administered or prescribed by a licensed veterinarian for medical purposes.

(d) All animals must be fed every day, including Sundays and holidays, and have water available at all times, except as dictated by hibernation, veterinary treatment, normal fasts or other professionally accepted practices. The diet shall be prepared with consideration for the age, species, condition and size of the animal. Cages and fish tanks must be kept cleaned.

(e) Adult male and female animals, other than fish and birds, should not be confined or displayed in the same cage.

(f) Infant animals may not be confined or displayed in the same cage with adult animals, except while nursing.

(g) Pugnacious or vicious animals shall be isolated from other animals.

(h) Confined animals shall be afforded exercise proper for the individual animal.

(i) All sick, diseased or maimed animals shall be reported by the permittee immediately to the executive director and shall thereafter, at the expense of the permittee, be under the control of an accredited veterinary until permanently cured or destroyed. No sick, diseased or maimed animals shall be sold or kept on the premises.

(j) Animals shall not be without attention over eighteen consecutive hours, and no animal, other than fish, shall be exposed to public view for more than twelve hours out of twenty-four.

(k) Large pet birds shall have separate cages from smaller birds.

(l) Animals shall not be overcrowded.

(m) The shells of turtles shall not be painted, carved, or altered in any way, nor shall decals be affixed thereto.

Sec. 4-35. Quarantine by director.

The director may quarantine any animal or species of animal that is suspected of being infected with a disease which is a potential source of human disease. Such quarantine shall remain in effect until the director is satisfied that the quarantined animal or animals are not a hazard to the public health and safety.

Sec. 4-36. Records to be kept.

Every pet shop permittee shall keep and maintain complete and accurate records for a period of one year relative to the disposition of all animals kept or displayed. Such records shall show the date of sale, name and address of purchaser and other pertinent information the executive director may require. Such records shall be available for inspection by the executive director and director.

Sec. 4-37. Penalty for violation of article.

It shall be unlawful for any person to violate any of the provisions of this article. In addition to the penalties set forth in Section 4-30, any person violating any of the provisions of this article shall, upon conviction, be punished in accordance with Section 13-1.

Section 2: That 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 Clerk of the Council 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: March 14, 1972