

ORDINANCE NO. 2155

AN ORDINANCE to amend and reordain Sections 4-10, 4-11, 4-12, 4-13, 4-15, 4-16, 4-17, 4-19, 4-20, 4-22, the first paragraph of Section 4-22.2 and 4-22.5 of Article III and to further amend the aforesaid article by adding thereto new sections numbered 4-13.1, 4-17.1 and 4-22.10, all of Chapter 4 of The Code of the City of Alexandria, Virginia, 1963, as amended; which Chapter 4 relates to ANIMALS AND FOWL, which Article III relates to DOGS, which Section 4-10 thereof relates to DEFINITIONS, which Section 4-11 thereof relates to RUNNING AT LARGE PROHIBITED, which Section 4-12 thereof relates to OWNERS AND CUSTODIANS NOT TO LET DOGS RUN AT LARGE, which Section 4-13 thereof relates to IMPOUNDING OF DOGS RUNNING AT LARGE; REDEMPTION OF IMPOUNDED DOGS; DISPOSITION OF UNREDEEMED DOGS, which Section 4-15 thereof relates to IMPOUNDING OF VICIOUS OR DANGEROUS DOG; CONFINEMENT OF DOG WHICH HAS COMMITTED AN ATTACK, which Section 4-16 thereof relates to INOCULATION AGAINST RABIES, which Section 4-17 thereof relates to PROCEDURE AS TO DOGS SUSPECTED OF HAVING RABIES, which Section 4-19 thereof relates to FEMALE DOGS IN SEASON; ALLOWING DOG TO URINATE, ETC.; NOISY DOGS; OFFENSIVE ODORS FROM DOGS, which Section 4-20 thereof relates to POWERS OF OPERATORS OF ALEXANDRIA ANIMAL SHELTER GENERALLY, which Section 4-22 thereof relates to and imposes PENALTIES, which Section 4-22.2 thereof relates to LICENSES--TAX IMPOSED; TAX RATES; WHEN TAX PAYABLE, which first paragraph thereof relates to IMPOSITION OF TAX, which Section 4-22.5 thereof relates to SAME-- PRESERVING AND DISPLAYING RECEIPTS; DOGS TO WEAR TAGS, which new Section 4-13.1 thereof relates to KEEPING DOGS UNDER RESTRAINT, which new Section 4-17.1 thereof relates to REPORTS OF DOG BITES and which new Section 4-22.10 thereof relates to and imposes a PENALTY FOR MAKING FALSE STATEMENT TO SECURE LICENSE.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 4-10, Article III, Chapter 4 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 4-10. Definitions.

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

Animal Shelter. The facility designated by the city manager for the detention of animals.

Dog. The word "dog" shall include both the male and female sex of the species.

Dog warden or deputy dog wardens. The persons appointed, as provided in section 4-20.1 of this Code.

Owner. Includes any person having a right of property in a dog, and any person who keeps or harbors a dog or has it in his care, or who acts as its custodian, and any person who permits a dog to remain on or about any premises occupied by him.

Run at large. Roaming, running, or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control.

Seeing eye dog. Any dog that is trained and serves as a guide for a blind person.

Vicious or dangerous dog. Any dog which without provocation attacks human beings or their property on more than one occasion. Animals of any kind belonging to a person are to be considered property under the terms of this article.

Section 2. That Section 4-11, Article III, Chapter 4 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 4-11. Running at Large prohibited.

No dog shall run at large within the city at any time.

Section 3. That Section 4-12, Article III, Chapter 4 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 4-12. Owners and custodians not to let dogs run at large.

It shall be unlawful for the owner or custodian of any dog to permit his dog to run at large in the city at any time.

Section 4. That Section 4-13, Article III, Chapter 4 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 4-13. Impounding of dogs running at large; redemption of impounded dogs; disposition of unredeemed dogs.

Any dog observed by the dog warden or a deputy dog warden to be running at large shall be impounded and kept at the animal shelter. If such dog has upon it the name or address of the owner, or such name or address is otherwise known to the operators of the animal shelter, then the operators of the shelter shall notify the owner within twenty-four hours after seizure of such dog. If such dog has upon it a license tag then the operators of such shelter shall notify the person in whose name the license stands within twenty-four hours after obtaining such name. Notice of the impounding shall be in writing, by mail, postage prepaid, and shall be construed as having been given at the time of posting thereof. If the dog impounded has no name, address or license tag upon it and the owner is not otherwise known to the operators of the animal shelter, then no notice shall be necessary. Notwithstanding the above, whenever written notice is required the operators of the animal shelter shall, prior to mailing, make one reasonable attempt to give notice by telephone.

The owner of any dog so impounded shall be entitled to possession of such dog upon proof of ownership satisfactory to the operators of the animal shelter and the payment of a reasonable charge designated by the city manager for the keep of a dog; provided, however, that before release to any person:

(a) If the dog has not been inoculated against rabies, the provisions of section 4-16 of this Code relative to inoculation shall be complied with at the owner's expense.

(b) If the dog is not licensed, a license as required by this article shall be secured.

(c) All the other applicable sections of this article shall be complied with.

Any dog which has been impounded and has not been redeemed by the owner may be destroyed or redeemed by and released to any person desiring to give such dog a home upon the payment of a reasonable charge designated by the city manager and upon compliance with the applicable provisions of this article; provided, that any such dog shall be held for at least five days after impounding, and in those cases where it is required that notice be given the owner, held for at least five days after the required notice has been given.

The sums collected pursuant to the provisions of this section shall be accounted for and promptly paid over to the city collector for deposit in the general fund of the city.

Section 5. That Section 4-15, Article III, Chapter 4 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 4-15. Impounding of vicious or dangerous dog; confinement of dog which has committed an attack.

Whenever a summons or warrant is sworn out against the owner of a dog charging maintenance of a vicious or dangerous dog, the dog in question shall be impounded and kept at the animal shelter, at the owner's expense, pending a final disposition of the case, provided, such animal is not destroyed as provided by section 4-17 of this Code.

Whenever a report is made as provided by section 4-17.1 of this Code of a person being bitten by a dog or a complaint is received by the police department, health department, dog warden or a deputy dog warden or the operators of the animal shelter of a dog having bitten another animal, but no summons or warrant is sworn out charging maintenance of a vicious or dangerous dog, the dog warden or a deputy dog warden shall forthwith issue an order to the owner of the dog directing that such dog be confined under quarantine and kept under observation on the premises of the owner or a private kennel for a period of fourteen days at the expense of the owner, during which time the dog shall never leave such premises, and the order shall be served upon the owner by the dog warden or a deputy dog warden in the manner provided by section 8-51, Code of Virginia. Then, if no summons or warrant is forthcoming and an authorized representative of the director of public health or a licensed veterinarian reports such dog shows no symptoms of rabies within the fourteen days, the dog shall be released. If a report of rabies is made, or if a summons or warrant is sworn out before the expiration of the fourteen-day period, the dog shall be immediately removed to the animal shelter pending a final disposition of the case, and costs thereby incurred shall be charged to the owner of the dog.

If any owner does not comply with the provisions of this section within twenty-four hours from the time he is served with an order issued pursuant to the provisions of this section the dog in question shall be impounded at the animal shelter and kept under observation at the owner's expense for a period of fourteen days and such owner shall be charged with a violation of this section.

Section 6. That Section 4-16, Article III, Chapter 4 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec.4-16. Inoculation against rabies.

It shall be the duty of every resident of the city owning or in possession of a dog to have such dog inoculated with an anti-rabic vaccine approved by the director of public health, which inoculation shall be repeated as often

as the director of public health may from time to time specify. The expense of inoculation of dogs against rabies shall be borne by the owners of such dogs. Such inoculation shall be made by any licensed veterinarian. A certificate of vaccination shall be presented by the veterinarian to the health department for registration within ten days after inoculation.

Section 7. That Section 4-17, Article III, Chapter 4 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 4-17. Procedure as to dogs suspected of having rabies.

Dogs suspected of having rabies and exhibiting the common symptoms of such disease shall be impounded either at the animal shelter or at a private veterinarian's establishment in solitary confinement and kept under observation for a period of fourteen days. At the time any such dog is impounded an attempt shall be made by the dog warden or a deputy dog warden to find out whether or not the dog has been previously inoculated against rabies. If it is found that such dog has not been effectively inoculated or there is any doubt as to whether or not the dog has in fact been inoculated, then such dog shall be inoculated on the last day of the above-mentioned observation period. The director of public health is hereby given authority to cause to be destroyed any dog which in his opinion has rabies, and to have the head of such dog examined. All expenses in connection with the provisions of this section shall be borne by the owner of the dog in question.

Section 8. That Section 4-19, Article III, Chapter 4 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 4-19. Female dogs in season; allowing dog to urinate, etc.; noisy dogs; offensive odors from dogs; dogs prohibited on school grounds.

The following things are declared nuisances and are prohibited. It shall be unlawful for any owner or person in control of a dog to:

(a) Fail to keep his female dog confined during the entire time such dog is in season in a building or secure enclosure in such a manner that such female dog cannot come into contact with a male dog except for planned breeding.

(b) Knowingly or willfully allow his dog to urinate or defecate on the private property of other persons without their consent or that of the authorized agent of the one having control of the premises.

(b.1) Knowingly or willfully allow his dog to urinate or defecate on public property, except curbs of streets and areas posted by the city manager as dog exercise areas, except that defecation by a dog in an area not designated for that purpose by this section shall not constitute a violation of this section if the owner of the dog immediately removes the material defecated and disposes of it in a manner not inconsistent with the provisions of this section.

(c) Keep dogs which bark or howl to such extent as to annoy any resident or citizen or keep dogs in such a manner as to cause offensive odors.

(d) Permit his dog, except a seeing eye dog, to go upon any public property posted by City Manager as a playground area, including the grounds of any public school building.

Section 9. That Section 4-20, Article III, Chapter 4 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 4-20. Powers of operators of animal shelter generally.

The operators of the animal shelter shall have the following powers:

(a) To destroy unredeemed dogs, as provided in section 4-13 of this Code.

(b) To destroy vicious or dangerous dogs upon an order from the court, as provided in section 4-14 of this code.

(c) To inspect and release dogs as provided for in section 4-15 of this Code.

(d) To destroy rabid dogs as provided in section 4-17 of this Code.

Section 10. That Section 4-22, Article III, Chapter 4 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 4-22. Penalties.

Any owner who permits his dog to run at large, shall, upon conviction, thereof, be punished by a fine of not less than five dollars nor more than twenty-five dollars for each violation.

Any person violating any other provision of this article for which violation no specific penalty is provided shall be punished by a fine of not more than one hundred dollars or imprisonment in the city jail for a period not exceeding thirty days or by both such fine and imprisonment, in the discretion of the court.

Section 11. That the first paragraph of Section 4-22.2, Article III, Chapter 4 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 4-22.2. Same--Tax imposed; tax rates; when tax payable.

There is hereby imposed an annual license tax on dogs, except seeing eye dogs used for that purpose, for each calendar year at the following rates and due and payable as follows:

Section 12. That Section 4-22.5, Article III, Chapter 4 of the Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 4-22.5. Same--Preserving and displaying receipts; dogs to wear tags.

Dog licenses shall be carefully preserved and exhibited promptly upon request of any police officer of the city, any authorized agent of the director of public health, the dog warden or any deputy dog warden. Dog license tags shall be securely fastened by the owner to a substantial collar which shall be worn by such dog.

Section 13. That Article III, 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 section numbered 4-13.1 to read as follows:

Sec. 4-13.1. Keeping dogs under restraint.

It shall be unlawful for the owner of any dog to permit the dog to be off his premises unless it is kept secured by a leash or lead or other means of restraint not harmful or injurious to the dog and under the control of a

responsible person capable of physically restraining the dog; provided, that such restraint may be removed from a dog for so long as a dog is in an area designated by the city manager pursuant to section 4-19 of this Code as a dog exercise area.

Section 14. That Article III, 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 section numbered 4-17.1 to read as follows:

Sec. 4-17.1. Reports of dog bites.

(a) Any owner whose dog bites a person shall immediately notify the dog warden, a deputy dog warden, the health department or the police department of the city.

(b) It shall be the duty of every physician and medical practitioner practicing in the city and of every hospital in the city to report to the dog warden, a deputy dog warden or the health department the name and address of any person treated for bites or wounds inflicted by dogs, together with all available information necessary for rabies control.

(c) It shall be the duty of every veterinarian practicing in the city to report to the dog warden, a deputy dog warden or the health department the name and address of the owner of any animal treated for bites or wounds inflicted by a dog, together with all available information necessary for rabies control.

Section 15. That Article III, 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 section numbered 4-22.10 to read as follows:

Sec. 4-22.10. Penalty for making false statement to secure license.

Any person who shall make a false statement in order to secure a dog license to which he is not entitled shall be fined not less than five dollars nor more than one hundred dollars.

Section 16. 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.

FRANK E. MANN
Mayor

Final Passage: January 25, 1977