

ORDINANCE NO. 3803

AN ORDINANCE to amend and reordain Sections 5-7-31 (DEFINITIONS), 5-7-46 (PENALTIES), 5-7-47 (LICENSE--REQUIRED; DISPOSITION OF REVENUE), 5-7-48 (SAME--TAX IMPOSED; TAX RATES; WHEN TAX PAYABLE), 5-7-49 (SAME--APPLICATION; ISSUANCE; RECORDS TO BE KEPT), 5-7-50 (SAME--COMPONENTS; INFORMATION TO BE ON TAGS), 5-7-51 (SAME--PRESERVING AND DISPLAYING RECEIPTS; DOGS TO WEAR TAGS), 5-7-52 (SAME--DUPLICATE TAGS), 5-7-53 (SAME--EFFECT OF DOG NOT WEARING COLLAR BEARING A TAG), 5-7-54 (SAME--ACCOUNTING OF RECORDS BY DIRECTOR FINANCE), 5-7-55 (SAME--CITY MANAGER MAY APPOINT OTHER PERSONS TO ISSUE), 5-7-56 (PENALTY FOR MAKING FALSE STATEMENT TO SECURE LICENSE), and subsection (5) of Section 5-7-42 (FEMALE DOGS IN SEASON; ALLOWING DOG TO URINATE, ETC.; NOISY DOGS; OFFENSIVE ODORS FROM DOGS; DOGS PROHIBITED ON POSTED PLAYGROUND AREAS AND ON SCHOOL GROUNDS), and to add a new Section 5-7-57 (LIMITATION ON NUMBER OF DOGS AND CATS KEPT PER DWELLING UNIT), all of Article C (DOGS AND OTHER ANIMALS), Chapter 7 (ANIMALS AND FOWL), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of The Code of the City of Alexandria, Virginia, 1981, as amended.

WHEREAS, the Code of Virginia and the city charter authorize the City of Alexandria to provide for the licensing of cats and to limit the number of cats that may be kept in any residence; and

WHEREAS, numerous Virginia jurisdictions, including the cities of Roanoke, Norfolk and Virginia Beach, have enacted ordinances providing for the licensing of cats and for limiting the number of cats per residence; and

WHEREAS, the City of Alexandria is the most densely populated jurisdiction in the Commonwealth of Virginia and one of the most densely populated jurisdictions in the United States; and

WHEREAS, the occurrence of citizens living in close proximity to one another while keeping multiple cats has raised public health and safety concerns, and has interfered with the ability of city residents to enjoy their property; and

WHEREAS, there is a high incidence of feral cat colonies within the city which poses serious risks to the health and safety of the public; and

WHEREAS, some individuals, in an effort to aid feral cats, unwittingly provide support to burgeoning feral cat colonies which, in turn, adversely affects the health and safety of the public; and

WHEREAS, feral cat colonies are generally populated by small and undernourished cats that rapidly reproduce and suffer from disease and pestilence; and

WHEREAS, the Alexandria Animal Shelter reports that the number of cats entering the shelter outnumbers dogs by almost two-to-one, and that, because cats are not identifiable by license (since the city currently imposes no license requirement on cats), only four percent of cats are returned to their owners, as compared to 74 percent of dogs; and

WHEREAS, the Zoning Ordinance of the City of Alexandria already limits to three the number of dogs that may be kept in any one dwelling unit; and

WHEREAS, the persons now keeping more than four cats in their residences will be able, under this ordinance, to continue to keep those cats, so long as such cats are properly licensed and inoculated; and

WHEREAS, animal control experts report that cat licensing and limitations on numbers of cats that may be maintained in any dwelling unit help to encourage cat spaying and neutering, promote responsible cat ownership, and help to ensure that cats have proper inoculations, notably the rabies vaccine; and

WHEREAS, the city council is of the opinion that this ordinance will aid in the identification and management of stray and feral cats, and will work to ameliorate many of the nuisance conditions that are the result of the keeping of multiple cats in single residences; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 5-7-31 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 5-7-31 Definitions.

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

(a) Animal shelter. The facility designated by the city manager for the detention of animals.

(b) Dangerous dog. Any dog which is capable of inflicting death or serious injury on a person or another animal and which:

(1) has, without provocation, attacked or bitten a person engaged in a lawful activity;

(2) has, while off the property of its owner and without provocation, killed or seriously injured another animal;

(3) has, without provocation, chased, confronted or approached a person on a street, sidewalk or other public property in a menacing fashion such as would put an average person in fear of attack;

(4) has exhibited a propensity, tendency or disposition to attack, cause injury or threaten the safety of persons or other animals without provocation; or

(5) has acted in a manner that causes or should cause its owner to know that it is potentially vicious.

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

(d) Dog warden or deputy dog warden. Any person appointed, as provided in section 5-7-44 of this code.

(e) Dwelling unit. A group of one or more rooms designed or intended for use as a residence, including a single-family home, a townhouse, a duplex, a condominium and an apartment.

(f) Hearing dog. Any dog specially trained to alert its owner by touch to sounds of danger or other sounds to which the owner should respond.

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

(h) Run or running at large. Roaming or running off the property of its owner and not under its owner's immediate control.

(i) Seeing-eye dog. Any dog that is specially trained to serve as a guide for a blind person.

(j) Service dog. Any dog that is specially trained to accompany its owner for the purpose of carrying items, retrieving objects, pulling a wheelchair or performing other activities of service or support.

(k) Vicious dog. Any dog which:

(1) has caused death or serious injury to a person engaged in a lawful activity;

(2) has, on two or more occasions within a twelve-month period, attacked or bitten without provocation a person engaged in a lawful activity;

(3) has, on two or more occasions within a twelve-month period, while off the property of its owner and without provocation, killed or seriously injured another animal; or

(4) has been trained for dog fighting or is owned or kept for the purpose of dog fighting.

Section 2. That subsection (5) of Section 5-7-42 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

(5) Permit his dog, except a seeing-eye, service or hearing dog, to go upon any public property posted by the city manager as a playground area, or upon the grounds of any public school.

Section 3. That Section 5-7-46 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 5-7-46 Penalties.

(a) A person shall be assessed a civil penalty of \$50 for violating any provision of this article, except that, for each subsequent violation of any provision of this article occurring within twelve months of an earlier violation, the person shall be assessed a civil penalty of \$100.

(b) If a dog warden, deputy dog warden or police officer appointed pursuant to title 4 of this code determines that a violation of this article has occurred, he shall issue and serve, or cause to be served, a notice of violation on any and all persons committing the violation. The notice shall provide that the person served may elect to make an appearance, either in person or in writing by mail, before the treasurer of the city, and admit liability for or plead no contest to the violation and pay the civil penalty established for the violation, all within the time period set forth in the notice. If a person so notified does not elect to admit liability or to plead no contest, the violation shall be tried in the Alexandria General District Court upon a warrant in debt or motion for judgment, with the same right of appeal as provided in civil actions at law. A finding or admission of liability or a plea of no contest shall not be deemed a criminal conviction for any purpose.

Section 4. That Section 5-7-47 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 5-7-47 License--required; disposition of revenue.

(a) It shall be unlawful for any person to be the owner of a dog or cat four months old or older within the city unless such

dog or cat is licensed, as required by the provisions of this article.

(b) All dog and cat license taxes collected pursuant to this article shall be paid into the general fund from which sufficient funds for the operation and maintenance of the animal shelter may be provided, as authorized by council.

Section 5. That Section 5-7-48 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 5-7-48 Same--tax imposed; tax rates; when tax payable.

There is hereby imposed an annual license tax on dogs and cats, except seeing-eye, service and hearing dogs that are trained and serve as a guide or hearing dog for the persons and in the manner described in section 3.1-796.87 of the Virginia Code, for each calendar year at the following rates, and due and payable as follows:

(1) For any male or female dog or cat which shall be four months old or older on or before January 31 of the year, the license tax for that year shall be \$10 and shall be paid by the owner on or before January 31 of said year;

(2) If any male or female dog or cat shall become four months of age, or if a dog or cat of that age or older shall come into the possession of an owner, between January 31 and November 1 of any year, the license tax for that year shall be \$10 and shall be paid by the owner within 10 days of the dog or cat attaining the age of four months or coming into the possession of the owner;

(3) If any male or female dog or cat shall become four months of age, or if a dog or cat of that age or older shall come into the possession of an owner, after October 31 of any year, the license tax of \$10 for the succeeding calendar year shall be paid by the owner within 10 days of the dog or cat attaining the age of four months or coming into the possession of the owner;

(4) For any spayed or neutered dog or cat, the provisions of this section shall apply but the annual license tax shall be \$2; and

(5) If any dog or cat coming into the possession of an owner on or before October 31 of any year has a current license in another jurisdiction, a full credit shall be allowed on the cost of obtaining the first city license.

Section 6. That Section 5-7-49 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 5-7-49 Same--application; issuance; records to be kept.

Any owner may obtain a dog or cat license by making a signed written application to the city manager or her designee. The application shall contain the name, sex, age, breed and description of the dog or cat and the name and address of the owner, and shall be accompanied by the amount of the license tax and a certificate of vaccination from a licensed veterinarian showing that the dog or cat is inoculated against rabies, or a certification from the owner containing the vaccination number showing that the dog or cat is inoculated against rabies. Upon receipt of a proper application, accompanied by the amount of the license tax and a proper certificate of vaccination, or a proper certification from the owner, the city manager or her designee shall issue a license receipt and an appropriate tag to the owner, and shall record upon the receipt and upon records maintained by the city the name and address of the owner, the date of issuance, the year for which issued, the serial number of the license and the sex, age, breed and description of the dog or cat.

Section 7. That Section 5-7-50 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 5-7-50 Same--components; information to be on tags.

A dog or cat license shall consist of the receipt referenced in section 5-7-49 and a tag of a style adopted by the city. A tag shall be stamped or otherwise permanently marked to show the sex of the dog or cat, the serial number, the calendar year for which issued and the name of the city.

Section 8. That Section 5-7-51 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 5-7-51 Same--preserving and displaying receipts; dogs to wear tags.

Dog and cat licenses shall be carefully preserved and exhibited promptly upon request of any police officer of the city, and 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 9. That Section 5-7-52 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 5-7-52 Same--duplicate tags.

If a dog or cat license tag is lost, destroyed or stolen, the owner shall at once apply to the city manager or her designee for a duplicate license tag, presenting the original license receipt, if available. Upon affidavit of the owner that the original license tag has been lost, destroyed or stolen, the city manager or her designee shall issue a duplicate license tag which the owner shall immediately affix to the collar of the dog. The city manager or her designee shall endorse the number of the duplicate and the date issued on records of her office and on the face of the original license receipt, if available. The fee for a duplicate tag shall be \$1.

Section 10. That Section 5-7-53 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 5-7-53 Same--effect of dog or cat not wearing collar bearing a tag.

Any dog or cat not wearing a collar bearing a license tag of the proper calendar year shall be presumed to be unlicensed, and in any proceedings under this article the owner of such dog or cat shall have the burden of proving that the dog or cat is in fact licensed.

Section 11. That Section 5-7-54 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 5-7-54 Same--maintenance of records.

The city manager or her designee shall keep orderly lists and accounts with respect to receipts, disbursements, licenses issued, and how unsold tags are disposed of, and annually shall provide an accounting of her activities with respect to dogs and cats and dog and cat licenses for use by the director of finance.

Section 12. That Section 5-7-55 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 5-7-55 Same--transmittal of funds to director of finance.

All persons responsible for the issuance of dog and cat licenses and the collection of license taxes shall keep accurate records and shall transmit all funds collected to the director of finance at least every 30 days.

Section 13. That Section 5-7-56 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 5-7-56 Making false statement to secure license.

It shall be unlawful for any person to make a false statement in order to secure a dog or cat license.

Section 14. That Article C of Chapter 7 of Title 5 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended to add thereto a new section 5-7-57, to read as follows:

Sec. 5-7-57 Limitation on number of dogs and cats kept per dwelling unit.

(a) It shall be unlawful for any person to keep more than three dogs over four months of age or four cats over four months of age in any dwelling unit in the city.

(b) Any person who, on October 1, 1995, is lawfully keeping more than the number of dogs and cats permitted by this section shall be entitled to continue to keep all such dogs and cats, so long as they are duly licensed and inoculated in accordance with this article. However, it shall be unlawful for any such person to keep any dog or cat acquired after October 1, 1995, unless the total number of dogs and cats kept by the person does not exceed the number of dogs and cats permitted by subsection (a) of this section.

(c) This section shall not apply to any person authorized to operate a "kennel," as that term is defined in the City of Alexandria Zoning Ordinance.

Section 15. That this ordinance shall become effective October 1, 1995.

PATRICIA S. TICER  
Mayor

Final Passage: June 17, 1995