

ORDINANCE NO. 4101

AN ORDINANCE to amend and reordain Sections 5-7-31 (DEFINITIONS), 5-7-32 (RUNNING AT LARGE PROHIBITED) and 5-7-33 (OWNERS AND CUSTODIANS NOT TO LET DOGS RUN AT LARGE), subsection (a) of Section 5-7-34 (IMPOUNDING OF DOGS RUNNING AT LARGE; REDEMPTION OF IMPOUNDED DOGS; DISPOSITION OF UNREDEEMED DOGS) and subsection (d) of Section 5-7-36.2 (DANGEROUS DOG PERMIT), and Sections 5-7-37 (IMPOUNDING OF VICIOUS DOG; CONFINEMENT OF DOG WHICH HAS COMMITTED AN ATTACK) and 5-7-50 (SAME--COMPONENTS; INFORMATION TO BE ON TAGS), Article C (DOGS AND OTHER ANIMALS), all of Chapter 7 (ANIMALS AND FOWL), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of The Code of the City of Alexandria, Virginia, 1981, as amended.

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 control officer. Any person appointed as the chief animal control officer or a deputy animal control officer under section 5-7-44 of this code.

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

(c) 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.

(d) Dog. The word Adog@ shall include both the male and female sex of the species.

(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) Exotic animal. Any live monkey, alligator, crocodile, cayman, sea mammal, poisonous snake, member of the feline species other than domestic cat (*felis domesticus*), or member of the canine species other than domestic dog (*canis familiaris*), or any other animal that would require a standard of care and control greater than that required for customary household pets.

(g) 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.

(h) Law enforcement officer. Any employee of the Alexandria police department who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic and highway laws of the Commonwealth.

(i) 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.

(j) Run or running at large. Roaming or running by an animal off the property of its owner and not under its owner=s immediate control.

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

(l) 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.

(m) 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 12-month period, attacked or bitten without provocation a person engaged in a lawful activity;

(3) has, on two or more occasions within a 12-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 Section 5-7-32 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. 5-7-32 Running at large prohibited.

No dog or exotic or poisonous animal shall run at large within the city at any time.

Section 3. That Section 5-7-33 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. 5-7-33 Owners and custodians not to let dogs or exotic or poisonous animals run at large.

It shall be unlawful for the owner or custodian of any dog or exotic or poisonous animal to permit his dog or exotic or poisonous animal to run at large in the city at any time. Any owner or custodian who permits his exotic or poisonous animal to run at large shall, in addition to any penalty provided under this article, be liable for a fee determined by the city manager to cover the costs incurred by the city in locating and capturing, or otherwise disposing of, the animal.

Section 4. That subsection (a) of Section 5-7-34 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:

(a) Any dog observed by an animal control officer or a law enforcement officer to be running at large shall be impounded and kept at the animal shelter. If the 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 animal shelter shall notify the owner within 24 hours after seizure of the dog. If the dog has upon it a license tag, then the operators of the animal shelter shall notify the person in whose name the license stands within 24 hours after obtaining the 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.

Section 5. That subsection (d) of Section 5-7-36.2 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:

(d) *Request for rescission or modification of permit by chief animal control officer; fee; information required.* An owner of a dangerous dog who believes that the dog is no longer dangerous within the meaning of section 5-7-31(d) or that certain requirements set out in the dog=s permit are no longer necessary for the protection of the public and other animals may request the chief animal control officer to rescind the determination that the dog is a dangerous dog or to delete or modify those permit requirements; provided, that no such request may be made within the first 12 months following the initial determination that the dog is dangerous. Such a request must be accompanied by the fee required by subsection (e). In reviewing such a request, the chief animal control officer may require the owner to produce the dog for inspection, to allow the chief animal control officer to observe the dog in its natural habitat and to submit information pertinent to the dangerousness of the dog. In the event the chief animal control officer determines that the dog is no longer dangerous, the permit issued under this section shall be revoked. In the event the chief animal control officer determines that the dog still constitutes a dangerous dog but that certain requirements contained in the permit are no longer necessary, he/she may delete those conditions from the permit or modify them.

Section 6. That Section 5-7-37 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. 5-7-37 Impounding of vicious dog; confinement of animal which has committed an attack.

(a) Whenever a summons or notice of violation is issued against the owner of a dog charging maintenance of a vicious dog, the dog in question shall be impounded and kept at the animal shelter, at the owner=s expense, pending final disposition of the case, provided such animal is not destroyed as provided by section 5-7-39.

(b) Whenever a report is made, as provided by section 5-7-40, of a person having been bitten by an animal or a notice is received by the police department, the health department, an animal control officer or the operators of the animal shelter of an animal having bitten a person or another animal, and, in the case of a dog, no summons or notice of violation has been issued under section 5-7-37 charging maintenance of a vicious dog, an animal control officer shall forthwith issue an order to the owner of the animal directing that the animal be confined under quarantine and kept under observation on the premises of the owner, or of a private kennel for a period of 10 days following the issuance of the order at the expense of the owner, during which time the animal shall never leave the premises, and the order shall be served upon the owner by an animal control officer in the manner provided by section 8.01-296, Code of Virginia. If, within the ten-day period, an authorized representative of the director of public health or a licensed veterinarian reports that the animal shows no symptoms of rabies and, in the case of a dog, no summons or notice of violation has been issued under section 5-7-37, the animal shall be released from quarantine. If a report of rabies is made or if, in the case of a dog, a summons or notice of violation is issued before the expiration of the ten-day period, the animal shall be immediately removed by an animal control officer to the animal shelter pending a final disposition of the case; and costs to keep the animal at the animal shelter shall be charged to its owner.

(c) If an owner does not comply with the provisions of an order issued pursuant to this section within 24 hours from the time he is served, the animal in question shall be impounded by an animal control officer, at the animal shelter, and kept under observation at the owner=s expense for a period of 10 days, and the owner shall be charged with a violation of this section.

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 serial number, the calendar year for which issued and the name of the city.

Section 8. That this ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Final Passage: January 22, 2000