

ORDINANCE NO. 4163

AN ORDINANCE to amend and reordain Sections 5-7-31 (DEFINITIONS), 5-7-35 (KEEPING DOGS UNDER PHYSICAL RESTRAINT), 5-7-42 (FEMALE DOGS IN SEASON; ALLOWING DOGS TO URINATE, ETC.; NOISY DOGS; OFFENSIVE ODORS FROM DOGS; DOGS PROHIBITED ON POSTED PLAYGROUND AREAS AND ON SCHOOL GROUNDS), 5-7-44 (APPOINTMENT AND POWERS OF CHIEF ANIMAL CONTROL OFFICER AND DEPUTY ANIMAL CONTROL OFFICERS), and 5-7-48 (LICENSE--TAX IMPOSED; TAX RATES; WHEN TAX PAYABLE), 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.

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

(e) Commercial dog handler. Any person who boards, keeps, handles or walks dogs owned by another person for compensation.

(f) 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.

(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 or 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, including, but not limited to, a commercial dog handler 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 off the premises of its owner not secured by a leash, lead or other means of physical restraint, which leash, lead or other means of physical restraint is not harmful or injurious to the dog and which is held by a responsible person capable of physically restraining the dog.

(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 5-7-35 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. 5-7-35 **Keeping dogs under physical restraint.**

(a) Except as provided below, it shall be unlawful for the owner of any dog to permit the dog to be off the premises of its owner unless it is kept secured by a leash, lead or other means of physical restraint which leash, lead or other means of physical restraint is not harmful or injurious to the dog and which is held by a responsible person capable of physically restraining the dog.

(b) The leash, lead or other means of physical restraint may be removed from a dog in a designated and posted dog exercise area, as provided in section 6-1-2.2 of this code.

(c) The leash, lead or other means of physical restraint may be removed from a dog on private property, other than the property of the owner; provided that the owner or person in control of such private property has permitted such dog to be present without a leash, lead or other means of physical restraint.

Section 3. That 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:

Sec. 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.

The following conduct is declared a nuisance and is prohibited. It shall be unlawful for the owner of a dog to:

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

(2) 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.

(3) Knowingly or willfully allow his dog to urinate or defecate on public property; provided, that urination by a dog on curbs of streets and in alleys, streets or areas designated and posted as dog exercise areas in accordance with section 6-1-2.2 shall not constitute a violation of this section; and provided further, that defecation by a dog on public property out of doors 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.

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

(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 4. That Section 5-7-44 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. 5-7-44 Appointment and powers of chief animal control officer and deputy animal control officers.

A chief animal control officer shall be appointed by city council and may be removed by council or the city manager. The city manager may appoint one or more deputy animal control officers, who may be removed by the manager, to assist the chief animal control officer in the performance of her duties. The chief animal control officer and deputy animal control officers shall, within the city and subject to any limitations imposed as a condition of their appointment, have the powers of an animal control officer as conferred by the Code of Virginia (1950), as amended, the powers of a state game warden as conferred by the city charter in the enforcement of the dog laws of the city, and the power to enforce the provisions of this article and section 6-1-2.2 of this code.

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 that no license tax shall be levied on any hearing dog, seeing-eye dog or service dog 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 \$30 for a dog, and \$10 for a cat, 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 \$30 for a dog, and \$10 for a cat, 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 \$30 for a dog, and \$10 for a cat, 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 \$10 for a dog, and \$2 for a cat; 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 this ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Introduction: 09/12/00
First Reading: 09/12/00
Publication: 09/14/00
Public Hearing: 09/16/00
Second Reading: 09/27/00
Final Passage: 09/27/00