

ORDINANCE NO. 4165

AN ORDINANCE to amend and reordain Section 5-7-36.1 (COMPLAINT OF VICIOUS AND DANGEROUS DOGS; PROCESSING OF COMPLAINTS), and subsection (a) of Section 5-7-37 (IMPOUNDING OF VICIOUS DOG; CONFINEMENT OF DOG WHICH HAS COMMITTED AN ATTACK) of Article C (DOGS AND OTHER ANIMALS), 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 5-7-36.1 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. 5-7-36.1 Complaints of vicious and dangerous dogs; processing of complaints.

(a) Any person may make a verbal or written complaint to the chief animal control officer of a dog which the complainant believes to be vicious or dangerous. The complaint shall include sufficient information to enable the chief animal control officer to ascertain the location and owner of the dog and shall also include the reasons why the complainant believes the dog to be vicious or dangerous. In the case of a verbal complaint, the complaint shall be put in writing by the chief animal control officer. A copy of the complaint shall then be mailed by the chief animal control officer to the owner of the dog at the owner=s last known address.

(b) Within 10 days of the making of the complaint, the chief animal control officer shall undertake an investigation to determine whether the dog identified in the complaint is vicious or dangerous. Such investigation shall include an opportunity for the owner of the dog to present evidence to the chief animal control officer pertinent to the viciousness or dangerousness of the dog, and may include interviews with the complainant and other persons having personal knowledge regarding the dog, and observations of the dog in its normal habitat.

(c) Upon completion of the investigation, the chief animal control officer shall determine whether the dog identified in the complaint is vicious or dangerous.

(1) If the chief animal control officer determines that the dog is neither vicious nor dangerous, he/she shall inform the complainant and the owner of the determination, and no further action shall be taken on the complaint.

(2) If the chief animal control officer determines that the dog is vicious, he/she shall put the determination in writing, as well as the reasons supporting it. The chief animal control officer shall then forward this written determination to the complainant and the owner and, in addition, shall notify the owner that the dog must be destroyed or removed from the city within seven days. If the owner fails to destroy or remove the dog within such period, the chief animal control officer shall recommend to the city manager that the city seek an order from a court of competent jurisdiction requiring that the dog be destroyed or removed from the city. Nothing in this section shall be construed as impairing or affecting in any way the authority of the chief animal control officer under section 5-7-37 to confine a dog identified in a complaint during the conduct of the investigation to determine whether the dog is vicious or dangerous.

(3) If the chief animal control officer determines that the dog is dangerous, he/she shall notify the city manager of the determination and of the requirements which should be included in the permit to be issued by the manager under section 5-7-36.2.

(d) The chief animal control officer may delegate the authority and responsibilities assigned to her by this section, or any part thereof, to any deputy animal control officer.

Section 2. That subsection (a) of 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 or dangerous dog; confinement of animal which has committed an attack.

(a) Whenever a complaint is made to the chief animal control officer that a dog is vicious or dangerous, and the chief animal control officer undertakes an investigation to determine whether the dog identified in the complaint is vicious or dangerous, 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. If the chief animal control officer determines that the owner of the dog can confine the dog in a manner that protects the public safety, he may permit the owner to confine the dog at a location other than the animal shelter until final disposition of the case.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY  
Mayor

Introduction: 10/10/00  
First Reading: 10/10/00

Publication: 10/12/00  
Public Hearing: 10/14/00  
Second Reading: 10/14/00  
Final Passage: 10/14/00