

ORDINANCE NO. 4228

AN ORDINANCE to enact new Section 5-7-33.1 (RUNNING AT LARGE PROHIBITED IN PUBLIC PARKS OR PLAYGROUNDS; OWNERS NOT TO LET DOGS RUN AT LARGE IN PUBLIC PARKS OR PLAYGROUNDS; KEEPING DOGS UNDER PHYSICAL RESTRAINT IN PUBLIC PARKS OR PLAYGROUNDS), and new Section 5-7-42.1 (DOG DEFECATION IN PUBLIC PARKS AND PLAYGROUNDS), and to amend and reordain Section 5-7-46 (PENALTIES) of Article C (DOGS AND OTHER ANIMALS), Chapter 7 (ANIMALS AND FOWL) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES), and to amend and reordain subsection (c) of Section 1-1-11 (CIVIL VIOLATIONS), Chapter 1 (USE AND INTRODUCTION) of Title 1 (GENERAL PROVISIONS), all of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter 7 of Title 5 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is amended by adding new section 5-7-33.1 to read as follows:

Sec. 5-7-33.1 Running at large prohibited in public parks or playgrounds; owners not to let dogs run at large in public parks or playgrounds; keeping dogs under physical restraint in public parks or playgrounds.

(a) No dog shall run at large within any public park or playground at any time.

(b) It shall be unlawful for the owner of any dog to permit his dog to run at large in any public park or playground at any time.

(c) It shall be unlawful for the owner of any dog to permit the dog to be in a public park or playground 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, or it is in a designated and posted dog exercise area, as provided in section 6-1-2.2 of this code.

(d) In addition to the officers identified in section 5-7-46, any city employee who is (1) specifically designated by the city manager, (2) wearing a uniform and (3) carrying identification may enforce the provisions of this section in accordance with the procedures set forth in section 5-7-46. As used in the subsection Auniform@ shall mean a shirt, jacket or coat on which is permanently displayed and visible the seal of the city together with the name of the employee=s department, office or agency, and Aidentification@ shall mean a card or badge issued by the city to identify the employee by name and photograph, or badge number, and indicate that the employee is an authorized enforcement officer.

Section 2. That Chapter 7 of Title 5 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is amended by adding new section 5-7-42.1 to read as follows:

Sec. 5-7-42.1 Dog defecation in public parks or playgrounds.

It shall be unlawful for the owner of a dog to knowingly or willfully allow his dog to defecate in any public park or

playground; provided, that defecation by a dog in any public park or playground shall not constitute a violation of this section if the owner of the dog immediately removes the material defecated and disposes of it in an appropriate trash receptacle. In addition to the officers identified in section 5-7-46, any city employee who is (1) specifically designated by the city manager, (2) wearing a uniform and (3) carrying identification may enforce the provisions of this section in accordance with the procedures set forth in section 5-7-46. As used in the subsection Auniform@ shall mean a shirt, jacket or coat on which is permanently displayed and visible the seal of the city together with the name of the employee=s department, office or agency, and Aidentification@ shall mean a card or badge issued by the city to identify the employee by name and photograph, or badge number, and indicate that the employee is an authorized enforcement officer.

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) Except as otherwise provided in subsection (b) below, a person shall be assessed a civil penalty of \$50 for violating any provision of this article.

(b) A person shall be assessed a civil penalty of \$100 for violating the provisions of sections 5-7-33.1 or 5-7-42.1 of this article.

(c) If an animal control officer or law enforcement officer 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.

(d) A violation of the provisions of this article shall be an offense separate from a violation of the provisions of chapter 1 of title 6 of this code.

Section 4. That subsection (c) of section 1-1-11 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. 1-1-11 Civil violations.

(c) Procedures.

(1) If the head of the department or office of city government responsible for the administration or enforcement of any provision of this code determines that a civil violation of this code within

his area of responsibility has occurred, such a department or office head may cause a notice of the violation to be served on any or all persons committing or permitting such violation. Any such department or office head may delegate his authority under this section to one or more subordinate employees.

(2) The notice shall state that the person served has been charged with violating one or more provisions of the city code that are punishable by civil penalty, shall identify, each such provision, and shall provide that the person may elect to make an appearance in person before or in writing by mail to the treasurer of the city, and admit liability for or plead no contest to the violations, abate the violations, and pay the civil penalty established for each violation, all within the time period fixed in the notice.

(3) If a person charged with a violation does not elect to admit liability or plead no contest, and abate the violation, 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 for civil actions at law. In the event the violation exceeds the jurisdictional limits of the general district court, the violation shall be tried in the Alexandria circuit court.

(4) A finding or admission of liability for, or a plea of no contest to, a civil violation shall not be deemed a criminal conviction for any purpose. An admission of liability shall have the same force and effect as a judgment in court.

(5) Any city officer, or employee of the city who is (1) responsible for the enforcement of any provision of this code, (2) wearing a uniform and (3) carrying identification, may approach and question any person concerning a civil violation of this code.

In the event the officer or employee has a reasonable suspicion, based upon objective facts, that any person has committed a civil violation of this code, such person shall upon request furnish the officer or employee with accurate information sufficient to identify the name, residence address and telephone number of the person, and, if the violation arises in connection with the conduct of any trade, business or occupation, to identify the name of the trade, business or occupation and the address and telephone number thereof. The failure or refusal by such person to furnish such information shall constitute a violation of section 13-3-1 of this code. Any false or fictitious statement or representation knowingly made by such person in furnishing such information shall constitute a violation of section 13-3-2 of this code. As used in the paragraph Auniform@ shall mean a shirt, jacket or coat on which is permanently displayed and visible the seal of the city together with the name of the employee=s department, office or agency, and Aidentification@ shall mean a card or badge issued by the city to identify the employee by name and photograph, or badge number, and indicate that the employee is an authorized enforcement officer.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY  
Mayor

Introduction: 11/13/01

First Reading: 11/13/01  
Publication: 11/15/01  
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