

ORDINANCE NO. 4520

AN ORDINANCE to amend and reordain Article C (DOGS AND OTHER ANIMALS), Chapter 7 (ANIMALS AND FOWL), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES), and to amend and reordain Section 6-1-2.2 (SAME B DOG EXERCISE AREAS; DESIGNATION BY CITY MANAGER; PROHIBITED CONDUCT), Chapter 1 (GENERAL PROVISIONS), Title 6 (PARKS, RECREATION AND CULTURAL ACTIVITIES), all of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

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

ARTICLE C Dogs and Other Animals

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 canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person or companion animal that is a dog or cat, or killed a companion animal that is a dog or cat. However, when a dog attacks or bites a companion animal that is a dog or cat, the attacking or biting dog shall not be deemed dangerous:
 - (1) if no serious physical injury as determined by a licensed veterinarian has occurred to the dog or cat as a result of the attack or bite,
 - (2) if both animals are owned by the same person,
 - (3) if such attack occurs on the property of the attacking or biting dog's owner or custodian, or
 - (4) for other good cause as determined by the court. No dog shall be found to be a dangerous dog as a result of biting, attacking, or inflicting injury on a dog or cat while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event.

- (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 canine or canine crossbreed that has
 - (1) killed a person;
 - (2) inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or

- (3) continued to exhibit the behavior that resulted in a previous finding by July 1, 2006, by the chief animal control officer or city manager as authorized by prior law, that it is a dangerous dog, provided that its owner has been given notice of that finding.

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.

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.

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 "uniform" 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 "identification" 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.

Sec. 5-7-34 Impounding of dogs running at large; redemption of impounded dogs; disposition of unredeemed dogs.

- (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.
- (b) The owner of any dog so impounded shall be entitled to possession of the dog upon proof of ownership satisfactory to the operators of the animal shelter and the payment of reasonable charges designated by the city manager for the impoundment of a dog and the keep of a dog; provided, however, that before release to any person:
 - (1) If the dog has not been inoculated against rabies, the provisions of section 5-7-38 of this code relative to inoculation shall be complied with at the owner's expense.
 - (2) If the dog is not licensed, a license as required by this article shall be secured.
 - (3) All the other applicable sections of this article shall be complied with.
- (c) Any dog which has been impounded and has not been redeemed by the owner may be destroyed, or redeemed by and released to any person desiring to give the dog a home upon the payment of a reasonable charge designated by the city manager and upon compliance with the applicable provisions of this article; provided, that any dog shall be held for at least five days after impounding, and in those cases where it is required that notice be given the owner, held for at least five days after the required notice has been given.

- (d) The sums collected pursuant to the provisions of this section shall be accounted for and promptly paid over to the director of finance for deposit in the general fund of the city.

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.

Sec. 5-7-36 Vicious and dangerous dogs generally.

- (a) Any law-enforcement officer or animal control officer who has reason to believe that a canine or canine crossbreed kept or found at any time within the City is a dangerous dog or vicious dog shall apply to a magistrate having jurisdiction for the issuance of a summons requiring the owner or custodian, if known, to appear before a general district court having jurisdiction at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. If the owner or custodian cannot be located or identified, the animal shall be subject to impound and disposition pursuant to sections 5-7-34 or 5-7-45 of this code.
- (b) Upon the successful application for the issuance of a summons, the officer shall contact the chief animal control officer of the City or of the jurisdiction where the dog is or may be found and inform him of the location of the dog and the relevant facts pertaining to his belief that the dog is dangerous or vicious. The chief animal control officer shall confine the animal until such time as evidence shall be heard and a verdict rendered. If the animal control officer determines that the owner or custodian can confine the animal in a manner that protects the public safety, he may permit the owner or custodian to confine the animal until such time as evidence shall

be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal.

- (c) If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of this section. If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of Virginia Code ' 3.1-769.119. The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in Article 4 ('19.2-260 et seq.) of Chapter 15 of Title 19.2 of the Code of Virginia. The City shall be required to prove its case beyond a reasonable doubt.
- (d) No canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed prohibited.
- (e) No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian, (ii) committing, at the time, a willful trespass upon the premises occupied by the animal's owner or custodian, or (iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog that was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog or a vicious dog. No animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, shall be found to be a dangerous dog or a vicious dog.
- (f) If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.
- (g) The owner of any animal found to be a dangerous dog shall, within 10 days of such finding, obtain a dangerous dog registration certificate from the chief animal control officer for a fee of \$50, in addition to other fees that may be authorized by law. The chief animal control officer shall also provide the owner with a uniformly designed tag that identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained pursuant to this subsection shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained. The chief

animal control officer shall provide a copy of the dangerous dog registration certificate and verification of compliance to the State Veterinarian.

- (h) All dangerous dog registration certificates or renewals thereof required to be obtained under this section shall only be issued to persons 18 years of age or older who present satisfactory evidence (i) of the animal's current rabies vaccination, if applicable, (ii) that the animal has been neutered or spayed, and (iii) that the animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed. In addition, owners who apply for certificates or renewals thereof under this section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence that (i) their residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property and (ii) the animal has been permanently identified by means of a tattoo on the inside thigh or by electronic implantation. All certificates or renewals thereof required to be obtained under this section shall only be issued to persons who present satisfactory evidence that the owner has liability insurance coverage, to the value of at least \$100,000, that covers animal bites. The owner may obtain and maintain a bond in surety, in lieu of liability insurance, to the value of at least \$100,000.
- (i) While on the property of its owner, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. The structure shall be designed to provide the animal with shelter from the elements of nature. When off its owner's property, an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.
- (j) The owner of any dog found to be dangerous shall register the animal with the Commonwealth of Virginia Dangerous Dog Registry, as established under ' 3.1-796.93:3 of the Virginia Code, within 45 days of such a finding by the court.
- (k) The owner shall also cause the local animal control officer to be promptly notified of (i) the names, addresses, and telephone numbers of all owners; (ii) all of the means necessary to locate the owner and the dog at any time; (iii) any complaints or incidents of attack by the dog upon any person or cat or dog; (iv) any claims made or lawsuits brought as a result of any attack; (v) tattoo or chip identification information or both; (vi) proof of insurance or surety bond; and (vii) the death of the dog.

- (l) After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon learning of same, cause the chief animal control officer to be notified if the animal (i) is loose or unconfined; or (ii) bites a person or attacks another animal; or (iii) is sold, given away, or dies. Any owner of a dangerous dog who relocates to a new address shall, within 10 days of relocating, provide written notice to the appropriate local animal control authority for the old address from which the animal has moved and the new address to which the animal has been moved.

- (m) Any owner or custodian of a canine or canine crossbreed or other animal is guilty of a:
 - (1) Class 2 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, attacks and injures or kills a cat or dog that is a companion animal belonging to another person;
 - (2) Class 1 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, bites a human being or attacks a human being causing bodily injury; or
 - (3) May be charged and found guilty under Va. Code ' 3.1-796.93:1 of a Class 6 felony if any owner or custodian whose willful act or omission in the care, control, or containment of a canine, canine crossbreed, or other animal is so gross, wanton, and culpable as to show a reckless disregard for human life, and is the proximate cause of such dog or other animal attacking and causing serious bodily injury to any person.
 - (4) The provisions of this subsection shall not apply to any animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, or when the animal is a police dog that is engaged in the performance of its duties at the time of the attack.

- (n) The owner of any animal that has been found to be a dangerous dog who willfully fails to comply with the requirements of this section is guilty of a Class 1 misdemeanor.

Sec. 5-7-36.2 Reserved.

Sec. 5-7-37 Confinement of animal which has committed an attack.

- (a) 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 charging maintenance of a vicious or dangerous 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, 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.
- (b) 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.

Sec. 5-7-38 Inoculation of dogs against rabies.

It shall be the duty of every resident of the city owning or in possession of a dog four months old or older within the city to have such dog inoculated with an anti-rabic vaccine approved by the director of public health, which inoculation shall be repeated as often as the director of public health may from time to time specify. The expense of inoculation of dogs against rabies shall be borne by the owners of such dogs. The inoculation shall be made by any licensed veterinarian. A certificate of vaccination shall be presented by the veterinarian within 10 days after inoculation

Sec. 5-7-38.1 Inoculation of cats against rabies.

- (a) It shall be the duty of every resident of the city owning or in possession of a cat four months old or older within the city to have such cat inoculated with an anti-rabic vaccine approved by the director of public health, which inoculation shall be repeated as often as the director of public health may from time to time specify. The expense of inoculation of cats against rabies shall be borne by the owners of such cats. The inoculation shall be made by any licensed veterinarian.
- (b) At the time of vaccination, a suitable and distinctive rabies tag and a certificate of vaccination shall be issued by the veterinarian to the cat's owner. The certificate shall certify that the cat in question has been vaccinated in accordance with this section. Such certificate shall show the date of vaccination, the rabies collar tag number, the date of required immunization, a brief description of the cat and its sex and breed, and the name of the owner. The certificate issued under this section shall be carefully preserved by the owner of the cat and exhibited promptly upon request for inspection by an animal control officer, a public health officer or any other law enforcement officer. One copy of the certificate required under this section shall be retained by the veterinarian and one copy shall be presented by the veterinarian to the health department for registration within 10 days after inoculation.

Sec. 5-7-39 Procedure as to dogs and cats suspected of having rabies.

Dogs and cats suspected of having rabies and exhibiting the common symptoms of this disease shall be impounded either at the animal shelter or at a private veterinarian's establishment in solitary confinement and kept under observation for a period of 10 days. At the time any dog or cat is impounded, an attempt shall be made by an animal control officer to determine whether the dog or cat has been previously inoculated against rabies. If it is found that the dog or cat has not been effectively inoculated or there is any doubt as to whether or not the dog or cat has in fact been inoculated, then the dog or cat shall be inoculated on the last day of the above-mentioned observation period. The director of public health is hereby given authority to cause to be destroyed any dog or cat which in his opinion has rabies, and to have the head of the dog or cat examined. All expenses in connection with the provisions of this section shall be borne by the owner of the dog or cat in question.

Sec. 5-7-40 Reports of animal bites.

- (a) The owner of any animal which bites a person shall immediately notify an animal control officer, the health department or the police department of the biting.
- (b) It shall be the duty of every physician and medical practitioner in the city and of every hospital in the city to report to an animal control officer or the health

department the name and address of any person treated for bites or wounds inflicted by animals, together with all available information necessary for rabies control.

- (c) It shall be the duty of every veterinarian practicing in the city to report to an animal control officer or the health department the name and address of the owner of any animal treated for bites or wounds inflicted by any other animal, together with all available information necessary for rabies control.

Sec. 5-7-41 When muzzles required, exception.

Whenever it becomes necessary to safeguard the public from the danger of hydrophobia, the city manager, with the written approval of the director of public health, may issue a proclamation ordering every person owning or keeping a dog to confine it securely on his premises, unless the dog shall have a muzzle of sufficient strength to prevent its biting any person. Any unmuzzled dog running at large during the time covered by the proclamation shall be seized and impounded. This section shall not be construed to prevent the owner of a dog or the agent of the owner from taking the dog unmuzzled from the premises of the owner, if the dog is upon a leash.

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.

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 "uniform" 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 "identification" 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.

Sec. 5-7-43 Powers of operators of animal shelter generally.

The operators of the animal shelter shall have the following powers:

- (a) to destroy unredeemed dogs, as provided in section 5-7-34;
- (b) to destroy vicious dogs upon an order from the court, as provided in section 5-7-36;
- (c) to receive and investigate complaints of and to enforce and make determinations regarding vicious and dangerous dogs, as provided in section 5-7-36;
- (d) reserved;
- (e) to impound and release dogs and to issue orders, as provided in section 5-7-37; and
- (f) to destroy dogs as provided in section 5-7-39.

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.

Sec. 5-7-45 Killing certain animals that cannot be safely taken up and impounded.

If any vicious or dangerous dog or any dog, cat or other animal suspected of, or having rabies, found at large, cannot be safely taken up and impounded, the dog or other animal may be slain by any law enforcement officer.

Sec. 5-7-46 Penalties.

- (a) Except as otherwise provided in section 5-7-36 of this code or 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 civil penalty 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.

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

- (a) It shall be unlawful for any person to own 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.

The owner of a dog or cat required to be licensed by this article shall obtain the license and pay the license tax within 30 days of moving into the city, acquiring the animal, or attainment of the required age by the animal, whichever is later.

The owner of a dog or cat with an existing license required by this article shall renew the animal's license and pay the license tax within 10 days after expiration of such animal's license.

Sec. 5-7-48 Same--tax imposed; tax rates; expiration.

- (a) There is hereby imposed a license tax on dogs and cats required to be licensed by this article, as follows:
 - (1) For any male or female dog or cat the license tax for a one year license shall be \$30 for a dog, and \$10 for a cat, and the license tax for a three year license shall be \$75 for a dog and \$25 for a cat, except as provided in paragraphs (2), (3) or (4) below.
 - (2) For any spayed or neutered dog or cat, the license tax for a one year license shall be \$10 for a dog, and \$2 for a cat, and the license tax for a three-year license shall be \$25 for a dog and \$5 for a cat.
 - (3) For any hearing dog, seeing eye dog or service dog, a license shall be required but no license tax shall be charged.
 - (4) For any dog owned by a person 65 years of age or older, there shall be a \$5 discount in the applicable license tax for a one-year license, and a \$15 discount in the license tax for a three-year license.
 - (5) The owner of an animal required to be licensed by this article may elect to

obtain a one-year license or a three-year license, and shall pay the corresponding license tax at the time the license is obtained.

- (b) A one-year license shall be valid for a maximum period of 12 months from the date of issuance; provided, however, that the license shall expire on the last day of the month in which the rabies vaccination of the licensed animal expires.
- (c) A three-year license shall be valid for a maximum period of 36 months from the date of issuance; provided, however, that the license shall expire on the last day of the month in which the rabies vaccination of the licensed animal expires.

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 the manager's 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 or other evidence from a licensed veterinarian showing that the dog or cat is inoculated against rabies and the expiration date of the vaccination. Upon receipt of a proper application, accompanied by the amount of the license tax and a proper certificate of vaccination or other evidence, the city manager or the manager's 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 period of time for which issued and date of expiration of the rabies vaccination, the serial number of the license and the sex, age, breed and description of the dog or cat.

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.

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 law enforcement officer, authorized agent of the director of public health, or animal control officer. Dog license tags shall be securely fastened by the owner to a substantial collar which shall be borne by the dog.

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.

Sec. 5-7-53 Same--effect of a 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.

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

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.

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.

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.

Secs. 5-7-58 through 5-7-70 Reserved.

Section 2. That Section 6-1-2.2 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, amended and reordained to read as follows:

Sec. 6-1-2.2 Same--dog exercise areas; designation by city manager; prohibited conduct.

(a) As used in this section:

- (1) Commercial dog handler shall mean any person who boards, keeps, handles or walks dogs owned by another person for compensation.
- (2) Dog exercise area shall mean an area of open space, owned or controlled by the city and fenced or unfenced, which has been designated and posted as a dog exercise area by the city manager, pursuant to this section.
- (3) Owner shall mean any person having a right of property in a dog, and any person who keeps or harbors a dog 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 to remain on or about any premises occupied by him.
- (4) Aggressive dog shall mean a dog which is capable of inflicting death or serious injury on a person or another animal and which:
 - (i) has, without provocation, attacked or bitten a person engaged in a lawful activity;
 - (ii) has, while off the property of its owner and without provocation, killed or seriously injured another animal;
 - (iii) has, without provocation, chased, confronted or approached a person
 - (iv) has exhibited a propensity, tendency or disposition to attack, cause injury or threaten the safety of persons or other animals without provocation; or

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

- (b) The city manager may designate and post dog exercise areas in the city, in accordance with the provisions of this section and of the "Dog Exercise Areas and Fenced Dog Parks Master Plan," adopted by city council on September 27, 2000, as such provisions may be amended by the council from time to time.
- (c) Within a dog exercise area, dogs under the care, custody and control of an owner are permitted to run free, without a leash, lead or other restraint, but subject to the provisions of this section, and to any rules or regulations promulgated by the city manager pursuant to this section, and applicable within such dog exercise area.
- (d) No such owner shall have in a dog exercise area:
 - (1) more than three dogs;
 - (2) a dog that is not in such owner's view and under his or her voice control;
 - (3) a dangerous dog as defined in section 5-7-31(c);
 - (4) a vicious dog as defined in section 5-7-31(m);
 - (4.1) an aggressive dog as defined in subsection (a) of this section;
 - (5) a female dog in season;
 - (6) a dog that is less than 4 months old;
 - (7) if such owner is a resident of the city, a dog that is not inoculated and licensed in accordance with sections 5-7-38 and 5-7-47 of this code;
 - (8) if such owner is not a resident of the city, a dog that has not been inoculated with an anti-rabic vaccine that is in accordance with the latest edition of the "Compendium of Animal Rabies Control" issued by the National Association of State Public Health Veterinarians, Inc., and evidence that such dog has been inoculated.
 - (9) The prohibitions established by paragraphs (3), (4) and (4.1) of this subsection shall apply to any dog which meets the respective definition, without regard to the jurisdictional residence of the dog=s owner or of the dog, or to whether the dog has been declared to be a vicious, dangerous or

aggressive dog under Virginia law, or the similar laws of any other jurisdiction. The director of recreation, parks and cultural activities, with the concurrence of the chief animal control officer, may notify, in writing, the owner or custodian of any such dog found in a dog exercise area that such dog is subject to the prohibitions of this subsection.

- (e) No child less than 16 years of age shall be permitted in a dog exercise area which is fully enclosed by a fence unless accompanied by an adult.
- (f) The city manager may promulgate such additional rules and regulations, not inconsistent with the provisions of this section and of the "Dog Exercise Areas and Fenced Dog Parks Master Plan," as he deems necessary and appropriate to implement or enforce the provisions of this section.
- (g) The director of recreation, parks and cultural activities shall cause one or more signs to be posted in a visible location in any dog exercise area. Such signs shall inform the public of the existence of the dog exercise area, the geographic limits of the area, the limitations imposed by subsection (d), subsection (e) if applicable, and such other rules and regulations promulgated by the city manager as may be applicable.
- (h) Any person who violates any provision of this section shall be liable for a class four civil penalty, as prescribed in section 1-1-11 of this code.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage; provided, however, that this ordinance shall not affect any offense or act committed or done, any administrative determination made or rendered, any penalty or forfeiture incurred, or any contract or agreement established, prior to its effective date; nor shall it affect any prosecution, suit or proceeding pending on, nor any judgement or judicial decision rendered prior to, its effective date.

WILLIAM D. EUILLE
Mayor

Final Passage: February 23, 2008