

ORDINANCE NO. 4662

AN ORDINANCE to amend and reordain Section 5-7-31 (DEFINITIONS), and to add new Section 5-7-36.1, (PROVISION OF ADEQUATE SHELTER AND SPACE, TETHERING OF DOGS), 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 3-7-31 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended to read as follows:

Sec. 5-7-31 Definitions.

(n) *Adequate space.* Means sufficient space to allow each animal to:

(1) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal; and

(2) interact safely with other animals in the enclosure. When an animal is tethered, “adequate space” means a tether that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter or harness, configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least three times the length of the animal, as measured from the tip of its nose to the base of its tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space.

(o) *Adequate shelter.* Means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and, for dogs and cats, provides a solid surface (resting platform, pad, floor mat, or similar device) that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this Section, shelters whose wire, grid, or slat floors:

(1) permit the animals’ feet to pass through the openings;

(2) sag under the animals’ weight; or

(3) otherwise do not protect the animals' feet or toes from injury, are not adequate shelter.

#### Sec. 5-7-36.1 Provision Of Adequate Shelter And Space, Tethering Of Dogs.

(a) It shall be unlawful for any person to fail to provide any dog with adequate space or adequate shelter. As used in this Section, the terms "adequate space" and "adequate shelter" have the meanings ascribed to them by City Code Section 5-7-31 (DEFINITIONS), subsections n and o, respectively.

(b) Except when a dog's owner, guardian or custodian is physically within reach of the dog, it shall be unlawful for any person to tether a dog to a chain, rope or line of any kind that is too short to enable the dog easily to stand, sit, lie down, turn about, and make all other normal body movements in a comfortable, normal position for the animal, and reach shade as necessary, for more than three hours cumulatively within any twenty-four hour period, whether or not the tethered dog has been provided adequate space.

(c) Notwithstanding any other part of this Section, a dog may be attached to a running cable line or trolley system that allows it to reach shelter and water as necessary, except that no dog may be confined to such a running cable line or trolley system for more than twelve (12) hours cumulatively, within any twenty-four (24) hour period. A running cable line or trolley system is defined as one that is at least twenty (20) feet in length and is mounted at least four (4) feet, but no more than seven (7) feet, above the ground. Under no circumstances shall a dog be attached to a running cable line or trolley system unless the tether attaching it to the running cable line or trolley system is at least ten (10) feet in length or three times the length of the animal, as measured from the tip of its nose to the base of its tail, whichever is longer.

(d) Penalties.

(1) A person shall be assessed a civil penalty of \$50 for violating any provision of subsections (a), (b) or (c) of this Section.

(2) A person shall be assessed a civil penalty of \$100 for each subsequent violation of any provision of subsections (a), (b) or (c) of this Section.

(3) 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.

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE  
Mayor

Final Passage: June 12, 2010