

ORDINANCE NO. 5358

AN ORDINANCE to amend and reordain Section 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.) of Article C (DOGS AND OTHER ANIMALS) of Chapter 7 (ANIMALS AND FOWL) of 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 5-7-42 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by deleting the text shown in strikethrough and adding the text shown in underline as follows:

Sec. 5-7-42 - Female dogs in season; allowing dog to urinate, etc.; noisy 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 or custodian of a dog to:

- (1) Fail to keep the 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 the 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 the 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) Permit the dog to bark, howl, bay, or make any such other sound:
 - (a) Between 10 p.m. and 7 a.m. that is plainly audible in any other person's residential dwelling with the doors and windows closed and the source of the sound generation is discernible regardless of whether such doors or windows are closed; or
 - (b) Between 7 a.m. and 10 p.m. when the sound is plainly audible and discernible across real property boundaries or through partitions common to residential dwellings and such sound can be heard for more than five consecutive or non-consecutive minutes in any ten-minute period of time. Sounds that can be heard for less than five consecutive or non-consecutive minutes in any ten-minute period shall not be subject to this Section.

(c) The provisions of this Section shall not apply to any dog that at the time of the sound or sound generation (1) was responding to pain or injury or was protecting itself, its kennel, its offspring, or a person from an actual threat, (2) is a police dog that is engaged in the performance of its duties, or (3) is part of a bona fide agricultural operation.

- (5) Permit the 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 2. That Section 5-7-42 as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria City Code.

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

JUSTIN M. WILSON
Mayor

Final Passage: July 6, 2021