

EXHIBIT NO. 1

12
2-23-08


18
~~2-12-08~~

City of Alexandria, Virginia

MEMORANDUM

DATE: FEBRUARY 8, 2007

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER 

SUBJECT: ORDINANCE AMENDING THE REGULATIONS PERTAINING TO DANGEROUS AND VICIOUS DOGS

ISSUE: Consideration of an ordinance to revise the regulations and procedures pursuant to which a dog can be found “dangerous” or “vicious.”

RECOMMENDATION: That City Council adopt the attached Ordinance on first reading and schedule it for public hearing, second reading and final passage on Saturday, February 23.

BACKGROUND: The City Code currently provides that a dog can be deemed “dangerous” or “vicious” through an administrative determination made by the chief animal control officer and city manager. Under the current Code, a dangerous dog is one which has bitten or attacked a person, injured or killed an animal, or demonstrated a propensity to menace, threaten or attack people or animals. Once found to be dangerous, the Code provides that the dog be subject to a restrictive permit which establishes conditions to which the owner must adhere, in order to assure that the dog does not cause or threaten further harm.

A vicious dog is defined as a dog which has killed or seriously injured a person or which, on two or more occasions, has attacked a person, or killed or seriously injured another animal. A dog found to be vicious must be removed from the City, or euthanized if authorized by court order.

In addition, dogs which meet the dangerous or vicious definition, even if their status has not been administratively determined by the City, are prohibited in City dog parks.

In 2006, the General Assembly created a state-wide “Dangerous Dog Registry,” maintained by the State Veterinarian, to provide a website containing information on dogs which have been found to be dangerous, for use by the public and animal control offices throughout the state. In order to participate in the registry, local governments are required to adopt standards and procedures which mirror state law for determining whether a dog is dangerous. The state’s procedures require that a dog be deemed dangerous by judicial order.

DISCUSSION: The proposed ordinance revises the City’s dangerous and vicious dog regulations to conform to state law, and will allow dogs within the City which are found to be dangerous to be included on the state registry. The new procedures will require that the owner of

a dog suspected of being dangerous or vicious be summoned before the General District Court, and provide that the court will hear and determine the case. If the Court finds that a dog is dangerous, the dog must wear a special tag, and must be confined to the owner's property, either inside a building or in an enclosed run. In addition, the dog must be muzzled when off the property, identified with a tattoo or microchip, and spayed or neutered. The owner must post a warning sign on the property, maintain liability insurance against dog bites, obtain a special permit from the animal control officer and notify the officer of any escape or other event. These requirements are uniform throughout the state, and apply wherever owner and dog reside. The owner's failure to comply with these requirements is punishable as a misdemeanor. If the Court finds that a dog is vicious, the dog must be euthanized.

These new ordinance provisions will be applicable to any owner (and dog) who resides in the City or resides elsewhere in Virginia and brings his or her dog into the City. An out-of-state owner who brings his or her dog into the City will also be subject to these provisions if the owner is served with the summons in Virginia, in which case a Virginia court will have jurisdiction. However, the summons cannot be served out-of-state.

The new definition of a dangerous dog established in conformity with state law is less expansive than the current definition in our City Code and includes only dogs which have actually bitten or attacked a person or companion animal. The current City Code includes in the definition of dangerous dog a dog which has chased people in a manner that caused fear, exhibited a tendency to attack people or other animals without provocation, or has acted in a manner that caused its owner to know that it is potentially vicious.

The City's dog park regulations ban dogs which meet the current City definition of dangerousness from dog parks and off-leash exercise areas, whether or not the animal has been formally determined to be dangerous by the City. In order to maintain the same level of protection for members of the public and other dogs while in the dog parks, the proposed ordinance includes a new definition of "aggressive dog," which mirrors the City's current "dangerous dog" definition. Aggressive dogs, just like dangerous dogs under the current definition, are banned from the City's dog parks and off-leash exercise areas. In addition, of course, dogs which meet the new state law definitions of dangerous and vicious continued to be banned as well, irrespective of whether there has been a formal determination of their status. Since use of the City's dog parks is a privilege or benefit, and not part of the state's regulatory or penal regime for dangerous and vicious dogs, the City is free to establish its own standards for dogs using the parks. The proposed ordinance authorizes the Director of Recreation, Parks and Cultural Activities, with the concurrence of the Animal Control Director, to notify the owners or keepers of specific vicious, dangerous or aggressive dogs that their dog is banned from City dog parks.

These ordinance provisions applicable to City dog parks will apply without regard to the jurisdictional residence of the owner or dog.

FISCAL IMPACT: To be determined.

ATTACHMENTS: Proposed Ordinance

STAFF:

Michele Evans, Deputy City Manager

Tara Blot, Executive Director, Animal Welfare League

Introduction and first reading:	02/12/2008
Public hearing:	02/23/2008
Second reading and enactment:	02/23/2008

INFORMATION ON PROPOSED ORDINANCE

Title

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 – 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.

Summary

The proposed ordinance conforms the City's regulations governing vicious and dangerous dogs to recent changes in state law, so as to allow such dogs kept or found at any time within the City to be declared vicious or dangerous, and to be included in the state's website listing of such dogs. The proposed ordinance also makes clear that any dogs which exhibits vicious, dangerous or aggressive behavior is prohibited in all City dog parks, irrespective of the jurisdiction in which the owner or dog resides.

Sponsor

Staff

Michele Evans, Deputy City manager
Kirk Kincannon, Director of Recreation, Parks and Cultural Activities
Tara Blot, Executive Director, Animal Shelter
Mary O'Donnell, Assistant City Attorney

Authority

§§ 2.04(c), 2.04(p) Alexandria City Charter
§ 3.1-796.93:1, Code of Virginia

Estimated Costs of Implementation

See City Manager's Memorandum

Attachments in Addition to Proposed Ordinance

None

ORDINANCE NO. _____

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 – 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 dog which is capable of inflicting death or serious injury on a person or another animal and which:~~
 - ~~(1) has, without provocation, attacked or bitten a person engaged in a lawful activity;~~
 - ~~(2) has, while off the property of its owner and without provocation, killed or seriously injured another animal;~~
 - ~~(3) has, without provocation, chased, confronted or approached a person on a street, sidewalk or other public property in a menacing fashion such as would put an average person in fear of attack;~~

1 ~~(4) has exhibited a propensity, tendency or disposition to attack, cause injury or~~
2 ~~threaten the safety of persons or other animals without provocation; or~~

3
4 ~~(5) has acted in a manner that causes or should cause its owner to know that it~~
5 ~~is potentially vicious.~~

6
7 Dangerous dog. Any canine or canine crossbreed that has bitten, attacked, or
8 inflicted injury on a person or companion animal that is a dog or cat, or killed a
9 companion animal that is a dog or cat. However, when a dog attacks or bites a
10 companion animal that is a dog or cat, the attacking or biting dog shall not be
11 deemed dangerous:

12
13 (1) if no serious physical injury as determined by a licensed veterinarian has
14 occurred to the dog or cat as a result of the attack or bite,

15
16 (2) if both animals are owned by the same person,

17
18 (3) if such attack occurson the property of the attacking or biting dog's
19 owner or custodian, or

20
21 (4) for other good cause as determined by the court.

22
23 No dog shall be found to be a dangerous dog as a result of biting, attacking, or
24 inflicting injury on a dog or cat while engaged with an owner or custodian as part
25 of lawful hunting or participating in an organized, lawful dog handling event.

26
27 (d) Dog. The word "dog" shall include both the male and female sex of the species.

28
29 (e) Commercial dog handler. Any person who boards, keeps, handles or walks dogs
30 owned by another person for compensation.

31
32 (f) Dwelling unit. A group of one or more rooms designed or intended for use as a
33 residence, including a single-family home, a townhouse, a duplex, a condominium
34 and an apartment.

35
36 (g) Hearing dog. Any dog specially trained to alert its owner by touch to sounds of
37 danger or other sounds to which the owner should respond.

38
39 (h) Law enforcement officer. Any employee of the Alexandria police department who is
40 responsible for the prevention and detection of crime and the enforcement of the
41 penal, traffic or highway laws of the Commonwealth.

- 1 (i) Owner. A person having a right of property in a dog or cat, and any person who
2 keeps or harbors a dog or cat or has it in his care or control, or who acts as its
3 custodian, including, but not limited to, a commercial dog handler and any person
4 who permits a dog or cat to remain on or about any premises occupied by him.
5
- 6 (j) Run or running at large. Roaming or running off the premises of its owner not
7 secured by a leash, lead or other means of physical restraint, which leash, lead or
8 other means of physical restraint is not harmful or injurious to the dog and which is
9 held by a responsible person capable of physically restraining the dog.
10
- 11 (k) Seeing-eye dog. Any dog that is specially trained to serve as a guide for a blind
12 person.
13
- 14 (l) Service dog. Any dog that is specially trained to accompany its owner for the purpose
15 of carrying items, retrieving objects, pulling a wheelchair or performing other
16 activities of service or support.
17
- 18 (m) ~~Vicious dog. Any dog which:~~
19
20 ~~(1) — has caused death or serious injury to a person engaged in a lawful activity;~~
21
22 ~~(2) — has, on two or more occasions within a 12-month period, attacked or bitten~~
23 ~~without provocation a person engaged in a lawful activity;~~
24
25 ~~(3) — has, on two or more occasions within a 12-month period, while off the~~
26 ~~property of its owner and without provocation, killed or seriously injured~~
27 ~~another animal; or~~
28 Vicious dog. Any canine or canine crossbreed that has
29
30 (1) killed a person;
31
32 (2) inflicted serious injury to a person, including multiple bites, serious
33 disfigurement, serious impairment of health, or serious impairment of a
34 bodily function; or
35
36 (3) continued to exhibit the behavior that resulted in a previous finding by a
37 court or, on or before July 1, 2006, by the chief animal control officer or
38 city manager as authorized by prior law, that it is a dangerous dog,
39 provided that its owner has been given notice of that finding.
40
41
42
43

1 Sec. 5-7-32 Running at large prohibited.

2
3 No dog or exotic or poisonous animal shall run at large within the city at any time.

4
5 Sec. 5-7-33 Owners and custodians not to let dogs or exotic or poisonous animals run at
6 large.

7
8 It shall be unlawful for the owner or custodian of any dog or exotic or poisonous animal to
9 permit his dog or exotic or poisonous animal to run at large in the city at any time. Any owner or
10 custodian who permits his exotic or poisonous animal to run at large shall, in addition to any
11 penalty provided under this article, be liable for a fee determined by the city manager to cover the
12 costs incurred by the city in locating and capturing, or otherwise disposing of, the animal.

13
14 Sec. 5-7-33.1 Running at large prohibited in public parks or playgrounds; owners not to
15 let dogs run at large in public parks or playgrounds; keeping dogs under
16 physical restraint in public parks or playgrounds.

17
18 (a) No dog shall run at large within any public park or playground at any time.

19
20 (b) It shall be unlawful for the owner of any dog to permit his dog to run at large in any
21 public park or playground at any time.

22
23 (c) It shall be unlawful for the owner of any dog to permit the dog to be in a public park
24 or playground unless it is kept secured by a leash, lead or other means of physical
25 restraint which leash, lead or other means of physical restraint is not harmful or
26 injurious to the dog and which is held by a responsible person capable of physically
27 restraining the dog, or it is in a designated and posted dog exercise area, as provided
28 in section 6-1-2.2 of this code.

29
30 (d) In addition to the officers identified in section 5-7-46, any city employee who is
31 (1) specifically designated by the city manager, (2) wearing a uniform and (3)
32 carrying identification may enforce the provisions of this section in accordance with
33 the procedures set forth in section 5-7-46. As used in the subsection "uniform" shall
34 mean a shirt, jacket or coat on which is permanently displayed and visible the seal of
35 the city together with the name of the employee's department, office or agency, and
36 "identification" shall mean a card or badge issued by the city to identify the employee
37 by name and photograph, or badge number, and indicate that the employee is an
38 authorized enforcement officer.

39
40 Sec. 5-7-34 Impounding of dogs running at large; redemption of impounded dogs;
41 disposition of unredeemed dogs.

42
43 (a) Any dog observed by an animal control officer or a law enforcement officer to be

1 running at large shall be impounded and kept at the animal shelter. If the dog has
2 upon it the name or address of the owner, or such name or address is otherwise
3 known to the operators of the animal shelter, then the operators of the animal shelter
4 shall notify the owner within 24 hours after seizure of the dog. If the dog has upon it
5 a license tag, then the operators of the animal shelter shall notify the person in whose
6 name the license stands within 24 hours after obtaining the name. Notice of the
7 impounding shall be in writing by mail, postage prepaid, and shall be construed as
8 having been given at the time of posting thereof. If the dog impounded has no name,
9 address or license tag upon it and the owner is not otherwise known to the operators
10 of the animal shelter, then no notice shall be necessary. Notwithstanding the above,
11 whenever written notice is required the operators of the animal shelter shall, prior to
12 mailing, make one reasonable attempt to give notice by telephone.
13

14 (b) The owner of any dog so impounded shall be entitled to possession of the dog upon
15 proof of ownership satisfactory to the operators of the animal shelter and the payment
16 of reasonable charges designated by the city manager for the impoundment of a dog
17 and the keep of a dog; provided, however, that before release to any person:
18

19 (1) If the dog has not been inoculated against rabies, the provisions of section
20 5-7-38 of this code relative to inoculation shall be complied with at the
21 owner's expense.
22

23 (2) If the dog is not licensed, a license as required by this article shall be
24 secured.
25

26 (3) All the other applicable sections of this article shall be complied with.
27

28 (c) Any dog which has been impounded and has not been redeemed by the owner may be
29 destroyed, or redeemed by and released to any person desiring to give the dog a home
30 upon the payment of a reasonable charge designated by the city manager and upon
31 compliance with the applicable provisions of this article; provided, that any dog shall
32 be held for at least five days after impounding, and in those cases where it is required
33 that notice be given the owner, held for at least five days after the required notice has
34 been given.
35

36 (d) The sums collected pursuant to the provisions of this section shall be accounted for
37 and promptly paid over to the director of finance for deposit in the general fund of
38 the city.
39

40 Sec. 5-7-35 Keeping dogs under physical restraint.

41
42 (a) Except as provided below, it shall be unlawful for the owner of any dog to permit the
43 dog to be off the premises of its owner unless it is kept secured by a leash, lead or

1 other means of physical restraint which leash, lead or other means of physical
2 restraint is not harmful or injurious to the dog and which is held by a responsible
3 person capable of physically restraining the dog.
4

5 (b) The leash, lead or other means of physical restraint may be removed from a dog in
6 a designated and posted dog exercise area, as provided in section 6-1-2.2 of this
7 code.
8

9 (c) The leash, lead or other means of physical restraint may be removed from a dog
10 on private property, other than the property of the owner; provided that the owner or
11 person in control of such private property has permitted such dog to be present
12 without a leash, lead or other means of physical restraint.
13

14 Sec. 5-7-36 Vicious and dangerous dogs generally.
15

16 (a) ~~It shall be unlawful for any person to keep within the city any vicious dog. Upon~~
17 ~~finding that a dog is vicious, a court of competent jurisdiction may order the dog to~~
18 ~~be impounded and destroyed or to be removed from the city. Any law-enforcement~~
19 ~~officer or animal control officer who has reason to believe that a canine or canine~~
20 ~~crossbreed kept or found at any time within the City is a dangerous dog or vicious~~
21 ~~dog shall apply to a magistrate having jurisdiction for the issuance of a summons~~
22 ~~requiring the owner or custodian, if known, to appear before a general district court~~
23 ~~having jurisdiction at a specified time. The summons shall advise the owner of the~~
24 ~~nature of the proceeding and the matters at issue. If the owner or custodian cannot be~~
25 ~~located or identified, the animal shall be subject to impound and disposition pursuant~~
26 ~~to sections 5-7-34 or 5-7-45 of this code.~~
27

28 (b) Upon the successful application for the issuance of a summons, the officer shall
29 contact the chief animal control officer of the City or of the jurisdiction where the
30 dog is or may be found and inform him of the location of the dog and the relevant
31 facts pertaining to his belief that the dog is dangerous or vicious. The chief animal
32 control officer shall confine the animal until such time as evidence shall be heard and
33 a verdict rendered. If the animal control officer determines that the owner or
34 custodian can confine the animal in a manner that protects the public safety, he may
35 permit the owner or custodian to confine the animal until such time as evidence shall
36 be heard and a verdict rendered. The court, through its contempt powers, may compel
37 the owner, custodian or harbinger of the animal to produce the animal.
38

39 (c) If, after hearing the evidence, the court finds that the animal is a dangerous dog, the
40 court shall order the animal's owner to comply with the provisions of this section. If,
41 after hearing the evidence, the court finds that the animal is a vicious dog, the court
42 shall order the animal euthanized in accordance with the provisions of Virginia Code
43 § 3.1-769.119. The procedure for appeal and trial shall be the same as provided by

1 law for misdemeanors. Trial by jury shall be as provided in Article 4 (§19.2-260 et
2 seq.) of Chapter 15 of Title 19.2 of the Code of Virginia. The City shall be required
3 to prove its case beyond a reasonable doubt.

4
5 (d) No canine or canine crossbreed shall be found to be a dangerous dog or vicious dog
6 solely because it is a particular breed, nor is the ownership of a particular breed of
7 canine or canine crossbreed prohibited.

8
9 (e) No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or
10 damage was sustained by a person who was (i) committing, at the time, a crime upon
11 the premises occupied by the animal's owner or custodian, (ii) committing, at the
12 time, a willful trespass upon the premises occupied by the animal's owner or
13 custodian, or (iii) provoking, tormenting, or physically abusing the animal, or can be
14 shown to have repeatedly provoked, tormented, abused, or assaulted the animal at
15 other times. No police dog that was engaged in the performance of its duties as such
16 at the time of the acts complained of shall be found to be a dangerous dog or a
17 vicious dog. No animal that, at the time of the acts complained of, was responding to
18 pain or injury, or was protecting itself, its kennel, its offspring, a person, or its
19 owner's or custodian's property, shall be found to be a dangerous dog or a vicious
20 dog.

21
22 (f) If the owner of an animal found to be a dangerous dog is a minor, the custodial
23 parent or legal guardian shall be responsible for complying with all requirements of
24 this section.

25
26 (g) The owner of any animal found to be a dangerous dog shall, within 10 days of such
27 finding, obtain a dangerous dog registration certificate from the chief animal control
28 officer for a fee of \$50, in addition to other fees that may be authorized by law. The
29 chief animal control officer shall also provide the owner with a uniformly designed
30 tag that identifies the animal as a dangerous dog. The owner shall affix the tag to the
31 animal's collar and ensure that the animal wears the collar and tag at all times. All
32 certificates obtained pursuant to this subsection shall be renewed annually for the
33 same fee and in the same manner as the initial certificate was obtained. The chief
34 animal control officer shall provide a copy of the dangerous dog registration
35 certificate and verification of compliance to the State Veterinarian.

36
37 (h) All dangerous dog registration certificates or renewals thereof required to be
38 obtained under this section shall only be issued to persons 18 years of age or older
39 who present satisfactory evidence (i) of the animal's current rabies vaccination, if
40 applicable, (ii) that the animal has been neutered or spayed, and (iii) that the animal
41 is and will be confined in a proper enclosure or is and will be confined inside the
42 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.

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.

~~(b) It shall be unlawful for any person to keep within the city any dangerous dog, except in compliance with a permit issued by the city manager under section 5-7-36.2.~~

~~(c) Each day during which a person keeps a vicious dog in the city following the removal date set out in a notice from the chief animal control officer under section 5-7-36.1(c) shall constitute a separate offense for purposes of section 5-7-46. Each day during which a person keeps a dangerous dog in the city either without a permit issued by the city manager under section 5-7-36.1 or in violation of one or more of the conditions imposed by such a permit shall constitute a separate offense for purposes of section 5-7-46.~~

- (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.~~

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

5
6 (d) ~~The chief animal control officer may delegate the authority and responsibilities~~
7 ~~assigned to her by this section, or any part thereof, to any deputy animal control~~
8 ~~officer.~~

9
10 Sec. 5-7-36.2 Reserved. Dangerous dog permit.

11
12 (a) ~~Requirements; issuance; determination of dangerousness of dog. Upon receipt of a~~
13 ~~determination by the chief animal control officer under section 5-7-36.1(c) that a dog~~
14 ~~is dangerous, the city manager shall immediately issue to the owner of such dog a~~
15 ~~dangerous dog permit. This permit shall authorize the continued keeping of the dog~~
16 ~~within the city only so long as the owner complies with the requirements set forth in~~
17 ~~the permit. Such requirements shall include those recommended to the city manager~~
18 ~~by the chief animal control officer under section 5-7-36.1(c) and such others as the~~
19 ~~city manager determines necessary to ensure that no person or animal is injured by~~
20 ~~the dog. Permit requirements may include, but are not limited to, the following:~~

21
22 (1) ~~that the dog wear a special and conspicuous form of identification (such as~~
23 ~~a blaze orange collar);~~

24
25 (2) ~~that the owner immediately notify the chief animal control officer in the~~
26 ~~event the dog is loose and unconfined, has attacked or injured a human~~
27 ~~being or another animal, has been sold or given to another person, or has~~
28 ~~died;~~

29
30 (3) ~~that the dog, while on the property of the owner, be confined indoors or in~~
31 ~~a securely enclosed and locked structure, suitable to prevent the entry of~~
32 ~~children and designed to prevent the dog from escaping;~~

33
34 (4) ~~that the owner display one or more signs on his/her property which provide~~
35 ~~a clear warning to children of all ages and adults that a dangerous is~~
36 ~~present on the property;~~

37
38 (5) ~~that, while off the owner's property, the dog be muzzled and/or restrained~~
39 ~~in a particular manner and be under the control of an adult;~~

40
41 (6) ~~that the owner attend one or more educational classes on the responsible~~
42 ~~keeping of dangerous dogs; and~~
43

- 1 ~~(7) — that, upon request of the city manager, the owner make the dog available~~
2 ~~for inspection by the chief animal control officer.~~
- 3
- 4 ~~(b) — Reconsideration of requirements; hearing; evidence allowed; revocation of permit;~~
5 ~~modification of requirements.~~
- 6
- 7 ~~(1) — Within 10 days of receipt of a permit issued under subsection (a), the~~
8 ~~owner of the dog may request in writing the city manager to reconsider the~~
9 ~~determination that the dog is dangerous and/or some or all of the~~
10 ~~requirements set forth in the permit. Upon receipt of such a request, the~~
11 ~~city manager shall offer the owner an opportunity to present at an informal~~
12 ~~hearing evidence pertinent to the dangerousness of the dog and to the~~
13 ~~requirements identified in the request for reconsideration. Written notice~~
14 ~~of the date, time and place of such hearing, as well as of the person~~
15 ~~designated by the city manager to serve as the hearing officer, shall be sent~~
16 ~~to the owner and the complainant at least seven days prior to the hearing.~~
17 ~~At the hearing, in addition to receiving evidence from the owner and the~~
18 ~~complainant, the hearing officer may receive evidence from the chief~~
19 ~~animal control officer, a veterinarian, a licensed animal trainer, a humane~~
20 ~~society agent and any person having personal knowledge of the dog's~~
21 ~~condition.~~
- 22
- 23 ~~(2) — Within 10 days of the hearing, the hearing officer shall notify in writing~~
24 ~~the owner and the complainant of his/her decision whether to confirm the~~
25 ~~determination that the dog is dangerous and the requirements set out in the~~
26 ~~permit. If the hearing officer determines the dog not to be dangerous, the~~
27 ~~permit issued under subsection (a) shall be revoked and no further action~~
28 ~~shall be taken on the complaint. If the hearing officer confirms that the dog~~
29 ~~is dangerous but decides that certain requirements set out in the permit~~
30 ~~issued under subsection (a) are not necessary for the protection of the~~
31 ~~public and other animals, he/she shall delete or modify those requirements~~
32 ~~but otherwise confirm both the permit, as modified, and the owner's~~
33 ~~obligation to comply with it. If the hearing officer confirms the permit and~~
34 ~~the requirements set out in it, he/she shall also confirm the owner's~~
35 ~~obligation to comply with it.~~
- 36
- 37 ~~(c) — Compliance; removal of dog for noncompliance by owner. In the event an owner of a~~
38 ~~dangerous dog fails to comply with any of the requirements imposed by a permit~~
39 ~~issued under this section, the chief animal control officer shall notify the owner of~~
40 ~~his/her failure, and the owner shall have 10 days following receipt of the notice in~~
41 ~~which to come into compliance with the permit. If the owner fails to do so, the city~~
42 ~~manager is authorized to seek an order from a court of competent jurisdiction~~
43 ~~requiring that the dog be removed from the city.~~

1
2 (d) Request for rescission or modification of permit by chief animal control officer; fee;
3 information required. An owner of a dangerous dog who believes that the dog is no
4 longer dangerous within the meaning of section 5-7-31(d) or that certain
5 requirements set out in the dog's permit are no longer necessary for the protection of
6 the public and other animals may request the chief animal control officer to rescind
7 the determination that the dog is a dangerous dog or to delete or modify those permit
8 requirements; provided, that no such request may be made within the first 12 months
9 following the initial determination that the dog is dangerous. Such a request must be
10 accompanied by the fee required by subsection (c). In reviewing such a request, the
11 chief animal control officer may require the owner to produce the dog for inspection,
12 to allow the chief animal control officer to observe the dog in its natural habitat and
13 to submit information pertinent to the dangerousness of the dog. In the event the
14 chief animal control officer determines that the dog is no longer dangerous, the
15 permit issued under this section shall be revoked. In the event the chief animal
16 control officer determines that the dog still constitutes a dangerous dog but that
17 certain requirements contained in the permit are no longer necessary, he/she may
18 delete those conditions from the permit or modify them.

19
20 (e) Fees. The owner of any dog subject to a permit issued under this section shall pay to
21 the chief animal control officer, within 10 days of the issuance of the permit or, if
22 applicable, of a hearing officer's confirmation of the permit under subsection (b)(2);
23 a fee of \$150. Any owner requesting the rescission or modification of a permit under
24 subsection (d) shall pay a fee of \$50 at the time he/she makes the request.

25
26 (f) The chief animal control officer may delegate the authority and responsibilities
27 assigned to her by this section, or any part thereof, to any deputy animal control
28 officer

29
30 Sec. 5-7-37 Impounding of vicious dog; Confinement of animal which has committed
31 an attack.

32
33 (a) Whenever a complaint is made to the chief animal control officer that a dog is
34 vicious or dangerous, and the chief animal control officer undertakes an investigation
35 to determine whether the dog identified in the complaint is vicious or dangerous, the
36 dog in question shall be impounded and kept at the animal shelter, at the owner's
37 expense, pending final disposition of the case, provided such animal is not destroyed
38 as provided by section 5-7-39. If the chief animal control officer determines that the
39 owner of the dog can confine the dog in a manner that protects the public safety, he
40 may permit the owner to confine the dog at a location other than the animal shelter
41 until final disposition of the case.

42
43 (a - b) Whenever a report is made, as provided by section 5-7-40, of a person having been

1 bitten by an animal or a notice is received by the police department, the health
2 department, an animal control officer or the operators of the animal shelter of an
3 animal having bitten a person or another animal, and, in the case of a dog, no
4 summons or notice of violation has been issued under section 5-7-37 charging
5 maintenance of a vicious or dangerous dog, an animal control officer shall forthwith
6 issue an order to the owner of the animal directing that the animal be confined under
7 quarantine and kept under observation on the premises of the owner, or of a private
8 kennel for a period of 10 days following the issuance of the order at the expense of
9 the owner, during which time the animal shall never leave the premises, and the
10 order shall be served upon the owner by an animal control officer in the manner
11 provided by section 8.01-296, Code of Virginia. If, within the ten-day period, an
12 authorized representative of the director of public health or a licensed veterinarian
13 reports that the animal shows no symptoms of rabies and, in the case of a dog, no
14 summons or notice of violation has been issued under section 5-7-37, the animal
15 shall be released from quarantine. If a report of rabies is made or if, in the case of a
16 dog, a summons or notice of violation is issued before the expiration of the ten-day
17 period, the animal shall be immediately removed by an animal control officer to the
18 animal shelter pending a final disposition of the case; and costs to keep the animal at
19 the animal shelter shall be charged to its owner.

- 20
21 (b) If an owner does not comply with the provisions of an order issued pursuant to this
22 section within 24 hours from the time he is served, the animal in question shall be
23 impounded by an animal control officer, at the animal shelter, and kept under
24 observation at the owner's expense for a period of 10 days, and the owner shall be
25 charged with a violation of this section.

26
27 Sec. 5-7-38 Inoculation of dogs against rabies.

28
29 It shall be the duty of every resident of the city owning or in possession of a dog four months
30 old or older within the city to have such dog inoculated with an anti-rabic vaccine approved by
31 the director of public health, which inoculation shall be repeated as often as the director of public
32 health may from time to time specify. The expense of inoculation of dogs against rabies shall be
33 borne by the owners of such dogs. The inoculation shall be made by any licensed veterinarian. A
34 certificate of vaccination shall be presented by the veterinarian within 10 days after inoculation
35

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

- 37
38 (a) It shall be the duty of every resident of the city owning or in possession of a cat four
39 months old or older within the city to have such cat inoculated with an anti-rabic
40 vaccine approved by the director of public health, which inoculation shall be
41 repeated as often as the director of public health may from time to time specify. The
42 expense of inoculation of cats against rabies shall be borne by the owners of such
43 cats. The inoculation shall be made by any licensed veterinarian.

- 1 (b) At the time of vaccination, a suitable and distinctive rabies tag and a certificate of
2 vaccination shall be issued by the veterinarian to the cat's owner. The certificate shall
3 certify that the cat in question has been vaccinated in accordance with this section.
4 Such certificate shall show the date of vaccination, the rabies collar tag number, the
5 date of required immunization, a brief description of the cat and its sex and breed,
6 and the name of the owner. The certificate issued under this section shall be carefully
7 preserved by the owner of the cat and exhibited promptly upon request for inspection
8 by an animal control officer, a public health officer or any other law enforcement
9 officer. One copy of the certificate required under this section shall be retained by the
10 veterinarian and one copy shall be presented by the veterinarian to the health
11 department for registration within 10 days after inoculation.
12

13 Sec. 5-7-39 Procedure as to dogs and cats suspected of having rabies.
14

15 Dogs and cats suspected of having rabies and exhibiting the common symptoms of this
16 disease shall be impounded either at the animal shelter or at a private veterinarian's establishment
17 in solitary confinement and kept under observation for a period of 10 days. At the time any dog
18 or cat is impounded, an attempt shall be made by an animal control officer to determine whether
19 the dog or cat has been previously inoculated against rabies. If it is found that the dog or cat has
20 not been effectively inoculated or there is any doubt as to whether or not the dog or cat has in fact
21 been inoculated, then the dog or cat shall be inoculated on the last day of the above-mentioned
22 observation period. The director of public health is hereby given authority to cause to be
23 destroyed any dog or cat which in his opinion has rabies, and to have the head of the dog or cat
24 examined. All expenses in connection with the provisions of this section shall be borne by the
25 owner of the dog or cat in question.
26

27 Sec. 5-7-40 Reports of animal bites.
28

- 29 (a) The owner of any animal which bites a person shall immediately notify an animal
30 control officer, the health department or the police department of the biting.
31
32 (b) It shall be the duty of every physician and medical practitioner in the city and of
33 every hospital in the city to report to an animal control officer or the health
34 department the name and address of any person treated for bites or wounds inflicted
35 by animals, together with all available information necessary for rabies control.
36
37 (c) It shall be the duty of every veterinarian practicing in the city to report to an animal
38 control officer or the health department the name and address of the owner of any
39 animal treated for bites or wounds inflicted by any other animal, together with all
40 available information necessary for rabies control.
41
42
43

1 Sec. 5-7-41 When muzzles required, exception.
2

3 Whenever it becomes necessary to safeguard the public from the danger of hydrophobia, the
4 city manager, with the written approval of the director of public health, may issue a proclamation
5 ordering every person owning or keeping a dog to confine it securely on his premises, unless the
6 dog shall have a muzzle of sufficient strength to prevent its biting any person. Any unmuzzled
7 dog running at large during the time covered by the proclamation shall be seized and impounded.
8 This section shall not be construed to prevent the owner of a dog or the agent of the owner from
9 taking the dog unmuzzled from the premises of the owner, if the dog is upon a leash.
10

11 Sec. 5-7-42 Female dogs in season; allowing dog to urinate, etc.; noisy dogs; offensive
12 odors from dogs; dogs prohibited on posted playground areas and on
13 school grounds.
14

15 The following conduct is declared a nuisance and is prohibited. It shall be unlawful for the
16 owner of a dog to:
17

- 18 (1) Fail to keep his female dog confined during the entire time the dog is in season in a
19 building or secure enclosure in such a manner that the female dog cannot come into
20 contact with a male dog except for planned breeding.
21
- 22 (2) Knowingly or willfully allow his dog to urinate or defecate on the private property of
23 other persons without their consent or that of the authorized agent of the one having
24 control of the premises.
25
- 26 (3) Knowingly or willfully allow his dog to urinate or defecate on public property;
27 provided, that urination by a dog on curbs of streets and in alleys, streets or areas
28 designated and posted as dog exercise areas in accordance with section 6-1-2.2 shall
29 not constitute a violation of this section; and provided further, that defecation by a
30 dog on public property out of doors shall not constitute a violation of this section if
31 the owner of the dog immediately removes the material defecated and disposes of it
32 in a manner not inconsistent with the provisions of this section.
33
- 34 (4) Keep dogs which bark or howl to such extent as to annoy any resident or keep dogs
35 in such a manner as to cause offensive odors.
36
- 37 (5) Permit his dog, except a seeing-eye, service or hearing dog, to go upon any public
38 property posted by the city manager as a playground area, or upon the grounds of any
39 public school.
40
41
42
43

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

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

15
16 Sec. 5-7-43 Powers of operators of animal shelter generally.

17
18 The operators of the animal shelter shall have the following powers:

- 19
20 (a) to destroy unredeemed dogs, as provided in section 5-7-34;
21
22 (b) to destroy vicious dogs upon an order from the court, as provided in section 5-7-36;
23
24 (c) to receive and investigate complaints of and to enforce and make determinations
25 regarding vicious and dangerous dogs, as provided in section ~~5-7-36.1~~ 5-7-36;
26
27 (d) ~~to receive, investigate and act upon requests to rescind or modify dangerous dog~~
28 ~~permits, as provided in section 5-7-36.2~~ reserved;
29
30 (e) to impound and release dogs and to issue orders, as provided in section 5-7-37; and
31
32 (f) to destroy dogs as provided in section 5-7-39.

33
34 Sec. 5-7-44 Appointment and powers of chief animal control officer and deputy animal
35 control officers.

36
37 A chief animal control officer shall be appointed by city council and may be removed by
38 council or the city manager. The city manager may appoint one or more deputy animal control
39 officers, who may be removed by the manager, to assist the chief animal control officer in the
40 performance of her duties. The chief animal control officer and deputy animal control officers
41 shall, within the city and subject to any limitations imposed as a condition of their appointment,
42 have the powers of an animal control officer as conferred by the Code of Virginia (1950), as
43 amended, the powers of a state game warden as conferred by the city charter in the enforcement

1 of the dog laws of the city, and the power to enforce the provisions of this article and section
2 6-1-2.2 of this code.

3
4 Sec. 5-7-45 Killing certain animals that cannot be safely taken up and impounded.

5
6 If any vicious or dangerous dog or any dog, cat or other animal suspected of, or having rabies,
7 found at large, cannot be safely taken up and impounded, the dog or other animal may be slain by
8 any law enforcement officer.
9

10 Sec. 5-7-46 Penalties.

- 11
12 (a) Except as otherwise provided in section 5-7-36 of this code or in subsection (b)
13 below, a person shall be assessed a civil penalty of \$50 for violating any provision of
14 this article.
15
16 (b) A person shall be assessed a civil penalty of \$100 for violating the provisions of
17 sections 5-7-33.1 or 5-7-42.1 of this article.
18
19 (c) If an animal control officer or law enforcement officer determines that a civil penalty
20 violation of this article has occurred, he shall issue and serve, or cause to be served, a
21 notice of violation on any and all persons committing the violation. The notice shall
22 provide that the person served may elect to make an appearance, either in person or
23 in writing by mail, before the treasurer of the city, and admit liability for or plead no
24 contest to the violation and pay the civil penalty established for the violation, all
25 within the time period set forth in the notice. If a person so notified does not elect to
26 admit liability or to plead no contest, the violation shall be tried in the Alexandria
27 General District Court upon a warrant in debt or motion for judgment, with the same
28 right of appeal as provided in civil actions at law. A finding or admission of liability
29 or a plea of no contest shall not be deemed a criminal conviction for any purpose.
30
31 (d) A violation of the provisions of this article shall be an offense separate from a
32 violation of the provisions of chapter 1 of title 6 of this code.
33

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

- 35
36 (a) It shall be unlawful for any person to own a dog or cat four months old or older
37 within the city unless such dog or cat is licensed, as required by the provisions of this
38 article.
39
40 (b) All dog and cat license taxes collected pursuant to this article shall be paid into the
41 general fund from which sufficient funds for the operation and maintenance of the
42 animal shelter may be provided, as authorized by council.
43

1 The owner of a dog or cat required to be licensed by this article shall obtain the license and
2 pay the license tax within 30 days of moving into the city, acquiring the animal, or attainment of
3 the required age by the animal, which ever is later.
4

5 The owner of a dog or cat with an existing license required by this article shall renew the
6 animal's license and pay the license tax within 10 days after expiration of such animal's license.
7

8 Sec. 5-7-48 Same--tax imposed; tax rates; expiration.
9

10 (a) There is hereby imposed a license tax on dogs and cats required to be licensed by this
11 article, as follows:
12

13 (1) For any male or female dog or cat the license tax for a one year license
14 shall be \$30 for a dog, and \$10 for a cat, and the license tax for a three
15 year license shall be \$75 for a dog and \$25 for a cat, except as provided in
16 paragraphs (2), (3) or (4) below.
17

18 (2) For any spayed or neutered dog or cat, the license tax for a one year license
19 shall be \$10 for a dog, and \$2 for a cat, and the license tax for a three-year
20 license shall be \$25 for a dog and \$5 for a cat.
21

22 (3) For any hearing dog, seeing eye dog or service dog, a license shall be
23 required but no license tax shall be charged.
24

25 (4) For any dog owned by a person 65 years of age or older, there shall be a \$5
26 discount in the applicable license tax for a one-year license, and a \$15
27 discount in the license tax for a three-year license.
28

29 (5) The owner of an animal required to be licensed by this article may elect to
30 obtain a one-year license or a three-year license, and shall pay the
31 corresponding license tax at the time the license is obtained.
32

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

37 (c) A three-year license shall be valid for a maximum period of 36 months from the date
38 of issuance; provided, however, that the license shall expire on the last day of the
39 month in which the rabies vaccination of the licensed animal expires.
40
41
42
43

1 Sec. 5-7-49 Same--application; issuance; records to be kept.

2
3 Any owner may obtain a dog or cat license by making a signed written application to the city
4 manager or the manager's designee. The application shall contain the name, sex, age, breed and
5 description of the dog or cat and the name and address of the owner, and shall be accompanied
6 by the amount of the license tax and a certificate of vaccination or other evidence from a licensed
7 veterinarian showing that the dog or cat is inoculated against rabies and the expiration date of the
8 vaccination. Upon receipt of a proper application, accompanied by the amount of the license tax
9 and a proper certificate of vaccination or other evidence, the city manager or the manager's
10 designee shall issue a license receipt and an appropriate tag to the owner, and shall record upon
11 the receipt and upon records maintained by the city the name and address of the owner, the date
12 of issuance, the period of time for which issued and date of expiration of the rabies vaccination,
13 the serial number of the license and the sex, age, breed and description of the dog or cat.

14
15 Sec. 5-7-50 Same--components; information to be on tags.

16
17 A dog or cat license shall consist of the receipt referenced in section 5-7-49 and a tag of a
18 style adopted by the city. A tag shall be stamped or otherwise permanently marked to show the
19 serial number, the calendar year for which issued and the name of the city.

20
21 Sec. 5-7-51 Same--preserving and displaying receipts; dogs to wear tags.

22
23 Dog and cat licenses shall be carefully preserved and exhibited promptly upon request of any
24 law enforcement officer, authorized agent of the director of public health, or animal control
25 officer. Dog license tags shall be securely fastened by the owner to a substantial collar which
26 shall be borne by the dog.

27
28 Sec. 5-7-52 Same--duplicate tags.

29
30 If a dog or cat license tag is lost, destroyed or stolen, the owner shall at once apply to the city
31 manager or her designee for a duplicate license tag, presenting the original license receipt, if
32 available. Upon affidavit of the owner that the original license tag has been lost, destroyed or
33 stolen, the city manager or her designee shall issue a duplicate license tag which the owner shall
34 immediately affix to the collar of the dog. The city manager or her designee shall endorse the
35 number of the duplicate and the date issued on records of her office and on the face of the
36 original license receipt, if available. The fee for a duplicate tag shall be \$1.

37
38 Sec. 5-7-53 Same--effect of a dog or cat not wearing collar bearing a tag.

39
40 Any dog or cat not wearing a collar bearing a license tag of the proper calendar year shall be
41 presumed to be unlicensed, and in any proceedings under this article the owner of such dog or cat
42 shall have the burden of proving that the dog or cat is in fact licensed.

1 Sec. 5-7-54 Same--maintenance of records.

2
3 The city manager or her designee shall keep orderly lists and accounts with respect to
4 receipts, disbursements, licenses issued, and how unsold tags are disposed of, and annually shall
5 provide an accounting of her activities with respect to dogs and cats and dog and cat licenses for
6 use by the director of finance
7

8 Sec. 5-7-55 Same--transmittal of funds to director of finance.

9
10 All persons responsible for the issuance of dog and cat licenses and the collection of license
11 taxes shall keep accurate records and shall transmit all funds collected to the director of finance
12 at least every 30 days
13

14 Sec. 5-7-56 Making false statement to secure license.

15
16 It shall be unlawful for any person to make a false statement in order to secure a dog or cat
17 license.
18

19 Sec. 5-7-57 Limitation on number of dogs and cats kept per dwelling unit.

20
21 (a) It shall be unlawful for any person to keep more than three dogs over four months of
22 age or four cats over four months of age in any dwelling unit in the city.
23

24 (b) Any person who, on October 1, 1995, is lawfully keeping more than the number of
25 dogs and cats permitted by this section shall be entitled to continue to keep all such
26 dogs and cats, so long as they are duly licensed and inoculated in accordance with
27 this article. However, it shall be unlawful for any such person to keep any dog or cat
28 acquired after October 1, 1995, unless the total number of dogs and cats kept by the
29 person does not exceed the number of dogs and cats permitted by subsection (a) of
30 this section.
31

32 (c) This section shall not apply to any person authorized to operate a "kennel," as that
33 term is defined in the City of Alexandria Zoning Ordinance.
34

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

36
37 Section 2. That Section 6-1-2.2 of The Code of the City of Alexandria, Virginia,
38 1981, as amended, be, and the same is hereby, amended and reordained to read as follows:
39

40 Sec. 6-1-2.2 Same--dog exercise areas; designation by city manager; prohibited
41 conduct.
42

43 (a) As used in this section:

- 1 (1) Commercial dog handler shall mean any person who boards, keeps,
2 handles or walks dogs owned by another person for compensation.
3
- 4 (2) Dog exercise area shall mean an area of open space, owned or controlled
5 by the city and fenced or unfenced, which has been designated and posted
6 as a dog exercise area by the city manager, pursuant to this section.
7
- 8 (3) Owner shall mean any person having a right of property in a dog, and any
9 person who keeps or harbors a dog or has it in his care or control, or who
10 acts as its custodian, including, but not limited to, a commercial dog
11 handler, and any person who permits a dog to remain on or about any
12 premises occupied by him.
13
- 14 (4) Aggressive dog shall mean a dog which is capable of inflicting death or
15 serious injury on a person or another animal and which:
16
17 (i) has, without provocation, attacked or bitten a person engaged in a
18 lawful activity;
19
20 (ii) has, while off the property of its owner and without provocation, killed
21 or seriously injured another animal;
22
23 (iii) has, without provocation, chased, confronted or approached a person
24 on a street, side walk or other public property in a menacing fashion such
25 as would put an average person in fear of attack;
26
27 (iv) has exhibited a propensity, tendency or disposition to attack, cause
28 injury or threaten the safety of persons or other animals without
29 provocation; or
30
31 (v) has acted in a manner that causes or should cause its owner to know
32 that it is potentially vicious.
33
- 34 (b) The city manager may designate and post dog exercise areas in the city, in
35 accordance with the provisions of this section and of the "Dog Exercise Areas and
36 Fenced Dog Parks Master Plan," adopted by city council on September 27, 2000, as
37 such provisions may be amended by the council from time to time.
38
- 39 (c) Within a dog exercise area, dogs under the care, custody and control of an owner are
40 permitted to run free, without a leash, lead or other restraint, but subject to the
41 provisions of this section, and to any rules or regulations promulgated by the city
42 manager pursuant to this section, and applicable within such dog exercise area.
43

1 (d) No such owner shall have in a dog exercise area:

2
3 (1) more than three dogs;

4
5 (2) a dog that is not in such owner's view and under his or her voice control;

6
7 (3) a dangerous dog as defined in section 5-7-31(c);

8
9 (4) a vicious dog as defined in section 5-7-31(1 m);

10
11 (4.1) an aggressive dog as defined in subsection (a) of this section;

12
13 (5) a female dog in season;

14
15 (6) a dog that is less than 4 months old;

16
17 (7) if such owner is a resident of the city, a dog that is not inoculated and
18 licensed in accordance with sections 5-7-38 and 5-7-47 of this code;

19
20 (8) if such owner is not a resident of the city, a dog that has not been
21 inoculated with an anti-rabic vaccine that is in accordance with the latest
22 edition of the "Compendium of Animal Rabies Control" issued by the
23 National Association of State Public Health Veterinarians, Inc., and
24 evidence that such dog has been inoculated.

25
26 (9) The prohibitions established by paragraphs (3), (4) and (4.1) of this
27 subsection shall apply to any dog which meets the respective definition,
28 without regard to the jurisdictional residence of the dog's owner or of the
29 dog, or to whether the dog has been declared to be a vicious, dangerous or
30 aggressive dog under Virginia law, or the similar laws of any other
31 jurisdiction. The director of recreation, parks and cultural activities, with
32 the concurrence of the chief animal control officer, may notify, in writing,
33 the owner or custodian of any such dog found in a dog exercise area that
34 such dog is subject to the prohibitions of this subsection.

35
36 (e) No child less than 16 years of age shall be permitted in a dog exercise area which is
37 fully enclosed by a fence unless accompanied by an adult.

38
39 (f) The city manager may promulgate such additional rules and regulations, not
40 inconsistent with the provisions of this section and of the "Dog Exercise Areas and
41 Fenced Dog Parks Master Plan," as he deems necessary and appropriate to
42 implement or enforce the provisions of this section.
43

- 1 (g) The director of recreation, parks and cultural activities shall cause one or more signs
2 to be posted in a visible location in any dog exercise area. Such signs shall inform
3 the public of the existence of the dog exercise area, the geographic limits of the area,
4 the limitations imposed by subsection (d), subsection (e) if applicable, and such other
5 rules and regulations promulgated by the city manager as may be applicable.
6
- 7 (h) Any person who violates any provision of this section shall be liable for a class four
8 civil penalty, as prescribed in section 1-1-11 of this code.
9

10 Section 3. That this ordinance shall become effective upon the date and at the time
11 of its final passage; provided, however, that this ordinance shall not affect any offense or act
12 committed or done, any administrative determination made or rendered, any penalty or forfeiture
13 incurred, or any contract or agreement established, prior to its effective date; nor shall it affect
14 any prosecution, suit or proceeding pending on, nor any judgement or judicial decision rendered
15 prior to, its effective date.
16

17 WILLIAM D. EUILLE
18 Mayor
19

20 Introduction: 02/12/2008
21 First Reading: 02/12/2008
22 Publication:
23 Public Hearing:
24 Second Reading:
25 Final Passage:
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Kim Welford
<rexsmom.kim@verizon.net>

02/28/2008 01:29 PM

Please respond to
Kim Welford
<rexsmom.kim@verizon.net>

To <alexvamayor@aol.com>, <timothylovain@aol.com>,
<councilmangaines@aol.com>, <council@krupicka.com>,
<delpepper@aol.com>, <paulcsmedberg@aol.com>,
cc

bcc

Subject COA Contact Us: broadcast about dangerous dog act on WAMU

12
2-23-08

Time: [Thu Feb 28, 2008 13:29:27] IP Address: [71.163.232.202]

Issue Type: Mayor, Vice Mayor, and Council Members
First Name: Kim
Last Name: Welford
Street Address: 408 East Nelson Ave
City: Alexandria
State: VA
Zip: 22301
Phone: 703.836.3873
Email Address: rexsmom.kim@verizon.net
Subject: broadcast about dangerous dog act on WAMU
Mr. Euille and Respected Council Members, I listened today to Mr. Wilson on the CoJo program on WAMU and was aghast to hear the description by Ms. Tracy Compton of what happened to her 6-pound Yorkie at the Simpson Field dog park several months ago. I feel very bad about what happened to her dog. But my husband witnessed that unfortunate situation, and his version of the events are VERY different than Ms. Compton's. All the witnesses with whom we spoke about it faulted Ms. Compton for being negligent, standing AT LEAST 120 feet from her dog and having her back turned when the incident happened. Her dog was NOT attacked by the other dog. If she had been watching her dog, she would have known that. Her response to the situation was totally inappropriate, screaming four-letter words at everyone instead of rushing over to care for her dog. One of the people speaking on the WAMU program spoke about owner responsibility. No witnesses of the incident would come forward because

Comments:

they unanimously felt that Ms. Compton was negligent in watching after her dog. Ms. Compton also came on Saturday morning, where there were at least 20 other dogs at the park. We personally own two large German Shepherds and even we don't take our dogs to that park on a Saturday, too many unsupervised dogs, too much pack mentality. The average weight of a dog in that park is roughly 65 pounds. It was a unanimous discussion by the other dog owners who frequent the park that no responsible dog owner lets a 6-pound Yorkie run with 20 other 60-pound dogs in an enclosed environment.

It is asking for trouble.

Perhaps this is the time for the city to

rethink the decisions that are being made with respect to the dog park and

how reducing the size of it will only encourage situations like Ms.

Compton's..

Signed, Kim Wolford 703.836.3873

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

- (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. 5-7-36.1 Reserved.

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