XHIBIT NO. _____

<u>13</u> 5-11-10

Introduction and first reading: 05/11/2010 Public hearing: 05/15/2010 Second reading and enactment: 05/15/2010 INFORMATION ON PROPOSED ORDINANCE Title AN ORDINANCE to amend and reordain Section 5-7-31 (DEFINITIONS), and to add new Section 5-7-36.1, (PROVISION OF ADEQUATE SHELTER AND SPACE, TETHERING OF DOGS), all of Article C (DOGS AND OTHER ANIMALS), Chapter 7 (ANIMALS AND FOWL), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES), of the Code of the City of Alexandria, Virginia, 1981, as amended. **Summary** The proposed ordinance makes it unlawful for any person to fail to provide any dog with adequate space and shelter, or to tether a dog for more than one hour cumulatively within any twenty-four hour period, whether or not the tethered dog has been provided adequate space. **Sponsor** Staff Authority § 3.04(g), Alexandria City Charter Estimated Costs of Implementation None Attachments in Addition to Proposed Ordinance and its Attachments (if any) None

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EXHIBIT NO.	4	

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AN ORDINANCE to amend and reordain Section 5-7-31 (DEFINITIONS), and to add new Section 5-7-36.1, (PROVISION OF ADEQUATE SHELTER AND SPACE, TETHERING OF DOGS), all of Article C (DOGS AND OTHER ANIMALS), Chapter 7 (ANIMALS AND FOWL), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES), of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

(The following is all new language)

Section 1. That Section 3-7-31 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended to read as follows:

Sec. 5-7-31 Definitions.

- Adequate space. Means sufficient space to allow each animal to: (n)
- easily stand, sit, lie, turn about, and make all other normal body movements in a (1) comfortable, normal position for the animal; and
- interact safely with other animals in the enclosure. When an animal is tethered, **(2)** "adequate space" means a tether that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter or harness, configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least three times the length of the animal, as measured from the tip of its nose to the base of its tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space.
- (o) Adequate shelter. Means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and, for dogs and cats, provides a solid surface, resting platform, pad, floormat, or similar devices that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors:
 - permit the animals' feet to pass through the openings; **(1)**
 - sag under the animals' weight; or **(2)**
 - (3) otherwise do not protect the animals' feet or toes from injury are not adequate shelter.

Sec. 5-7-36.1 Provision Of Adequate Shelter And Space, Tethering Of Dogs. It shall be unlawful for any person to fail to provide any dog with adequate space (a) or adequate shelter. As used in this section, the terms "adequate space" and "adequate shelter" have the meanings ascribed to them by City Code Section 5-7-31 (DEFINITIONS), subsections n and o, respectively. It shall be unlawful for any person to tether a dog for more than one hour (b) cumulatively within any twenty-four hour period, whether or not the tethered dog has been provided adequate space. Each violation of either subsection (a) or subsection (b) of this Section constitutes (c) a separate violation of this subsection. The first violation of this subsection shall be punished as a Class 3 misdemeanor. However, a second violation of this subsection, whether or not involving the same dog, within one year after conviction of the first violation, shall be punished as a Class 2 misdemeanor. The third and each subsequent violation of this subsection, whether or not involving the same dog, within one year after conviction of the first violation, shall be punished as a Class 1 misdemeanor. Section 2. That this ordinance shall become effective upon the date and at the time of its final passage. WILLIAM D. EUILLE Mayor Introduction: 05/11/2010 First Reading: 05/11/2010 Publication: Public Hearing: Second Reading: Final Passage: G:\DOCUMENT\DATA\CRC\ANIMAL ISSUES\Tethering Ordinance