

## MEMORANDUM

TO: THE HONORABLE MAYOR AND  
MEMBERS OF CITY COUNCIL

FROM: JAMES L. BANKS, JR.  
CITY ATTORNEY

CATHERINE R. CLEMENT  
ASSISTANT CITY ATTORNEY

DATE: JUNE 8, 2010

SUBJECT: DOG TETHERING ORDINANCE

The Dog Tethering Ordinance was originally brought before the City Council for Introduction and First Reading on May 11, 2010. Subsequent to that meeting, members of the City Manager's Office and the City Attorney's Office met with Vice-Mayor Kerry Donley, former City Manager, Vola Lawson, , Chairman of the Board of the Animal Welfare League of Alexandria ("AWLA") Gordon Kromberg, Martha Armstrong, AWLA Executive Director and Chaun Gorden, Chief Animal Control Officer to receive comments and suggested changes/additions to the ordinance. These suggested changes/additions have been incorporated into the revised ordinance, which is attached for your consideration and Final Passage. Language that was removed from the ordinance ~~is in Black and has been over struck.~~ New language is in Red and is underlined.

ORDINANCE NO. \_\_\_\_\_

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.

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

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

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

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

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

- 1 (2) sag under the animals' weight; or
- 2 (3) otherwise do not protect the animals' feet or toes from injury are not adequate
- 3 shelter.

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

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

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

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

27 (d) Penalties.

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

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

32 (3) If an animal control officer or law enforcement officer determines that a civil  
33 penalty violation of this article has occurred, he shall issue and serve, or cause to be served, a  
34 Notice of Violation on any and all persons committing the violation. The Notice shall provide  
35 that the person served may elect to make an appearance, either in person or in writing by mail,  
36 before the treasurer of the city, and admit liability for, or plead no contest to, the violation and  
37 pay the civil penalty established for the violation, all within the time period set forth in the  
38 Notice. If a person so notified does not elect to admit liability or to plead no contest, the  
39 violation shall be tried in the Alexandria General District Court upon a Warrant in Debt or  
40 Motion for Judgment, with the same right of appeal as provided in civil actions at law. A finding  
41 or admission of liability or a plea of no contest shall not be deemed a criminal conviction for any  
42 purpose.

43 ~~Each violation of subsection (a) or subsection (b) of this Section constitutes a separate~~  
44 ~~violation of this subsection. The first violation of this subsection shall be punished as a Class 3~~  
45 ~~misdemeanor. However, a second violation of this subsection, whether or not involving the~~  
46 ~~same dog, within one year after conviction of the first violation, shall be punished as a Class 2~~  
47 ~~misdemeanor. The third and each subsequent violation of this subsection, whether or not~~

1 ~~involving the same dog, within one year after conviction of the first violation, shall be punished~~  
2 ~~as a Class 1 misdemeanor.~~

3  
4 Section 2. That this ordinance shall become effective upon the date and at the time of  
5 its final passage.

6  
7 WILLIAM D. EUILLE  
8 Mayor  
9

10 Introduction: 05/11/2010

11 First Reading: 05/11/2010

12 Publication:

13 Public Hearing:

14 Second Reading:

15 Final Passage:  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

30 G:\DOCUMENT\DATA\CRC\ANIMAL ISSUES\Tethering Ordinance  
31