



Albemarle County

Legislation Text

File #: 19-585, **Version:** 1

AGENDA DATE: 12/18/2019

TITLE:

Ordinance to Amend County Code Chapter 4, Animals

SUBJECT/PROPOSAL/REQUEST: Adoption of an Ordinance to amend County Code Chapter 4, Animals, to revise the running at large provisions

ITEM TYPE: Regular Action Item

STAFF CONTACT(S): Richardson, Walker, Kamptner, Farley, Lantz, Walls

PRESENTER (S): Greg Kamptner

LEGAL REVIEW: Yes

REVIEWED BY: Jeffrey B. Richardson

BACKGROUND: County Code § 4-225 provides that a dog is deemed to be running at large and subject to seizure when it is "not under the owner's or custodian's immediate control." Under this description, a dog may be "under the owner's or custodian's immediate control" even when it is not on a leash. As a result, dogs may be walked unleashed on public streets, public sidewalks, and other areas. Since Chapter 4 was comprehensively amended in October 2018, some Board members have received complaints from constituents encountering dogs in public places that were not on leashes. The County already requires that dogs in County parks, which include any County-owned property used for recreational purposes, to be leashed and under owner or custodian control except in designated areas where dogs may be unleashed. (County Code § 11-120)

STRATEGIC PLAN: Mission: To enhance the well-being and quality of life for all citizens through the provision of the highest level of public service consistent with the prudent use of public funds.

DISCUSSION: The attached proposed Ordinance (Attachment A) would amend County Code § 4-225, Dogs running at large is prohibited, to require that dogs be on a leash when the dog is not on the owner's or custodian's property. There are many public rights-of-way (e.g., roads, sidewalks, trails) in which the State, the County, or other public entities are merely easement holders, and there is the possibility that these easements cross the properties of dog owners or custodians. The proposed Ordinance would also apply the leashing requirement to dogs on these public right-of-way, even if the dog's owner or custodian owns the fee simple interest in the property.

The proposed ordinance provides four exceptions to the leashing requirements under prescribed circumstances: (1) when hunting with a licensed hunter; (2) during field trials or training; (3) within a fenced dog park or exercise area; and (4) when the handler of a service dog is unable to use a leash or other equipment to leash the dog.

BUDGET IMPACT: Any increased workload could be managed by existing staff.

RECOMMENDATION:

Staff recommends that the Board adopt the attached proposed Ordinance (Attachment A).

ATTACHMENTS:

A - Proposed Ordinance